



**Agenda Planning Commission
Gig Harbor Civic Center
Thursday, July 21, 2022
5:00 P.M.**

Planning Commissioners and staff will be participating in this meeting remotely via Zoom. Members of the public are encouraged to view and comment during the meeting using the Zoom platform at <https://zoom.us/j/95353411299> or by calling (253) 215- 8782 and entering Meeting ID 953 5341 1299. Optionally, members of the public may view the live Zoom broadcast in-person at the Gig Harbor Civic Center during the meeting. Please see the Meeting Procedures at the end of this agenda for information on options to make public comment.

- I. **Call to Order/Roll Call**
- II. **Approval of Minutes:** July 7, 2022
- III. **Public Comment:**
- IV. **Agenda Items:**
 - a. Short Term Rental Study Session
- V. **Other Business:** Next meeting Thursday, August 4, 2022
- VI. **Adjournment:**

PUBLIC COMMENT & DECORUM

Commenters will be allotted 3 minutes per individual, unless revised by the Chair. In-person comments shall be made from the microphone, first giving the speaker's name and address. When there are 30 seconds remaining, staff will alert you to summarize your comments. At the end of your comments, staff will notify you it has come to the end of your comment period. Anyone making "out of order" comments may be subject to removal from the meeting.

Public comment may be made remotely via Zoom or by phone during designated portions of the meeting. To speak during the meeting, press the Raise Hand button near the bottom of your Zoom window or press *9 on your phone. Please refrain from raising your hand until the Chair has announced that the Commission has opened the public comment portion of the meeting. Your name or the last three digits of your phone number will be called out when it is your turn to speak. When using your phone to call in, you may need to press *6 to unmute yourself. All speakers will have up to three minutes to speak.

All remarks shall be addressed to the Commission as a body and not to any specific Commissioner. All speakers shall be courteous in their language and deportment and shall not engage in or discuss or comment on personalities or indulge in derogatory remarks or insinuations with regard to any Commissioner, the Chair, or any member of the staff or the public.

There will be no demonstrations during or at the conclusion of any public comment. These guidelines are intended to promote an orderly system of holding a public meeting, to give every person an opportunity to be heard and to ensure that no individuals are embarrassed by voicing their opinions.

AMERICANS WITH DISABILITIES (ADA) ACCOMMODATIONS ADA accommodations can be provided upon request. Those requiring special accommodations should contact the City Clerk at cityclerk@gigharborwa.gov or (253) 853-7613 at least 24 hours prior to the meeting.



**DRAFT Minutes Planning Commission
Gig Harbor Civic Center
Thursday, July 7, 2022
5:00 P.M.**

- I. **Call to Order/Roll Call** : Chair Hoeksema called the meeting to order at 5:01(signed off at 6:47), Commissioner Brown, Commissioner Grina, Commissioner Soltess, Commissioner Krawczyk, Commissioner Bradbury (signed off at 7) were present.
City Staff: Carl de Simas, Principal Planner; Assistant Planner Jeremy Hammar; City Attorney Daniel Kenny and Michelle Thomas, Planning Technician were present.
- II. **Approval of Minutes**: June 2, 2022 Move to approve the minutes of June 2, 2022 as written. Krawczyk / Soltess –All in favor Motion carried
- III. **Public Comment**:
 - a. Bonnie O'Malley | 8101 Bayridge Ave
 - b. Glenn Peterson | 8921 Franklin Ave
- IV. **Executive Session**: Planning Commission went into executive session for 10 minutes at 5:15 pursuant to RCW 42.30.110(1)(i) due to potential litigation no action will be taken following the executive session. Extended 5 minutes at 5:26, extended 5 minutes at 5:34, extended 5 minutes at 5:44

Planning Commission returned to regular session at 5:54
- V. **Agenda Items**:
 - a. Short Term Rental Study Session – Staff & Commissions discussion of proposed ordinance to regulate Short Term Rentals
- VI. **Other Business**: Next meeting Thursday, July 21, 2022
- VII. **Adjournment**: Move to adjourn at 7:59 pm. Brown / Grina –All in favor Motion carried



TO: Gig Harbor Planning Commission

FROM: Planning Staff

DATE: July 15, 2022

RE: Short-Term Rental Regulations

At the most recent Study Session on July 7th, 2022, Planning Commission was able to address many of the items that staff presented to assist in developing Short-term rental regulations. Commissioners were in general agreement to relax or remove several requirements that were presented by staff in prior drafts regarding; Platform Requirements, Insurance Requirements, Taxes, and Guest Logs. Several items were left to be addressed at the upcoming Study Session on July 21st. At the conclusion of the session, Planning Commission left staff with several Items that required additional research and consideration and later provided staff with additional thoughts and questions via email. Those emails have been included in the packet.

Staff has been hard at work conducting the research Planning Commission requested during the discussion that took place at the Study Session. After careful review of City of Gig Harbor's Comprehensive plan, staff does not believe that sufficient support exists for the following discussed items related to the proposed Short-term Rental regulations;

- (1) Limiting the location of Short-term rentals by proximity to other Short-term Rentals.
- (2) Limiting the number of rooms within a home that may be offered to short-term renters.
- (3) Establishing a limit or cap on the maximum number of Short-term rentals that may be operating within the city or within specific areas of the city at a given time.

Staff recommends that Planning Commission carefully consider the imposition of such regulations in their recommendation unless evidence that a governmental reason for such exists.

Planning Commission has noted the need to preserve the character of Gig Harbor's downtown, an area that is the subject of Chapter 3 of The City of Gig Harbor Comprehensive Plan. Within that chapter "Historic Character" is discussed under Goal 3.5; however, the discussion is limited to design and/or architecture rather than site specific uses.

Historic Character

GOAL 3.6: Retain and protect the unique character of historic business and residential neighborhoods within The Harbor.

3.6.1. Maintain the Design Manual to reflect the traditional characteristics of The Harbor.

3.6.2. Establish and define the integrity of small planning areas which have common boundaries, uses and concerns using transition land-use areas and buffers/open space.

3.6.3. Establish design standards and development regulations shall recognize and complement neighborhood characteristics.

a) Adopt setback, height and building size standards which reflect historic development patterns.

b) Review minimum lot size standards and impervious coverage requirements to allow development patterns consistent with historic densities.

c) Regarding lot division, address size compatibility with historical standards.

3.6.4. Define standards which encourage building forms consistent with existing historic designs (e.g., massing, roof styles and scale).

3.6.5. Respect existing topography and minimize visual impacts of site grading. Existing topography should be maintained while still providing usable yards and open space. Retaining walls, when necessary, should be terraced and enhanced and/or screened to minimize their visual impact

Looking at the city as a whole, the Housing Element within Chapter 6 provides goals pertaining only to encouraging infill development and development of design guidelines in Goal 6.1 titled Maintain and protect the scale and character of existing neighborhoods.

6.1.1. Encourage infill

Encourage infill of existing residential neighborhoods with housing types, designs, and sizes similar to prominent and/or historical structures.

6.1.2. Develop design guidelines

Develop guidelines which define how larger multi-family structures may be designed to reflect the massing and scale of smaller existing structures.

Further, the goal 3.10 in the chapter related to Vibrancy encourages a mix of uses within the downtown. Staff believes that providing a cap on a specific use would contradict this goal.

3.10.1. Retain and support a mix of uses including fishing, boating, retail, commercial, and residential uses.

Staff believes that the goals Planning Commission seeks to achieve by the abovementioned proposed regulations can be achieved through permitting Short-term Rentals in primary or principal residences only. Through the course of our research, we have seen a number of examples of cities in Washington and around the rest of the country utilizing this approach to ensure that properties developed to be Single-Family uses are retained as such. Support for this can be found under the Economic Diversity Goals in Chapter 3 of the Comprehensive Plan.

3.13.3. Provide reasonable guidelines and standards for the siting of home-based businesses in residential neighborhoods. Ensure that home-based businesses do not alter or impact the residential character of neighborhoods

Among the cities in the state that have adopted requirements for Primary residence or other similar terminology, staff found the following:

Bellingham
Kirkland
Walla Walla
Fircrest
Kent
Steilacoom

We feel that a primary residence requirement is supportable as it allows for any homeowner to utilize their residence in this way as long as it meets certain regulations. Furthermore, it ensures that the Short-term rental use remains accessory to the Single-Family residential use of a site.

Regarding the permitting process, retaining the Single-Family residential use of a site with the primary residence requirement would not constitute a change of use. As such, capacity evaluation pursuant to GHMC 19.10.004 would not be required, and impact fees for the Short-term rental would not be required.

The Code of Federal Regulations Internal Revenue chapter provides guidance for establishing a principal residence.

26 CFR 1.121 1(b)(2) **Principal residence.** *In the case of a taxpayer using more than one property as a residence, whether property is used by the taxpayer as the taxpayer's principal residence depends upon all the facts and circumstances. If a taxpayer alternates between 2 properties, using each as a residence for successive periods of time, the property that the taxpayer uses a majority of the time during the year ordinarily will be considered the taxpayer's principal residence. In addition to the taxpayer's use of the property, relevant factors in determining a taxpayer's principal residence, include, but are not limited to -*

- (i) *The taxpayer's place of employment;*

- (ii) *The principal place of abode of the taxpayer's family members;*
- (iii) *The address listed on the taxpayer's federal and state tax returns, driver's license, automobile registration, and voter registration card;*
- (iv) *The taxpayer's mailing address for bills and correspondence;*
- (v) *The location of the taxpayer's banks; and*
- (vi) *The location of religious organizations and recreational clubs with which the taxpayer is affiliated.*

Staff proposes the following definition of Primary Residence:

"Primary residence" means a person's principal residence or usual place of return for housing as documented by the following: motor vehicle registration; driver's license; voter registration; tax documents showing the residential unit as the person's residence; a utility bill; or other such evidence as determined by the director. A person may have only one (1) primary residence and must reside there for a minimum of one hundred eighty-three (183) days during the calendar year.

As always, please feel free to reach out to us with any questions or concerns.

Thank you

From: [Carl de Simas](#)
To: [Michelle Thomas](#)
Cc: [Jeremy Hammar](#); [Daniel P. Kenny](#)
Subject: FW: Executive Session
Date: Thursday, July 14, 2022 4:57:19 PM
Attachments: [image.png](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image007.png](#)

Hi Michelle,

Please John's email to the packet for next week as well.

Jeremy – anything in here we can use in the memo?

Thanks,

Carl

Carl de Simas | Principal Planner

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From: chickentravel <chickentravel@protonmail.com>
Sent: Friday, July 8, 2022 8:51 AM
To: Carl de Simas <cDesimas@gigharborwa.gov>
Subject: Re: Executive Session

Hi Carl - Based on our discussion last night, I wanted to identify the items in the Walla Walla Ordinance that I believe are pertinent to Gig Harbor (and probably many other communities as well). I have taken these from the findings in the ordinance and think, with perhaps some modification, they can be inserted into ours. They are as follows:

Section 3

A. There is a need to preserve affordable housing throughout the City of Walla Walla for moderate and low income persons.

C. The conversion of homes into short term rentals has exacerbated the shortage of long term rental housing opportunities and impaired the ability of low income families to find housing in the City of Walla Walla

D. The conversion of homes into short term rentals has been detrimental to low and moderate income families by making it difficult for them to compete in the housing market and purchase homes.

F. The conversion of homes into short term rentals has reduced the supply of housing for families with children and created barriers that lead to housing discrimination.

Section 4

B. Non owner occupied short term rentals damage the quality of Walla Walla neighborhoods and the family friendly atmosphere that they seek to promote.

C. Non owner occupied short term rentals frustrate the effectiveness of block watch programs and **reduce community safety provided by strong neighborhoods.** (Emphasis added)

D. Non owner occupied short term rentals burden public safety response by impairing the ability of responders to contact and personally address crisis and concerns while they are ongoing.

E. Streets in Walla Walla's residential neighborhoods cannot adequately absorb the additional traffic congestion and parking needs created by short term rentals.

F. Non owner occupied short term rentals adversely impact the City of Walla Walla's ability to analyze it's capacity to absorb population increases and negatively affects the reliability of it's GMA required build able lands analysis.

These are the items in their findings that seem to me to be most applicable to Gig Harbor. The emphasized item in 4C is, I believe the single most important finding and I believe speaks to the very heart of what we are trying to accomplish here.

Please share this with the other commission members. I am also interested in what you and other commission members find in

our own comp plan that can be added to the findings.

Sent with [Proton Mail](#) secure email.

From: [Tom Brown](#)
To: [Carl de Simas](#)
Cc: [Greg](#); [Michelle Thomas](#)
Subject: Comments to be shared with Planning Commissioners
Date: Tuesday, July 12, 2022 3:46:41 PM

Carl, would you please share the following comments with my fellow commissioners.

1. **Walla Walla:** Following is the status of permits issued by Walla Walla. In my opinion this city is not trying to limit the number of STR's, but rather they are trying to promote licensing. The ratio also supports our own conclusion that non-owner occupied STR's are the real deal today.

Hi Tom,

We currently have 26 Type 1 and 94 Type 2 active permitted rentals.

Let me know if you need anything else.

My best,

PAM RANSIER

Administrative Permit Coordinator

2. **Capping the number of STR's in Gig Harbor:** Why don't we ask the Alliance to propose a cap number which reflects the actual number of operating STR's today, plus a reasonable number representing permits that might have been submitted had it not been for the moratorium.
3. **150' Limitation:** If we recommend a cap on the number of STR's, does the 150' limitation still make sense? I think the distance rule could be very troublesome, especially if there are currently two or more STR's within 150' of each other. Or if an owner is in the process of buying or renovating a property to become an STR and it happens to be within the 150' limitation. I don't think this restriction is worth the potential for aggravation if we recommend a cap on the total number of STR's.

From: [Carl de Simas](#)
To: [Jeremy Hammar](#); [Michelle Thomas](#)
Subject: FW: July 7th Meeting - Thoughts
Date: Thursday, July 14, 2022 1:49:44 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image007.png](#)

Hello,

Please add Commissioner Soltess' thoughts below to the packet for next week.

Thank you,

Carl

Carl de Simas | Principal Planner

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From: Robert Soltess <nasaman55@gmail.com>

Sent: Tuesday, July 12, 2022 2:28 PM

To: Carl de Simas <cDesimas@gigharborwa.gov>

Subject: July 7th Meeting - Thoughts

Hello Carl

Thanks for helping us move the needle forward on the STR work. Although we still have some major issues to decide, the work you and Jeremy and Daniel have done has helped to clarify my thinking in a number of areas, including several of the discussion areas on your template from last weeks meeting. Here are some off the points I heard made for your consideration and my take at some of big resolves that still need resolution.

The Commissioners were in general agreement to relax or remove requirements in the earlier draft ordinance related to 2 - Platform requirements, 3 - Insurance requirements, 6 - Taxes and 7- Guest Log information. It seemed that the business license process and an annual affidavit/review will be sufficient to capture much of the information we were concerned about. Personally, it gives me pause that the way lodging taxes are accumulated for both the State and City provides very little granularity of insight into what each property is paying for their proper share of lodging taxes. A very strange way to run a business in my opinion. Would the same thing apply to a B and B or a motel? Also, I suggest that staff develop a flow chart of the proposed business licensing/STR permitting and

renewal process and a statement of how much streamlining the new proposed ordinance would provide to the applicants.

We were in agreement with the staff rewrites of 1 - Personal Residence vis-a-vis Owner-Occupied, 9 - Events Definition and 10 - Maximum Number of Tenants.

4 - 150 Ft Requirement - Deferred. May be impacted based on larger issue re: Non-Owner Owned STRs.

5 - Code Enforcement - It sounded to me like the staff is content to keep code enforcement issues on the complaint-based level that the City is currently following for STRs and most other similar issues. Perhaps that is all that can be done with the current staffing levels for code enforcement. I don't think the sticking with the status quo is fair to the citizens that have expressed concerns about the impacts of STRs on their neighborhood. In any event, I believe the City and the Police need to revise their data collection processes on STR-related complaints so we have good data on the STRs in terms of complaints in the future. And this issue ties into 11 - Fines. We are proposing an escalating set of fines. I think we need to be very clear about what are the violations that would merit these fines, which you mentioned were much larger than most city fines.

16- Annual Renewal - I think we may have covered this in your discussion of the Business License process which looked to me like an annual review would be the requirement with an affidavit and Development Director review/approval.

13 - Lodging Taxes Collected - Staff prepared a display by month and year. I think it would be helpful to explain to the extent possible what businesses are included in these numbers. See my comments in paragraph 2.

Going forward, here are a few points. First, it's my sense that at least some of the Commissioners wish to revisit the Owner-Occupied only provision. 30-60 STRs are already operating to some degree in the City of Gig Harbor. And according to the City and the GHSTRA there have been no complaints with the City and the Police Department. We do have credible citizen input that there is a problem with at least a few of those STRs in terms of neighborhood disruptions of various types, especially where there are concentrated numbers of STRs. I don't get a sense that there is any significant problems with STRs outside of the Harbor and Historic District (within the view shed and in fairly close proximity to the Harborview/Soundview business areas). Second, it's also my sense that we feel that there is a point at which STRs will begin to disrupt the true character of our neighborhoods, if not today then at some time in the near future. Greg made a great point when he said we are the Planning Commission, and it is our responsibility to look to the future and try to forestall problems BEFORE they happen, not play catch up after the fact. It would be very helpful to have a chart that displays the increases in STRs in Gig Harbor over the past 10 years if the data is credible and available.

Issues to Resolve:

1 -STR defined as Owner-Occupied (I mean Personal Residence) only **or** something that includes

Non-Owner Occupied as well as Personal Residences.

2 - Can we broaden the STR definition but then set a limit on the number of STRs allowed in the City?

3 - Can we broaden the STR definition, but then set a limit on the number of STRs allowed in the most popular areas of the City?

4 - Can we allow for a grace period when every **currently operating** STR is given a one-time chance to be properly permitted? After that time non permitted STRs will be deemed illegal and legal action taken to close them down.

5 - Perhaps we could crisp up the reasoning behind us looking into the STR overall issue and also develop a list of the critical issues we are trying to address in this ordinance with some specifics behind our logic behind each of them.

6 - I mentioned I thought there was language in the Comp Plan that cites the importance of maintaining the character of the neighborhoods. I will spend some time over the next week and see if I can find supporting words.

Thanks Carl

Robert Soltess

#	Topic/Question	Discussion	Result
1	Owner-occupied Vs. Primary Residence	Can we require owner occupied only? Or are there other ways to look at this. Why Primary Residence: -Clear; more concise -Limits number of nights the unit can be rented -Limits number of STRs an operator may operate within city Proposed definition: -means a person's usual place of return for housing as documented by motor vehicle registration, driver's license, voter registration, or other such evidence as determined by the director. A person may have only one primary residence.	Want to cap the number of STR licenses issued in the City. Like the Primary Residence definition.
2	Platform requirements	The platform requirement and insurance requirement may be resolved by requiring proof of insurance if not using a 3rd party rental platform. What does the City gain – -Taxes: City should be receiving these taxes anyway as they are required by state law. This could be a function of the renewal affidavit.	Affidavit; adhere to state law
3	Insurance Requirement	Platforms provide liability insurance. See previous item. -Confirm that the business has state required insurance under state law. This could be a function of the renewal affidavit.	Affidavit; adhere to state law
4	150 ft requirement	Do we have a reason for this specific figure? Examples of other cities utilizing this (Manitou Springs, CO 500'). Other ways to control the number of STRs in city? (limit total number of permits?)	

		-This requirement needs to be supported in some manner. This might be an item that we continue to analyze as this permit/license process rolls out over the next year or two.	
5	Code Enforcement	What is our capacity for enforcing these regulations? -Code enforcement will be easy and will likely always be behind. -Enforcement could be handled at the time of license renewal and be based on performance over the previous year.	Add permit # to the 3rd Party listing. Recommend to Council that enforcement may need to be more proactive. Also, enforcement at time of affidavit.
6	Taxes	3rd Party platforms collect taxes for all STRs they list. What would we do about those that wish to not use a 3rd party platform for listing? -It is the State's jurisdiction to ensure taxes are paid. Since the STR must have a state business license, there may be no need for the City be involved.	Affidavit; adhere to state law
7	Guest Log	What information is necessary, and what information can we legally collect? -The code might require that the operator maintain records sufficient to prove the number of nights the STR was rented. The annual license renewal affidavit and review process could then require that documentation.	Eliminate this requirement
8	STR's already operating	What do we do about STRs in the city already operating without CUP approval? -Those would be and are considered illegal uses. -To assist with the transition once regulations are codified, the City could conduct a customer service campaign. This could include open houses, an FAQ, etc.	

9	Events definition	Definition should include an exception for small family/friends type gatherings. -Definition: Short-term rentals must not include weddings, banquets, parties, charitable fund raising, or other gatherings for direct or indirect compensation. Small, informal non-commercial gatherings of family and friends of STR guests are permitted, provided the gathering is not a disturbance to the surrounding neighborhood.	Good
10	Maximum number of tenants an STR may house?	How would we determine the maximum occupancy? What methodology does the bldg. dept use? -Maximum occupancy is based on whether or not the occupants can safely egress the building. -Maximum number of guests shall not exceed the number allowed by building codes.	Building code reference
11	Fines	Current draft states: Enforcement shall be conducted consistent with all applicable Gig Harbor Municipal Code enforcement provisions. In addition, violations of this chapter shall be subject to a \$500 fine for the first offense and \$1,000 fine for each repeat offense.	Fine for not having an STR permit as well. Further discussion with larger group.
12	How will the City compensate for losses?		
13	How much has the city collected in lodging taxes.	Coordinate with STR alliance to get an idea of how many STRs we have and roughly how much they are paying. -The GHSTRA does not have data taxes paid from their membership. They did state that their data shows roughly 33 STRs – excluding live a boards – in the City.	

14	Demand for STRs	How many days per year are gig Harbor STRs being rented on average? Do we need an estimate of how many days a unit will be rented as part of the application? -This is more information we don't have at our fingertips. Up front, it would seem we don't need to know how many days the operator plans to rent their STR for. However, during the license renewal, the affidavit could ask for some specificity in order to determine compliance with the approved land-use permit.	
15	Pre-existing Non-owner occupied	Prior to the moratorium, would persons owning a non owner occupied STR be required to obtain a city business license? If so, then how many people obtained business licenses for their STR? -Yes, the STR would have needed a business license. -All known STRs have or have had a business license.	
16	Annual renewal	Is a yearly renewal the optimal timeframe? -Annual renewal is consistent with our current business license process.	
17	Rental fee Data with Application	Should this be required? -City doesn't likely have any use for this data during the land-use application process. The State collects the taxes and they may need this information. -During license renewal, this may be something the City is interested in including on the affidavit.	
18	Parking	Is the standard SFR parking requirement sufficient for an STR? Current version states:	

		- Off-street parking must be provided for all guests and available at all times during the guest's stay.	
19	Current STRs	GIS map of all known STRs in city, and information regarding individuals vs. corporate ownership of these STRs. -Staff did not have time to pull together this information.	

20.10.037 Short-term rentals.

A. *Purpose.* This section provides standards for the establishment of short-term rentals. The regulations are intended to balance the economic opportunity created by short-term rentals with the need to maintain the city's housing supply and protect the rights and safety of owners, guests and neighbors.

B. *Applicability.*

1. The regulations and standards in this section apply to short-term rentals citywide, unless otherwise noted.
2. Subsections [\(D\)\(1\)\(a\)](#) through [\(D\)\(1\)\(c\)](#), [\(D\)\(2\)](#), [\(D\)\(5\)](#), and [\(D\)\(9\)\(a\)](#) and [\(D\)\(9\)\(b\)](#) of this section do not apply to short-term rentals in commercial and urban village general use type areas.
3. Short-term rentals are permitted in residential, commercial and urban village general use type areas per this section.
4. Short-term rentals are not permitted in industrial, institutional or public general use type areas, including these designations within urban village general use type areas.
5. Short-term rentals are permitted in legally established accessory dwelling units in accordance with this section as follows:
 - a. Short-term rentals are permitted in legally established attached accessory dwelling units citywide.
 - b. Short-term rentals are permitted in legally established detached accessory dwelling units in commercial, residential multi and urban village general use type areas.
 - c. Short-term rentals are not permitted in detached accessory dwelling units in residential single general use type areas. If the citywide housing vacancy rate reaches four percent or higher, the city council shall review whether short-term rentals should be allowed in detached accessory dwelling units in residential single general use type areas.
 - d. On sites where a short-term rental is permitted in a legally established accessory dwelling unit, a short-term rental permit may be obtained for either the primary dwelling unit or accessory dwelling unit, but not both.
 - e. All other Bellingham Municipal Code sections related to accessory dwelling units apply to short-term rentals, including owner occupancy requirements.
6. Short-term rentals are not permitted on properties in the Lake Whatcom Watershed that drain to Basin One of Lake Whatcom as identified on BMC Map 16.80.040, or shoreline areas regulated per BMC Title [22](#), Shoreline Master Program.

7. Short-term rentals are not permitted in any dwelling unit or building that has received approval under the city's multifamily tax exemption program (Chapter [17.82](#) BMC). This standard does not apply after the exemption period has ended.
8. Short-term rentals are not permitted in housing units subsidized through city programs.
9. Specific terms in this section are defined in Chapter [20.08](#) BMC, Definitions.
10. Short-term rentals do not include hotels or motels. See Chapter [20.08](#) BMC, Definitions, for definitions of "hotel" and "motel."

C. *Process.* Upon the effective date of the ordinance codified in this section, all short-term rental operators will be required to obtain a short-term rental permit. Short-term rental permit applications will be processed per the table below as a Type I or Type II permit in accordance with Chapter [21.10](#) BMC, Procedures and Administration.

1. The following table applies to all dwelling units:

Short-Term Rental Type:	Review Process Type for Residential General Use Types:	Review Process Type for Commercial and Urban Village General Use Types:
- Primary Residence. No more than 2 bedrooms in a dwelling unit, including an accessory dwelling unit (when permitted), may be rented to overnight guests. The subject dwelling unit must serve as the primary residence of the applicant (the owner or long-term tenant) for no less than 270 days per year. The whole dwelling unit may be rented for no more than 95 days per year. (1)	Type I	Type I
- Primary Residence. No more than 5 bedrooms in a dwelling unit, including an accessory dwelling unit (when permitted), may be rented to overnight guests. The subject dwelling unit must serve as the primary residence of the applicant (the owner or long-term tenant) for no less than 270 days per year. The whole dwelling unit may be rented for no more than 95 days per year. (1)	Type II	Type I
- Nonprimary Residence. No more than 5 bedrooms in a dwelling unit, including an accessory dwelling unit (when permitted), may be rented to overnight guests. The subject dwelling unit is not the primary residence	Not allowed (2)	Type I

Short-Term Rental Type:	Review Process Type for Residential General Use Types:	Review Process Type for Commercial and Urban Village General Use Types:
of the applicant. There is no limit on the number of days per year the dwelling unit may be rented.		

Notes for the process type table:

- 1 In commercial and urban village general use type areas, the requirements for the minimum number of days per year the dwelling unit must serve as the primary residence of the applicant and the maximum number of days per year the dwelling unit may be rented do not apply.
- 2 If the citywide housing vacancy reaches four percent or higher, the city council shall review whether short-term rentals should be allowed in nonprimary residences in residential general use type areas.

D. *Standards.*

1. *Number of Short-Term Rental Permits per Operator.* It is the intent of these regulations to limit the ownership and operation of short-term rentals located in residential general use type areas to no more than one per individual, family living together, domestic partnership, those living as a family unit and/or acting as a principal in any business entity that has ownership of a residential unit. Assigning ownership and/or application for short-term rental use to separate individuals that are living together as a family, in a domestic partnership, or living as a family unit as a means of exceeding this limitation is not permitted.
 - a. An operator may be a principal, spouse or registered domestic partner of a principal in no more than one short-term rental permit issued pursuant to this section.
 - b. A maximum of one Type I or Type II short-term rental permit is permitted per operator.
 - c. A long-term tenant who has signed at least a 270-day lease may serve as a short-term rental operator. The property owner must serve as a co-applicant on the tenant's application. A tenant's short-term rental permit counts toward the permit cap of one short-term rental permit for both the tenant and property owner.
2. *Number of Short-Term Rentals in Condominiums.* No more than one unit or 25 percent of the total units, whichever is greater, in a condominium building may include a short-term rental. If a condominium association approves, more than 25 percent of the dwelling units in the building may include short-term rentals if approved through a Type III-A conditional use permit process.
3. *Proof of Primary Residency.* An affidavit must be submitted to the planning and community development department on or before January 1st of every even-numbered year attesting to primary residency when the short-term rental is identified as such in the original application.

4. *Number of Guests.* No more than two guests, excluding children five years old and under, per bedroom are permitted per guest stay.
5. *Parking.* At least one off-street parking space must be provided for guests on site during guest stay. The planning director may determine, through a simple parking analysis provided by the applicant, that on-street parking or nearby parking may be substituted for off-street parking.
6. *Appearance and Behavior.*
 - a. The short-term rental must be operated in a way that will prevent unreasonable disturbances to nearby residents.
 - b. There must be no change in the outside appearance of the building or premises that indicates the site is hosting a commercial use, other than one flat, unlighted sign not exceeding two square feet in area and mounted flush against the building.
7. *Local Contact Person.*
 - a. The name, address and telephone number(s) of a local contact person who is responsible for the short-term rental and lives within an hour's drive of Bellingham must be submitted with the short-term rental application. This person can be the operator or a designee of the operator.
 - b. Any changes to the name, address or telephone number(s) of the local contact person must be submitted to the planning and community development department within one month of the change(s).
 - c. The local contact person shall be available 24 hours a day to ensure that the short-term rental is maintained and operated per the requirements of this section.
8. *Notifications.*
 - a. For Type I short-term rental permits:
 - i. A courtesy notice with information regarding the short-term rental (e.g., description of the rental and number of bedrooms to be rented) and the local contact person's information must be mailed or delivered to residents and property owners of property abutting and across the street from the short-term rental.
 - ii. If the Type I short-term rental is located in a multifamily building, the notification letter must be mailed or delivered to all recognized organizations whose boundaries include the short-term rental, the property manager if there is one, and all residents and owners of dwelling units abutting, across the hall from, above, and below the short-term rental.
 - iii. A copy of the notification letter and a list of the names and addresses of all the residents and property owners that received the notification must be submitted with the short-term rental application.

- b. For Type II and Type III-A short-term rental permits, notice must be provided per the noticing procedures in Chapter [21.10](#) BMC, Procedures and Administration.
- c. The planning director shall prepare a set of “good neighbor guidelines” that must be included in the rental agreement and posted in the short-term rental unit, which includes at least the following:
 - i. A copy of the short-term rental permit;
 - ii. Contact information for the operator or designated local contact person;
 - iii. The location of the designated parking space(s), if required;
 - iv. The location of fire extinguisher(s), fire exits and escape routes;
 - v. The location of trash, compost and recycling containers; and
 - vi. Noise considerations and other rules of conduct.
- d. The city-issued short-term rental permit number must be clearly displayed on the platform(s) advertising or offering the short-term rental.

9. *Events.*

- a. Type I or Type II short-term rentals must not include weddings, banquets, parties, charitable fundraising, or other gatherings for direct or indirect compensation. The intent of short-term rentals is to provide transient accommodations and allow for limited accessory uses. These limited accessory uses must be consistent with typical residential uses that are allowed.
- b. Small, informal noncommercial gatherings of family and friends of short-term rental guests are permitted, provided the gathering is not a disturbance to the surrounding neighborhood.

10. *Food.* If a short-term rental operator provides breakfast, light snacks, or both to guests, the facility and operator must meet applicable health and safety regulations including, but not limited to, regulations of the Whatcom County health department and the Washington State Department of Health.

11. *Safety.* The planning and community development department must verify, through a city inspection, that each dwelling unit to be rented to overnight guests meets the following requirements:

- a. Each bedroom must comply with building code requirements for a sleeping room that were in place when the bedroom was legally established;
- b. Each bedroom must have a smoke alarm that is interconnected with a smoke detector in an adjacent hallway that is in the dwelling unit; and
- c. Each bedroom must be located on the floor of a dwelling unit that is equipped with a functioning carbon monoxide alarm. If the dwelling unit does not have fuel burning equipment or an attached garage, a carbon monoxide alarm is not required.

12. *Age Requirement.* The person booking the short-term rental shall be over the age of 25 years old.

13. *Licenses and Taxes.*

- a. Short-term rental operators shall meet all local, state and federal requirements regarding licenses and taxes.
- b. Proof of a valid business license is required with the short-term rental permit application.

14. *Insurance.* Short-term rental operators shall maintain liability insurance appropriate to cover the short-term rental use in the aggregate of not less than \$1,000,000 or conduct each short-term rental transaction through a platform that provides equal or greater insurance coverage.

15. *Renewal.* Short-term rental permits must be renewed on or before January 1st of every even-numbered year.

16. *Nontransferability.* Short-term rental permits are not transferable to another operator or location.

17. *Permit Revocation.*

- a. If an operator fails to comply with the regulations of this section and conditions of approval, the planning director shall work with the applicant to achieve voluntary compliance. If voluntary compliance cannot be achieved, the planning director may revoke a short-term rental permit for failure to comply with the regulations of this section. Any such decision may be appealed to the hearing examiner in accordance with BMC [21.10.250](#).
- b. A legally established, previously approved bed and breakfast use is abandoned if the use ceases for at least one year. An operator seeking to reestablish the bed and breakfast use shall obtain a short-term rental permit to operate a bed and breakfast facility.
- c. A new short-term rental permit will not be issued to the operator of a revoked bed and breakfast facility or short-term rental until two years from the time of revocation have passed.

18. *Nonconforming Status.* No use that constitutes or purports to be a short-term rental, which was engaged in that activity prior to the adoption of this section, will be deemed to have been a legally established use under the provisions of the Bellingham Municipal Code and that use will not be entitled to claim legal nonconforming status.

19. *Alterations and Expansions.* If construction, including expansion of building area or alterations that increase the intensity of the facility, accompanies the short-term rental use, the project will be reviewed for conformance with all applicable building and construction codes.

20. *Relationship to Other Sections of the Code.* The provisions of this section apply in addition to the provisions of any other code provision or ordinance. Where there is a conflict, the more restrictive provision applies.

21. *Effective Date.* The provisions of this section and other sections of the Bellingham Municipal Code related to short-term rentals will not take effect until six months after the date of adoption.

22. *Evaluation of Ordinance.* This section will be reviewed two years from the effective date of the ordinance codified in this section to assess the impact of short-term rentals on the city's neighborhoods and housing market.

E. *Violation – Penalty.*

1. Any person operating a short-term rental without a required permit as described in subsection (C) of this section shall be in violation of this subsection and subject to the penalties in Chapter 20.52 BMC.
2. Any person operating a short-term rental in violation of any standard outlined in subsections (B) and (D) of this section shall be in violation of this subsection and subject to the penalties in Chapter 20.52 BMC and permit revocation under subsection (D)(17) of this section. [Ord. 2021-12-053 § 4; Ord. 2018-11-024 § 5 (Exh. A)].

The Bellingham Municipal Code is current through Ordinance 2022-05-013, passed May 23, 2022.

Disclaimer: Users should contact the Deputy City Clerk for ordinances passed subsequent to the ordinance cited above.

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22.58.011 Short-term rental establishments.

(a) Purpose and Intent. The purpose of this section is to:

(1) Provide property owners and residents with an opportunity to use their homes to engage in small-scale business activities.

(2) Protect neighborhood character and stability.

(3) Establish criteria and standards for the use of residential structures as short-term rentals.

(b) Permit Requirements. A short-term rental establishment may be carried on upon the issuance of a business license pursuant to Chapter [5.04](#) FMC and the issuance of a short-term rental permit by the director.

(c) Submittal Requirements. Application for a short-term rental permit shall be made upon forms provided by the director, accompanied by a filing fee in accordance with the planning services fee schedule established by council resolution. The application shall be signed by the owner of the property on which the short-term rental activity will occur. The application shall also be signed by the business operator if that person is different from the property owner. The director may require the submittal of a site plan of the premises, floor plans of the residence or accessory building in which the use or activity will take place, and other documentation deemed necessary to process the application. The plans shall clearly indicate the area where the use or activity will take place and any structural alterations intended to accommodate the use or activity.

(d) Short-Term Rental Types Defined. The following definitions apply to the short-term rental types allowed through the provisions of this section:

(1) “Room rental establishment” means a lodging use, where individual rooms within a single dwelling unit are provided for less than 30 consecutive days for a fee by prearrangement. This shall include bed and breakfast establishments.

(2) “Dwelling unit rental” means a dwelling unit, typically rented in its entirety, for less than 30 consecutive days for a fee by prearrangement.

(e) Processing Requirements.

(1) The director shall approve a proposed short-term rental establishment, which complies with all the performance standards set forth in this section, except as provided in subsection (e)(2) of this section. The director may impose conditions of approval to ensure that the activity is conducted in a manner consistent with the standards and purpose and intent of this section.

(2) A proposed room rental establishment providing more than two bedrooms available for rent is subject to conditional use permit approval in accordance with Chapter [22.68](#) FMC.

(f) Room Rental Establishment Standards.

(1) Room rentals shall be an incidental or secondary use to the primary use, which is considered to be the principal residential dwelling unit.

(2) The owner/lessee of the structure shall operate the establishment and reside on site.

(3) Service shall be limited to the rental of bedrooms. Meal service shall be limited to the provision of breakfast or light snacks for registered guests.

(4) A maximum of four bedrooms or suites may be made available for rent. There shall be no expansion in the number of guest rooms beyond the number approved.

(5) No separate or additional kitchens for guests are permitted. Limited cooking facilities shall be allowed inside guestrooms, or inside other rooms that are used solely by guests, such as small microwaves and refrigerators.

(6) Receptions, private parties or similar activities, for which a fee is paid or which are allowable as a condition of room rental, may be permitted upon a determination by the hearing examiner that such activities will not significantly impact the adjoining neighborhood.

(7) One off-street parking space shall be provided on site for each rental bedroom. The number of required off-street spaces may be reduced by the number of spaces available on the street frontage adjoining the parcel upon which the room rental is to be established, if the decision-maker determines that sufficient on-street parking will exist to satisfy parking demand in the neighborhood once the room rental has been established. Any additional off-street parking provided in conjunction with the room rental shall, to the extent possible, be located to the side or rear of the structure housing the room rental in order to minimize visual impacts on the streetscape. Off-street parking shall be designed to reduce impacts on adjoining properties through the installation of vegetative screening and/or fencing. The parking surface and additional driveway surface required to provide access to the parking area shall be constructed of permeable, porous or pervious pavers to achieve low impact development objectives and a superior appearance when compared with conventional asphalt or concrete pavement. For additional off-street parking standards, see Chapter [22.60](#) FMC.

(8) Certification by the building official that the residence complies with fire and life safety aspects is required. Inspection fee may apply.

(g) Dwelling Unit Rental.

(1) The number of persons per sleeping area shall comply with the International Building Code.

(2) Two off-street parking spaces shall be provided on site.

(h) Other Regulations.

(1) Proof of ownership or approval of property owner is required.

- (2) The room rental shall be exempt from the home occupation requirements of FMC [22.58.013](#).
- (3) The exterior appearance of the structure shall maintain its original character.
- (4) Signage shall comply with Chapter [22.26](#) FMC, Sign Regulations.
- (5) Permits shall lapse and become void if the establishment ceases operation for 12 consecutive months, applicant named on the permit moves from or sells the site, or the applicant fails to maintain a valid business license. (Ord. 1638 § 25, 2019; Ord. 1604 § 1, 2017; Ord. 1246 § 15, 2000).

15.04.030 Residential land use development conditions. Revised 10/21 Revised 11/21



1. Dwelling units, limited to not more than one per establishment, for security or maintenance personnel and their families, when located on the premises where they are employed in such capacity. No other residential [use](#) shall be permitted.
2. Multifamily residential [uses](#), or other residential facilities where allowed, are only permissible in a mixed-use overlay and must be included within a mixed-use development.
3. Assisted living facilities, [residential facilities with health care](#), and independent senior living facilities, when not combined with commercial or office [uses](#), require a minor [conditional use](#) permit and are subject to the following conditions:
 - a. Must be located within one-half mile of publicly accessible amenities in at least three of the following categories, as determined by the economic and community development director. The distance shall be measured as the shortest straight-line distance from the property line of the proposed facility to the property line of the entities listed below:
 - i. Public park or trail, as identified in the city's most recently adopted park and open space plan, or owned or maintained by any agency of the state, or any political subdivision thereof;
 - ii. Preschool, elementary, or secondary school (public or private);
 - iii. Indoor recreational center (community center, senior center, physical recreation facility, bingo or casino hall);
 - iv. Church, religious [institution](#), or other place of worship;
 - v. Cultural arts center (theater, concert hall, artistic, cultural, or other similar event center);
 - vi. Retail services, including, but not limited to: medical services; food and beverage establishments; [shopping centers](#); or other commercial services that are relevant (reasonably useful or germane) to the residents of the proposed facility, as determined by the city's economic and community development director.
 - b. Alternatively, if the facility provides amenities in one or more of the categories listed in subsection (3)(a) of this section on the ground floor of the facility itself, oriented towards the public (meaning that they are visible, accessible, and welcoming), the number of other amenities to which a half-mile proximity is required may be reduced, at the discretion of the city's economic and community development director.
4. Multifamily residential [uses](#), or other residential facilities where allowed, when established in [buildings](#) with commercial or office [uses](#), and prohibited on the ground floor.

5. Multifamily residential [uses](#), or other residential facilities where allowed, when not combined with commercial or office [uses](#).
6. Existing dwellings may be rebuilt, repaired, and otherwise changed for human [occupancy](#). Accessory [buildings](#) for existing dwellings may be constructed subject to the provisions of KCC [15.08.160](#).
7. Transitional housing facilities, limited to a maximum of 20 residents at any one time, plus up to four resident staff.
8. Accessory [structures](#) composed of at least two walls and a roof, not including [accessory uses](#) or [structures](#) customarily appurtenant to [agricultural uses](#), are subject to the provisions of KCC [15.08.160](#).
9. Farm dwellings appurtenant to a principal [agricultural use](#) for the housing of farm owners, operators, or employees, but not accommodations for transient labor.
10. Accessory [dwelling units](#) shall not be included in calculating the maximum density. [Accessory dwelling units](#) are allowed only on the same [lot](#) with a principally permitted detached [single-family dwelling](#) unit, and are subject to the provisions of KCC [15.08.160](#) and [15.08.350](#).
11. Customary incidental [home occupations](#) subject to the provisions of KCC [15.08.040](#).
12. Multifamily [buildings](#) and [transitional housing](#) are only allowed on parcels where [hotels](#) or [motels](#) exist as of August 17, 2021, and are subject to a maximum [dwelling unit](#) density that is equal to the number of [hotel](#) rooms. (For [transitional housing](#), density shall be calculated based on beds rather than [dwelling units](#).) Replacement and remodel of existing [hotels](#) and [motels](#) are both allowed, and new or reconstructed development is not limited to the same footprint or height as existing [buildings](#). Multifamily [buildings](#) and [transitional housing](#) are governed by the density limit described herein as well as the [development standards](#) in the [zoning](#) district.
13. Subject to the [combining district](#) requirements of the [mobile home park](#) code, Chapter [12.05](#) KCC.
14. Accessory living quarters are allowed per the provisions of KCC [15.08.359](#).
15. [Reserved].
16. Recreational vehicle storage is permitted as an [accessory use](#) in accordance with KCC [15.08.080](#).
17. Accommodations for farm operators and employees, but not accommodations for transient labor.

18. Other [accessory uses](#) and [buildings](#) customarily appurtenant to a permitted [use](#), except for onsite [hazardous waste](#) treatment and storage facilities, which are not permitted in residential zones.

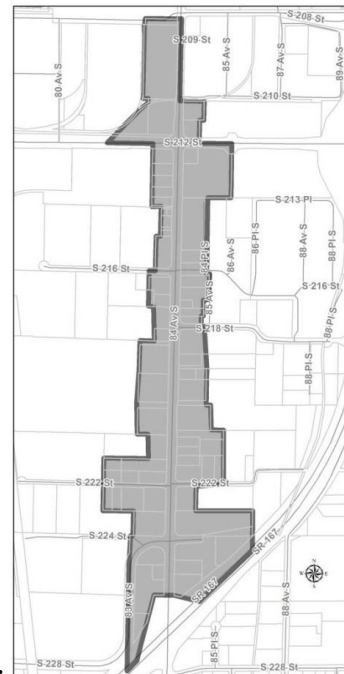
19. The following [zoning](#) is required to be in existence on the entire property to be rezoned at the time of application for a rezone to an MR-T zone: SR-8, MR-D, MR-G, MR-M, MR-H, NCC, CC, GC, DC, or DCE.

20. All multifamily [townhouse](#) developments in an MR-T zone shall be recorded as [townhouses](#) with ownership interest, as defined in KCC 15.02.525.1, prior to approval of a certificate of [occupancy](#) by the city.

21. [Reserved].

22. One [duplex](#) per [lot](#) is permitted.

23. Secure community transition facilities are only permitted within the boundaries depicted on



the following map, and only with a [conditional use](#) permit:

24. A [secure community transition facility](#) shall also comply with applicable state siting and permitting requirements pursuant to Chapter 71.09 RCW. [Secure community transition facilities](#) are not subject to the siting criteria of KCC 15.08.280 for [class III group homes](#), but they are subject to a 600-foot separation from any other class II or III group home. In no case shall a [secure community transition facility](#) be sited adjacent to, immediately across the [street](#) or parking [lot](#) from, or within the line of sight of risk-potential activities or facilities in existence at the time a site is listed for consideration. Within the line of sight means that it is possible to reasonably visually distinguish and recognize individuals. For the purposes of granting a [conditional use](#) permit for siting a [secure community transition facility](#), the hearing examiner shall consider an

unobstructed visual distance of 600 feet to be within the line of sight. During the [conditional use](#) permit process for a [secure community transition facility](#), the line of sight may be considered to be less than 600 feet if the applicant can demonstrate that visual barriers exist or can be created that would reduce the line of sight to less than 600 feet. This distance shall be measured by following a straight line, without regard to intervening [buildings](#), from the nearest point of the property or parcel upon which the proposed [use](#) is to be located, to the nearest point of the parcel or property or the land [use](#) district boundary line from which the proposed [use](#) is to be separated. For the purpose of granting a [conditional use](#) permit for a [secure community transition facility](#), the hearing examiner shall give great weight to [equitable distribution](#) so that the city shall not be subject to a disproportionate share of similar facilities of a statewide, regional, or countywide nature.

25. A [designated manufactured home](#) is a permitted [use](#) with the following conditions:

- a. A [designated manufactured home](#) must be a [new manufactured home](#);
- b. The [designated manufactured home](#) shall be set upon a permanent foundation, as specified by the manufacturer, and the space from the bottom of the home to the ground shall be enclosed by concrete or an approved concrete product that can be either load-bearing or decorative;
- c. The [designated manufactured home](#) shall comply with all city design standards applicable to all other single-family homes;
- d. The [designated manufactured home](#) shall be thermally equivalent to the State Energy Code; and
- e. The [designated manufactured home](#) shall meet all other requirements for a [designated manufactured home](#) as defined in RCW [35.63.160](#).

26. Multifamily dwellings shall be allowed only within the Kent downtown [districts](#) outlined in the downtown subarea action plan and shall be [condominiums](#) recorded pursuant to Chapter [64.32](#) or [64.34](#) RCW or similar [dwelling units](#) with ownership interest and recorded as such prior to approval of a certificate of [occupancy](#) by the city.

27. Within subdivisions, as defined by KCC [12.04.025](#), vested after March 22, 2007, or altered to comply with [zoning](#) and subdivision code amendments effective after March 22, 2007, 25 percent of the total number of permitted [dwelling units](#) may be [duplex](#) or triplex [townhouse](#) structures.

28. Live-work units; provided, that the following [development standards](#) shall apply for [live-work units](#), in addition to those set forth in KCC [15.04.190](#):

- a. The unit shall contain a cooking space and sanitary facility in conformance with applicable [building](#) standards;

- b. Adequate and clearly defined working space must constitute no less than 50 percent of the [gross floor area](#) of the [live-work unit](#). Said working space shall be reserved for and regularly used by one or more persons residing there;
- c. At least one resident in each [live-work unit](#) shall maintain at all times a valid city business license for a business on the premises;
- d. Persons who do not reside in the [live-work unit](#) may be employed in the [live-work unit](#) when the required parking is provided;
- e. Customer and client visits are allowed when the required parking is provided;
- f. No portion of a [live-work unit](#) may be separately rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises;
- g. [Reserved];
- h. Construct all nonresidential space, to the maximum allowed, to commercial [building](#) standards; and
- i. Provide an internal connection between the residential and nonresidential space within each unit.

29. Subject to the [maximum permitted density](#) of the [zoning](#) district. For [assisted living facilities](#), [residential facilities with health care](#), and independent senior living facilities, each residential care unit is considered one [dwelling unit](#) for purposes of density calculations. For [transitional housing](#), one bed is considered one [dwelling unit](#) for the purposes of density calculations.

30. Conditional [use](#) when the number of residents exceeds 20 at any one time or more than four resident staff.

31. Emergency housing and [emergency shelter](#) facilities are allowed in the MR-D, MR-G, MR-M, and MR-H [zoning](#) districts, in conjunction with an approved [conditional use](#) permit that satisfies the below conditions, and must satisfy the requirements of RCW [35A.21.360](#)(10) prior to opening.

a. General conditions. [Emergency housing](#) and [emergency shelter](#) facilities are subject to the following general conditions:

- i. The [emergency housing](#) or shelter facility must be located on the same [lot](#) as an actively operating church or similar religious [institution](#).
- ii. At the time of application for the [conditional use](#) permit, there shall be no other approved [emergency housing](#) or shelter facility located within 1,000 feet of the proposed [emergency housing](#) or shelter facility site. For the purposes of this subsection, distance shall be measured in

a straight line between the closest property line of the existing facility and the closest property line of the proposed facility. For purposes of this section, if the city receives applications for proposed facilities that are within 1,000 feet of each other, the first complete application received by the city shall be given priority.

iii. An [emergency housing](#) facility and an [emergency shelter](#) facility may not be permitted on the same [lot](#) simultaneously.

iv. Emergency housing and shelter facilities shall be permitted to operate for a maximum of 90 consecutive days, and there shall be a minimum period of 90 consecutive days between operational periods during which the [emergency housing](#) or shelter facility does not operate. The 90-day period of nonoperation shall apply to the operation of an [emergency housing](#) facility followed by an [emergency shelter](#) facility and vice versa.

v. The [building](#) footprint of the [emergency housing](#) or shelter facility cannot exceed the [building](#) footprint of the church or similar religious [institution](#) that exists on the same [lot](#).

vi. The church or similar religious [institution](#) on the same [lot](#) as the [emergency housing](#) or shelter facility shall be primarily responsible for the operation and maintenance of the facility itself, as well as the conduct of the residents of the facility on and in the immediate vicinity of the [lot](#), to the maximum extent permitted by law, regardless of whether the organization contracts with a third party for the provision of any services related to the facility itself or its residents.

vii. The [emergency housing](#) or shelter facility shall comply with the setbacks and [landscaping](#) requirements for churches, as identified in KCC [15.08.020](#)(A).

viii. The possession or [use](#) of illegal drugs at an [emergency housing](#) or shelter facility or the property occupied by the facility is prohibited.

ix. Emergency housing or shelter facilities shall be responsible for the safety of residents of the facility, and shall establish a plan to remove individuals who present a threat to other residents or the property of other residents.

x. In the event of a public health emergency, the city may require an emergency response plan that is in substantial compliance with relevant guidance and requirements issued by Public Health – Seattle and King County in response to the public health emergency.

xi. Emergency housing and shelter facilities must comply with all applicable fire and [building](#) codes set forth in Chapters [13.01](#) and 14.01 KCC.

xii. The church or religious [institution](#) must provide the city written documentation of the following:

(a) A description of the proposed staffing and operational characteristics, including confirmation of sanitation and basic safety measures required for [emergency shelters](#).

(b) A description of the proposed population to be served and code of conduct to be observed including conflict resolution steps.

(c) Criteria for rejection or removal of an individual seeking access to the facility.

(d) A plan for managing the exterior appearance of the proposed site including trash/litter.

(e) A phone number, email, and point of contact at the site of the facility for the community to report concerns.

(f) A plan for addressing reported concerns and documenting resolution, and making this information publicly available.

(g) A proposed site plan showing compliance with all requirements set forth in this subsection (31) and applicable fire and [building](#) codes set forth in Chapters [13.01](#) and 14.01 KCC.

xiii. Emergency housing and shelter facilities must have two naloxone (Narcan) kits onsite, and staff must be trained in how to administer the naloxone (Narcan).

xiv. The possession of any of the weapons described in RCW [9.41.280](#)(1) at an [emergency housing](#) or shelter facility or the property occupied by the facility is prohibited.

b. [Emergency housing](#) facilities – Additional conditions. [Emergency housing](#) facilities must operate pursuant to an agreement with the city, approved by the director of economic and community development, and are subject to the following additional conditions:

i. The [emergency housing](#) facility must be located within a permanent, enclosed [building](#).

ii. The [emergency housing](#) facility must be located on a [lot](#) that is a minimum of one acre in size.

c. [Emergency shelter](#) facilities – Additional conditions. [Emergency shelter](#) facilities must be located within a temporary [structure](#) as described below, and are subject to the following additional conditions:

i. Emergency shelter facilities are limited to a maximum sleeping [occupancy](#) of 35 people. The design of the temporary [structure](#) shall include an occupant load factor of a minimum of 50 square feet per occupant and a three-foot aisle around the entire inside perimeter of the tent.

ii. The [emergency shelter](#) facility must be located on a [lot](#) that is a minimum of two acres in size.

iii. Emergency shelter facilities must be within a single, large temporary enclosure, such as a tensile membrane [structure](#), or within multiple identical temporary enclosures, such as matching vinyl canvas tents, that are a minimum of 400 square feet in size. If the floor of a temporary enclosure does not provide insulation from the ground, camping cots or other off-ground sleeping [structures](#) must be provided. The [use](#) of small, individual tents or makeshift [structures](#) including, without limitation, those created with tarps or plastic is prohibited.

iv. Gasoline-powered generators are prohibited.

v. Smoking or open flames inside the temporary [structure](#) are prohibited, and the [use](#) of portable heaters within personal tents is prohibited. All heating equipment shall be in accordance with the adopted fire code.

vi. Emergency shelter facilities shall provide sanitation and basic safety measures including the following:

(a) One portable or permanent toilet per 20 persons at a minimum, with a handwashing station at each toilet.

(b) Rodent-proof litter receptacles and food storage containers.

(c) Two large first-aid kits that include emergency eye wash bottles.

(d) Secured area for dry supplies storage (blankets, clothing, food, first-aid).

(e) Covered kitchen area at least 20 feet from any sleeping areas, with handwashing and dishwashing stations stocked with soap.

(f) Cleaning supplies including work gloves, disposable gloves, trash grabber-tool, disinfectant, hand sanitizer, masks, buckets, paper towels, etc.

(g) Feminine hygiene products.

(h) Three- to four-foot-wide aisle between sleeping [structures](#) so as to be ADA compliant and accessible by emergency services personnel.

32. The following restrictions apply to all group homes:

a. A group home is considered a single-family residential [use](#) and shall not be combined with another residential [use](#) on the same parcel including, but not limited to, a [communal residence](#) or [short-term rental](#);

b. A city of Kent business license is required in accordance with Chapter [5.01](#) KCC;

c. The applicant is responsible for obtaining any relevant required state licenses and providing an up-to-date copy of any relevant state license, or proof one is not required by the state, to the city of Kent prior to approval of a city business license;

d. Family members of the [provider](#) may live in the group home, but such members are limited only to a spouse and children of the [provider](#) or spouse, and are subject to the background check requirements of WAC [388-73-10166](#) and [388-76-10161](#); and

e. An [accessory dwelling unit](#) is permitted only if used as part of the operation of a group home and may not be leased or sub-leased to a separate [family](#).

f. Group homes functioning as permanent supportive housing are subject to a spacing requirement as follows: At the time of application for business license, there shall be no other approved group home functioning as permanent supportive housing located within 1,000 feet of the proposed group home functioning as supportive housing. There shall also be no public schools within 1,000 feet of the proposed group home functioning as supportive housing. For the purposes of this subsection, distance shall be measured in a straight line between the closest property line of the existing facility and the closest property line of the proposed facility. For purposes of this section, if the city receives applications for proposed facilities that are within 1,000 feet of each other, the first complete application received by the city shall be given priority.

33. The following restrictions apply to all [communal residences](#):

a. A city of Kent business license is required in accordance with Chapter [5.01](#) KCC;

b. No more than three rooms within the home or [accessory structure](#) may be separately leased or sub-leased; and

c. Each room being leased or sub-leased shall have adequate space, light, electricity, heating, emergency egress, a smoke detector, and access to adequate sanitation and eating facilities pursuant to the International Residential Code and International Property Maintenance Code as adopted in Chapter [14.01](#) KCC. Adequate space means floor area of no less than 70 square feet in size, no less than seven feet of ceiling height, and shall not have any horizontal dimension less than seven feet. Egress means one emergency escape rescue opening at least 5.7 square feet, 24 inches high, and 20 inches wide.

34. The following restrictions apply to [short-term rentals](#):

a. A city of Kent business license is required in accordance with Chapter [5.01](#) KCC;

b. The home shall be occupied by the owner or a nontransient tenant for at least six months of each year;

c. No more than three rooms within the home or [accessory structure](#) may be offered as [short-term rentals](#); and

d. The applicant is responsible for complying with the [short-term rental](#) requirements of Chapter [64.37](#) RCW.

35. Subject to an approved [conditional use](#) permit meeting the conditions set forth below, [emergency housing](#) facilities are allowed in the DC, DCE, MTC-1, MTC-2, MCR, CM, GC, and I1 [zoning](#) districts, and [emergency shelters](#) are not allowed in these same [districts](#). Prior to

opening, the requirements of RCW [35A.21.360](#)(10) must be satisfied, whether or not the owner or operator is a religious organization.

a. General conditions. [Emergency housing](#) facilities are subject to the following additional conditions:

i. The [emergency housing](#) facility must be located within a permanent, enclosed [building](#).

ii. The [emergency housing](#) facility must be located on a [lot](#) that is a minimum of one acre in size.

iii. Emergency housing facilities must operate pursuant to an agreement with the city, approved by the director of economic and community development.

iv. At the time of application for the [conditional use](#) permit, there shall be no other approved [emergency housing](#) or shelter facility located within 1,000 feet of the proposed [emergency housing](#) facility site. For the purposes of this subsection, distance shall be measured in a straight line between the closest property line of the existing facility and the closest property line of the proposed facility. For purposes of this section, if the city receives applications for proposed facilities that are within 1,000 feet of each other, the first complete application received by the city shall be given priority.

v. Emergency housing facilities shall be permitted to operate for a maximum of 90 consecutive days, and there shall be a minimum period of 90 consecutive days between operational periods during which the [emergency housing](#) facility does not operate. The 90-day period of nonoperation shall apply to the operation of any [emergency housing](#) facility followed by an [emergency shelter](#) facility and vice versa.

vi. The person or organization that owns or operates the facility shall be primarily responsible for the operation and maintenance of the facility itself, as well as the conduct of the residents of the facility on and in the immediate vicinity of the [lot](#), to the maximum extent permitted by law, regardless of whether the person or organization contracts with a third party for the provision of any services related to the facility itself or its residents.

vii. The possession or [use](#) of illegal drugs at an [emergency housing](#) facility or the property occupied by the facility is prohibited.

viii. Emergency housing facilities shall be responsible for the safety of residents of the facility, and shall establish a plan to remove individuals who present a threat to other residents or the property of other residents.

ix. In the event of a public health emergency, the city may require an emergency response plan that is in substantial compliance with relevant guidance and requirements issued by Public Health – Seattle and King County in response to the public health emergency.

x. Emergency housing facilities must comply with all applicable fire and [building](#) codes set forth in Chapters [13.01](#) and 14.01 KCC.

xi. The owner or operator of the [emergency housing](#) facility must provide the city written documentation of the following:

- (a) A description of the proposed staffing and operational characteristics.
 - (b) A description of the proposed population to be served and code of conduct to be observed including conflict resolution steps.
 - (c) Criteria for rejection or removal of an individual seeking access to the facility.
 - (d) A plan for managing the exterior appearance of the proposed site including trash/litter.
 - (e) A phone number, email, and point of contact at the site of the facility for the community to report concerns.
 - (f) A plan for addressing reported concerns and documenting resolution, and making this information publicly available.
 - (g) A proposed site plan showing compliance with all requirements set forth in subsection (35) of this section and applicable fire and [building](#) codes set forth in Chapters [13.01](#) and 14.01 KCC.
- xii. Emergency housing facilities must have two naloxone (Narcan) kits onsite, and staff must be trained in how to administer the naloxone (Narcan).
- xiii. The possession of any of the weapons described in RCW [9.41.280](#)(1) at an [emergency housing](#) or shelter facility or the property occupied by the facility is prohibited.

36. Isolation and quarantine facilities are subject to the following general conditions:

- a. An isolation and quarantine facility may operate under a [temporary use](#) permit for 180 days as authorized by KCC [15.08.205](#). Any [use](#) beyond 180 days requires a [conditional use](#) permit in accordance with KCC [15.09.030](#).
- b. A minimum six-foot-tall perimeter fence with controlled access shall be installed prior to operation of the facility.
- c. Onsite security personnel shall be present 24 hours a day, seven days a week to discourage quarantined or isolated individuals from leaving the facility and to control access.
- d. The operator shall provide meals, medical services, supplies, counseling, and other services as needed to individuals housed at the facility.
- e. The operator shall provide any necessary medical transportation service.
- f. The operator shall provide transportation for residents to and from the facility to ensure they are not reliant on public transportation.

g. The possession or [use](#) of illegal drugs at an isolation and quarantine facility or the property occupied by the facility is prohibited.

h. The facility will comply with applicable state and local [building](#), plumbing, electrical, mechanical, utilities, and fire code requirements during operation of the temporary quarantine and isolation facility.

i. Prior to the issuance of a [temporary use](#) permit or a [conditional use](#) permit, the operator of the isolation and quarantine facility shall provide the city a written operational plan that includes:

i. A plan for meeting the general conditions listed in this subsection (36).

ii. A description of the proposed staffing and operational characteristics.

iii. A description of the proposed population to be served.

iv. A phone number, email, and point of contact at the site of the facility for the community to report concerns.

v. A plan for addressing reported concerns and documenting resolution, and making this information publicly available.

vi. A plan for transporting individuals back to their location of residence following the completion of the isolation or quarantine period.

(Ord. No. [3439](#), § 2, 2-2-99; Ord. No. [3440](#), § 5, 2-16-99; Ord. No. [3470](#), § 4, 8-17-99; Ord. No. [3600](#), § 3, 5-7-02; Ord. No. [3612](#), § 3, 8-6-02; Ord. No. [3615](#), § 2, 9-17-02; Ord. No. [3753](#), § 3, 6-7-05; Ord. No. [3759](#), § 2, 9-6-05; Ord. No. [3761](#), § 2, 9-6-05; Ord. No. [3830](#), § 15, 3-6-07; Ord. No. [4011](#), § 8, 12-13-11; Ord. No. [4089](#), § 7, 9-17-13; Ord. No. [4166](#), § 4, 9-1-15; Ord. No. [4174](#), § 6, 11-17-15; Ord. No. [4188](#), § 6, 2-16-16; Ord. No. [4189](#), § 2, 2-16-16; Ord. No. [4225](#), § 7, 12-13-16; Ord. No. [4339](#), § 7, 11-19-19; Ord. No. [4358](#), § 2, 5-5-20; Ord. No. [4372](#), § 6, 10-20-20; Ord. No. [4373](#), § 6, 10-20-20; Ord. No. [4410](#), § 4, 9-7-21)

ORDINANCE O-4607

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SHORT-TERM RENTALS.

1 WHEREAS, public comment has brought forward concerns about
2 the impacts of unregulated short-term detached dwelling unit rentals in
3 the city of Kirkland; and
4

5 WHEREAS, such concerns have included absentee owners,
6 excessive numbers of residents and vehicles, blocked neighboring
7 driveways, noise, litter, trespasses and the use of detached dwelling
8 units as event venues; and
9

10 WHEREAS, public comment has also demonstrated that
11 appropriately regulated short-term rentals of residential units, including
12 both detached dwelling units and attached or stacked dwelling units,
13 help make it possible for owners of such residential units to be able to
14 afford to live in Kirkland thereby helping preserve affordable housing
15 stock, while also bringing visitors, students, tourism and economic
16 development benefits to the city; and
17

18 WHEREAS, Chapter 7.02 of the Kirkland Municipal Code,
19 Business Licenses and Regulations, requires business licenses in
20 connection with all activities and pursuits located and/or engaged within
21 Kirkland with the object of gain, benefit or advantage to the person
22 engaging in the same; and
23

24 WHEREAS, Chapter 7.02 KMC therefore applies to both short-
25 term rentals and long-term rentals as provided for herein; and
26

27 WHEREAS, rental agreements in excess of one month, which are
28 considered long-term rentals for purposes of this ordinance, remain
29 freely permitted subject to the business license requirements of Chapter
30 7.02; and
31

32 WHEREAS, the City Council wishes to add additional provisions
33 to Chapter 7.02 specifically applicable to short-term rentals of detached
34 dwelling units to address the regulatory concerns described above; and
35

36 WHEREAS, the Council further wishes to provide for the
37 enforcement of the requirements of Chapter 7.02 through amendments
38 to Chapter 1.12 KMC, Code Enforcement; and
39

40 WHEREAS, the Kirkland Zoning Code regulates similar types of
41 activities, including bed and breakfast houses and home occupations,
42 neither of which are considered short-term rentals for purposes of this
43 ordinance.
44

45 NOW, THEREFORE, the City Council of the City of Kirkland do
46 ordain as follows:

Section 1. Kirkland Municipal Code Section 1.12.020 is amended to read as follows:

1.12.020 Definitions.

As used in this chapter, unless a different meaning is plainly required:

(a) "Abate" means to repair, replace, remove, destroy or otherwise remedy a condition which constitutes a civil violation by such means, in such a manner and to such an extent as the applicable department director determines is necessary in the interest of the general health, safety and welfare of the community.

(b) "Act" means doing or performing something.

(c) "Applicable department director" means the director of the department or his or her designee.

(d) "Civil violation" means a violation for which a monetary penalty may be imposed as specified in this chapter. Each day or portion of a day during which a violation occurs or exists is a separate violation. Traffic infractions issued pursuant to Title 12 are specifically excluded from the application of this chapter.

(e) "Development" means the erection, alteration, enlargement, demolition, maintenance or use of any structure or the alteration or use of any land above, at or below ground or water level, and all acts governed by a city regulation.

(f) "Emergency" means a situation which in the opinion of the applicable department director requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons or property.

(g) "Hearing examiner" means the Kirkland hearing examiner and the office thereof established pursuant to Chapter 3.34.

(h) "Omission" means a failure to act.

(i) "Person" means any individual, firm, association, partnership, corporation or any entity, public or private.

(j) "Person responsible for the violation" means any person who is required by the applicable regulation to comply therewith, or who commits any act or omission which is a civil violation or causes or permits a civil violation to occur or remain upon property in the city, and includes but is not limited to owner(s), lessor(s), tenant(s), or other person(s) entitled to control, use and/or occupy property where a civil violation occurs. For violations of the city sign regulations, this definition includes, but is not limited to, sign installers/posters, sign owners, and any other persons who cause or participate in the placement of a sign in a manner that constitutes a civil violation. For violations of city tree regulations, this definition includes any person who caused or participated in the removal of a tree in a manner that constitutes a civil violation.

(k) "Regulation" means and includes the following, as they now exist or are hereafter amended:

(1) Title 23 (Kirkland Zoning Code);

(2) Title 21, Buildings and Construction (including codes adopted by reference);

(3) Chapter 15.52 (Surface Water Management);

(4) Title 29 (Land Surface Modification);

(5) Chapter 19.04 (Obstructing Streets or Sidewalks);

- (6) Chapter 11.76 (Junk Vehicles);
- (7) Chapter 11.24 (Nuisances);
- (8) The terms and conditions of any permit or approval issued by the city, or any concomitant agreement with the city;
- (9) Chapter 7.74 (Fair Housing Regulations);
- (10) Chapter 16.05 (Retail Carryout Bags, including definitions set forth in Chapter 16.04);
- (11) Chapter 16.08 (Garbage Disposal); and
- (12) Chapter 7.02 (Business Licenses and Regulations).

(l) "Repeat violation" means a violation of the same regulation in any location by the same person for which voluntary compliance previously has been sought within two years or a notice of civil violation has been issued within two years.

(m) "Violation" means an act or omission contrary to a city development regulation including an act or omission at the same or different location by the same person and including a condition resulting from such act or omission.

Section 2. Kirkland Municipal Code Section 7.02.030 is amended to read as follows:

7.02.030 Definitions.

Where used in this chapter, the following words and terms shall have the meanings as defined in this section, unless, from the context, a more limited or different meaning is clearly defined or apparent:

(a) "Business" includes all activities, occupations, pursuits, or professions located and/or engaged within the city, with the object of gain, benefit or advantage to the person engaging in the same, or to any other person or class, directly or indirectly, and includes nonprofit enterprises.

(b) "Business license" means that document issued by the city licensing the transaction of the indicated business by the person whose name appears thereon for the stated period.

(c) "Engaging in business" means commencing, conducting or continuing in any business within the city, whether or not an office or physical location for the business lies within the city. "Engaging in business" includes the performance of work or services by contractors, consultants, representatives, agents or other persons within the city, even though the office location of the contractor, consultant, representative, agent or other person is not within the city limits; the exercise of corporate or franchise powers, as well as the liquidation of a business when the liquidators hold themselves out to the public as conducting such business; acting as a solicitor or canvasser; short-term and long-term rentals; and furnishing temporary employees and/or workers to other businesses. By way of illustration only and without being all-inclusive, a business with an office or physical location outside the city limits which sells or leases personal property to buyers or lessees in the city; accepts or executes a contract to perform construction or installation services contracts in the city; solicits sales in the city; or renders services to others in the city; is engaged in business in this city, irrespective of whether or not such business maintains a permanent place of business in the city.

152 (d) "Finance and administration director" or "director" means the
 153 city of Kirkland director of finance and administration or his/her
 154 designee.

155 (e) "Gross receipts" shall have its ordinary meaning and also
 156 means the value accruing from the business activity within the city or
 157 conducted from the city including compensation for the rendition of
 158 services (without any deduction for labor costs or the cost of materials
 159 used), sale of personal property (without any deduction for the cost of
 160 property sold), gains or dividends realized, rents, royalties,
 161 contributions, fees and commissions, all without any deduction for any
 162 expense, taxes, or losses.

163 (f) "Person" includes individual natural persons, any firm,
 164 corporation, association, sole proprietor, club, partnership, trust,
 165 receiver, administrator, executor, estate, company, independent
 166 contractor, society, any officer, agent, personal representative, any
 167 group of individuals acting as a unit, the United States or the state of
 168 Washington or any instrumentality thereof, and includes the singular
 169 and the plural.

170 (g) "City" means the city of Kirkland, Washington.

171 (h) "Year" means a calendar year, except where otherwise
 172 specified or when permission is obtained from the director to use a
 173 different fiscal year.

174 (i) "L&I" means the Washington State Department of Labor and
 175 Industries.

176 (j) "Place of business" or "office" includes, but is not limited to,
 177 the following: maintaining, occupying, or using a permanent building or
 178 facility, premises or other fixed location as an office or location for
 179 conducting business; residential units used for short-term or long-term
 180 rentals or leases, or a location where the regular business of the person
 181 is conducted and which is either owned by the person or over which the
 182 person exercises legal dominion and control; or a location which
 183 includes a business sign, mailing address, and permanent phone. A
 184 vehicle such as a pickup, van, truck, boat or other motor vehicle will not
 185 be considered a place of business for purposes of this chapter.

186 (k) "Casual or isolated sale" means a sale made by a person who
 187 is not engaged in the business of selling the type of property involved.
 188 Persons who hold themselves out to the public as making sales at retail
 189 or wholesale are deemed to be engaged in business, and sales made by
 190 them of the type of property which they hold themselves out as selling
 191 are not casual or isolated sales even though such sales are not made
 192 frequently.

193 (l) "Employee" means and includes each of the following persons
 194 who are not required by the city to have his/her/its own separate city
 195 of Kirkland business license:

196 (1) Any person who is on the business's payroll, and includes all
 197 full-time, part-time, and temporary employees or workers; and

198 (2) Self-employed persons, sole proprietors, owners, managers,
 199 and partners; and

200 (3) Any other person who performs work, services or labor at the
 201 business, including an independent contractor who is not required to
 202 have a separate city of Kirkland business license.

203 (m) "Contractor" means any person who, in the capacity of an
 204 independent contractor, contracts with any business, property owner or
 205 person to perform a particular job or jobs, whether the remuneration

received for performing the job or jobs is on a cost-plus basis, a flat sum basis or a salary computed at so much per hour.

(n) "Subcontractor" means any person who in the capacity of an independent contractor contracts with any contractor to perform a particular trade or job, whether the remuneration received for performing the job or jobs is on a cost-plus basis, a flat sum basis, or a salary basis computed at so much per hour.

(o) "Residential unit" means either a detached dwelling unit or an attached or stacked dwelling unit, as those terms are defined in the city's zoning code.

(p) "Short-term rental" means the rental of a residential unit for less than thirty days. A short-term rental is not a bed and breakfast house or home occupation as defined in the zoning code for purposes of this ordinance.

(q) "Long-term rental" means the rental or lease of a residential unit for a period of thirty days or more. A long-term rental is not a bed and breakfast house or home occupation as defined in the zoning code.

Section 3. Kirkland Municipal Code Section 7.02.050 is amended to read as follows:

7.02.050 Operating without a license.

(a) Any person who engages in or carries on a business without having obtained a business license when required to do so shall be guilty of a violation of this chapter for each day during which the business is so engaged in or carried on. Any person who fails or refuses to pay a fee required under this chapter, or any part thereof, on or before the due date, shall be deemed to be operating a business without having obtained a license to do so. Except as otherwise specified, any person violating this chapter shall be guilty of a misdemeanor crime and a civil violation under Chapter 1.12.

(b) A business failing to obtain or maintain a currently valid license and yet conducting business within the city is hereby declared to be a public nuisance. Any remedy provided by this code with respect to a public nuisance is in addition to other remedies provided under this chapter.

Section 4. Kirkland Municipal Code Section 7.02.070 is amended to read as follows:

7.02.070 Presumptions.

The following presumptions shall be made in interpreting and applying this chapter, unless rebutted as provided in this chapter:

(a) It shall be presumed that an entity that has been issued a Unified Business Identifier Number ("UBI") by the state of Washington is a separate business that is required to have its own city of Kirkland business license.

(b) It shall be presumed that an entity that has been issued a state industrial insurance account number, a state self-insurer number, or a state revenue tax reporting account number is a separate business that is required to have its own city of Kirkland business license.

(c) It shall be presumed that average annual gross receipts of an entity are at least twenty thousand dollars per each employee who

works for the entity in Kirkland except in the instances of short-term rentals and long-term rentals and leases of residential units.

(d) It shall be presumed that an owner, manager, and/or managing partner of a business that is more than sixty days late in paying any amount due under this chapter is willfully, knowingly and intentionally evading his or her legal duties under this chapter.

Section 5. Kirkland Municipal Code Section 7.02.200 is amended to read as follows:

7.02.200 Debt owed to city.

(a) Any amount due and unpaid under this chapter and any penalty thereon shall constitute a debt to the city and may be collected in the same manner as any other debt, including through code enforcement and court proceedings, and these remedies shall be in addition to all other existing remedies. Interest shall accrue on amounts owed to the city under this chapter at the same rate as provided for superior court judgments.

(b) Issuance of a business license does not forgive amounts owed to the city or penalties thereon.

Section 6. Kirkland Municipal Code Section 7.02.260 is amended to read as follows:

7.02.260 Suspension or revocation of license—Criteria.

The director may suspend or revoke a business license or permit when the licensee, officer or partner thereof, or another person with a legal interest in the license:

(1) Knowingly causes, aids, abets, or conspires with another to cause any person to violate any of the laws of this state or the city which may affect or relate to the licensed business;

(2) Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake;

(3) Is convicted of, forfeits bond upon, or pleads guilty to any offenses related to the operation of the licensed business;

(4) Makes a misrepresentation or fails to disclose a material fact to the city related to any of the obligations set forth in this chapter;

(5) Violates any building, life or public safety, fire or health regulation on the premises in which the business is located after receiving warning from the city to refrain from such violations;

(6) Is in violation of a zoning or building code or other material regulation of the city, including the responsibility to exercise best efforts to help ensure conflicts between short-term renters and neighbors are avoided as set forth in Section 7.02.300(3); or

(7) Is indebted or obligated to the city for past due fees or taxes, excluding special assessments such as LID assessments.

Section 7. A new Kirkland Municipal Code Section 7.02.300 is amended to read as follows:

7.02.300 Short-term Rentals—Special Provisions.

The following special provisions are applicable to short-term rentals of detached dwelling units:

(1) Short-term rentals are freely permitted as they relate to frequency and total number of days per year when an owner or authorized agent of an owner continuously occupies a portion of a short-term rental as his or her primary residence.

(2) Short-term rentals not exceeding a total of 120 days per year are permitted when (a) an owner or an authorized agent of the owner occupies all or a portion of the short-term rental as his or her primary residence for a total of at least 245 days per year and (b) a property manager identified to both the city and all short-term renters is continuously available and located within 15 miles of the short-term rental whenever the owner or an authorized agent of the owner is not occupying all or a portion of the short-term rental as his or her primary residence.

(3) Short-term rental agreements shall include provisions encouraging renters to exercise best efforts to avoid conflicts with neighbors related to issues such as noise, littering, parking and trespass, and the owner and authorized agent of the owner of a short-term residential unit shall be jointly responsible to the city for exercising best efforts to help ensure such conflicts are avoided as a condition of maintaining a business license under this chapter.

(4) There may be no more than two short-term rental agreements in effect at a single detached dwelling unit at any one time.

(5) The owners and authorized agents of owners of detached dwelling units that are the subject of short-term rental agreements are jointly responsible for ensuring compliance with all applicable city zoning code requirements, including those related to the number of unrelated people occupying the unit.

(6) The owners and authorized agents of owners of detached dwelling units that are the subject of short-term rental agreements are jointly responsible for ensuring compliance with the parking provisions applicable to bed and breakfast houses set forth in the zoning code.

(7) The director of finance and administration may impose such additional requirements as may be necessary, consistent with the police power authority of the city, to protect the public health, safety and welfare in the issuance of business licenses related to short-term rentals.

Section 8. A new Kirkland Municipal Code Section 7.02.310 is amended to read as follows:

7.02.310 Payment of Lodging Excise Tax on Short-term Rentals.

It shall be the responsibility of the person owning a residential unit used for a short-term rental to ensure the lodging excise tax provided for by Chapter 5.19 is timely paid.

Section 9. The provisions of this ordinance shall apply to all short-term rentals existing on or after the effective date hereof except to the extent necessary to avoid the impairment of existing short-term rental agreements as they may relate to rental dates and durations existing as of the effective date hereof.

364 Section 10. City staff shall provide an update to the City Council
365 on the performance of the short-term rental regulations, along with any
366 recommendations for improvements, no later than July 15, 2018.

367
368 Section 11. If any provision of this ordinance or its application
369 to any person or circumstance is held invalid, the remainder of the
370 ordinance or the application of the provision to other persons or
371 circumstances is not affected.

372
373 Section 12. This ordinance shall be in force and effect five days
374 from and after its passage by the Kirkland City Council and publication
375 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
376 form attached to the original of this ordinance and by this reference
377 approved by the City Council.

378 Passed by majority vote of the Kirkland City Council in open
379 meeting this 17th day of October, 2017.

380
381 Signed in authentication thereof this 17th day of October, 2017.



Amy Walen, Mayor

Attest:



Kathi Anderson, City Clerk

Approved as to Form:



Kevin Raymond, City Attorney

Permit Review Processes – Lodging, Level 1 & Short-term Rental

Figure 1

Type III Permit Procedure (Currently used for Lodging, Level 1)



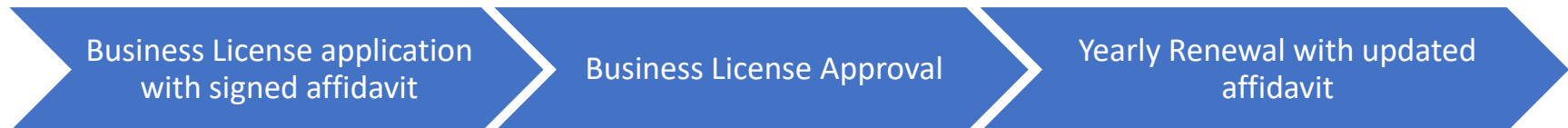
Figure 2

Type II Permit Procedure (Proposed process)



Figure 3

Business License process (Proposed process)



Title 18

ZONING

Chapters:

- 18.04 General Provisions.**
- 18.08 Definitions.**
- 18.12 Zoning Districts.**
- 18.16 General Use Standards.**
- 18.20 Development and Design Standards.**
- 18.22 Wireless Communication Facilities.**
- 18.24 Sign Standards.**
- 18.28 Special Use Permits.**
- 18.30 Temporary Uses and Structures.**
- 18.36 Concurrency Review.**
- 18.44 Amendments, and Licenses and Permits.**
- 18.48 Marijuana Related Uses**

Chapter 18.04

GENERAL PROVISIONS

Sections:

- 18.04.010 Title.**
- 18.04.020 Purpose.**
- 18.04.030 Authority.**
- 18.04.040 Applicability.**
- 18.04.050 Rules for interpretation.**
- 18.04.055 Appeals.**
- 18.04.060 Severability.**
- 18.04.070 Enforcement.**

18.04.010 Title. The ordinance codified in this title shall be known as the "Zoning Ordinance of the Town of Steilacoom." (Ord. 1188 §1(part), 1996).

18.04.020 Purpose. It is the purpose of this title to implement the Town's comprehensive plan. By guiding physical development of the Town, this title seeks to maintain and improve the small-Town character of the community by including appropriate regulations and high standards to achieve the following: Recognize unique neighborhood characteristics, provide adequate light and air, avoid excessive concentrations of people, minimize congestion on the streets, facilitate adequate provision for public health, safety and welfare, transportation, utilities, schools, parks, and other necessary public needs. (Ord. 1188 §1(part), 1996).

18.04.030 Authority. In accordance with RCW 35.63.110, the Town Council may, upon recommendation of the Planning Commission, divide the Town into zoning districts to best carry out implementation of the Comprehensive Plan. Within such districts, it may regulate and restrict the erection, construction, reconstruction, alteration, repair, design or use of buildings, structures or land. (Ord. 1188 §1(part), 1996).

18.04.040 Applicability.

- (a) The provisions of this title shall apply to all uses of land in the Town of Steilacoom.
- (b) The provisions of this title shall be interpreted as the minimum requirements necessary to protect the health, safety and general welfare of the public.
- (c) Therefore, where the provisions of this title impose restrictions on the use of land or structures greater than are imposed by other public or private regulations, the provisions of this title shall control. (Ord. 1188 §1(part), 1996).

18.04.050 Rules for interpretation.

- (a) For the purpose of the Zoning Code, all words used in the Code shall have their normal and customary meanings, unless specifically defined otherwise in this Code.
- (b) Words used in the present tense include the future tense.
- (c) The plural includes the singular, and vice versa.
- (d) The words "shall" and "may not" and "no --- may" are mandatory.
- (e) The word "may" indicates that discretion is allowed.
- (f) The word "used" includes "designed, intended or arranged" to be used.
- (g) The masculine gender includes the feminine and vice versa.
- (h) Distances shall be measured horizontally unless otherwise specified.
- (i) The word "building" includes a portion of a building or lot on which it stands. (Ord. 1188 §1(part), 1996).

18.04.055 Appeals. The procedures set forth in Title 14, Development Code Administration, shall be applicable to all appeals relating to this Zoning Code. (Ord. 1188 §1(part), 1996).

18.04.060 Severability. It is expressly declared that each section, subsection, paragraph, sentence, clause, phrase and word of this title would have been prepared, proposed, adopted, approved and ratified irrespective of any declaration of invalidity or unconstitutionality of any part of this title. Therefore, should any part of this title be declared invalid, or unconstitutional for any reason, this declaration shall not affect the validity or constitutionality of the remaining parts of this title. (Ord. 1188 §1(part), 1996).

18.04.070 Enforcement. Enforcement action for violations of this Title shall be governed by the provisions of Chapter 14.32 SMC. (Ord. 1543 §12, 2016).

Chapter 18.08

DEFINITIONS

Sections:

- 18.08.002 Accessory dwelling unit.**
- 18.08.003 Adult family home.**
- 18.08.005 Affordable housing.**
- 18.08.010 Alteration.**
- 18.08.015 Antenna.**
- 18.08.020 Assisted living facility.**
- 18.08.030 Awning, fixed.**
- 18.08.035 Awning, retractable.**
- 18.08.036 Base Station.**
- 18.08.037 Battery charging station.**

18.08.038 Battery exchange station.
18.08.040 Bed and breakfast inn.
18.08.050 Billboard.
18.08.060 Boarding house, class I.
18.08.065 Boarding house, class II.
18.08.070 Building.
18.08.090 Building area.
18.08.100 Building footprint.
18.08.110 Building site.
18.08.120 Canopy.
18.08.125 Cell on wheels.
18.08.130 Circulation area.
18.08.133 Co-location.
18.08.136 Concealed.
18.08.140 Conditional use.
18.08.150 Consumer goods repair.
18.08.153 Contributing resource.
18.08.155 COW.
18.08.160 Day care center.
18.08.170 Dedication
18.08.180 Density.
18.08.190 Duplex.
18.08.200 Dwelling.
18.08.210 Dwelling unit.
18.08.220 Easement.
18.08.225 Electric vehicle.
18.08.230 Entertainment, adult.
18.08.231 Emergency Housing.
18.08.2311 Emergency Shelter.
18.08.232 Equipment structure.
18.08.235 FAA.
18.08.238 Facilities.
18.08.240 Family.
18.08.250 Family day care facility.
18.08.252 FCC.
18.08.255 Fence.
18.08.260 Floor area.
18.08.280 Frontage.
18.08.290 Garage, commercial.
18.08.293 Garage, parking.
18.08.296 Garage, private.
18.08.300 Group care facility.
18.08.310 Guest house.
18.08.315 Halfway house.
18.08.320 Hazardous waste.
18.08.330 Hazardous waste storage.
18.08.340 Hazardous waste treatment.
18.08.350 Hazardous waste treatment and storage facility, offsite.
18.08.355 Hazardous waste treatment and storage facility, onsite.
18.08.360 Height.
18.08.365 (Repealed).

18.08.370 Home occupation, class I.
18.08.375 Home occupation, class II.
18.08.380 Kitchen.
18.08.390 Landscape.
18.08.400 Landscape plan.
18.08.410 Landscape berm.
18.08.415 Loading and unloading area.
18.08.417 Long term rental.
18.08.420 Lot.
18.08.430 Lot area.
18.08.440 Lot coverage.
18.08.450 Lot depth.
18.08.460 Lot of record.
18.08.470 Lot line.
18.08.480 Lot width.
18.08.485 Low impact development definition.
18.08.490 Manufactured home.
18.08.500 Marquee.
18.08.502 Master Planned Development.
18.08.505 Medical office.
18.08.507 (Repealed).
18.08.508 (Repealed).
18.08.509 Mixed use development.
18.08.510 Motel.
18.08.520 Museum.
18.08.530 Nonconforming lot.
18.08.540 Nonconforming project.
18.08.550 Nonconforming sign.
18.08.560 Nonconforming structure.
18.08.570 Nonconforming use.
18.08.580 Office.
18.08.585 Office park.
18.08.590 Open space.
18.08.600 Opaque.
18.08.610 Outdoor display.
18.08.620 Outdoor storage.
18.08.630 Parapet.
18.08.640 Parking area aisles.
18.08.650 Parking, commercial.
18.08.652 Parking, off-site.
18.08.654 Parking, on-street.
18.08.656 Parking, private.
18.08.658 Parking, satellite.
18.08.660 Parking space or stall.
18.08.670 Planned area development (PAD).
18.08.675 Permanent supportive housing.
18.08.680 Permit, building.
18.08.690 Permit, certificate of occupancy.
18.08.700 Person.
18.08.710 Personal storage facility.
18.08.720 Planning Commission.

18.08.725 Property owner or owners.
18.08.727 Provider.
18.08.730 Public facility.
18.08.740 (Repealed).
18.08.743 Rapid charging station.
18.08.745 (Repealed).
18.08.750 Recreation facility.
18.08.760 Resident.
18.08.770 Restaurant, eat-in.
18.08.775 Restaurant, take-out.
18.08.780 Retail sales and service.
18.08.790 Rezone.
18.08.800 Roof.
18.08.805 Satellite dish.
18.08.807 (Repealed).
18.08.810 Screening.
18.08.820 Setback.
18.08.823 Short term lodging.
18.08.830 Sign.
18.08.840 Sign area.
18.08.850 Sign height.
18.08.860 Street.
18.08.870 Street right-of-way.
18.08.880 Structure.
18.08.890 Stock-in-trade.
18.08.891 Tavern.
18.08.892 Telecommunications.
18.08.893 Television antenna.
18.08.896 Tower.
18.08.897 (Repealed).
18.08.898 (Repealed).
18.08.900 Townhouse.
18.08.905 Transitional housing.
18.08.910 Transitional vegetation buffer.
18.08.920 Use.
18.08.930 Variance.
18.08.940 Vehicle accommodation area.
18.08.950 Vending machine.
18.08.955 Vertical datum.
18.08.957 View-sensitive property.
18.08.958 Wireless communication facility.
18.08.960 Yard.
18.08.970 Zoning district.

18.08.002 Accessory dwelling unit. "Accessory Dwelling Unit" or ADU means a second dwelling unit added to, created within or detached from an existing single family detached dwelling for use as a complete independent unit with provision for cooking, eating, heating, sanitation and sleeping. (Ord. 1660, 2022).

18.08.003 Adult family home. "Adult Family Home" means a residential home in which a person or persons provide personal care including room and board to individuals as regulated by Chapter 70.128 RCW. (Ord. 1660, 2022).

18.08.005 Affordable housing. "Affordable housing" means housing in which the occupant(s) are paying no more than thirty percent (30%) of gross income for housing costs, including utilities. (Ord. 1188 §1(part), 1996).

18.08.010 Alteration. "Alteration" means a change or rearrangement of the structural parts of existing facilities or an enlargement by extending the side or increasing the height or depth or the moving from one location to another. In buildings for business, commercial, industrial or similar uses, the installation or rearrangement of partitions affecting more than one-third of a single floor area shall be considered an alteration. (Ord. 1188 §1(part), 1996).

18.08.015 Antenna. "Antenna" means any exterior equipment attached or mounted to a building or tower in the form of one or more rods, panels, discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

(1) Parabolic antenna ("dish" antenna) is a bowl-shaped device for the reception and transmission of radio frequency signals in a specific directional pattern. Also referred to as a satellite dish. (Ord. 1549, 2016; Ord. 1264 §4(part), 1999).

18.08.020 Assisted living facility. "Assisted living facility" means an establishment which provides living quarters and a variety of limited personal care and supportive health care to individuals who are unable to live independently due to infirmity of age, physical or mental handicap, but who do not need the skilled nursing care of a convalescent or nursing home. (Ord. 1188 §1(part), 1996).

18.08.030 Awning, fixed. "Fixed awning" means a hood or cover projecting from, but not a permanent part of, an exterior wall of a building and supported in part or entirely by that wall, and is held in place with rigid frames and covered with a flexible material. (Ord. 1188 §1(part), 1996).

18.08.035 Awning, retractable. "Retractable awning" means a hood or cover projecting from, but not a permanent part of, an exterior wall of a building and supported by that wall, and is collapsible, retractable or capable of being folded against the face of the supporting building. (Ord. 1188 §1(part), 1996).

18.08.036 Base Station. "Base station" means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower as defined herein or any equipment associated with a tower. Base station includes, without limitation:

(1) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the Town under this Chapter, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(2) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks) that, at the time the relevant

application is filed with the Town under this Chapter, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The definition of base station does not include any structure that, at the time the relevant application is filed with the Town under this Chapter, does not support or house equipment described in paragraphs 1 or 2 above. (Ord. 1549, 2016).

18.08.037 Battery charging station. "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540. (Ord. 1473 §1(part), 2011).

18.08.038 Battery exchange station. "Battery exchange station" means a 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 fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540. Ord. 1473 §1(part), 2011).

18.08.040 Bed and breakfast inn. "Bed and Breakfast Inn" means a single family dwelling in which there are guest rooms or suites without separate kitchen facilities for travelers and transient guests where lodging is provided for no more than thirty (30) consecutive days. Breakfast must be offered to guests of Bed and Breakfast Inns. (Ord. 1660, 2022: Ord. 1188 §1(part), 1996).

18.08.050 Billboard. "Billboard" means an outdoor advertising sign containing a commercial message, unrelated to any use or activity of property on which the sign is located. (Ord. 1188 §1(part), 1996).

18.08.060 Boarding house, class I. "Class I boarding house" means a dwelling unit in which rooms with no cooking facilities are rented to one or two unrelated residents, lodgers, or boarders for periods of not fewer than thirty (30) consecutive days. (Ord. 1188 §1(part), 1996).

18.08.065 Boarding house, class II. "Class II boarding house" means a dwelling unit in which rooms with no cooking facilities are rented to at least three (3) but not more than five (5) residents, lodgers, or boarders for periods of not fewer than thirty (30) consecutive days. (Ord. 1188 §1(part), 1996).

18.08.070 Building. "Building" means a structure having a roof for the shelter of persons or property.

(a) Building, Accessory. "Accessory building" means one which is subordinate to the main building, and is incidental to the use of the main building on the same lot.

(b) Building, Main See Building, Principal.

(c) Building, Modular. "Modular building" means factory-built structures bearing the appropriate insignia of the Department of Labor and Industries.

(d) Building, Principal. "Principal building" means the building which accommodates the principal use of a site or lot.

(e) Building, Temporary. "Temporary building" means a building or structure not having or requiring permanent attachment to the ground. (Ord. 1188 §1(part), 1996).

18.08.090 Building area. "Building area" means the portion of a lot within which a principal building or structure may be built, bounded by the setbacks. (Ord. 1188 §1(part), 1996).

18.08.100 Building footprint. "Building footprint" means the portion of a lot covered by the principal building, measured from the outside edge of all structural components greater than forty-two inches (42") in height. (Ord. 1188 §1(part), 1996).

18.08.110 Building site. See Building area, SMC 18.08.090. (Ord. 1188 §1(part), 1996).

18.08.120 Canopy. "Canopy" means a freestanding permanent roof-like structure providing protection from the elements, such as a service station gas pump island. (Ord. 1188 §1(part), 1996).

18.08.125 Cell on wheels. "Cell on wheels" (COW) means a mobile telecommunications facility transported by a motor vehicle for temporary on-site use. (Ord. 1264 §4(part), 1999).

18.08.130 Circulation area. "Circulation area" means that portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area. (Ord. 1188 §1(part), 1996).

18.08.133 Colocation. "Colocation" means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes. (Ord. 1549, 2016: Ord. 1264 §4(part), 1999).

18.08.136 Concealed. "Concealed" means a wireless telecommunication antenna or facility that is not evident; it is disguised, hidden by or integrated with a structure that is not a telecommunication tower; or, a personal wireless service facility that is placed within an existing or proposed structure. (Ord. 1264 §4(part), 1999).

18.08.140 Conditional use. See Use, conditional, SMC 18.08.920. (Ord. 1188 §1(part), 1996).

18.08.150 Consumer goods repair. "Consumer goods repair" means an establishment engaged primarily in providing repair and maintenance of consumer products. (Ord. 1188 §1(part), 1996).

18.08.153 Contributing resource. "Contributing Resource" means a building, site, structure or object listed on the Steilacoom Register of Historic Places in SMC 2.14.050. (Ord. 1660, 2022).

18.08.155 COW. See Cell on wheels, SMC 18.08.125. (Ord. 1264 §4(part), 1999).

18.08.160 Day care center. "Day care center" means a state-licensed facility which may or may not be located in a home and provides supervised care for thirteen (13) or more children for a period of fewer than twenty-four (24) hours. (Ord. 1188 §1(part), 1996).

18.08.170 Dedication. "Dedication" means the gift of land to the Town or other governmental entity for any public use. (Ord. 1188 §1(part), 1996).

18.08.180 Density. "Density" means the number of permitted dwelling units allowed or existing on each acre of land or fraction thereof. (Ord. 1188 §1(part), 1996).

18.08.190 Duplex. "Duplex" means a building with two (2) dwelling units, not otherwise defined as a principal dwelling unit with an accessory dwelling unit on the same building lot. (Ord. 1188 §1(part), 1996).

18.08.200 Dwelling. "Dwelling" means a structure or portion thereof designed exclusively for human habitation, including single-family, duplexes and multiple-family dwellings, accessory dwelling units, modular homes, manufactured homes and mobile homes, but not including congregate residences, nursing homes, dormitories, hotels, motels, or public facilities such as fire stations.

(A) Dwelling, Multifamily. "Multifamily dwelling" means a dwelling containing three or more dwelling units.

(B) Dwelling, Single Family. "Single family dwelling" means a dwelling unit that is not physically attached to any other dwelling unit, except where approval has been granted for an accessory dwelling unit. (Ord. 1646, 2021: Ord. 1188 §1(part), 1996).

18.08.210 Dwelling unit. "Dwelling unit" means room or rooms, configured as described herein and occupied or intended to be occupied by one family only as living accommodations independent from any other family on a monthly or longer basis. A dwelling unit is a separate area that includes: 1) a complete food preparation area containing a sink, a stove or range, a refrigerator, and a countertop; 2) a bathroom containing a toilet, and a shower or bathtub; and 3) one or more sleeping rooms. For the purposes of this definition, a separate area is an area having direct access to the exterior of the building or access to the exterior via hallways, stairways, and elevators that are primarily ingress/egress routes to the exterior rather than leading to common kitchens and living areas.

"Dwelling unit" does not include recreation vehicles. See also "Multifamily Dwelling"

(A) Dwelling Unit, Accessory. "Accessory dwelling unit" means a second dwelling unit added to, created within or detached from an existing single family detached dwelling for use as a complete independent unit with provision for cooking, eating, heating, sanitation, and sleeping.

(B) Dwelling Unit, Efficiency. See Dwelling Unit, Accessory.

(C) Dwelling Unit, Principal. "Principal dwelling unit" means the dominant permitted building or portion thereof of providing complete housekeeping facilities for one (1) family, not including garages and carports. (Ord. 1646, 2021: Ord. 1188 §1(part), 1996).

18.08.220 Easement.

(A) Easement. "Easement" means a grant, by the owner of land, of limited rights to the use of property for a specified purpose.

(B) Easement, Access. "Access easement" means a private right-of-way no fewer than twelve (12) feet wide which provides vehicular access to a street from a lot which does not abut a street. (Ord. 1188 §1(part), 1996).

18.08.225 Electric vehicle. "Electric vehicle" means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. (Ord. 1473 §1(part), 2011).

18.08.227 Eligible Facilities Request. "Eligible facilities request" means any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving:

(1) Collocation of new transmission equipment;

- (2) Removal of transmission equipment; or
- (3) Replacement of transmission equipment. (Ord. 1549, 2016).

18.08.228 Eligible Support Structure. "Eligible support structure" means any tower or base station as defined in this Chapter, provided that it is existing at the time the relevant application is filed with the Town under this Title. (Ord. 1549, 2016).

18.08.230 Entertainment, adult. "Adult entertainment" means an establishment consisting of, including, or having characteristics involving conduct or materials depicting, describing or relating to sexual activities or anatomical genital areas. (Ord. 1188 §1(part), 1996).

18.08.231 Emergency housing. "Emergency housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

(A) Emergency Housing, Temporary. A temporary emergency housing facility is an emergency housing facility needed to respond temporarily to a natural disaster or other similarly acute emergency that has caused unexpected homelessness within the Town. (Ord. 1646, 2021).

18.08.2311 Emergency shelter. "Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

(A) Emergency Shelter, Temporary. A temporary emergency shelter is an emergency shelter needed to respond temporarily to a natural disaster or other similarly acute emergency that has caused unexpected homelessness within the Town. (Ord. 1646, 2021).

18.08.232 Equipment structure. "Equipment structure" means a structure, shelter, cabinet, or vault used to house and protect the electronic equipment necessary for processing wireless communication signals. Associated equipment may include air conditioning, backup power supplies and emergency generators. (Ord. 1264 §4(part), 1999).

18.08.233 Existing. "Existing" means a constructed tower or base station that was reviewed, approved and lawfully constructed in accordance with all requirements of applicable law as of the time of an eligible facilities request, provided that a tower that exists as a legal, non-conforming use and was lawfully constructed, is existing for purposes of this definition. (Ord. 1549, 2016).

18.08.235 FAA. "FAA" means the Federal Aviation Administration. (Ord. 1264 §4(part), 1999).

18.08.238 Facilities. See Wireless communication facility, SMC 18.08.958. (Ord. 1264 §4(part), 1999).

18.08.240 Family. "Family" means an individual or two (2) or more persons who live together in a dwelling unit, with common access to and common use of living, cooking, eating, sanitation and sleeping areas. (Ord. 1646, 2021; Ord. 1188 §1(part), 1996).

18.08.250 Family day care facility. "Family day care facility" means a state-licensed home which provides supervision for twelve (12) or fewer children for periods of less than twenty-four (24) hours. (Ord. 1188 §1(part), 1996).

18.08.252 FCC. "FCC" means the Federal Communications Commission. (Ord. 1264 §4(part), 1999).

18.08.255 Fence. "Fence" means any barrier which is grown or constructed for purposes of confinement, enclosure, means of protection or use as a boundary. (Ord. 1216 §1, 1997).

18.08.260 Floor area.

(a) Floor area. "Floor area" has the same meaning as Net Floor Area in the current adopted version of the Town Building Code.

(b) Floor Area, Gross. "Gross floor area" has the same meaning as Gross Floor Area in the current adopted version of the Town Building Code. (Ord. 1647, 2021: Ord. 1188 §1(part), 1996).

18.08.280 Frontage. "Frontage" means the lot line facing a street right-of-way. (Ord. 1188 §1(part), 1996).

18.08.290 Garage, commercial. "Commercial garage" means a building used for the commercial repair or servicing of motor vehicles. (Ord. 1188 §1(part), 1996).

18.08.293 Garage, parking. "Parking garage" means a building used for the commercial storage of motor vehicles. (Ord. 1188 §1(part), 1996).

18.08.296 Garage, private. "Private garage" means an accessory building for noncommercial storage of vehicles. (Ord. 1188 §1(part), 1996).

18.08.300 Group care facility. "Group care facility" means a facility including foster family homes, group homes, and adult family homes licensed by the State of Washington Department of Social and Health Services and maintained and operated for the care of juveniles, adults, or both on a twenty-four (24) hour basis. (Ord. 1188 §1(part), 1996).

18.08.310 Guest house. "Guest house" means a single family dwelling containing one (1) kitchen and shared dining area providing no more than one (1) lodging room to travelers and transient guests for no more than thirty (30) consecutive days. (Ord. 1188 §1(part), 1996).

18.08.315 Halfway house. "Halfway house" means a residential facility which provides a temporary, family-like living arrangement for people recovering from drug or alcohol addictions, or for people transitioning from an institutional setting such as a correctional facility, mental institute or medical facility to a more typical residential setting. Halfway houses sometimes have staff, counseling, therapy, medical or educational components in addition to residential facilities. (Ord. 1188 §1(part), 1996).

18.08.320 Hazardous waste. "Hazardous waste" means all dangerous waste and extremely hazardous waste as defined in RCW 70.105.010(15), as they now exist or are hereafter amended, except for moderate risk waste as set forth in RCW 70.105.010(17), as they now exist or are hereafter amended. (Ord. 1188 §1(part), 1996).

18.08.330 Hazardous waste storage. "Hazardous waste storage" means the holding of hazardous waste for a temporary period, as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC as they now exist or are hereafter amended. (Ord. 1188 §1(part), 1996).

18.08.340 Hazardous waste treatment. "Hazardous waste treatment" means the physical, chemical, or biological processing of hazardous waste for the purpose of rendering these wastes nondangerous or less dangerous, safer for transport, amendable for energy or natural resource recovery, amendable for storage or reduced in volume. (Ord. 1188 §1(part), 1996).

18.08.350 Hazardous waste treatment and storage facility, offsite. "Offsite hazardous waste treatment and storage facility" means treatment or storage facilities which treat or store hazardous waste generated on a lot other than those on which the offsite facilities are located. (Ord. 1188 §1(part), 1996).

18.08.355 Hazardous waste treatment and storage facility, onsite. "Onsite hazardous waste treatment and storage facility" means treatment or storage facilities which treat and store hazardous wastes generated on the same lot by a lawfully permitted use. (Ord. 1188 §1(part), 1996).

18.08.360 Height. "Height" means the vertical distance from the vertical datum to the highest point of the roof line. On any building constructed seaward of the high-tide line, the low point of the vertical measurement shall be the elevation of the extreme high tide, as shown by the official United States tide tables for the year in which the permit is issued. (Ord. 1188 §1(part), 1996).

18.08.365 (Repealed) (Ord. 1660, 2022: Ord. 1188 §1(part), 1996).

18.08.370 Home occupation, class I. "Class I home occupation" means an activity carried out for gain or profit by a resident and conducted as a secondary use in the resident's dwelling unit or building accessory to the dwelling. Class I home occupations have a negligible impact on residential neighborhoods, occupying no more than twenty-five (25%) of the gross floor area of the principal dwelling unit and accessory buildings combined. (Ord. 1188 §1(part), 1996).

18.08.375 Home occupation, class II. "Class II home occupation" means an activity carried out for gain or profit by a resident and conducted as a conditional use in the resident's dwelling unit or buildings accessory to the dwelling. Class II home occupations have a minor impact on residential neighborhoods. (Ord. 1188 §1(part), 1996).

18.08.380 Kitchen. "Kitchen" means any room used for cooking or preparation of food. (Ord. 1188 §1(part), 1996).

18.08.390 Landscape. "Landscape" means an expanse of natural scenery consisting of plant materials and other natural materials, such as rock and wood chips, and decorative features including sculpture, outdoor furniture, lighting, walks, fountains, and pools. (Ord. 1188 §1(part), 1996).

18.08.400 Landscape plan. "Landscape plan" means a component of a development plan on which is shown proposed landscape species, proposals for protection of existing vegetation during and after construction, proposed treatment of hard and soft surfaces, proposed

decorative features, existing and proposed topography, buffers and screening devices. (Ord. 1188 §1(part), 1996).

18.08.410 Landscape berm. "Landscape berm" means an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise. (Ord. 1188 §1(part), 1996).

18.08.415 Loading and unloading area. "Loading and unloading area" means that portion of the vehicle accommodation area used to satisfy the requirements of SMC 18.20.070(g). (Ord. 1188 §1(part), 1996).

18.08.417 Long term rental. Long Term Rental means rental of a dwelling unit for a time period of 30 consecutive days or longer. (Ord. 1660, 2022)

18.08.420 Lot. "Lot" means a parcel of land as shown on an officially recorded plat or subdivision in existence as of the effective date of this title or as shown on any future officially recorded plat or subdivisions intended as a unit for transfer of ownership or for development.

(A) Lot, Corner. "Corner lot" means a lot which has frontage on two (2) or more streets where the streets meet.

(B) Lot, Interior. "Interior lot" means a lot fronting on only one street. See also "Lot"

(C) Lot, Irregular. "Irregular lot" means one which is shaped so that application of setback requirements is difficult. Examples include a lot with a shape which is not close to rectangular, or a lot with no readily identifiable rear lot line.

(D) Lot, Nonconforming. "Nonconforming lot" means a lawfully subdivided lot which does not conform to the provisions of this title.

(E) Lot, Through. "Through lot" means a lot fronting on two (2) streets that is not a corner lot. (Ord. 1188 §1(part), 1996).

18.08.430 Lot area. "Lot area" means the total horizontal area within the boundary lines of a lot, excluding any street rights-of-way and access easements. (Ord. 1188 §1(part), 1996).

18.08.440 Lot coverage. "Lot coverage" means that portion of a lot covered by buildings or structures over forty-two (42) inches in height. (Ord. 1188 §1(part), 1996).

18.08.450 Lot depth. "Lot depth" means the length of the lot measured on a line approximately perpendicular to the fronting street and midway between the sidelines of the lot. (Ord. 1188 §1(part), 1996).

18.08.460 Lot of record. "Lot of record" means an area or parcel of land as shown on an officially recorded plat or subdivision, or an area or parcel of land to which a deed or contract is officially recorded as a unit of property, and which is described by metes and bounds or as a fraction of a section. (Ord. 1188 §1(part), 1996).

18.08.470 Lot line. "Lot line" means any line enclosing the lot area.

(A) Lot Line, Front. See Lot Line, Street.

(B) Lot Line, Rear. "Rear lot line" means a line or lines which are opposite and most distant from the street lot line.

(C) Lot Line, Side. "Side lot line" means any lot line that is not a street or rear lot line.

(D) Lot Line, Street. "Street lot line" means the line or lines along the edge of a street or public street right-of-way. (Ord. 1188 §1(part), 1996).

18.08.480 Lot width. "Lot width" means the distance between the lot lines measured at right angles to the line establishing the lot depth at a point midway between the front lot line and the rear lot line. Excluded from the computation will be that area of the lot used as an access easement. (Ord. 1188 §1(part), 1996).

18.08.485 Low Impact Development (LID). "Low Impact Development" (LID) means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning and disturbed stormwater management practices that are integrated into a project design. (Ord. 1660, 2022: Ord. 1549, 2016: Ord. 1264 §4(part), 1999).

18.08.490 Manufactured home. "Manufactured home" means a structure, transportable in one or more sections from its manufacturer, retailer, or wholesaler to its destination. These are constructed and installed by a certified manufactured home installer in accordance with WAC 296-150B, and bear the insignia of Washington State Department of Labor and Industries. (Ord. 1188 §1(part), 1996).

18.08.500 Marquee. "Marquee" means a permanent roof or hood structure attached to, supported by, and projecting from a building over the public right of way or public place. It provides protection from weather elements. (Ord. 1188 §1(part), 1996).

18.08.502 Master Planned Development. A Master Planned Development ("MPD") is an alternative form of development that provides a flexible method of developing land as described in Chapter 14.34 SMC. (Ord. 1639, 2021).

18.08.505 Medical office. "Medical office" means a facility where diagnostic or invasive medical procedures, treatments or services are conducted. These facilities usually produce bio-medical waste materials. Counseling, physical therapy, medical transcription and similar medically related business are excluded from this definition. (Ord. 1188 §1(part), 1996).

18.08.507 (Repealed) (Ord. 1549, 2016: Ord. 1264 §4(part), 1999).

18.08.508 (Repealed) (Ord. 1549, 2016: Ord. 1226 §3(part), 1998).

18.08.509 Mixed use development. A mixed-use development is a development on a tract of land consisting of both commercial and residential uses. (Ord. 1375 §1(part), 2004).

18.08.510 Motel. "Motel" means an establishment providing transient sleeping accommodations to the general public. (Ord. 1188 §1(part), 1996).

18.08.520 Museum. "Museum" means a building or room primarily used for preserving and exhibiting artistic, cultural, historical or scientific objects and is operated by a nonprofit, tax exempt organization. (Ord. 1188 §1(part), 1996).

18.08.530 Nonconforming lot. See Lot, nonconforming - SMC 18.08.420(D). (Ord. 1188 §1(part), 1996).

18.08.540 Nonconforming project. "Nonconforming project" means any structure, development, or undertaking that is incomplete at the effective date of this chapter and would be

inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned. (Ord. 1188 §1(part), 1996).

18.08.550 Nonconforming sign. See Sign, nonconforming - SMC 18.08.830(I). (Ord. 1188 §1(part), 1996).

18.08.560 Nonconforming structure. See Structure, nonconforming - SMC 18.08.880(A). (Ord. 1188 §1(part), 1996).

18.08.570 Nonconforming use. See Use, nonconforming - SMC 18.08.920(C). (Ord. 1188 §1(part), 1996).

18.08.580 Office. "Office" means a building or separately defined space within a building used for a business which does not include on-premises sales of goods or commodities. (Ord. 1188 §1(part), 1996).

18.08.585 Office park. An office park is a development on a tract of land containing separate office or commercial buildings and open space that is designed, constructed, and managed on a coordinated basis. (Ord. 1375 §1(part), 2004).

18.08.590 Open space. "Open space" means any parcel of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment. (Ord. 1188 §1(part), 1996).

18.08.600 Opaque. "Opaque" means impenetrable by light, neither transparent or translucent. (Ord. 1188 §1(part), 1996).

18.08.610 Outdoor display. "Outdoor display" means an open area used for the display or sale of goods or materials that are being actively marketed for sale, rent or lease. (Ord. 1188 §1(part), 1996).

18.08.620 Outdoor storage. "Outdoor storage" means the keeping of goods and materials that are not being actively marketed for sale, rent or lease in an open area or non-walled building in the same place for more than twenty-four (24) hours, excluding the storage of debris or junk. (Ord. 1188 §1(part), 1996).

18.08.630 Parapet. "Parapet" means the portion of a building wall that rises above the roof level. (Ord. 1188 §1(part), 1996)

18.08.640 Parking area aisles. "Parking area aisles" means that portion of the vehicle accommodation area consisting of lanes providing access to parking spaces. (Ord. 1188 §1(part), 1996).

18.08.650 Parking, commercial. "Commercial parking" means a land area or building used as storage of four or more vehicles, excluding parking areas defined as secondary uses. (Ord. 1188 §1(part), 1996).

18.08.652 Parking, off-site. See Parking, satellite - SMC 18.08.658. (Ord. 1188 §1(part), 1996).

18.08.654 Parking, on-street. "On-street parking" means a designated area within a street right-of-way that accommodates parked vehicles. (Ord. 1188 §1(part), 1996).

18.08.656 Parking, private. "Private parking" means a parking area for the exclusive use of the owners, tenants, lessees or occupants of the lot on which the parking area is located or their customers, employees or whomever else they permit to use the parking area. (Ord. 1188 §1(part), 1996).

18.08.658 Parking, satellite. "Satellite parking" means a parking area which is located on a property separate from the principal building or use. (Ord. 1188 §1(part), 1996).

18.08.660 Parking space or stall. "Parking space or stall" means an area accessible to vehicles and used exclusively for vehicle storage. (Ord. 1188 §1(part), 1996).

18.08.670 Planned area development (PAD). A planned area development or PAD is an alternative form of subdivision and development regulation that provides a flexible method of developing land as described by SMC 17.32. (Ord. 1375 §2, 2004: Ord. 1188 §1(part), 1996).

18.08.675 Permanent supportive housing. "Permanent supportive housing" is one or more subsidized, leased dwelling units with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in the Residential Landlord Tenant Act, chapter 59.18 RCW. (Ord. 1646, 2021).

18.08.680 Permit, building. "Building permit" means written permission issued by the Town of Steilacoom for the construction, repair, alteration or demolition of a structure; or the grading or filling of a property. (Ord. 1188 §1(part), 1996).

18.08.690 Permit, certificate of occupancy. "Certificate of occupancy permit" means a document issued by the Town of Steilacoom allowing the occupancy or use of a building and certifying that the structure or use has been constructed in compliance with all applicable codes and ordinances of the Town of Steilacoom. (Ord. 1188 §1(part), 1996).

18.08.700 Person. "Person" means any person, firm, business, corporation, partnership or other association or organization, marital community, municipal corporation, special district or governmental agency and includes the plural such as persons, firms, etc. (Ord. 1188 §1(part), 1996).

18.08.710 Personal storage facility. "Personal storage facility" means a building used for the storage of goods and materials. (Ord. 1188 §1(part), 1996).

18.08.720 Planning Commission. "Planning Commission" means the Planning Commission of the Town of Steilacoom as described by SMC Chapter 2.12. (Ord. 1188 §1(part), 1996).

18.08.725 Property owner or owners. "Property owner or owners" means the legal holder or holders of title to real property in the Town of Steilacoom, as reflected in title records, or by the contract vendee. (Ord. 1188 §1(part), 1996).

18.08.727 Provider. "Provider" means every corporation, company, association, joint stock company, firm, partnership, limited liability company, other entity and individual licensed to provide personal wireless services over personal wireless communication facilities. (Ord. 1264 §4(part), 1999).

18.08.730 Public facility. "Public facility" means any public service, property, or structure operated and maintained by a public agency. Examples include streets, roads, street light systems, traffic signals, domestic water systems, stormwater and sanitary sewer systems, parks and recreational facilities, libraries and schools.

(A) Public facility, primary. "Primary public facility" means a public facility that provides service to residents within and beyond the surrounding neighborhood in which the facility is located. Examples include governmental buildings, schools, town-wide utility structures and libraries.

(B) Public Facility, Quasi-. "Quasi-public facility" means a facility operated by a non-profit private community, educational, religious, charitable, medical institution or service organization having the primary purpose of serving the general public. Examples include religious institutions, churches, private schools and museums.

(C) Public Facility, Secondary. "Secondary public facility" means a public facility that provides service to residents of the neighborhood in which it is located. Examples include walking paths, electrical transformers and utility vaults.

(D) Public facility, park. "Park public facility" means a publicly owned property dedicated to recreation, walking, resting, picnic areas, and community meeting places along with appurtenant structures and parking areas. Appurtenant structures include restrooms, covered outdoor cooking or picnic facilities, play structures, cultural and historic markers and similar structures. (Ord. 1402 §1, 2005:: Ord. 1188 §1(part), 1996).

18.08.740 (Repealed) (Ord. 1549, 2016: Ord. 1188 §1(part), 1996).

18.08.743 Rapid charging station. "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540. (Ord. 1473 §1(part), 2011).

18.08.745 (Repealed) (Ord. 1549, 2016: Ord. 1264 §4(part), 1999).

18.08.750 Recreation facility. "Recreation facility" means a place designed and equipped for the conduct of sports and leisure-time activities.

(A) Recreation Facility, Commercial. "Commercial recreation facility" means a recreation facility operated as a business and open to the public or members for a fee.

(B) Recreation Facility, Public. "Public recreation facility" means a recreation facility open to the general public. (Ord. 1188 §1(part), 1996).

18.08.760 Resident. "Resident" means a person residing in the Town of Steilacoom. (Ord. 1188 §1(part), 1996).

18.08.770 Restaurant, eat-in. "Eat-in restaurant" means an establishment where food and drink are prepared, served and consumed primarily within the principal building. Sales of food items, rather than drinks, is the primary focus of a restaurant. (Ord. 1188 §1(part), 1996).

18.08.775 Restaurant, take-out. "Take-out restaurant" means an establishment where food and/or beverages are sold in a form ready for consumption, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant. Sales of food items, rather than drinks, is the primary focus of a restaurant. (Ord. 1188 §1(part), 1996).

18.08.780 Retail sales and service. "Retail sales and service" means establishments engaged in selling goods, merchandise, entertainment or services to the general public for personal or household consumption. (Ord. 1188 §1(part), 1996).

18.08.790 Rezone. "Rezone" means change in classification of an area from one zoning district to another. (Ord. 1188 §1(part), 1996).

18.08.800 Roof. "Roof" means the outside top, weather-tight covering of a structure. (Ord. 1188 §1(part), 1996).

18.08.805 Satellite dish. See Antenna, parabolic antenna, SMC 18.08.015(3). (Ord. 1264 §4(part), 1999).

18.08.807 (Repealed) (Ord. 1549, 2016: Ord. 1264 §4(part), 1999).

18.08.810 Screening. "Screening" means a continuous fence, hedge or combination of both which obscures vision through eighty percent or more of the screen area not including drives and walkways. (Ord. 1188 §1(part), 1996).

18.08.820 Setback. "Setback" means the distance between any building and a lot line.

(A) Setback, Average. "Average setback" is a number derived by adding the street setbacks of all existing residential structures along one side of a street in one block and dividing the result by the number of existing structures.

(B) Setback, Rear. "Rear setback" means the minimum distance required by this title for buildings to be set back from the rear lot line.

(C) Setback, Side. "Side setback" means the minimum distance required by this title for a building to be set back from a side lot line.

(D) Setback, Street. "Street setback" means the minimum distance required by this title for buildings to be set back from the street lot line. (Ord. 1375 §5, 2004: Ord. 1188 §1(part), 1996).

18.08.823 Short term lodging. Short Term Lodging means rental of a dwelling unit or portion thereof for a time period of less than 30 consecutive days. The only short term lodging permitted in the Town of Steilacoom are Bed and Breakfast Inns and Guest Houses for which the appropriate permit has been issued. (Ord. 1660, 2022).

18.08.830 Sign. "Sign" means a medium including its structure and component parts, which is used or intended to be used to attract attention to the subject matter for advertising purposes.

(A) Sign, Banner. "Banner sign" means a temporary sign made of fabric or a non-rigid material and mounted to allow movement of the sign by weather.

(B) Sign, Community Announcement. "Community announcement sign" means a sign identifying or advertising an event sponsored by the Town or a nonprofit organization based in Town.

(C) Sign, Entrance. "Entrance sign" means a permanent sign located at the access to an apartment complex, subdivision or business complex stating its name.

(D) Sign, Flush Mounted. "Flush mounted sign" means a sign which projects fewer than twelve (12) inches from the building and is attached to or erected against any exterior wall or window of a structure, with the exposed face of the sign parallel to the plane of the wall and/or window.

(E) Sign, Ground. "Ground sign" means a sign supported by one (1) or more uprights, poles or braces in or upon the ground that is fewer than forty-two (42) inches from the ground to the top of the sign.

(F) Sign, Illuminated. "Illuminated sign" means any sign from which artificial light emanates either by: (1) means of exposed lighting on the surface of the sign, (2) through transparent or translucent materials from a source within the sign, or (3) a sign which reflects artificial light from a source not readily visible, intentionally directed upon it.

(G) Sign, Incidental. "Incidental sign" means a sign of noncommercial nature intended primarily for the convenience of the public. "Incidental signs" include signs designating address numbers, discouraging trespass, identifying a house name, an occupant's name, entrances to buildings, hours of operation, help wanted, public telephones, public rest rooms and similar signs as determined by the Building Official.

(H) Sign, Miscellaneous. "Miscellaneous sign" means a sign advertising a garage, rummage, yard or estate sale and other types of similar sales.

(I) Sign, Nonconforming. "Nonconforming sign" means a sign that, on the effective date of this chapter, does not conform to one or more of the regulations set forth in this chapter.

(J) Sign, Pole. "Pole sign" means a sign which is permanently supported in a fixed location by a structure of poles, uprights or braces from the ground and not supported by a building.

(K) Sign, Projecting. "Projecting sign" means a two-sided sign projecting more than twelve (12) inches from a structure or building which is supported by a wall of the structure.

(L) Sign, Real Estate. "Real estate sign" means a sign identifying or advertising real property for sale, rent or lease.

(M) Sign, Sandwich Board. "Sandwich board sign" means a portable sign which consists of a single board or two connected boards.

(N) Sign, Sidewalk See Sign, Sandwich Board.

(O) Sign, Temporary. "Temporary sign" means a sign intended to be displayed for a limited period of time. Temporary signs identify an establishment and/or services or products provided on a site, but are not permanently affixed to the ground or a building.

(P) Sign, Wall See Sign, Flush Mounted.

(Q) Sign, Window. "Window sign" means an interior sign affixed to or within three feet of a window for advertising purposes. (Ord. 1188 §1(part), 1996).

18.08.840 Sign area. "Sign area" means the area which encloses the entire perimeter of a sign, but excluding the supporting structure which does not form part of the sign proper or of the display. (Ord. 1188 §1(part), 1996).

18.08.850 Sign height. “Sign height” means the distance between the lowest finished grade before any berming at the base and the highest point of the sign. (Ord. 1188 §1(part), 1996).

18.08.855 Site. For towers other than towers in the public rights-of-way and eligible support structures, a “site” means the current boundaries of the leased or owned property surrounding the tower or eligible support structure and any access or utility easements currently related to the site. For other towers in the public rights-of-way, a site is further restricted to that area comprising the base of the structure and to other transmission equipment already deployed on the ground. (Ord. 1549, 2016).

18.08.860 Street. “Street” means the public or private right-of-way, or an access easement which provides vehicle access to more than three (3) lots or potential lots. (Ord. 1188 §1(part), 1996).

18.08.870 Street right-of-way. “Street right-of-way” means a strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street and other related public utilities and improvements. (Ord. 1188 §1(part), 1996).

18.08.880 Structure. “Structure” means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground. Not included are residential fences less than six feet in height, retaining walls, rockeries, driveways, and parking areas, and other improvements of a minor character less than three feet in height.

(A) Structure, Nonconforming. “Nonconforming structure” means a structure which exists on the effective date of this chapter and does not conform to one or more of the regulations set forth in this title.

(B) Structure, Temporary, See Building, Temporary - SMC 18.08.070(E).

(C) Structure, Accessory. “Accessory structure” means a structure incidental and subordinate to the principal building on the same lot. (Ord. 1188 §1(part), 1996).

18.08.890 Stock-in-trade. “Stock-in-trade” means merchandise kept on hand for sale. (Ord. 1188 §1(part), 1996).

18.08.895 Substantial Change. “Substantial change” means a modification that changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;

(a) For purposes of this section, height is measured from the top of the existing antennas to the bottom of the proposed new antennas.

(2) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(3) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets

per separate eligible facilities request; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;

(a) "equipment cabinets" as used herein do not include relatively small electronic components, such as remote radio units, radio transceivers, amplifiers, or other devices mounted on the structure;

(4) For any eligible support structure, it entails any excavation or deployment outside the current site;

(5) For any eligible support structure, it would defeat the concealment elements of the eligible support structure;

(a) The term "concealment element" as used herein means an element that is part of a stealth-designed facility intended to make a structure look like something other than a wireless facility, and that was part of a prior approval;

(b) To "defeat" a concealment element, as used herein, a proposed modification must cause a reasonable person to view a structure's intended stealth design as no longer effective;

(6) For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in paragraphs 1-4 of this section.

(a) The phrase "conditions associated with the siting approval" may include aesthetic conditions to minimize the visual impact of a wireless facility as long as the condition does not prevent modifications explicitly allowed under SMC 18.08.895(1) through (4) (antenna height, antenna width, equipment cabinets, and excavations or deployments outside the current site) and so long as there is express evidence that at the time of approval the Town required the feature and conditioned approval upon its continuing existence;

(7) For any eligible support structure, it does not comply with generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety, or it does not comply with any relevant Federal requirement. (Ord. 1631, 2020: Ord. 1549, 2016).

18.08.891 Tavern. "Tavern" means an establishment where alcoholic drinks are sold or dispensed for on-site consumption. Food may also be available for consumption on-site; however, the principal focus of the business is alcoholic drinks. (Ord. 1188 §1(part), 1996).

18.08.892 Telecommunications. "Telecommunications" means voice, data, video or broadband services provided over cellular phones, personal communications services, enhanced specialized mobile radio or any other service, including paging, licensed by the FCC and unlicensed wireless services. (Ord. 1264 §4(part), 1999).

18.08.893 Television antenna . "Television antenna " means an antenna designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service, direct broadcast satellite services, AM/FM radio signals or any combination of these services. (Ord. 1264 §4(part), 1999).

18.08.896 Tower. "Tower" means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and

fixed wireless services such as microwave backhaul, and the associated site. (Ord. 1549(part), 2016: Ord. 1264 §4(part), 1999).

18.08.897 (Repealed) (Ord. 1549, 2016: Ord. 1264 §4(part), 1999).

18.08.898 (Repealed) (Ord. 1549, 2016: Ord. 1264 §4(part), 1999).

18.08.900 Townhouse. "Townhouse" means a single family dwelling in a row of at least three (3) units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more vertical common fire resistant walls. (Ord. 1188 §1(part), 1996).

18.08.905 "Transitional housing" means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living. (Ord. 1646, 2021).

18.08.910 Transitional vegetation buffer. "Transitional vegetation buffer" means a screening comprised of plant material or other landscape features placed at the boundary between two (2) adjoining land uses or areas of building intensity. (Ord. 1188 §1(part), 1996).

18.08.915 Transmission Equipment. "Transmission equipment" means equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul. (Ord. 1549, 2016).

18.08.920 Use. "Use" means the purpose which land or buildings or structures now serve, or for which they are occupied, maintained, arranged, designed or intended.

(A) Use, Accessory. See Use, Secondary.

(B) Use, Conditional. "Conditional use" means a use allowed in one or more zones as defined by this title but which, because of characteristics peculiar to such use, or because of size, technological processes or equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special permit in order to provide a particular degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone or zones.

(C) Use, Nonconforming. "Nonconforming use" means a use of a property or building which exists on the effective date of this title and does not conform to the uses allowed or permitted by this title.

(D) Use, Outdoor Secondary. "Outdoor secondary use" means a secondary use not contained within a structure or building.

(E) Use, Primary or Principal. "Primary or principal use" means the primary or predominant use of any lot or parcel.

(F) Use, Secondary. "Secondary use" means a use of property or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use. (Ord. 1188 §1(part), 1996).

18.08.930 Variance. "Variance" means a modification of the terms of this title to a particular property, which, because of special circumstances, is deprived of privileges commonly

enjoyed by other properties in the same zone and which modification remedies the disparity in privileges. (Ord. 1188 §1(part), 1996).

18.08.940 Vehicle accommodation area. "Vehicle accommodation area" means that portion of a lot that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of circulation areas, loading and unloading areas and parking areas (spaces and aisles). (Ord. 1188 §1(part), 1996).

18.08.950 Vending machine. "Vending machine" means a machine which stores and dispenses soft drinks, food and other products and whose products are advertised on the exterior of the machine. (Ord. 1188 §1(part), 1996).

18.08.955 Vertical datum. "Vertical datum" means a base elevation used for measuring height. It is calculated by adding the lowest elevation within five (5) feet of an exterior wall to the highest elevation within five (5) feet of the exterior wall of the same building, then dividing the result by two (2). The highest and lowest points shall be located on the historical grade, as determined by the building official. (Ord. 1188 §1(part), 1996).

18.08.957 View sensitive property. "View sensitive property" means a town-owned or leased property defined as "a view-sensitive property," "area" or "site" in the adopted View Management Guidelines for Town-owned or Leased Properties. (Ord. 1375 §4, 2004: Ord. 1264 §4(part), 1999).

18.08.958 Wireless communication facility. "Wireless communication facility" means facilities for the transmission and reception of radio or microwave signals used for communication, cellular phone, personal communications services, enhanced specialized mobile radio or any other services licensed by the FCC, and unlicensed wireless services including but not limited to associated equipment shelter, support tower and antenna array. (Ord. 1264 §4(part), 1999).

18.08.960 Yard. "Yard" means the lot area between the lot lines and the building area.

(A) Yard, Front. "Front yard" means the area between the street lot line and the building line extending the full width of the lot. "Front yard" also means the street setback area.

(B) Yard, Interior Side. "Interior side yard" means the area between a side lot line and the building area, where the side does not front on a street.

(C) Yard, Rear. "Rear yard" means the area between the rear lot line and the building area extending the full width of the lot. "Rear yard" also means the rear setback area.

(D) Yard, Side. "Side yard" means the lot area between the side lot lines and the building area, extending the full length of the building area. "Side yard" also means the side setback area. (Ord. 1188 §1(part), 1996).

18.08.970 Zoning district. "Zoning district" means a defined area of the Town within which the use of land is regulated and certain uses permitted and other uses excluded as set forth in this title. (Ord. 1188 §1(part), 1996).

Chapter 18.12

ZONING DISTRICTS

Sections:

- 18.12.010 Purpose.**
- 18.12.020 Intent of residential zoning districts.**
- 18.12.030 Permitted uses in residential zoning districts.**
- 18.12.040 Intent of commercial zoning districts.**
- 18.12.050 Permitted uses in commercial zoning districts.**
- 18.12.061 Intent of the Master Planned Development zoning district.**
- 18.12.066 Permitted Uses in the Master Planned Development zoning district.**
- 18.12.070 Permitted uses in industrial, public/quasi public, and parks/open space zoning districts.**
- 18.12.073 Intent of historic district overlay zone.**
- 18.12.075 Permitted uses in the historic district overlay zone.**
- 18.12.080 Scope.**
- 18.12.090 Official zoning map and interpretation of zoning district boundaries.**

18.12.010 Purpose. The Land Use Element of the Comprehensive Plan states planning is guided by a vision in which all uses -- housing, open space, recreation, commerce, public facilities, industry and transportation -- are carefully integrated to maintain and enhance the Town's small-town atmosphere. Land use planning strives to facilitate the best use of all lands, developed and undeveloped. To serve this purpose, zoning districts are established as follows:

(A) To assist in the implementation of the adopted Comprehensive Plan by identifying the general distribution, location, and extent of the uses of land, where appropriate, for housing, commerce, industry, recreation, open spaces, public utilities, public facilities and other land uses described in the Comprehensive Plan.

(B) To protect the small-town character and the social and economic stability of existing and proposed land uses and to ensure the orderly and beneficial development of these uses by:

- (1) Preventing encroachment by incompatible uses;
- (2) Regulating the use of individual parcels of land to prevent unreasonable detrimental effects on nearby uses.

(C) To preserve the historic, aesthetic and natural features of the Town by:

- (1) Establishing high standards of environmental protection;
- (2) Providing for design and environmental review of proposed actions and projects
- (3) Encouraging the rehabilitation of historically significant sites and structures. (Ord. 1188 §1(part), 1996).

18.12.020 Intent of residential zoning districts. It is the intent of the three residential zoning districts to provide a variety of housing types for all economic segments of the community, provide efficient public and private utility service, minimize traffic congestion, preserve and protect historic sites and structures, accommodate differing land forms and natural features, recognize historic development patterns and reflect the intent of the comprehensive plan. The comprehensive plan contains several housing related goals and policies which include preserving the predominantly single family character of the town, allowing short term lodging, group care facilities, accessory dwelling units and similar nontraditional housing units and providing for home occupations in residential neighborhoods. The specific intent of each residential district shall be as follows:

(A) The R-7.2 residential zoning district is intended to create a desirable living environment for a wide variety of family and housing types. The smaller lot size of this district reflects the higher density residential pattern of the early plats of Balch, Chapman and others. Accessory structures and uses, including home occupations, which are incidental and not detrimental to the residential environment are also provided for by this zone. Government facilities which serve the needs of neighborhood residents are also permitted.

(B) The R-9.6 residential zoning district is intended to create a desirable living environment for a wide variety of family and housing types. This district is intended to allow for moderate density development. Accessory structures and uses, including home occupations, which are incidental and not detrimental to the residential environment are also provided for by this zone. Government facilities which serve the needs of neighborhood residents are also permitted.

(C) The Multifamily (MF) zoning district is intended to provide for multiple family residential development. In order to maintain a desirable family living environment, a sufficient amount of usable recreational area to serve the needs of residents of multifamily developments is also provided for within this district. Accessory structures and uses, including home occupations, which are incidental and not detrimental to the residential environment are also provided for by this zone. Government facilities which serve the needs of neighborhood residents are also permitted. (Ord. 1379 §4, 2004: Ord. 1188 §1(part), 1996).

18.12.030 Permitted uses in residential zoning districts. Permitted uses within residential districts are described in the following table. Conditional uses require a conditional use permit.

Zone District	Principal Uses	Secondary Uses	Conditional Uses
R-7.2, R-9.6	single family homes townhouses in PADs	accessory structures accessory dwelling units	assisted living facilities bed and breakfasts
	foster homes duplexes on lots of 14,000 square feet or greater family day care facilities secondary public facilities	home occupations radio transmitting and satellite antennas class I boarding houses	day care centers class II boarding houses halfway houses group care facilities, more than one per residential block Permanent supportive housing, see SMC 18.16.080 Transitional Housing, see SMC 18.18.080
	group care facilities, less than one per residential block		
Multifa mily (MF)	multifamily dwelling units	accessory structures	day care centers
	family day care facilities	home occupations	halfway houses

assisted living
facilities

radio transmitting and
satellite antennas

group care facilities,
more than one per
residential block

secondary public
facilities
group care facilities,
less than one per
residential block

Permanent
supportive housing,
see SMC 18.16.080.
Transitional Housing,
see SMC 18.16.080

(Ord. 1646, 2021: Ord. 1379 §5, 2004: Ord. 1375 (part), 2004: Ord. 1188 §1(part), 1996).

18.12.040 Intent of commercial zoning districts. It is the intent of two commercial districts to provide for the sale of consumer goods and services appropriate to the area of the community they serve, to ensure the compatibility with nearby land uses, to accommodate the special development requirements of the Town's shoreline areas, and to reflect the intent of the Comprehensive Plan. The Comprehensive Plan encourages the development of a downtown commercial area which contributes to the Town's small-Town character and rehabilitation of waterfront commercial areas. The plan also calls for allowing a mix of residential, recreational, public and commercial uses within the commercial areas. The specific intent of each commercial district shall be as follows:

(a) The intent of the commercial general (CG) district is to provide for a variety of commercial and civic uses. The purpose of the district is also to allow mixed use development which consists of residential uses associated with commercial uses. This district provides for amenities conducive to attracting pedestrian shoppers and allows for outdoor accessory uses.

(b) The intent of the commercial shoreline (CS) district is to set apart those portions of the Town in the vicinity of Puget Sound which provide for a variety of marine related commercial, recreational, and public uses. The purpose of the district is also to allow mixed use development which consists of residential uses associated with other principal uses. (Ord. 1188 §1(part), 1996).

18.12.050 Permitted uses in commercial zoning districts. Permitted uses within commercial districts are described in the following tables. Conditional uses require a conditional use permit.

Zone District	Principal Uses	Secondary Uses	Conditional Uses
Commercial, General (CG)	Retail sales and service	Accessory structures	Outdoor storage and display that is not a secondary use
	Consumer goods repair, except auto/motor vehicle related	Accessory dwelling units	Restaurants, take out
	Restaurants, eat-in	Home occupations	Veterinarian offices

	Bed and breakfasts	Radio transmitting and satellite antennas	Adult entertainment
	Motels	Outdoor accessory uses	Primary public facilities
	Health Care	Parking facilities	Structures over 26 feet in height
	Religious Institutions	Multifamily dwellings in principal buildings	Auto/motor vehicle related repair
	Clubs, lodges and fraternal organizations		Parking facilities
	Commercial recreational facilities		Taverns
	Secondary public facilities		Permanent supportive housing, see SMC 18.16.080
	Family day care facilities and day care centers		Transitional Housing, see SMC 18.16.080
	Group Care facilities		Emergency Housing, see SMC 18.16.090
	Battery charging stations		Emergency Shelters, see SMC 18.16.090
	Battery exchange stations		
Commercial, Shoreline (CS)	Restaurants, eat-in	Outdoor accessory uses	Motels
	Marine-related sales, services and offices	Multifamily dwellings in principal buildings	Outside storage and display, other than as allowed as a principal use
	Marinas	Accessory structures	Restaurants, take out

Marine-related commercial recreational facilities	Outside storage and display of boats and marine equipment	Non-marine related retail sales, service and offices
Other marine-related facilities	Parking facilities	Structures over 26 feet in height
	Home occupations	Taverns
	Battery charging stations	Permanent supportive housing, see SMC 18.16.080.
	Family day care facilities and day care centers	Transitional Housing, see SMC 18.16.080
		Emergency Housing, see SMC 18.16.090
		Emergency Shelters, see SMC 18.16.090

(Ord. 1646, 2021: Ord. 1540 (part), 2016: Ord. 1473 §2, 2011: Ord 1375 §6(part), 2004: Ord. 1188 §1(part), 1996).

18.12.061 Intent of the Master Planned Development zoning district. The Master Planned Development district is intended to provide for creative, mixed commercial and residential development that provides opportunity for greater density, preservation of the shorelines and open space, and protection of critical areas and historic and cultural resources. No development is permitted on property zoned MPD unless it is done in accordance with the terms and conditions of a valid MPD permit consistent with this chapter and Chapter 14.34 SMC. (Ord. 1639, 2021).

18.12.066 Permitted Uses in the Master Planned Development zoning district. Uses identified as Principal Uses, Secondary Uses and Conditional Uses in the Residential R-7.2, R-9.6 and Multi-Family zoning districts and the Commercial General and Commercial Shoreline zoning districts are allowed as Principal Uses in the MPD zoning district. (Ord. 1639, 2021).

18.12.067 Intent of public zoning districts. The specific intent of the public/quasi-public and parks/open space zoning districts are as follows:

(a) The public/quasi-public (P/QP) zoning district is intended to provide for the public and quasi-public uses that serve the cultural, educational, recreational, religious, transportation and public service needs of the community.

(b) The Parks/Open Space (P/OS) zoning district is intended to provide for parks and recreational facilities and publicly owned open space. (Ord. 1473 §5, 2011).

18.12.070 Permitted uses in the public zoning districts. It is the intent of the public/quasi-public district to provide for publicly and privately owned and operated facilities and buildings that provide for the cultural, historical, educational, religious and public service needs of the community and to reflect the intent of the comprehensive plan. The plan provides that small public facilities which serve a few neighborhoods may be located within residential neighborhoods, but that larger public facilities be more conveniently located to all town residents. It is the intent of the parks/open space district to provide for public parks and open space areas, along with incidental structures and parking areas. Permitted uses within these districts shall be as described in the following tables. Conditional uses require a conditional use permit.

Zoning District	Principal Uses	Secondary Uses	Conditional Uses
Public/Quasi-Public (P/QP)	Primary and secondary public facilities	Radio transmitting and satellite receiving antennas	Non-Town owned structures over 26 feet in height
	Quasi-public facilities	Restaurants	Modular classrooms
		Accessory structures	
		Parking facilities	
		Retail sales	
		Battery charging stations	

Zoning District	Principal Uses	Secondary Uses	Conditional Uses
Parks and Open Space (P/OS)	Park public facilities	Secondary public facilities	
	Public open space	Parking facilities	
		Battery charging stations	

(Ord. 1473 §6, 2011: Ord. 1403 §2(part), 2005: Ord. 1375 §6(part), 2004: Ord. 1188 §(part), 1996).

18.12.073 Intent of Historic District Overlay zone. It is the intent of the Historic District Overlay zone to safeguard the Town's historic architectural resources while respecting individual property rights. This zone overlays and supplements the residential, commercial and public/quasi-public zones within the Historic District. (Ord. 1375 §7(part), 2004).

18.12.075 Permitted Uses in the Historic District Overlay zone.

(a) The underlying zone, residential, commercial or public/quasi-public, determines the uses allowed within the Historic District Overlay zone.

(b) Construction within the overlay zone shall comply with the provisions of Chapter 2.14 SMC in addition to the applicable regulations of this chapter. In the event of a conflict between the provisions of this chapter and Chapter 2.14, the provisions of Chapter 2.14 shall prevail. (Ord. 1375 §7(part), 2004).

18.12.080 Scope. All land within the Town shall be included in a zoning district. All uses and structures except those regulated by PAD ordinance prior to the adoption of this code, shall conform to the special requirements of the zoning district within which it is located and the other general requirements of this title. (Ord. 1188 §1(part), 1996).

18.12.090 Official zoning map and interpretation of zoning district boundaries. The location of the various zoning districts are shown on the official zoning map of the town titled "Town of Steilacoom Zoning Map, 2022". The official zoning map is hereby adopted and made part of this title. It must be on file in the office of the town clerk and maintained by the community development department. A copy of the official zoning map must be on display in the Town of Steilacoom planning department.

Zoning district boundaries indicated on the zoning map are to be interpreted as follows:

(1) Where boundaries are indicated along streets or alleys, the boundary is the centerline of the street or alley.

(2) Where boundaries are indicated along established lot lines, the boundary is the lot line.

(3) Where boundaries are indicated on perennial watercourses, the boundary is the thread (center) of the stream.

(4) Where boundaries are indicated on the shorelines of the town, the boundary extends to the seaward town limits.

(5) Upon vacation of a street, the zoning district boundaries of abutting properties extends to the centerline of the vacated street.

(6) All lands annexed to the town without an annexation zoning designation are classified R-9.6. (Ord. 1661, 2022: Ord. 1639, 2021: Ord. 1379 §6, 2003: Ord. 1375 §8, 2004: Ord. 1188 §1(part), 1996).

Chapter 18.16

GENERAL USE STANDARDS

Sections:

18.16.005 Purpose and intent.

18.16.010 Accessory buildings and structures.

18.16.020 Accessory dwelling units.

18.16.030 Nonconforming uses and structures.

18.16.040 Animal keeping.

18.16.050 Home occupations.

18.16.060 Short and long term lodging in residential zones.

18.16.065 Group care facilities in residential zones.

18.16.070 Prohibited Uses.

18.16.080 Restrictions on permanent supportive housing and transitional housing.

18.16.090 Restrictions on emergency shelter and emergency housing.

18.16.160 Electrical vehicle battery charging stations.

18.16.005 Purpose and intent. The purpose and intent of this chapter is to provide standards for implementing Comprehensive Plan goals and policies which relate to providing housing alternatives, allowing some non-residential uses within residential zones and retaining existing neighborhood character, provided, however, that this chapter does not apply to residential or commercial uses in the Master Planned Development zoning district. General use standards within the MPD zone are governed by the MPD permit issued in accordance with Chapter 14.34 SMC. (Ord. 1639, 2021: Ord.1188 §1(part), 1996).

18.16.010 Accessory buildings and structures.

(A) Purpose and Intent. The purpose of this section is allow accessory buildings and structures, and to provide standards for regulating the placement and use of such buildings and structures.

(B) Accessory Buildings. These include carports, garages, greenhouses, storage units and other small buildings customarily incidental and subordinate to a principal residential, commercial or public/quasi-public use.

(1) No accessory building is to be located in any street setback area. This prohibition does not apply to or prevent the restoration or reconstruction or rehabilitation of any accessory building contributing to a historic site as identified by the State Office of Archaeology and Historic Preservation and currently situated on a Contributing Resource as identified in SMC 2.14.050.

(2) No accessory building is to be located closer than five (5) feet to any rear or side lot line.

(3) Accessory buildings located within 20 feet of a rear lot line cannot exceed twelve (12) feet in height if a flat roof. Pitched roofs cannot exceed twelve (12) feet in height measured half-way up any slope, and sixteen (16) feet in height at the peak.

(4) On residential lots with areas less than 14,000 square feet, the maximum gross floor area of an accessory building is one thousand (1,000) square feet. The square footage may be either on the first floor of a one story accessory building, or divided between both floors of a two story building.

(5) No accessory building housing livestock or for storage of malodorous substances is to be located within forty (40) feet of a lot line or principal building.

(6) Regulations concerning accessory buildings in the MPD zoning district are set forth in the MPD permit.

(C) Accessory Structures. These include decks less than thirty (30) inches in height, satellite dishes and antennae serving the principal use, patios, swimming pools, household composting facilities, recreational equipment and other structures customarily incidental and subordinate to a principal residential, commercial or public/quasi-public use.

(1) No accessory structure intended for permanent or semi-permanent attachment to the ground shall be located closer than five (5) feet to any rear or side lot line.

(2) No structure greater than eighteen (18) inches in height is to be allowed within a street setback, and no structure is to be located closer than five (5) feet to a street lot line.

(3) Regulations concerning accessory structures in the MPD zoning district are set forth in the MPD permit. (Ord. 1647, 2021: Ord. 1639, 2021: Ord. 1578 §1, 2018: Ord. 1188 §1(part), 1996).

18.16.020 Accessory dwelling units.

(a) Purpose and intent. Accessory Dwelling Units (ADUs) are intended to:

(1) Increase the supply of independent housing for a variety of households including the elderly, the disabled and young families;

(2) Increase the supply of affordable housing;

(3) Reduce the cost of home ownership for existing homeowners (e.g., retired on fixed income) as well as first-time home buyers (e.g., young families and single persons);

(4) Increase home and personal security for occupants of the main building and the ADU;

(5) Better utilize existing infrastructure and community resources within the Town of Steilacoom;

(6) Increase residential density while protecting the character of existing single family neighborhoods; and

(7) Encourage owners of historic properties to retain and maintain historic structures.

(b) Standards and criteria.

(1) Design Standards. To ensure that they positively affect existing neighborhoods, all ADUs approved by the Town must meet the following standards and criteria:

(A) The design and size of the ADU must conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, and any other applicable codes adopted by the Town of Steilacoom.

(B) Additions to any existing principal dwelling unit or construction of new detached ADUs must not exceed the allowable lot coverage or encroach into the existing yard setbacks required for principal buildings or structures in the Steilacoom Municipal Code.

(C) ADUs must be attached to or within the principal dwelling unit on the same building lot for parcels that are 9600 square feet or less. Detached ADU's may be permitted on building sites or parcels larger than 9,600 square feet in area.

(D) No more than one (1) ADU may be created per residence in single family zones.

(E) The property owner must occupy either the principal unit or the ADU as a permanent residence for at least six (6) months out of the year, provided that the Town of Steilacoom may waive this requirement for temporary absences of up to one (1) year, where the ADU has been a permitted use for at least two (2) years and the owner submits proof of absence from the state of Washington. The owner must file a certification of owner occupancy with the planning department prior to the issuance of the permit to establish an ADU, and annually thereafter.

(F) An ADU may be proposed in either an existing or new single family dwelling.

(G) Except for Contributing Resources, the maximum floor area of the ADU is thirty-five (35) percent of the total square footage of the principal dwelling unit and ADU combined after modification. The total square footage excludes garages and other nonliving areas. This percentage may be exceeded for homes that are 1,000 square feet or less, provided all other requirements of this section are met. The minimum size for ADUs in properties not listed on the Steilacoom Registry of Historic Places in SMC 2.14.050 is 320 square feet and the maximum size is 950 square feet.

(H) For Contributing Resources listed on the Steilacoom Registry of Historic Places in SMC 2.14.050, the maximum floor area of the ADU is 40% of the total square footage of the principal dwelling unit and ADU combined after modification. The total square footage excludes garages and other nonliving areas. This percentage may be exceeded for structures that are 1,000 square feet or less, provided all other requirements of this section, with the exception of subsection (a)(7), are met. The minimum size for ADUs in Contributing Resources is 320 square feet.

(I) The single family appearance and character of the dwelling must be maintained when viewed from the surrounding neighborhood. Unless practically impossible, only one (1) entrance to the residential structure may be located on any street side of the structure, provided that this limitation does not affect the eligibility of a residential

structure which has more than one (1) entrance on the front or street side on the effective date of the ordinance codified in this chapter (May 11, 1995).

(2) Parking. Principal dwelling units with ADUs must provide the number of parking spaces required by SMC Title 18 for a single family dwelling, plus one (1) additional off-street parking space to accommodate the actual number of vehicles used by occupants of both the principal dwelling and the ADU.

(3) Accessibility. In order to encourage the development of housing units for people with disabilities, the Town of Steilacoom may allow reasonable deviation from the stated standards and criteria to accommodate persons with disabilities.

(c) Illegally created ADUs. Accessory Dwelling Units not created pursuant to this section are deemed illegally created. Owners and operators of illegally created ADUs are subject to penalties as established by the Town Council.

(d) Application procedure.

(1) Application. All applications for an ADU permit are made to the Town of Steilacoom community development department. A complete application consists of the ADU permit application, a complete building permit application, if structural modifications are needed, and a certification of owner occupancy from the owner(s) stating that the owner will occupy one of the dwelling units on the premises.

(2) Applications for ADU permits are processed as provided in SMC Title 14.

(3) Final Approval Required. A final ADU permit may be issued by the Town of Steilacoom when the ADU has passed final inspection by the building official or designee.

(4) Permit Cancellation. Property owners wishing to invalidate a previously approved and registered ADU can do so by filing a letter with the building official, indicating the desire to cancel the permit. Evidence that the ADU no longer exists on the subject property must be provided to the satisfaction of the Town of Steilacoom. Cancellation may also occur as the result of an enforcement action, as provided in the Steilacoom Municipal Code and/or the Town Building Code. Reactivation of canceled ADU building permits may be considered pursuant to all applicable requirements of this chapter. (Ord. 1660, 2022; Ord. 1375 §9, 2004; Ord. 1168 §§1-5, 1995).

18.16.030 Nonconforming uses and structures.

(A) Purpose: To recognize previous development patterns, styles and standards and to allow existing buildings and properties to continue to be used and maintained as previously permitted. The purpose is further to allow some expansion of single family homes and to address the Comprehensive Plan policy of avoiding unnecessary barriers to the renovation and improvement of existing homes built to previous town standards. Eliminating or diminishing other incompatible nonconforming buildings and uses also address the comprehensive plan intent of preserving and improving the small-town atmosphere of the community.

(B) Continuation of Nonconformities. Nonconforming uses (including home occupations), buildings and signs lawfully existing at the effective date of this chapter may be continued although such uses, buildings and signs do not conform to provisions of this chapter.

(C) Replacement and Repair of Nonconforming Buildings and Signs. Nonconforming buildings may be repaired and/or replaced within the confines of the existing building's physical dimensions, including height, except as provided by SMC 18.16.030(D). Nonconforming signs may be repaired and/or replaced with a sign of the same or smaller size, same or lower height and same or similar design and materials.

(D) Expansion of Nonconforming Buildings. Nonconforming single family residential primary buildings may be expanded beyond the existing building's physical dimensions, if the following criteria can be met:

(1) The expanded portion meets the setbacks as required by SMC 18.20.020 or does not extend beyond the widest or deepest portion of the existing primary building that is being expanded.

(2) The expanded portion does not exceed the height or lot coverage restrictions of the zoning district where the property is found as provided by SMC 18.20.030 and 18.20.040.

(3) The Town's Public Safety Department finds that the expansion will not adversely impact or impede the provision of police, fire, or emergency services and will not cause or lead to the creation of an unsafe situation.

(4) Views of nearby property owners are not adversely impacted.

(E) Expansion of Nonconforming Uses. Nonconforming uses may not be expanded or intensified, however nonconforming uses may be changed to another nonconforming use which is more conforming to the zoning district that the property is located in.

(F) Completion of Nonconforming Projects. All nonconforming projects which have received building permits, conditional use permits or preliminary plat approval from the Town may be completed in accordance with the terms of the permits or approval unless expired or revoked.

(G) Discontinuance of Nonconformities. Should a nonconforming building, use or sign be discontinued for a period of 180 days, the building, use or sign shall thereafter conform to the provisions of this chapter. (Ord. 1188 §1(part), 1996).

18.16.040 Animal keeping.

(A) No more than either 6 dogs or 6 cats or a combined total of 6, older than four (4) months of age, may be kept per dwelling unit.

(B) In residential zones, the following area requirements shall apply: fowl, including chickens, ducks and geese, shall not be kept in excess of one (1) fowl per 2,000 square feet; farm animals, including cattle, swine, sheep, horses, llamas and goats, shall not be kept in excess of one (1) animal per 20,000 square feet.

(C) All animals, including fowl, shall be confined within buildings or securely fenced areas. No such building shall be within 40 feet of a property line or street right-of-way, nor within fifty (50) feet of a dwelling. No such fenced area shall be within ten (10) feet of a property line or within fifty (50) feet of a dwelling other than the dwelling of the owner.

(D) No open air storage of manure shall be maintained within forty (40) feet of a property line, 40 feet of a street right-of-way or fifty (50) feet of a dwelling. (Ord. 1635, 2021: Ord. 1188 §1(part), 1996).

18.16.050 Home occupations.

(A) Purpose. It is the purpose of this section to permit the limited use of residential property as a business as set out in the comprehensive plan. The plan further provides that home occupations should conform to the existing character of residential neighborhoods. Home occupations must be incidental or secondary to the primary residential use, and must not detract from a neighborhood's residential character.

(B) Exemptions.

(1) Bed and Breakfast Inns, Guest Rooms, and Boarding Houses are regulated by SMC 18.16.060.

(2) Group Care Facilities are regulated by SMC 18.16.065.

(3) Long Term rental of entire dwelling units is not a home occupation.

(C) Prohibited Home Occupations. The following activities are prohibited as home occupations within residential zoning districts:

(1) Medical, dental, veterinary offices.

(2) Vehicle and heavy equipment repair, painting, rent, storage and sale.

(3) Rental of space for indoor storage.

(4) Outdoor activities, display, or storage related to the home occupation, except for plant nurseries.

(5) Adult entertainment.

(D) General Requirements. All enterprises defined as home occupations under this chapter, may be conducted within any residential unit of the Town of Steilacoom, subject to the following general requirements:

(1) All home occupations are required to have a Town of Steilacoom business license pursuant to SMC Chapter 5.04.

(2) All home occupations must be conducted entirely within the principal or accessory building.

(3) Home occupations are incidental or secondary to the use of the property as a dwelling, and must occupy no more than twenty-five (25) percent of the gross floor area of the dwelling unit.

(4) The operation of a home occupation must not require structural alterations which are not seen typically in Steilacoom residential architecture.

(5) The home occupation must not generate noise, vibration, smoke, dust, odor, heat, glare, light or electrical interferences produced which exceeds that customarily associated with residential use.

(6) Home occupations must not generate traffic in excess of that customarily associated with residential uses surrounding the site, provided that Class III family home day care facilities may generate more than customary traffic during pick-up and drop-off times.

(7) Parking must be provided as described in SMC 18.20.070.

(8) Use of hazardous materials or equipment must comply with Town Building Code and Fire Code requirements.

(9) Customer/client contact is limited to the hours between 8:00 a.m. and 8:00 p.m., except for Class III family day care facilities.

(10) No special lighting, banners, flags, balloons or other devices drawing attention to the home occupation are allowed.

(11) No more than one (1) home occupation in any dwelling unit is allowed.

(12) Permits to operate home occupations are not transferable to other persons or locations.

(E) Class I Home Occupations. Class I home occupations are secondary uses, characterized as having a negligible impact on residential neighborhoods. In addition to meeting the general standards listed above, Class I home occupations must meet the following standards:

(1) No customers or clients are allowed at the home occupation;

(2) Deliveries or collections to and from the home occupation are limited to two (2) per day;

(3) Only persons resident at the address may be employed by the home occupation;

(4) No sign is permitted.

(F) Class II Home Occupations. Class II home occupations are secondary uses which require administrative approval pursuant to SMC Title 14. They are characterized as having a minor impact on residential neighborhoods. All home occupations must, in addition to meeting the general standards listed above, be subject to the following standards. Plant nurseries are considered class II home occupations.

(1) One non-illuminated sign up to one-hundred-fifty (150) square inches may be displayed. This sign must be attached flush to the principal or accessory structure in which the home occupation is located;

(2) A limited amount of scheduled or drop-in visits by customers or clients may be allowed, so long as this activity does not detract from the neighborhood residential character;

(3) Up to two (2) employees not resident at the home occupation address may be employed, but their hours of employment are limited to the twelve (12) hours between 8:00 a.m. and 8:00 p.m.;

(4) Off street parking for non-resident employees must include one (1) space for each FTE employee.

(G) Class III Home Occupations – Family home day care facilities.

Class III home occupations are secondary uses which require administrative approval pursuant to SMC Title 14, as well as a state-issued license to provide supervision for twelve (12) or fewer children for periods of less than twenty-four (24) hours. Class III home occupations are, in addition to meeting the general standards listed above, be subject to the following standards.

(1) One non-illuminated sign up to one-hundred-fifty (150) square inches may be displayed. This sign must be attached flush to the principal or accessory structure in which the home occupation is located;

(2) Staffing ratios as required by state law;

(3) One off street parking space for each adult staff member on duty. (Ord. 1660, 2022: Ord. 1540 §G-H, 2016: Ord. 1403 3, 2005: Ord. 1375 §10, 2004: Ord. 1188 §1(part), 1996).

18.16.060 Short and long term lodging in residential zones.

(A) Purpose and Intent. The purpose of this section is to

(1) Reflect the intent of the Comprehensive Plan to allow nontraditional housing and limited lodging establishments in residential neighborhoods:

(2) Provide property owners and residents with an opportunity to use their homes to engage in small-scale business activities.

(3) Protect neighborhood character and stability.

(4) Establish criteria and standards for the use of residential structures as short-term lodging.

(5) Long Term Rental of entire dwelling units including single family homes, apartments and condominiums are not regulated by this section.

(6) Bed and Breakfast Inns and Guest Houses, as described below, are the only short term lodging facilities allowed in the Town of Steilacoom.

(B) Submittal Requirements.

(1) Guest Houses and Class I Boarding Houses. Application for a Guest House or Class I Boarding House must be made upon forms provided by the Town Administrator, accompanied by a filing fee in accordance with the fee schedule established by Town Council resolution. The application must be signed by the owner. The application must include:

(a) A site plan of the premises,

(b) Floor plans of the residence or accessory building in which the use or activity will take place,

(c) Other documentation deemed necessary to process the application.

The plans must clearly indicate the area where the use or activity will take place and any structural alterations intended to accommodate the use or activity.

(2) Bed and Breakfast Inns and Class II Boarding Houses. Applications for Bed and Breakfast Inns and Class II Boarding Houses require an application for a Conditional Use Permit following the provisions in SMC 18.16.050.

(C) Standards for All Lodging Facilities. The following standards apply to all Bed and Breakfast Inns, Guest Houses and Boarding Houses:

(1) Bed and Breakfast Inns, Guest Houses and Boarding Houses facilities in residential zones are limited to single family residences.

(2) Each use must comply with applicable federal, state and local requirements, including the Town Building Code and Town Fire Code.

(3) Proof of ownership is required.

(4) Prior to operation, the owner of the Bed and Breakfast Inn, Guest House or Boarding House must obtain a current business license specific to that business with a Town of Steilacoom endorsement.

(5) The Bed and Breakfast Inn, Guest House or Boarding House facility must be the residence of the property owner. The property owner must live on-site when guests are present.

(6) Bed and Breakfast Inns, Guest Houses and Boarding Houses must only be offered in a space which meets code requirements for human habitation. For example, it is illegal to rent a space in an accessory structure that is a storage shed or garage.

(7) In addition to the parking requirements for single family residences, one (1) off-street parking space is required for each guest room. All parking must be accommodated on site.

(8) The maximum number of occupants permitted to stay overnight is two people for each bedroom, excluding children under the age of six (6).

(9) Guest rooms must be devoid of cooking facilities.

(10) Only room guests may be served on-site meals and beverages.

(11) The owner must file an annual certification that they remain in compliance with all regulations and reside on the premises.

(D) Bed and Breakfast Inns. These facilities are conditionally permitted secondary uses within the R-7.2 and R-9.6 zoning districts.

(1) Approved Bed and Breakfast Inns are allowed up to two (2) guest rooms.

(2) One (1) off-street parking space is required for any full time equivalent employee not resident at the inn.

(3) One person who does not reside at the inn may be employed.

(4) One (1) sign per inn is allowed. The sign may be up to six (6) square feet and may be lit indirectly.

(5) No outdoor events, such as weddings, receptions or parties, are allowed at a Bed and Breakfast Inn located in a residential zoning district.

(6) Breakfast must be offered to guests of Bed and Breakfast Inns.

(E) Guest Houses. These facilities are secondary uses within the R-7.2 and R-9.6 zoning districts and require administrative approval pursuant to SMC 14.20.010.

(1) Only one (1) guest room is allowed per guest house.

(2) No non-resident employees or signs are permitted.

(F) Class I and II Boarding Houses. Class I facilities are secondary uses within the R-7.2 and R-9.6 zoning districts, and require administrative approval pursuant to SMC 14.20.010. Class II facilities are conditional uses within the R-7.2 and R-9.6 zoning districts, and require conditional use permits issued by the Town Council pursuant to SMC 18.16.050.

(1) No signs are permitted.

(G) Suspension or revocation of permit — Criteria and appeal.

(1) The Town Administrator or designee may suspend or revoke a short-term lodging permit when the permit holder;

(a) Fails to comply with any condition of approval of an issued permit;

(b) Has obtained a permit by fraud, misrepresentation, or concealment.

(c) Is convicted of, forfeits bond upon, or pleads guilty to any offenses related to the operation of the permitted business;

(d) Makes a misrepresentation or fails to disclose a material fact to the Town related to any of the required conditions for a short-term lodging permit;

(e) Violates any zoning, building, life, public safety, or health regulation, or other material regulation of the town with respect to the premises in which the business is located; or

(f) Is indebted or obligated to the Town for past due charges.

(2) When the Town Administrator determines that there is a reasonable basis for suspending or revoking a permit issued under this chapter, he/she will notify the permit holder of the Town's intention to suspend or revoke such permit by certified mail to the address appearing on the most recent short-term lodging permit application. The notice will state the reason for the suspension or revocation, the date that the suspension or revocation will become effective, and the appeal process. Suspension or revocation of the permit becomes effective fourteen (14) days after the date the notice is mailed unless the permit holder, within such fourteen-day period, files an appeal of the action with the Town Clerk, together with the appeal fee per the current fee resolution. The permit holder must state why the criteria in part A do not apply to the business or what errors are alleged on the part of the Town in determining one or more criteria are met. Appeals are heard by the Town Council, whose decision is the final administrative remedy.

(3) If a permit is suspended or revoked, all operation of the short-term lodging use must cease upon the effective date of the suspension or revocation unless the administrative appeal process has been initiated, in which case the suspension or revocation will be stayed during the pendency of the appeal. A suspended permit will not be reinstated until the Town Administrator determines, in writing, that the basis of the suspension, together with any new conditions applied to the permit, have been adequately addressed. If revoked, no new short-term lodging business license endorsement will be issued for the site for the remaining term of the revoked permit.

(H) Violation—Penalty.

(1) Any person who advertises or operates a short-term lodging establishment without a valid bed and breakfast permit or who violates any other provision of this chapter or a condition of permit approval is guilty of a violation of this chapter for each day during which the business is so engaged in or carried on. Any person who fails or refuses to pay a fee required under this chapter, or any part thereof, on or before the due date is deemed to be operating a business without having obtained a permit.

(2) Any person guilty of a violation of this chapter is subject to a civil penalty of five hundred dollars (\$500.00) per violation and suspension or revocation of an issued short-term lodging endorsement. Each day of violation is considered a separate offense. (Ord. 1660, 2022; Ord. 1188 §1(part), 1996).

18.16.065 Group Care Facilities in Residential Zones

(A) Purpose and Intent. The purpose of this section is to

(1) Reflect the intent of the Comprehensive Plan to allow nontraditional housing in residential neighborhoods:

(2) Provide property owners and residents with an opportunity to use their homes to engage in small-scale business activities.

(3) Protect neighborhood character and stability.

(4) Establish criteria and standards for the use of residential structures as care facilities.

(B) Permit Requirements. Adult Family Homes and Assisted Living Facilities require:

(1) The issuance of a business license pursuant to Chapter 5.04 SMC, and

(2) Approval and certification by the appropriate state agency; and

(3) For Assisted Living Facilities, a conditional use permit issued by the Town Council.

(C) Types of allowed Group Care Facilities allowed in Residential Zones

(1) Adult Family Homes, as permitted primary uses

(2) Assisted Living Facilities as conditional uses approved by the Town Council.

(D) Submittal Requirements.

(1) Adult Family Homes. Application for an Adult Family Home permit must be made upon forms provided by the Town Administrator, accompanied by a filing fee in accordance with the fee schedule established by Town Council resolution. The application must be signed by the owner of the property on which the activity will occur and by the business operator if that person is different from the property owner. The application must include:

- (a) A site plan of the premises,
- (b) Floor plans of the residence or accessory building in which the use or activity will take place,
- (c) Other documentation deemed necessary to process the application.
- (d) The plans must clearly indicate the area where the use or activity will take place and any structural alterations intended to accommodate the use or activity.

(2) Assisted Living Facilities. Proposals for Assisted Living Facilities must apply for a Conditional Use Permit under SMC 18.16.050.

(E) Standards for All Residential Care Facilities. The following standards apply to all Residential Care Facilities:

- (1) Each use must be in conformance with applicable federal, state and local requirements, including the Town Building Code and Town Fire Code. Proof of applicable licensing must be on file with the Town.
- (2) These uses must not detract from the neighborhood residential character.
- (3) Proof of ownership or approval of property owner is required.
- (4) A representative of the owner must be on-site at all times.

(F) Adult Family Homes

- (1) Adult Family Homes are permitted primary uses in the R-7.2 and R-9.6 residential zones.
- (2) A minimum of two off-street parking spaces must be provided.
- (3) The Home Occupation requirements of SMC 18.16.050 do not apply to Adult Family Homes.

G. Assisted Living Facilities.

- (1) Assisted Living Facilities are conditionally permitted uses within the R-7.2 and R-9.6 residential zoning districts.
- (2) The maximum density of the facility is limited to one bed per 1000 square feet of lot area;
- (3) The principal building housing the facility must be no closer than twenty (20) feet to the nearest property line;
- (4) Off-street parking areas must be no closer than ten (10) feet to the nearest property line.
- (5) The Home Occupation requirements of SMC 18.16.050 do not apply to Assisted Living Facilities.

18.16.070 Prohibited uses. Uses not enumerated in this Title are prohibited. The following uses are specifically prohibited in all zones:

- (A) Houseboats and watercraft used for habitation or commercial purposes.
- (B) The use of any vehicle, recreational vehicle or trailer as a permanent dwelling.
- (C) The use of any vehicle, recreational vehicle, trailer, or mobile home as a storage unit. (Ord. 1550 §2, 2017).

18.16.080 Restrictions on permanent supportive housing and transitional housing.

(A) Number of Units. The number of permanent supportive housing units or transitional housing units allowed are as follows:

(1) In the R-7.2 zone: 1 dwelling unit on a minimum 7,200 square foot lot or a duplex on a minimum 14,000 square foot lot.

(2) In the R-9.6 zone: 1 dwelling unit on a minimum 9,600 square foot lot or a duplex on a minimum 14,000 square foot lot.

(3) In the Multifamily, Commercial General, Commercial Shoreline and Master Planned Development zones: A maximum of 12 dwelling units per acre, with an overall maximum of ten dwelling units per parcel.

(B) Spacing between Facilities. Permanent supportive housing and transitional housing units must be located at least one-half mile from any other permanent supportive housing, transitional housing, emergency housing or emergency shelter.

(C) Limit on Occupancy. Each permanent supportive housing unit or transitional housing unit is limited to one family, as defined in this title, at a time.

(D) Location. All permanent support housing units and transitional housing units must be within a one mile walking distance to a Pierce Transit bus stop. (Ord. 1646, 2021).

18.16.090 Restrictions on emergency shelter and emergency housing

(A) Limitation on Number. One emergency shelter is allowed within the Town and one emergency housing facility is allowed within the Town.

(B) Occupancy limits. The occupancy of an emergency shelter or emergency housing facility is limited to the occupant maximum as specified in the Town Building and Fire Codes, ten families or forty people, whichever is fewer.

(C) Spacing between facilities. Emergency housing and emergency shelters must be located at least one-half mile from any other permanent supportive housing, transitional housing, emergency housing or emergency shelter.

(D) Temporary emergency housing or shelters. Nothing in this title prevents the establishment of temporary emergency housing or emergency shelter needed to respond to a natural disaster or other similarly acute emergency that has caused unexpected homelessness within the Town. Temporary emergency housing or shelters may be authorized for up to six months by order of the Mayor. The Town Council may authorize extensions of temporary emergency housing or shelters for periods of up to six months at a time until the emergency is ended. (Ord. 1646, 2021).

18.16.160 Electric vehicle battery charging stations.

(A) Purpose. This purpose of this section is to regulate battery charging stations for electric vehicles in accordance with the provisions of RCW 35.63.126.

(B) Battery charging stations by zoning designation.

(1) In the Commercial General (CG) and Master Planned Development zones, battery charging stations, including rapid charging stations and battery exchange stations, are allowed principal uses.

(2) Battery charging stations are not marine related commerce, and therefore are not appropriate as a principal use in the Commercial Shoreline (CS) zone, however, battery charging stations are allowed as secondary uses.

(3) In the Public/Quasi-Public (P/QP) and Parks and Open Space (P/OS) zones, battery charging stations are allowed as secondary uses.

(C) The owner of any parking lot in the CG, CS, MPD, P/QP, and P/OS zones may designate parking spaces to be for the exclusive use of electric vehicle charging.

(1) Each charging station parking space should be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operation should be included if time limits or tow away provisions are to be enforced by the owner. Installation of way finding signs at the parking lot entrance and at appropriate places within the lot are also

encouraged to effectively guide motorists to the charging stations spaces. Such signage is exempt from a sign permit under SMC 18.24.050 (3).

(2) Information on the charging station must identify voltage and amperage levels, time of use, fees and safety information.

(D) Nothing in this section prohibits the ability of an owner of a residential property to install, for the private use of the owner, the equipment necessary to charge a privately owned or leased electric vehicle, provided that the charging equipment is installed in accordance with all applicable building and electric codes. Commercial use of such residential charging equipment is prohibited. (Ord. 1639, 2021: Ord. 1473 §7, 2011).

Chapter 18.20

DEVELOPMENT AND DESIGN STANDARDS

Sections:

18.20.010 Purpose.

18.20.020 Setback standards.

18.20.030 Lot area, width and coverage.

18.20.040 Height of structures.

18.20.050 Community design standards.

18.20.060 Landscaping standards.

18.20.070 Parking standards.

18.20.080 Fence standards.

18.20.090 Sight distance standards.

18.20.010 Purpose. The purpose of this chapter is to establish general dimensional and use standards for development in the Town and to reflect the intent of the comprehensive plan. The plan encourages that new development be compatible with existing neighborhoods, that unique neighborhood characteristics be retained, that lot coverage and setbacks and similar regulations be developed, and that flexibility be included in regulations to address view concerns, provided, however, that this chapter does not apply to residential or commercial uses in the Master Planned Development zoning district. Development and design standards within the MPD zone are governed by the MPD permit issued in accordance with Chapter 14.34 SMC. (Ord. 1639, 2021: Ord. 1188 §1(part), 1996).

18.20.020 Setback standards.

(a) Unless reduced for any of the reasons described below, minimum setbacks for principal buildings must be maintained as provided by the setback requirements in the following table.

Principal Building Setback Requirements by Zoning District

Zoning District	Setback, Street	Setback, Rear	Setback, Side
R-7.2, R-9.6, (for corner lots, see (f))	20 Feet	20 Feet	Total of 20 feet, no one side less than 5 feet
Multifamily	20 Feet	20 Feet	20 Feet

Commercial Districts	None	5 Feet	5 feet if property adjoins "R" district - otherwise none
Public/ Quasi-Public, and Parks/ Open Space Districts	None	5 feet if property adjoins "R" district - otherwise none	5 feet if property adjoins "R" district - otherwise none
Master Planned Development (MPD) District	As provided in the MPD permit	As provided in the MPD permit	As provided in the MPD permit

(b) Upon approval of the Town Administrator, side and rear setback dimensions may be reduced up to fifty (50) percent. Any reduction must be contingent on the verifiable evidence of one or more of the following lot conditions:

- (1) Topography
- (2) Irregular Lot Shape
- (3) Retention of Natural Vegetation
- (4) Fire Safety

(5) View consideration for any property owner other than the one for whom the setback reduction is requested.

(c) Upon approval of the Town Administrator, street setback dimensions for a new principal building may be reduced to the average street setback existing along the same side of the street and within the same block as the new building. In no case will the street setback be reduced to within the sight distance triangle, or to less than 5 feet in residential or multi-family zones. The applicant must submit surveyed drawings demonstrating the average street setback.

(d) No portion of any principal building or accessory structure over forty-two (42) inches above the finished grade is permitted to extend into a required setback area except as provided in SMC 18.20.020(b). Eaves may extend up to four (4) feet into required setback area, but no closer than five (5) feet to any property line.

(e) All setback reductions must follow the public notice and administrative approval process outlined in SMC 14.20.020.

(f) Residential corner lots must have two street setbacks of 20 feet each, one rear setback of 20 feet and one side setback of 5 feet.

(g) Setback and other requirements for accessory buildings and structures are set forth in SMC 18.16.010.

(h) All building setbacks within the MPD zoning district are determined by the MPD permit. Structures within the MPD zone must be a minimum of 20 feet from the external boundaries of the MPD zone. (Ord. 1639, 2021: Ord. 1578 §2, 2018: Ord. 1379 §7, 2004: Ord. 1375 §11, 2004: Ord. 1188 §1(part), 1996).

18.20.030 Lot area, width, and coverage.

(a) Minimum lot area, minimum lot width, and maximum lot coverage for all lots are identified in the following table:

Lot Area, Lot Width and Lot Coverage

Zone District	Min. Lot Area (square feet)	Min. Lot Width (linear feet)	Maximum Lot Coverage
R-7.2	7,200	60	30%
R-9.6	9,600	80	30%
Multifamily	7,200	60	50%
General Commercial	7,200	60	None
Shoreline Commercial	7,200	60	None
Public/Quasi- Public	None	None	None
Master Planned Development	As provided in the MPD permit	As provided in the MPD permit	As provided in the MPD permit

(b) Lot width is measured midway between street and rear lot lines.

(c) Lot coverage is based on the combined total building footprint area of the principal building, decks greater than forty-two (42) inches in height, and any accessory buildings greater than forty-two (42) inches in height.

(d) Nonconforming situations that exceed existing lot coverage requirements may continue pursuant to SMC 18.16.030(B). (Ord. 1639, 2021; Ord. 1379 §8, 2004; Ord. 1188 §1(part), 1996).

18.20.040 Height of structures.

(a) Residential, Commercial, Parks/Open Space, and Public-Quasi Public Land Use Zoning Districts. The maximum height of all buildings and other structures in residential, commercial, parks/open space and public-quasi public land use districts is twenty-six (26) feet. Accessory buildings located within 20 feet of a rear lot line must not exceed twelve (12) feet in height if a flat roof or sixteen (16) feet in height at the peak of a pitched roof as set forth in SMC 18.16.010.

(b) Master Planned Development Zoning District. The maximum height of all buildings and other structures within the MPD district are set forth in the MPD permit, and not in this section.

(c) Exemptions and exceptions.

(1) Customary appurtenances to buildings such as mechanical equipment, chimneys, air conditioners, church spires and steeples may extend an additional ten (10) feet above the highest roof line. An appurtenance must not adversely affect views or detract from the customary neighborhood character.

(2) Communications facilities permitted under SMC 18.22 may exceed the maximum height for the zone.

(3) Buildings in the Commercial General (CG) and Commercial Shoreline (CS) zoning districts may exceed the maximum height if a conditional use permit specifically allowing the greater height is granted under SMC 18.28.020.

(4) Non-Town owned buildings in the public/quasi-public zone may exceed the maximum height if a conditional use permit specifically allowing the greater height is granted under SMC

18.28.020. Town-owned buildings may exceed the maximum height if a variance is granted under SMC 18.24.030. Town-owned buildings are not eligible for conditional use permits.

(d) Measuring Height. Height must be measured from the vertical datum as defined by SMC 18.08.955.

(e) Special exception for residential structures. When the vertical datum of a lot in a residential zone is lower than the level of the highest fronting improved street by 10 feet or more, the owner of the lot may choose to use this exception. The owner must declare the intent to use this exception prior to issuance of a building permit.

(1) The highest roof line of the structure must not exceed sixteen (16) feet above the elevation of the highest fronting improved street. The measurement must be made from the intersection of the fronting street centerline and the lot centerline. (Ord. 1639, 2021: Ord. 1578 §3, 2018: Ord. 1403 §4, 2005: Ord. 1188 §1(part), 1996).

18.20.050 Community design standards.

(A) Multifamily

(1) Required Open Space. In addition to any open space required by other provisions of this title, every multifamily dwelling unit shall be provided with two hundred fifty (250) square feet of open space which shall meet the following standards:

- (a) Accessible to each dwelling unit;
- (b) Screened from all areas accessible to vehicles;
- (c) The length of the area shall be no more than twice the width;
- (d) The open space may be located in any required setback area except street setbacks;

- (e) Required open space shall have not more than five (5) percent grade;
 - (f) The surface of the open space shall be suitable for recreation or relaxation
- (2) Maximum density: twelve (12) dwelling units per acre. (Ord. 1188 §1(part), 1996).

18.20.060 Landscaping standards. (RESERVED)

18.20.070 Parking standards. This section provides regulations for ensuring that adequate parking will be available to serve a wide range of land uses in the Town of Steilacoom.

(a) Applicability. Accommodation for adequate parking must be provided for any of the following actions:

- (1) A new building or facility is constructed;
- (2) A principal building is relocated;
- (3) The use or building is changed or expanded to the extent that the number of required parking spaces is increased by fifteen (15) percent.

(b) Administration. Provision for adequate parking is administered through the "Parking Regulations" listed in SMC 18.20.070(c).

- (1) Development proposals that meet these parking regulations are in compliance.
- (2) Development proposals that do not meet the parking regulations may also be in compliance, if any of the following situations apply:

- (A) It can be demonstrated in writing that there is an excess of available non-commercial, off-street or designated on-street, parking within 200 yards of the proposed use;

(B) The peak hours of operation are outside normal business hours, and it can be demonstrated in writing that adequate parking can be met from available spaces within two hundred (200) yards of the use.

(C) The Town Administrator finds that strict adherence to the parking guidelines will detrimentally affect the character of the Historic District or of primary and secondary historic properties.

(D) The Town Administrator finds that parking requirements can be reduced due to successful implementation of a commute trip reduction program.

(3) Adverse transportation impacts identified through State Environmental Policy Act review may require parking accommodation beyond the parking regulations.

(4) Any uses not listed in the "Parking Regulations" set forth in SMC 18.20.070(c) will be evaluated by the most similar listed use as determined by the Town of Steilacoom.

(c) **Parking Regulations.** The table at the end of this section lists regulations for providing adequate off street parking by type of land use. In addition to the number of spaces listed by use, establishments with non-resident employees may be required to provide one (1) space per full-time equivalent (FTE).

(d) **Special provisions for lots with existing buildings.** Changes in use which require additional parking on lots with existing buildings must, if practical, have off-street parking. If the change of use requires more spaces than can be accommodated with off-street parking, the Town may require mitigation in the form of on-street parking improvements.

(e) **Parking Space Dimensions.** Parking spaces must be designed and constructed in compliance with the applicable standards found in the Town Building Code. In addition, the following provisions apply to all parking areas:

(1) Unless no other practicable alternative is available, vehicle accommodation areas (as defined in SMC 18.08.940) must be designed so that vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of drive-ways that serve one (1) or two (2) dwelling units.

(2) Vehicle accommodation areas of all developments must be designed so that sanitation, emergency and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.

(3) Every vehicle accommodation area must be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights of way. Such areas must also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.

(4) Circulation areas must be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.

(5) Vehicle accommodation areas must be properly maintained in all respects. In particular, and without limiting the foregoing, vehicle accommodation area surfaces must comply with subsection (1) of this section and must be kept in good condition (free from potholes, etc.) and parking space lines or markings must be kept clearly visible and distinct.

(f) Parking for Disabled Persons. The number, location, design and construction of parking spaces accessible to handicapped persons must comply with applicable standards contained in the Americans with Disabilities Act (ADA).

(g) Loading and unloading areas. Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from the development, a sufficient off-street loading and unloading space must be provided to accommodate the delivery or shipment operations in a safe and convenient manner.

PARKING REGULATIONS

Land Use Category	Number of Off Street Spaces
Single family residential	2 per dwelling unit
Duplex	2 per dwelling unit
Accessory dwelling unit	1 per dwelling unit (in addition to the 2 required for single family residence)
Multifamily	1 per bedroom (maximum of 2 per dwelling unit)
Boarding houses	1 per bedroom (in addition to the 2 required for single family residence)
Residential care facilities	3 per 5 adult beds (20% must meet ADA standards)
Retail sales and service, consumer goods repair	1 per 300 square feet gross floor area
Office or professional use not related to goods, service and merchandise	1 per 400 square feet gross floor area
Eating, drinking establishments	1 per 100 square feet gross floor area
Marinas	1 per 3 boat moorage or storage spaces
Motor vehicle repair or sales	1 per 200 square feet gross floor area
Bed and Breakfast Inns, Guest Houses	1 per guest room (in addition to the 2 required for single family residence)
Class II home occupations	1 per non-resident employee (in addition to the 2 required for single family residence)
Elementary and middle school	1 per FTE employee, plus 5 per classroom
High schools	1 per FTE employee, plus 5 per classroom
Religious institutions	1 per 4 seats in public portion of building
Primary public facilities	1 per 200 square feet gross floor area
Quasi-public facilities (such as museums, libraries and fraternal organizations)	1per 300 square feet gross floor area

(Ord. 1660, 2022; Ord. 1639, 2021)

18.20.080 Fence standards.

- (a) Fence height shall be measured from the original grade where the fence is located.
- (b) Whenever a fence is placed on top of a retaining wall or berm, the height of the fence and the retaining wall or berm together shall not exceed the maximum fence height for the specific setback area.
- (c) Every fence shall be consistent with the sight distance standards established under this title.
- (d) Built fences.
 - (1) Built fences less-than or equal to seventy-eight (78) inches may be located in any setback area.
 - (2) In a street setback area, fifty percent (50%) of the area of any portion of a fence or wall over forty-two inches (42") shall be open to light and vision.
- (e) Grown fences.
 - (1) Twenty percent (20%) of a street setback area shall be open through either:
 - (i) A maximum grown fence height of forty-two inches (42"); or
 - (ii) Limbs, branches or canopy of a grown fence cut a minimum of forty-eight inches (48") above grade.
 - (2) Twenty percent (20%) of a street setback area adjoining a principal or minor arterial street shall be open through either:
 - (i) A maximum grown fence height of ninety-six (96) inches; or
 - (ii) Limbs, branches or canopy of a grown fence cut a minimum of forty-eight (48) inches above grade.
 - (3) Corner lots.
 - (i) The house number(s) on a structure shall be the yard identified as the street setback area, wherein the height of grown fences is restricted under this title. (Ord. 1216 §2, 1997; Ord. 913 §1(part), 1997).

18.20.090 Sight distance standards.

- (a) At the intersection of two street setback areas, a street setback area and an alley, or a street setback area and driveways on principal and minor arterials and neighborhood collector streets, there shall be no structure, vegetation, fence or other visual obstruction in excess of ten (10) inches in diameter or which materially impairs vision between a height of two and one-half (2½) feet and ten (10) feet above the adjoining street centerline, or curb top if one is present, in the sight distance triangle.
 - (1) At intersections with traffic control devices, the side-street side of the sight distance triangle shall be a distance of ten (10) feet measured from the intersection of the extended curbline or the traveled right-of-way (if no curbs exist). If one street is without traffic control, the through-street side of the triangle shall be a distance of fifty (50) feet. The third side of the triangle is the straight line connecting the two street sides.
 - (2) At intersections without traffic control devices, the sight distance triangle shall be formed by measuring from the intersection of the extended curbline or the traveled right-of-way (if no curbs exist) of the adjacent streets to a distance fifty (50) feet from the corner point. The third side of the triangle is the straight line connecting the two fifty (50) foot sides.
 - (3) All lots which abut alleys and all driveways on principal and minor arterial and neighborhood collector streets shall maintain a triangular area for clear vision purposes. The sides of the triangle forming the corner angle shall be ten (10) feet measured along the driveway or alley and fifteen (15) feet measured along the traveled right-of-way (if no curbs exist) of the adjacent street. The third side of the triangle is the straight line connecting the two sides.
- (b) Sight distance triangles shall not apply to:

- (1) Buildings which were existing prior to passage of the ordinance codified in this title;
- (2) Public utility poles;
- (3) Official warning signs or signals;
- (4) Properties where the existing ground contour penetrates above the maximum two and one-half (2½) foot height limitation described in SMC 18.20.080(c); or
- (5) Trees, with trunks cleared to a minimum of ten (10) feet above the grade level of the centerline of the intersection. (Ord. 1216 §3, 1997).

Chapter 18.22

WIRELESS COMMUNICATION FACILITIES

Sections:

- 18.22.010 Purpose.**
- 18.22.020 Applicability.**
- 18.22.030 Exemptions.**
- 18.22.040 Permit Requirements.**
- 18.22.050 Required Submittals for base stations and towers.**
- 18.22.060 Building-mounted base station standards.**
- 18.22.070 Structure-mounted base station standards.**
- 18.22.080 Early notification for towers over 26 feet.**
- 18.22.090 New and replacement tower standards.**
- 18.22.100 Findings.**
- 18.22.110 General siting criteria and design considerations.**
- 18.22.120 Existing facilities.**
- 18.22.130 Eligible Facility Requests.**
- 18.22.140 Abandonment or discontinuance of use.**
- 18.22.150 Maintenance.**
- 18.22.160 Temporary facilities.**

18.22.010 Purpose.

(A) The purpose of this chapter is to regulate the placement, construction and modification of wireless communication facilities, in order to protect the health, safety and welfare of the public, while not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the Town. The purpose of this chapter may be achieved through adherence to the following objectives:

- (1) Protect residential areas and land uses from potential adverse impacts that wireless communication facilities might create, including but not limited to negative impacts on aesthetics, critical areas, the Steilacoom Historic District, open space, wildlife corridors, flight corridors, and health and safety of persons and property;
- (2) Establishment of clear and nondiscriminatory local regulations concerning wireless telecommunications providers and services that are consistent with federal and state laws and regulations pertaining to telecommunications providers;
- (3) Encourage providers of wireless communication facilities to locate facilities, to the extent possible, in areas where the adverse impact on the community is minimal;
- (4) Encourage the location of wireless communication facilities in nonresidential areas and allow wireless communication facilities in residential areas only when necessary to meet functional requirements of the telecommunications industry as defined by the Federal Communications Commission;
- (5) Minimize the total number of wireless communication facilities in residential areas;

(6) Encourage and, where legally permissible, require cooperation between competitors and, as a primary option, joint use of new and existing towers, tower sites and suitable structures to the greatest extent possible, in order to reduce cumulative negative impact on the Town;

(7) Ensure wireless communication facilities are configured in a way that minimizes the adverse visual impact of the facilities, as viewed from different vantage points, through careful design, landscape screening, minimal impact siting options and camouflaging techniques, and through assessment of technology, current location options, siting, future available locations, innovative siting techniques and siting possibilities beyond the jurisdictional boundaries of the Town;

(8) Enable wireless communication companies to enter into lease agreements with the Town to use Town property for the placement of wireless facilities, where consistent with other public needs, as a means to generate revenue for the Town;

(9) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently;

(10) Provide for the prompt removal of wireless communication facilities that are abandoned or no longer inspected for safety concerns and building code compliance, and provide a mechanism for the Town to cause these abandoned wireless communication facilities to be removed as necessary to protect the citizens from imminent harm and danger;

(11) Avoid potential damage to adjacent properties from tower failure, through strict compliance with state building and electrical codes; and

(12) Provide a means for public input on wireless communication facility placement, construction and modification.

(B) In furtherance of these objectives, the Town shall give due consideration to the zoning code, existing land uses, and critical areas when approving sites for the location of communication towers and antennas.

(C) These objectives were developed to protect the public health, safety and welfare, to protect property values, and to minimize visual impact, while furthering the development of enhanced telecommunications services in the Town. These objectives were designed to comply with the Telecommunications Act of 1996; the Middle Class Tax Relief and Job Creation Act of 2012, and FCC regulations implementing these laws. The provisions of this chapter are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting personal wireless services. This chapter shall not be applied in such a manner as to unreasonably discriminate between providers of functionally equivalent personal wireless services.

(D) To the extent that any provision of this chapter is inconsistent or conflicts with any other Town ordinance, this chapter shall control. Otherwise, this chapter shall be construed consistently with the other provisions and regulations of the Town.

E. In reviewing any application to place, construct or modify wireless communication facilities, the Town shall act within a reasonable period of time after an application for a permit is duly filed, taking into account the nature and scope of the application. Any decision to deny an application shall be in writing, supported by substantial evidence contained in a written record. The Town shall approve, approve with conditions, or deny the application in accordance with this title, this chapter, the adopted comprehensive plan, and other applicable ordinances and regulations.

18.22.020 Applicability.

(A) Except as provided herein, all wireless communication facilities shall comply with the provisions of this chapter. The standards and process requirements of this chapter supersede all other review process, setback, height or landscaping requirements of the Steilacoom Municipal Code.

(B) Small cell wireless facility deployment within the Town's street rights-of-way is governed by Chapter 13.54 SMC, as now or hereafter amended.

(C) All proposed installations are subject to a threshold determination under the State Environmental Policy Act (SEPA) according to Chapter 16.04 SMC unless categorically exempt pursuant to WAC 197-11-800. (Ord. 1605, 2019).

18.22.030 Exemptions. The following are exemptions from the provisions of this chapter:

(A) Radar systems for military and civilian communication and navigation.

(B) Handheld, mobile, marine and portable radio transmitters and/or receivers.

(C) Television antennas, subject to the following:

(1) Parabolic television antennas shall be limited to one meter in diameter within the Steilacoom Historic District or on a building, site, structure or object considered eligible for the National Register of Historic Places.

(2) Parabolic television antennas greater than 18 inches in diameter within the Steilacoom Historic District or on a building, site, structure or object considered eligible for the National Register of Historic Places are subject to review under Chapter 2.14 SMC. All other television antennas are exempt from such review.

(3) Television antennas greater than 18 inches in diameter proposed within the Steilacoom Historic District or on a building, site, structure or object considered eligible for the National Register of Historic Places shall follow the design guidelines in 18.22.110(O).

(D) Maintenance or repair of a communication facility, antenna and related equipment, transmission structure, or transmission equipment enclosures; provided, that the equipment, structure or enclosures maintain compliance with the standards of this chapter. If the cost of repair of a legally nonconforming equipment, structure and/or enclosure exceeds 50 percent of the fair market value of the equipment, structure and/or enclosure, the repair shall be conducted in accordance with the provisions of this chapter.

(E) Subject to compliance with all other applicable standards of this chapter, a building permit application need not be filed for emergency repair or maintenance of a facility until five business days after the completion of such emergency activity.

18.22.040 Permit requirements.

(A) No person may place, construct, reconstruct or modify a wireless communication facility subject to this chapter without first having in place a permit issued in accordance with this chapter. The requirements of this chapter are in addition to other applicable requirements of this title.

(B) Wireless antenna may be placed on buildings, structures or towers in accordance with the provisions of this Chapter. The use of any tree or other vegetation as a support for antenna is prohibited.

(C) Applications will be reviewed based on the type of wireless communication facilities requested to be permitted. Each wireless communication facility requires the appropriate type of project permit review as shown in the following table. In the event of uncertainty on the type of a wireless facility, the Town Administrator shall have the authority to determine what permits are required for the proposed facility.

	Building Permit	Wireless Communication Facility Permit	Conditional Use Permit	Eligible Facilities Modification Permit
New Base Stations: Building-mounted facilities or	X	X		

Structure-mounted facilities				
New or Replacement Towers	X		X	
Eligible facilities requests including co-location and replacement of antennas	X			X
Modifications to towers that do not meet the definition of eligible facilities requests	X		X	
Modifications to base stations that do not meet the definition of eligible facilities requests	X	X		

(D) Processing of applications

(1) Applications for wireless communication facility permits shall be processed as an administrative approval subject to notice pursuant to SMC 14.20.020.

(2) Applications for new and replacement towers shall be processed as a Conditional Use Permit pursuant to SMC 18.28.020.

(3) Applications for an Eligible Facilities Requests shall be processed as an administrative approval without notice pursuant to SMC 14.20.010 and SMC 18.22.130.

(E) Shot clocks, Tolling and Review Time Frames for Wireless Facility Applications. The FCC has established “shot clocks” which are time frames within which the Town must act on an application. Shot clock periods are equal to the number of days the Town has to review the application, set forth in subsection 2, plus any days tolled under subsection 3.

(1) General. The Town Administrator or his/her designee shall review an application for completeness and shall notify the applicant on or before the 10th day after submission if the application is materially incomplete, and clearly and specifically identify any missing documents or information along with the specific rule or regulation creating the obligation to submit such documents or information.

(a) If an application is deemed incomplete, the time frame for review shall be tolled as provided herein.

(b) Following resubmission of documents by the applicant, the Town Administrator or his/her designee shall review an application for completeness and shall notify the applicant on or before the 10th day after resubmission if the application is materially incomplete. If it is incomplete the Town Administrator shall issue a notice of deficiency, clearly and specifically identify any missing documents or information along with the specific rule or regulation creating the obligation to submit such documents or information.

(c) No application shall be deemed complete without the required fee deposit.

(2) Time frames. The Town shall act on applications seeking authorization for deployments in the categories set forth below:

(a) Within 90 days the Town will issue Wireless Communication Facility Permits for new base stations and for modifications to base stations that do not meet the definition of an eligible facilities request, along with associated building permits.

(b) Within 90 days the Town will issue Eligible Facilities Modification Permits, along with associated building permits.

(c) Within 150 days the Town will issue Conditional Use Permits for new or replacement towers and modifications to towers that do not meet the definition of an eligible facilities request, along with associated building permits.

(3) Tolling periods.

(a) The Town and an applicant may agree in writing to modify the tolling periods herein.

(b) In the absence of a written agreement between the Town and an applicant modifying the tolling periods set forth below, the shot clock date calculation shall restart at zero on the date on which the applicant submits all the documents and information identified by the Town to render the application complete.

(c) For resubmitted applications following a notice of deficiency, the tolling period shall be the number of days from the day after the date the Town issues the notice of deficiency, until the date the applicant submits all the documents and information identified by the Town to render the application complete

(4) Shot clock date.

The shot clock date for a siting application is determined by counting forward, beginning on the day after the date the application is submitted, by the number of calendar days of the shot clock period identified pursuant to this section. If the date calculated in this manner is a legal holiday, the shot clock date is the next business day after such date. (Ord 1605, 2019).

(F) Any application submitted pursuant to this chapter for projects located on public or private property shall be reviewed and evaluated by the Town Administrator, or designee for compliance with the terms of this chapter.

(G) The applicant is responsible for obtaining all other permits from any other appropriate governing body with jurisdiction (i.e., Washington State Department of Labor and Industries, Federal Aviation Administration, etc.).

(H) No provision of this chapter shall be interpreted to allow the installation of a wireless communication facility which minimizes parking, landscaping or other site development standards of this Title.

(I) Wireless communication facilities that are governed under this chapter shall not be eligible for variances under SMC 18.28.030. Any request to deviate from this chapter shall be based solely on the exceptions set forth in this chapter.

(J) Third Party Review. Applicants may use various methodologies and analyses, including geographically based computer software, to determine the specific technical parameters of the services to be provided utilizing the proposed wireless communication facilities, such as expected coverage area, antenna configuration, capacity, and topographic constraints that affect signal paths. In certain instances, a third party expert may be needed to review the engineering and technical data submitted by an applicant for a permit. The Town may at its discretion require third party engineering and technical review as part of the permitting process. The costs of the technical third party review shall be borne by the applicant.

(1) The selection of the third party expert is at the discretion of the Town. The third party expert review is intended to address interference and public safety issues and be a site-specific review of engineering and technical aspects of the proposed wireless communication facilities and/or a review of the applicants' methodology and equipment used, and is not intended to be a subjective review of the site which was selected by an applicant. Based on the results of the expert review, the Town may require changes to the proposal. The third party review shall address the following:

- (a) The accuracy and completeness of submissions;
- (b) The applicability of analysis techniques and methodologies;
- (c) The validity of conclusions reached;
- (d) The viability of other site or sites in the Town for the use intended by the applicant; and
- (e) Any specific engineering or technical issues designated by the Town.

(K) Any decision by the Town Administrator shall be given substantial deference in any appeal of a decision by the Town to approve, approve with conditions, or deny any application for a wireless communication facility.

(L) No alterations or changes shall be made to plans approved by the Town Administrator or Council without the express written approval of the Town.

18.22.050 Required submittals for base stations and towers.

(A) A complete application for a wireless communications facility permit for a new base station, or a conditional use permit for a new or replacement tower shall provide the following information:

(1) Name, address, phone number and email address of the applicant.

(2) FCC-Licensed Telecommunications Provider. Applications for necessary permits for telecommunications facilities will only be processed when the applicant demonstrates that it is an FCC-licensed telecommunications provider or that it has agreements with an FCC-licensed telecommunications provider for use or lease of the antenna or tower.

(3) State Environmental Policy Act. A SEPA document shall be prepared pursuant to Chapter 197-11 WAC, unless the project is exempt under WAC 197-11-800.

(4) National Environmental Policy Act. Any application for a facility proposed within the Town of Steilacoom, including but not limited to the Steilacoom Historic District or on a building, site, structure or object considered eligible for the National Register of Historic Places, shall include the applicable environmental assessment as required by sections 1.1307(a) and (b), Title 47, Volume 1 of the Code of Federal Regulations (47CFR1.1307).

(5) Radiofrequency Emissions. Applicants shall submit evidence that a proposed facility meets FCC radio frequency emission rules and regulations.

(6) A statement describing how the proposed wireless communication facility meets the applicable standards of SMC 18.22.060 for building mounted base stations, SMC 18.22.070 for structure mounted base stations, or SMC 18.22.090 for towers. All applications shall also provide a statement describing how the proposal addresses the required findings of SMC 18.22.100 and the siting criteria and design considerations of SMC 18.22.110.

(7) Each application for a tower greater than 26 feet in height shall include the following:

(a) A map showing the location of the proposed facility;

(b) A map outlining all properties from which the facility will be visible;

(c) Photo simulations of the proposed facility from at least 10 different locations from both public rights-of-way and private properties that are included in the mapped area described in subsection b above;

(d) A site plan and written description of the proposed facility, equipment shelters, fencing, access driveways and landscaping. The description shall also include information regarding any vegetation removal that is being proposed;

(e) An alternatives analysis demonstrating why the particular site was selected, why sites within neighboring jurisdictions including Joint Base Lewis McChord, Lakewood, University Place, Anderson, Ketron and McNeil Islands were not selected;

(f) Information demonstrating that the height of the structure is the minimum height necessary to provide service within the Town limits;

(g) An analysis of why the particular facility was selected, why the facility is the smallest facility necessary to provide service within the Town limits; and

(h) A description of how the facility will be screened to have the least amount of visual impact on the surrounding neighborhood; and

(i) Proof of compliance with the early notification process in SMC 18.22.080.

18.22.060 Standards for new building-mounted base stations.

(A) Location. New base station wireless communication facilities may be located on buildings in the MPD, commercial and public zones.

(B) Generally. Wireless communication facilities located on the roof or on the side of a building must be grouped together, integrated to the maximum possible degree with the building design, placed toward the center of the roof and/or thoroughly screened from residential building views and from public views using radio frequency-transparent panels. Building-mounted wireless communication facilities must be painted with non-reflective colors to match the existing surface where the antennas are mounted.

(C) Height. For buildings at, or which exceed, the height limit of the underlying zone, antennas must be flush-mounted and no portion of the antenna may extend above the building on which it is mounted. For buildings below the height limit, antennas may be built to the maximum height of the zone provided they are screened consistent with the existing building in terms of color, architectural style and material. Flush-mounted antennas may encroach into a required setback or into the Town right-of-way if a right-of-way use agreement is established with the Town. Antennas must not project into the right-of-way by more than two feet and must provide a minimum clearance height of 20 feet over any pedestrian or vehicular right-of-way.

(D) Equipment Enclosure. Equipment enclosures for building-mounted wireless communication facilities must be located within the building on which the facility is located. If an equipment enclosure within the building is reasonably unavailable, then an equipment enclosure may be incorporated into the roof design provided the enclosure meets the height requirement for the zone. If the equipment can be screened by placing the equipment below existing parapet walls, no additional screening is required. If screening is required, then the screening must be consistent with the existing building in terms of color, architectural style and material. Finally, if there is no other choice but to locate the equipment enclosure on the ground, the equipment must be enclosed within an accessory structure which meets the setbacks of the underlying zone and be screened by a sight-obscuring fence and vegetation.

(E) Feed Lines and Coaxial Cables. Feed lines and cables should be located below the parapet of the rooftop, if present. If the feed lines and cables are visible from a public right-of-way or adjacent property, they must be painted to match the color scheme of the building. (Ord. 1639, 2021)

18.22.070 Standards for new structure-mounted base stations.

(A) Location. New structure-mounted base station wireless communication facilities may be located within public rights-of-way, and in the MPD, commercial and public zones.

(B) Generally. Wireless communication facilities located on structures other than buildings, such as utility poles, light poles, flag poles, transformers, and/or water tanks, must be designed and painted with non-reflective colors to blend with these structures and be mounted on them in an inconspicuous manner.

(C) Height.

(1) The maximum height of structure-mounted wireless communication facilities must be the minimum necessary in order to achieve the coverage objective. This includes installation of facilities on structures built at or above the maximum height allowed in a specific zone, so long as the diameter of any portion of a wireless communication facility in excess of the allowed height does not exceed the shortest diameter of the structure at the point of attachment. The height and diameter of the existing structure prior to replacement or enhancement for the purposes of supporting wireless communication facilities must be used to determine compliance with this subsection.

(2) Only one base station is permitted per structure.

(3) If installed on an electrical transmission or distribution pole, a maximum 15-foot vertical separation is required from the height of the existing power lines at the site (prior to any pole replacement) to the bottom of the antenna. This vertical separation is intended to allow

wireless carriers to comply with the electrical utility's requirements for separation between their transmission lines and the carrier's antennas.

(D) Equipment Enclosure. Equipment enclosures must be located underground unless there is no other feasible option but to locate the equipment enclosure above ground. The equipment must be enclosed within an accessory structure which meets the setbacks of the underlying zone.

(E) Feed Lines and Coaxial Cable. Feed lines and cables must be painted to closely match the color scheme of the structure which supports the antennas.

(F) Only wireless communication providers with a valid right-of-way use agreement are eligible to apply for a right-of-way construction permit, which is required prior to installation of facilities within the Town right-of-way and be in addition to other permits specified in this chapter. (Ord. 1639, 2021)

18.22.080 Early notification for New or Replacement Towers over 26 feet.

(A) Applicants for any new or replacement tower that would exceed 26 feet in height shall hold a pre-application community meeting prior to submittal of an application to the Town.

(B) At least two weeks in advance of the meeting, public notice of the meeting shall be provided by the following means:

(1) Published notice in the official paper for the Town.

(2) Mailed notice shall be provided to the Steilacoom Town Clerk and all property owners within five hundred (500) feet of any potential sites identified by the applicant for possible development. When the proposed support structure exceeds a height of sixty (60) feet, the mailed notice shall be provided to all property owners within one thousand (1,000) feet.

(3) Posting of the project site with a bright colored waterproof sign no smaller than sixteen (16) square feet, and no larger than thirty two (32) square feet.

(4) The published, posted and mailed notices shall contain:

(a) a description and purpose statement for the project

(b) the estimated height of the support structure and antennas

(c) the street address or information allowing identification of the proposed site to the average person.

(d) a statement that alternative sites and facilities proposed by citizens can be presented at the meeting and to the applicant in advance of the meeting

(e) a statement that all alternative sites and facilities proposed by citizens in writing and received by the applicant at least five (5) days in advance of the meeting shall be evaluated by the applicant and discussed at the meeting

(f) a project contact name, address and telephone number to obtain additional information and to send alternative proposals

(g) the time, date, and location of the community meeting

(5) Mailed notices shall also contain:

(a) a street map with the location of the proposed facility

(b) a site map with the location of the proposed facility, all existing structures and trees over eight inches (8") in diameter (d.b.h.) located on the parcel

(c) a photograph or sketch of the proposed facility

(d) a description of alternative sites that were considered by the applicant and why these alternative sites are unfeasible.

(C) At the community meeting the applicant shall provide information regarding the proposed project and facilities. Information relative to existing transmission support structures and other nonresidential structures, such as water towers or light poles, within one mile of the proposed site shall be presented and the applicant shall discuss reasons why those existing structures are physically or technologically unfeasible. Furthermore, any alternative sites

proposed in writing by citizens and received by the applicant within five (5) days of the meeting shall be discussed by the applicant.

(D) After the community meeting the applicant shall provide the Town Clerk a list of meeting attendees and those receiving mailed notice, a listing of the sites identified in writing and provided to the applicant at or before the community meeting, and a summary of the comments made by citizens and the applicant at the meeting.

18.22.090 New and Replacement Wireless Communication Tower Standards.

(A) New wireless communication towers are not permitted within the Town unless the applicant has demonstrated that:

(1) Coverage Objective. There exists a gap in service and the proposed wireless communication tower will eliminate such gap in service; and

(2) Alternatives. No existing structure, building, or other feasible site or sites, or other alternative technologies not requiring a new tower in the Town, can accommodate the applicant's proposed wireless communication facility; and

(3) Least Intrusive. The proposed new wireless communication facility is designed and located to remove the gap in service in a manner that is, in consideration of the values, objectives and regulations set forth in this chapter, this title, and the comprehensive plan, the least intrusive upon the surrounding area.

(B) All wireless communication towers must conform to the following site development standards:

(1) To the greatest extent possible, wireless communication towers must be located where existing trees, existing structures and other existing site features camouflage these facilities.

(2) Existing mature vegetation should be retained to the greatest possible degree in order to help conceal the facility.

(3) Equipment Enclosure. The equipment must be enclosed and screened from view by a sight-obscuring fence and vegetation.

(4) Feed Lines and Coaxial Cables. Feed lines and cables must be painted to closely match the color scheme of the structure which supports the antennas.

(5) Guy wires and lattice style towers. No guy wires or lattice style towers are allowed. All wireless communication towers must be self-supporting.

(C) Site preference standards. The following site preference standards apply to wireless communication towers. Proposed sites must be evaluated for approval and use in the following order of preference:

(1) Properties above the 200-foot contour elevation within the MPD zoning district;

(2) Publicly owned properties, in the following order:

(a) Steilacoom High School;

(b) Town-owned properties above the 200 foot contour elevation, in no order of preference:

(1) Cherrydale Park – Old Military Road

(2) Well site near Cherrydale School – B Street

(3) Public Works site – Roe Street

(4) Roe Street Water Tanks – Roe Street

(5) Well site at Cormorant Drive and Union Avenue

(6) Utility Yard & Shop - Diggs Street

(7) Public Safety/Community Center – Worthington Street, subject to paragraph

(3) below.

(c) Cherrydale Elementary School;

(d) Saltar's Point Elementary School;

(e) Town-owned properties below the 200 foot contour elevation in no order of preference:

- (1) Cormorant Park
- (2) Marietta Tract A

(3) Only one telecommunication tower can be located at the Public Safety Building/Community Center properties. A maximum of four telecommunication antenna arrays can be permitted on the existing tower at the Public Safety Building/Community Center properties.

(4) Towers proposed for Town-owned property shall include a lease of land sufficient to encompass the tower, equipment structures, fencing and landscaping. Terms of the lease must be negotiated by the Town Administrator and approved, modified or rejected by the Council as part of the public hearing on the tower.

(5) Towers proposed for non-Town-owned property must provide the Town with proof of permission to erect the tower on that site.

(D) Review Criteria. The Town Council must review an application for new wireless communication towers as a conditional use permit under SMC 18.28.020. In addition to the criteria for a conditional use permit, the applicant for a new wireless communication tower must demonstrate the following:

(1) That the wireless communication tower height is the minimum necessary in order to achieve the coverage objective; and

(2) That no existing wireless communication tower, structure or alternative site(s) is located within the geographic area that meet the applicant's engineering requirements to fulfill its coverage objective (regardless of the geographical boundaries of the Town).

(E) Building Setbacks and Exceptions.

(1) Wireless communication towers and equipment enclosures must be placed no closer than 20 feet from any street. Towers and enclosures must be setback from residential zones a distance equal to the height of the tower. Setbacks may be modified to better achieve the goal of this section of concealing such facilities from view under the provisions below.

(2) The Town Council may approve modifications to be made to setbacks when:

(a) An applicant for a wireless communication facility can demonstrate that placing the facility on certain portions of a property will provide better screening and aesthetic considerations than provided under the existing setback requirements; or

(b) The modification will aid in retaining open space and trees on the site; or

(c) The proposed location allows for the wireless communication facility to be located a greater distance from residentially zoned properties.

(3) This zoning setback modification cannot be used to waive or modify any setback required under the Town Building Code or Fire Code.

(4) A request for a setback exception must be made at the time the initial application is submitted. (Ord. 1639, 2021)

18.22.100 Findings. In addition to the required findings for conditional use permits in SMC 18.28.020, a recommendation to approve a conditional use permit for wireless communication facilities or towers shall include the following findings:

(A) The proposed facility will not interfere with the use or function of town-owned properties.

(B) The proposed facility will not have a significant adverse impact on surrounding private property, the Steilacoom Historic District or a building, site, structure or object considered eligible for the National Register of Historic Places.

(C) The proposed facility will not have an adverse impact on view sensitive properties as defined in the Comprehensive Plan, or the shoreline.

(D) Radio frequency emissions from the proposed facility are consistent with FCC regulations.

(E) The application meets all the requirements of Chapter 18.22 SMC.

18.22.110 General siting criteria and design considerations. The following facility preference standards shall apply to any wireless communication facilities. Proposed facilities shall be evaluated for approval and use in the following order of preference:

(A) Wireless communication providers shall use existing sites or more frequent, less noticeable sites instead of attempting to provide coverage through the use of taller towers, unless not feasible. Applicants shall demonstrate how the proposed new wireless facility implements the following priority of preferred locations for wireless communication facilities:

(1) Structures disguised as flag poles, church steeples, architectural elements, light poles, vegetation, or other structures that blend with the site;

(2) Co-location, without an increase in the height of the building, pole or structure upon which the facility would be located;

(3) Co-location, where additional height is necessary above existing building, pole, or structure;

(4) A replacement pole or structure for an existing one;

(5) A new pole or structure altogether.

(B) Co-location shall be encouraged for all wireless communication facility applications and is implemented through less complex permit procedures in SMC 18.22.130, Eligible Facilities Requests.

(1) To the greatest extent technically feasible, applicants for new tower facilities shall be required to build mounts capable of accommodating at least one other carrier.

(2) Any wireless communication facility that requires a conditional use permit (CUP) under the provisions of this chapter shall be separated by a minimum of 500 feet from any other facility requiring a CUP, unless the submitted engineering information clearly indicates that the requested site is needed in order to provide coverage for the particular provider and other siting options have been analyzed and proven infeasible.

(C) Noise. Any facility that requires a generator or other device which will create noise audible beyond the boundaries of the site must demonstrate compliance with Chapter 173-60 WAC. A noise report, prepared by an acoustical engineer, shall be submitted with any application to construct and operate a wireless communication facility that will have a generator or similar device. The Town may require that the report be reviewed by a third party expert at the expense of the applicant.

(D) Business License Requirement. Any person, corporation or entity that operates a wireless communication facility within the Town shall have a valid business license issued annually by the Town. Any person, corporation or other business entity which owns a tower also is required to obtain a business license on an annual basis.

(E) Signage. Only safety signs or those mandated by a government entity with jurisdiction may be located on wireless communication facilities. No other types of signs are permitted on wireless communication facilities.

(F) Any application must demonstrate that there is sufficient space for temporary parking for regular maintenance of the proposed facility.

(G) Finish. A tower shall either maintain a galvanized steel finish or be painted a neutral color so as to reduce its visual obtrusiveness, subject to any applicable standards of the FAA or FCC.

(H) Design. The design of all buildings and ancillary structures shall use materials, colors, textures, screening and landscaping that will blend the facilities with the natural setting and built environment.

(I) Color. All antennas and ancillary facilities located on buildings or structures other than towers shall be of a neutral color that is identical to or closely compatible with the color of the

supporting structure so as to make the antenna and ancillary facilities as visually unobtrusive as possible.

(J) Lighting. Towers shall not be artificially lighted unless required by the FAA, FCC or other government entity with jurisdiction. If lighting is required and alternative lighting options are permitted, the Town shall review the lighting alternatives and approve the design that would cause the least disturbance to the surrounding area. No strobe lighting of any type is permitted on any tower. If FAA guidelines would require a strobe, the location shall be denied unless no other site or combination of sites would provide adequate coverage in accord with FCC requirements.

(K) Advertising. No advertising is permitted at wireless communication facility sites or on any ancillary structure or facilities equipment enclosure.

(L) Equipment Enclosure. Each applicant shall use the smallest equipment enclosure practical to contain the required equipment and a reserve for required co-location.

(M) Radio Frequency Emissions Compliance. The applicant shall demonstrate that the project will not result in levels of radio frequency emissions that exceed FCC standards, including FCC Office of Engineering Technology (OET) Bulletin 65, Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields, as amended. Additionally, if the Town Administrator determines the wireless communication facility, as constructed, may emit radio frequency emissions that are likely to exceed Federal Communications Commission uncontrolled/general population standards in the FCC Office of Engineering Technology (OET) Bulletin 65, Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields, as amended, in areas accessible by the general population, the Town Administrator may require post-installation testing to determine whether to require further mitigation of radio frequency emissions. The cost of any such testing and mitigation shall be borne by the applicant.

(N) Landscaping and Screening.

(1) The visual impacts of wireless communication facilities should be mitigated and softened through landscaping or other screening materials at the base of a tower, facility equipment compound, equipment enclosures and ancillary structures. If the antenna is mounted flush on an existing building, or camouflaged as part of the building and other equipment is housed inside an existing structure, no landscaping is required. The Town Administrator may reduce or waive the standards for those sides of the wireless communication facility that are not in public view, when a combination of existing vegetation, topography, walls, decorative fences or other features achieve the same degree of screening as the required landscaping; in locations where the visual impact of the facility would be minimal; and in those locations where large wooded lots not capable of subdivision and natural growth around the property perimeter provide a sufficient buffer.

(2) Landscaping shall be installed on the outside of fences. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or as a supplement to landscaping or screening requirements. The following requirements apply:

(a) Site obscuring landscaping shall be placed around the perimeter of the equipment cabinet enclosure, except that a maximum 10-foot portion of the fence may remain without landscaping in order to provide access to the enclosure.

(b) Landscaping area shall be a minimum of five feet in width around the perimeter of the enclosure.

(c) Vegetation selected should be native and drought tolerant.

(d) Landscaping shall be located so as not to create sight distance hazards or conflicts with other surrounding utilities.

(3) When landscaping is used, the applicant shall submit a landscaping bond in sufficient amount to cover the cost of replacement landscaping for a term of 3 years.

(O) Historic District Impacts. Parabolic antennas within the Steilacoom Historic District, or

on a building, site, structure or object considered eligible for the National Register of Historic Places, are subject to the following design guidelines:

- (1) Parabolic antennas should not be visible to the public.
- (2) Parabolic television antennas:
 - (a) Shall not be mounted on the roof of the principal or accessory structure(s).
 - (b) Shall not cause the modification of window or door openings and associated trim to accommodate mounting.
 - (c) Should be mounted on the lower half of the structure.
- (3) Parabolic antennas greater than eighteen inches (18") in diameter:
 - (a) Shall not be visible to the public.
 - (b) Shall not be permitted without written approval by the Preservation and Review Board.
 - (c) Parabolic antennas and the means used to screen the antennas shall not destroy materials that characterize the property. The new work shall be compatible with the massing, size, scale, and architectural features to protect the integrity of the property and its environment.

18.22.120 Existing facilities.

(A) All wireless communication towers and facilities existing on the date of passage of this chapter shall be allowed to continue as they presently exist and will be considered non-conforming uses where they do not conform to this chapter. Routine maintenance shall be permitted on existing wireless communication towers and facilities.

(B) Modification of existing towers, antennas, buildings or other wireless communication facilities shall comply with the requirements of this chapter.

18.22.130 Eligible Facilities Request. Eligible facilities requests are applications to make modifications to an eligible support structure that does not substantially change the physical dimensions of such structure, involving collocation of new transmission equipment, removal of transmission equipment or replacement of transmission equipment. "Eligible support structure" and "substantial change" are defined terms in SMC 18.08.228 and SMC 18.08.895 respectively.

(A) Eligible facilities requests must be processed in accordance with this section. Requests for modifications to existing wireless communication facilities which do not meet the definition of eligible facilities requests in SMC 18.08.227 must be processed as new applications.

(B) Applicants for an eligible facilities modification permit must include the following information:

- (1) Name, address, phone number and email address of the applicant
- (2) Evidence that the proposed structure meets the definition of an eligible support structure in SMC 18.08.228.
- (3) Evidence that the proposed modification would not substantially change the physical dimensions of the wireless facility as defined in SMC 18.08.895.
- (4) Scale drawings showing the current height and width of the support structure and the proposed height and width following modification.

(C) Subject to the tolling provisions of subparagraph D below, within 60 days of the date on which an applicant submits an application seeking approval under this section, the Town Administrator must issue an eligible facilities modification permit or a written explanation as to why the application does not meet the requirements for an eligible facilities modification permit.

(D) The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement of the Town and the applicant, or in cases where the Town determines that the application is incomplete.

(1) To toll the timeframe for incompleteness, the Town Administrator must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.

(2) The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the Town Administrator's notice of incompleteness.

(3) Following a supplemental submission, the Town Administrator will notify the applicant within 10 days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to these same procedures. Subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

(E) In the event the Town Administrator fails to act on an eligible facilities request within the timeframe for review (accounting for any tolling), the request is deemed granted. The applicant must notify the Town Administrator in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted. (Ord. 1631, 2020)

18.22.140 Abandonment or discontinuation of use.

(A) At such time that a licensed carrier plans to abandon or discontinue operation of a wireless communication facility, such carrier will notify the Town Administrator by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuation of operations.

(B) In the event that a licensed carrier fails to give such notice, the wireless communication facility shall be considered abandoned upon the discovery of such discontinuation of operations.

(C) Within 90 days from the date of abandonment or discontinuation of use, the carrier shall physically remove the wireless communication facility. "Physically remove" shall include, but not be limited to:

(1) Removal of antennas, mounts or racks, the equipment enclosure, screening, cabling and the like from the subject property.

(2) Transportation of the materials removed to a repository outside of the Town.

(3) Restoration of the wireless communication facility site to its pre-permit condition, except that any landscaping provided by the wireless communication facility operator may remain in place.

(4) If a carrier fails to remove a wireless communication facility in accordance with this section, the Town shall have the authority to enter the subject property and physically remove the facility. Costs for removal of the wireless communication facility shall be charged to the wireless communication facility owner or operator in the event the Town removes the facility.

18.22.150 Maintenance.

(A) The applicant shall maintain the wireless communications facility to standards that may be imposed by the Town at the time of granting a permit. Such maintenance shall include, but not be limited to, painting, structural integrity, and landscaping.

(B) In the event the applicant fails to maintain the facility, the Town may undertake enforcement action as allowed by existing codes and regulations.

18.22.160 Temporary facilities.

(A) The installation of a "cell on wheels" or COWs and the installation site shall comply with all applicable laws, statutes, requirements, rules, regulations, and codes, including, but not limited to, the Town Fire and Building Codes and National Electric Code.

(B) COWs may only be used in the immediate aftermath of declared emergencies in the Town in order to provide temporary wireless service. All COWs and related appurtenances shall be completely removed from the installation site within 30 days of the date of the end of the

emergency as determined by the mayor. (Ord. 1549, 2016: Ord. 1543 §13, 2016: Ord. 1264 §5(part), 1999 Repealed).

Chapter 18.24

SIGN STANDARDS

Sections:

18.24.010 Purpose.

18.24.020 Permit required.

18.24.030 Permit application.

18.24.040 General requirements applicable to all signs.

18.24.050 Exempt signs.

18.24.060 Signs requiring permits in commercial and industrial zoning districts.

18.24.070 Signs requiring permits in residential zoning districts.

18.24.080 Signs requiring permits in all zoning districts.

18.24.090 Prohibited signs.

18.24.100 Enforcement and removal.

18.24.010 Purpose. The purpose of this chapter is to provide standards for signage that further Comprehensive Plan goals and policies relating to community design. These standards are intended to preserve the unique character of Steilacoom by regulating the size, height, design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures. (Ord. 1188 §1(part), 1996).

18.24.020 Permit required. No sign, unless such sign is exempt per SMC 18.24.050, can be erected, reerected, constructed, altered, or repaired except as provided in this chapter, and a permit for same has been issued by the Town of Steilacoom.

(1) Signs within the MPD zoning district are governed according to the MPD permit issued in accordance with Chapter 14.34 SMC, and are exempt from this chapter. (Ord. 1639, 2021: Ord. 1188 §1(part), 1996).

18.24.030 Permit application. To obtain a permit, the applicant shall first file an application in writing on a form furnished by the Town of Steilacoom for that purpose. Every such application shall:

(1) Identify and describe the sign to be covered by the permit for which application is made.

(2) Describe the land on which the proposed sign is to be located by legal description, street address or similar description that will readily identify and definitely locate the proposed building or sign.

(3) Provide sign drawings to scale, showing display faces, with the proposed message and design accurately represented as to size, area, proportion and color.

(4) Be accompanied by plans, elevations, diagrams, light intensities, computations, specifications and other data as required by the Town of Steilacoom.

(5) Be signed by the applicant or authorized agent.

(6) Be accompanied by the sign permit fee. (Ord. 1188 §1(part), 1996).

18.24.040 General requirements applicable to all signs. All signs shall comply with the following general requirements.

(a) View Protection. Each sign located within a building setback area shall be designed so as not to partially or totally obstruct marine and/or mountain views. Obstruction of views as determined by the Town of Steilacoom shall be grounds for denial or modification of the sign permit.

(b) Sound Systems. No public address system or sound device to advertise a business or product shall be permitted.

(c) Location of signs. Signs may be located only on the property being advertised, except as otherwise provided in this chapter. Signs may be located within the building setback area described in SMC 18.20.020.

(d) Sign Maintenance. All signs and support structures, both existing and new, and all parts thereof shall be maintained in a safe and good condition. All devices or safeguards which are required by code shall be maintained in conformance with the code under which it was installed. The owner or designated agent shall be responsible for the maintenance of the sign. To determine compliance with this section, the building official may cause any sign to be reinspected. Failure to comply will result in the enforcement and removal according to SMC 18.24.100.

(e) Illumination. Signs may be internally or indirectly illuminated.

(f) Structural elements. The construction and structural components of all signs shall be in accordance with the standards and regulations of the uniform building codes as adopted by SMC 15.04.010.

(g) Sign height. Maximum height shall be twenty (20) feet, as measured from the prevailing grade to the top edge of the sign. No sign shall be lower than eight (8) feet above a walkway intended for public use.

(h) Signs located within sight distance triangles shall not exceed forty-two (42) inches in height.

(Ord. 1487 §1, 2012; Ord. 1188 §1(part), 1996).

18.24.050 Exempt signs. The following signs do not require a sign permit:

(1) Flags, symbols or crest of nations, states, cities or political, fraternal, religious or civic organizations unless the use is for advertising or commercial purposes.

(2) Decorations customarily and commonly associated with a national, local or religious holiday provided that such decorations cannot be displayed for more than sixty (60) days.

(3) Legal notices, identification, informational, directional, traffic, public safety or other signs erected or required by governmental authority under any law, statute or ordinance.

(4) Time or temperature signs not exceeding three (3) square feet.

(5) Non-illuminated window signs covering no more than fifty percent (50%) of the inside window area, including glass doors.

(6) Real estate signs meeting all the following standards are exempt:

(A) No larger than six (6) square feet in area;

(B) No more than one (1) sign per street frontage;

(C) No taller than seventy-two (72) inches in height;

(D) Located on the property for sale;

(7) In the CG, CS, P/QP and PROS zoning districts, two (2) incidental signs, not more than three (3) square feet each, per adjoining thirty (30) feet of street frontage.

(8) Signs indicating lost or found items such as pets will be permitted. Such signs must not exceed 8-1/2" by 11" in size and cannot be posted for more than fourteen (14) days. Such signs must include the name and telephone number of the person posting the sign and the date the sign was posted.

(9) Town of Steilacoom maintained bulletin boards or informational kiosks used to advertise community events and the private sale of miscellaneous items not related to a business.

(10) In the R-7.2, R-9.6 and MF zoning districts, one (1) sign not more than three (3) square feet in area advertising the sale of miscellaneous items not related to a business or home occupation.

(11) Neon signs displaying "OPEN" and not exceeding two (2) square feet, may be installed on the interior side of the window and lighted during business hours only.

(12) On property owned by a governmental entity, advertising signs approved by the entity, so long as such signs are not visible from the public right of way. (Ord. 1639, 2021: Ord. 1486 §2, 2012: Ord. 1188 §1(part), 1996).

18.24.060 Signs requiring permits in commercial zoning districts.

(a) Each individual business in the CG and CS zoning districts may have no more than thirty-two (32) square feet of signage requiring a permit per street frontage, except as provided by SMC 18.24.060(b) and 18.24.060(c). Signage found on outdoor vending machines visible from a street frontage is part of the total sign area.

(b) The amount of signage permitted for an individual business will be decreased to twenty-four (24) square feet if any signs for the business are internally illuminated, except for outdoor vending machines visible from a street frontage and as provided by SMC 18.24.060(c).

(c) Due to the significance of the display of gasoline prices, gasoline stations are allowed additional sign square footage for the sole purpose of displaying gasoline prices.

(1) In addition to the signage allowed in SMC 18.24.060(a) or 18.24.060(b), gasoline stations may have an additional two-sided thirty-six (36) square foot sign to display gasoline prices.

(2) The gasoline price sign may be internally illuminated during business hours only.

(d) Individual businesses may use any combination of the following types of signs: flush mounted wall signs, ground mount and pole signs, projecting signs, sandwich board signs, awnings, flags and canopies, or marquees as long as the total square footage of all signs requiring a permit do not exceed the applicable size requirements of SMC 18.24.060(a), 18.24.060(b), or 18.24.060(c).

(e) Awnings and canopies which by their design features are so conspicuously different from the building to which they are attached so as to direct attention to and to promote the sale of goods or services are considered signs in their entirety.

(f) Awnings and canopies which are not described by SMC 18.24.060(e) are not considered a sign, except for any area of the awning or canopy which displays the name of the business or other advertising copy.

(g) In addition to the individual business sign, a business complex may erect one (1) ground mount or pole sign identifying the name of the business complex and the occupants in the development, provided:

(1) No individual business of the complex has a pole sign.

(2) The portion of the sign identifying the name of the business complex is no larger than ten (10) square feet, and the portion of the sign identifying the name of the individual businesses is no larger than two (2) square feet per business.

(3) Information displayed for each individual business must not exceed the business name and/or logo.

(h) During the construction or sale of a business, one (1) temporary development or real estate sign per street frontage may be installed, provided:

(1) The sign does not exceed thirty-two (32) square feet.

(2) The sign does not exceed seven (7) feet in height.

(3) The sign is removed after the construction or sale is completed. (Ord. 1639, 2021: Ord. 1188 §1(part), 1996).

18.24.070 Signs requiring permits in residential zoning districts.

(a) Real Estate Development Signs (Residential). During the construction or sale of a residential development, one (1) sign per street frontage may be installed, provided:

- (1) The sign does not exceed thirty-two (32) square feet.
- (2) The sign does not exceed seven (7) feet in height from the prevailing grade.
- (3) The sign is removed when construction is completed or sale is closed.

(b) Entrance Signs (Residential). Each subdivision and apartment complex may have one (1) permanent entrance sign per street entrance not to exceed twenty (20) square feet of sign surface area.

(c) For Rent Signs (Multifamily Residential). One (1) Apartment For Rent sign not to exceed twenty (20) square feet of sign surface area may be posted along one (1) street frontage during the time when apartments are available for rent or lease. The sign shall not be posted within the street right of way.

(d) Miscellaneous Signs. Up to four (4) garage, rummage, yard, real estate open house, or estate sale signs not to exceed three (3) square feet in size for each sign may be posted within street rights-of-way during the days of the event only. (Ord. 1188 §1(part), 1996).

18.24.080 Signs requiring permits in all zoning districts.

(a) Community announcement signs. Community announcement signs and other temporary signs promoting an event sponsored by a nonprofit organization or the Town of Steilacoom may be permitted if the following standards are met:

- (1) Not posted for longer than thirty (30) days;
- (2) No larger than thirty-two (32) square feet;
- (3) Signs will be removed within five days after event;

(b) Signs identifying a nonprofit organization in the Town of Steilacoom, e.g. churches, lodges, schools. Signs shall not exceed thirty-two (32) square feet per street frontage. (Ord. 1188 §1(part), 1996).

18.24.090 Prohibited signs. The following signs shall not be permitted in any zoning district:

- (1) Roof signs;
- (2) Flashing signs or signs with flashing lights;
- (3) All moving, rotating or animated signs except barber poles at barber shops;
- (4) Signs which pose a hazard to public health or safety, as determined by the Town of Steilacoom, including:

(a) Signs located adjacent to a driveway, alley, street or public right of way which interferes with vehicular or pedestrian safety;

(b) Signs which obstruct ingress or egress from fire escapes, doors, windows or other exits or entrances;

(c) Signs which by reason of size, location or content, interfere with the visibility or effectiveness of any traffic sign or control device on public streets;

(d) Signs which make use of words such as "Stop," "Look," "One- Way," "Danger," "Yield" or any similar word, phrase, symbol, shape or light so as to interfere or be confused with pedestrian or vehicular public safety signs;

(e) Signs displaying obscene, indecent, or immoral matter;

(f) Signs which do not apply to the present business or which are obsolete;

(g) Signs located above the parapet of a building;

(h) Billboards;

(i) Signs with balloons, streamers, flagging, strings of lights, spinners or similar attention getting or moving devices;

(j) Exterior neon tubing signs. (Ord. 1188 §1(part), 1996).

18.24.100 Enforcement and removal. In addition to the enforcement provisions of Chapter 14.32 SMC, the Town of Steilacoom may order the removal of any sign erected or maintained in violation of these standards. The Town of Steilacoom shall give thirty (30) days' notice in writing to the owner of the sign, or property owner, if sign owner cannot be located. If the sign owner or property owner has not removed or corrected the sign within the thirty (30) day period, the Town of Steilacoom may order the removal of the sign. Expenses incurred by the Town for removal shall become a lien on the property if payment is not received within sixty (60) days after billing date. The Town of Steilacoom may order immediate removal of any sign found to be in violation of these standards to the extent that it presents an immediate and serious danger to the public. Signs erected on public property in violation of this title may be summarily removed. (Ord. 1543 §14, 2016; Ord. 1188 §1(part), 1996).

Chapter 18.28

SPECIAL USE PERMITS

Sections:

18.28.010 Purpose.

18.28.020 Conditional use permit.

18.28.030 Variance.

18.28.040 Temporary encampment permit.

18.28.010 Purpose. This chapter establishes decision criteria and procedures for uses which, because of their unique qualities, may require an additional degree of control or latitude for special circumstances. (Ord. 1188 §1(part), 1996).

18.28.020 Conditional use permit. The purpose of the conditional use permit is to assign conditions to otherwise permitted uses which mitigate potential impacts on the community.

(1) Authority and approval. A conditional use may be approved by the Town Council when the findings required by this title are made. A request for a conditional use permit may be denied only if the expected impacts cannot be mitigated by assigned conditions.

(2) Permit required. All approved conditional uses shall be authorized by a permit which states the required findings, the conditions imposed on the use and/or structure, the location of the conditional use and the time limit, if any.

(3) Required findings. The following findings must be made by the Town Council prior to the issuance of a conditional use permit:

(A) The proposed use and/or structure, at the proposed location, is consistent with the purposes of the zoning ordinance and zone district in which it is to be located, and that the proposed use will meet all the applicable requirements of the zoning ordinance.

(B) The proposed use and/or structure will not be significantly detrimental to the public health, safety and welfare; diminish the value of nearby property or improvements; disturb persons in the use of property unless the conditional use is a public necessity.

(C) The proposed use and/or structure is consistent with the Comprehensive Plan.

(4) Evaluation Criteria. In addition to the foregoing required findings, in any review of an application for a conditional use permit factors relevant to the public interest, including but not necessarily limited to the following, shall be considered:

(A) The impact of the proposal on the visual and aesthetic character of the neighborhood;

(B) The impact of the proposal on the distribution, density or growth rate of the population in the neighborhood;

- (C) The orientation of facilities to developed or undeveloped residential areas;
- (D) The preservation of natural vegetation, critical areas, and other natural features;
- (E) The hours of operation;
- (F) The ability to provide adequate parking in compliance with SMC 18.20.070;
- (G) The traffic impacts of the proposal on the neighborhood;
- (H) The type and quantity of items for sale;
- (I) Whether annual or other periodical review should be required with respect to continuation of any activities authorized by the permit.

(5) General requirements.

(A) The Town Council shall determine whether the conditional use permit will run with the land or be personal. If the conditional use is personal, the permit is nontransferable to other persons. If the permit runs with the land, the Town may require the permit to be recorded with the County Auditor as a covenant on the property.

(B) The conditional use permit must be acted upon within one (1) year from the date of approval or the permit shall expire. The holder of the permit may request an extension of time before the expiration date and the Town Administrator may grant an extension of time up to one year past the original expiration date.

(C) The conditional use permit applies only to the property which has been approved and may not be transferred to any other property. (Ord. 1188 §1(part), 1996).

18.28.030 Variance. The purpose of this section is to allow some variation from the requirements of this title, with the exception of those related to use and procedure.

(A) Authority and Approval. A variance may be approved by the Hearing Examiner when the findings required by this title can be made.

(B) Required findings. In granting the variance it must be found that, because of special circumstances related to the property, the strict enforcement of the zoning ordinances would deprive the owner of use rights and privileges permitted to other properties in the vicinity with the same zoning.

(1) Special circumstances include the size, shape, topography, location or surroundings of the property, public necessity of public structures and uses, and environmental factors such as vegetation, streams, ponds and wildlife habitats.

(2) Special circumstances may not be predicated upon any factor personal to the owner such as age or disability, extra expense which may be necessary to comply with the zoning ordinance, the ability to secure a scenic view, the ability to make more profitable use of the property, nor any factor resulting from the action of the owner or any past owner of the same property.

(C) General requirements. The following general requirements apply to all variances granted within the town of Steilacoom.

(1) The variance must be acted upon within one (1) year from the date of approval or the variance shall expire. The holder of the variance may request an extension of time before the expiration of the variance and the Town Administrator may grant an extension of time up to one (1) year past the original expiration date.

(2) The variance applies only to the property to which it was granted and may not be transferred to any other property.

(D) Hearings Examiner costs. The applicant is responsible for any costs associated with the Hearing Examiner, in addition to the fee for the variance. The Town Administrator may require an advance deposit to cover anticipated costs. (Ord. 1375 §14, 2004: Ord. 1188 §1(part), 1996).

18.28.040 Temporary encampment permit.

(A) General Conditions. Temporary encampments are allowed only pursuant to a permit issued in accordance with the following conditions:

(1) A temporary encampment shall be located at a place of worship. If the place of worship is not actively practicing on the site proposed for a temporary encampment, then the place of worship must comply with all other permit requirements for the underlying zone required for siting a new place of worship and temporary encampment.

(2) Each lot occupied by a temporary encampment must provide or have available parking and vehicular maneuvering area.

(3) The temporary encampment and the parking of any vehicles associated with a temporary encampment application shall not displace the host site's parking lot in such a way that the host site no longer meets the minimum or required parking of the principal use as required by code or previous approvals unless an alternative parking plan is approved by the Town Council.

(4) The temporary encampment shall be located within one-half mile of a public transit stop.

(5) No temporary encampment shall operate within the Town of Steilacoom for more than 90 consecutive days, except that the Town Council may allow up to five additional days to accommodate moving on a weekend.

(6) The Town shall not grant a permit for a temporary encampment that is proposed to commence on a lot or lots within one-half mile of any lot(s) that contained a temporary encampment within the last 18 months. For the purposes of this subsection, the 18 months shall be calculated from the last day of the prior temporary encampment within the one-half-mile radius. No more than one temporary encampment may be located in the Town at any time.

(7) All temporary encampments shall obtain, prior to occupancy of the lots, all applicable Town of Steilacoom permits, licenses and other approvals (i.e., business license, building permit, administrative approvals, etc.).

(8) Each site occupied by a temporary encampment shall be left free of debris, litter, or other evidence of the temporary encampment upon completion of removal of the use.

(9) The applicant shall submit a complete application for a temporary encampment permit at least 75 days before any occupancy by the temporary encampment.

(10) The maximum number of residents at a temporary encampment site shall be determined by the Town Administrator taking into consideration site conditions, but in no case shall the number be greater than 100 people. After the encampment reaches its capacity, any individual(s) who arrive after sundown (and meet all screening criteria) will be allowed to stay for one night, after which the individual(s) will not be permitted entry until a vacancy is available. Such occurrences shall be logged and reported to the Town Administrator on a weekly basis.

(11) Because of their temporary nature, temporary structures within temporary encampments shall not be required to meet the design review criteria of Chapter 2.14 SMC. Any permanent structures, as determined by the Town Administrator, shall meet all applicable design review criteria and receive any necessary design review approval through the Preservation and Review Board. All temporary structures for temporary encampments shall comply with the following design criteria:

(a) Temporary encampment structures shall be located a minimum of 20 feet from any property line that abuts a residential property, unless otherwise approved by the Town Administrator. All other setbacks and yards applicable to permanent structures shall apply to temporary structures related to temporary encampments;

(b) A six-foot-high sight-obscuring fence, vegetative screen or other visual buffering shall be provided between the temporary encampment and any abutting residential property and the right-of-way. The fence shall provide privacy and a visual buffering among neighboring properties in a manner and material approved by the Town Administrator. The Town

Administrator shall consider existing vegetation, fencing, topographic variations and other site conditions in determining compliance with this requirement; and

(c) Exterior lighting must be directed downward, away from adjoining properties, and contained within the temporary encampment.

(12) No children under the age of 18 are allowed to stay overnight in a temporary encampment unless accompanied by a parent or legal guardian. If any other child under the age of 18 attempts to stay overnight at the temporary encampment, the temporary encampment managing organization shall immediately contact the Washington State Department of Social and Health Services Child Protective Services, or its successor.

(13) The temporary encampment shall comply with all applicable standards of the Tacoma-Pierce County Health Department, or its successor.

(14) The temporary encampment shall comply with all Washington State and Town codes concerning, but not limited to, drinking water connections, human waste, solid waste disposal, electrical systems, cooking and food handling and fire-resistant materials. Servicing of portable toilets and trash dumpsters is prohibited between the hours of 10:00 pm and 7:00 am on Mondays through Fridays, excluding legal holidays, and between the hours of 10:00 pm and 9:00 am on Saturdays, Sundays, and legal holidays, except in the case of bona fide emergency or under permit from the Town Administrator in case of demonstrated necessity.

(15) The temporary encampment shall permit regular inspections by the Town, including the Public Safety Department, and the Tacoma-Pierce County Health Department to check compliance with the standards for temporary encampments. The Steilacoom Public Safety Department shall do an initial fire inspection and safety meeting at the inception of the temporary encampment.

(16) All temporary encampments shall have services, such as food, water, and waste disposal, provided by a temporary encampment sponsor and supervised by a temporary encampment managing organization.

(17) The managing organization and temporary encampment sponsor shall sign a hold harmless agreement for the temporary encampment.

(18) The temporary encampment managing organization shall maintain a resident log for all who are residing at the temporary encampment. Such log shall be kept on site at the temporary encampment. Prospective encampment residents shall provide a verifiable form of identification when signing the log.

(19) The temporary encampment managing organization shall provide and enforce a written code of conduct, which not only provides for the health, safety and welfare of the temporary encampment residents, but also mitigates impacts to neighbors and the community. A copy of the code of conduct shall be submitted to the Town at the time of application for the permit.

(20) The temporary encampment managing organization shall obtain warrant and sex offender checks from the Pierce County sheriff's office for all current camp residents within the seven days prior to moving to Steilacoom, as well as from all new residents checking into the temporary encampment. If said check reveals the subject is a sex offender or has an active warrant, the temporary encampment managing organization or sponsor shall immediately contact the Town of Steilacoom Public Safety Department. The temporary encampment sponsor shall be responsible for verifying that the warrant and sex offender checks occur, that the log of persons residing at the temporary encampment is kept and that verifiable forms of identification are being provided.

(21) Upon determination that there has been a violation of any condition of approval, the Town Administrator may give written notice to the permit holder describing the alleged violation. Within seven days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the seven-day period, the Town Administrator shall sustain or revoke the permit. When a temporary encampment permit is revoked, the Town

Administrator shall notify the permit holder by certified mail of the revocation and the findings upon which revocation is based. Appeals of decisions to revoke a temporary encampment permit will be processed pursuant to Chapter 36.70C RCW. The availability of this procedure shall be in addition to any other remedies at law.

(22) A designated smoking area shall be provided on site in the location which would result in the least impact on neighboring properties based on distance.

(23) The Town Council may require any other condition as necessary to mitigate impacts from temporary encampments, except as provided in subsection D below.

(B) Permit Application. A complete application for a temporary encampment shall consist of all of the following:

- (1) A master land development application form;
- (2) A site plan, which extends 50 feet beyond the proposed site's property boundaries, drawn to scale showing all of the following:
 - (a) All existing structures;
 - (b) Existing parking stalls;
 - (c) Parking stalls proposed to be unavailable for parking vehicles during the temporary encampment;
 - (d) All proposed temporary structures;
 - (e) Proposed electrical and plumbing connections;
 - (f) Location of trash receptacles, including trash dumpsters;
 - (g) Location of toilets and other sanitary facilities;
 - (h) Location and details of any proposed connection to wastewater, potable water, stormwater, electrical supply, or other public or private utility systems;
 - (i) Proposed and existing ingress and egress;
 - (j) Any permanent alterations on the lot to the site or structures; and
 - (k) Designated smoking area;
- (3) Proposed fencing detail or typical section;
- (4) Written authorization from a temporary encampment sponsor on which the temporary encampment is located;
- (5) A hold harmless agreement, on a form approved by the Town attorney, with a signature of the temporary encampment sponsor;
- (6) A copy of any agreements with other parties regarding use of parking, either on site or off site;
- (7) A copy of any agreement between the temporary encampment sponsor, temporary encampment managing organization, and any schools and/or child care services;
- (8) A copy of the code of conduct;
- (9) The applicant shall provide:
 - (a) The date, time, and location of the required informal public meeting;
 - (b) The name of persons representing the temporary encampment managing organization and sponsor at the informal public meeting;
 - (c) A summary of comments provided; and
 - (d) Copies of any documents submitted at the informal public meeting;
- (10) Any other information deemed necessary by the Town Administrator for the processing of a temporary encampment permit; and
- (11) All applicable application filing fees in an amount established by Town ordinance or resolution.

(C) Application Process. A temporary encampment permit is issued by the Town Council following a public hearing. In addition to the requirements for the processing of development proposals specified in Title 14, the following additional procedures shall apply:

(1) Informal Public Meeting Required. The Town Administrator shall require an applicant to conduct an informal public meeting to inform citizens about a proposed temporary

encampment prior to submittal of an application. Notice of the informal public meeting shall be provided in the same manner as required for public hearings, at least 10 days prior to the informal public meeting. Prior to the informal public meeting, the temporary encampment sponsor and managing organization shall meet and confer with the Steilacoom Public Safety Department regarding any proposed security measures. At the informal public meeting, a representative of the temporary encampment sponsor and managing organization shall present in writing and describe the proposed temporary encampment location, timing, site plan, code of conduct, encampment concerns, management security measures, and any input or comment received on the plan, including any comment or input from the Steilacoom Public Safety Department, or comment or input from schools and/or child care services under subsection (C)(3) of this section. Copies of the agenda and other materials shall be provided by the applicant at the meeting.

(2) Additional Mailed Notice. The requirements for mailing the notice of public hearing set forth in SMC 14.16.030 shall be expanded to include owners of real property within 600 feet of the lot(s) containing the proposed temporary encampment.

(3) Required Consultations. Prior to any application for a temporary encampment permit, the temporary encampment sponsor, or temporary encampment managing organization, shall meet and confer with the administration of any public or private elementary, middle, junior high or high school within 600 feet of the boundaries of the lot(s) proposed to contain the temporary encampment, and shall meet and confer with the operators of any properly licensed child care service within 600 feet of the boundaries of the lot(s) proposed to contain the temporary encampment. The temporary encampment sponsor and the school administration and/or child care service operator shall make a good faith effort to agree upon any additional conditions that may be appropriate or necessary to address school and/or child care concerns regarding the location of a temporary encampment within 600 feet of such a facility. Any such conditions agreed upon between the parties shall be submitted to the Town Administrator for consideration, for inclusion within the temporary encampment permit. In the event the parties fail to agree on any conditions, either party may provide the Town Administrator with a written summary of the parties' discussions, which the Town Administrator may consider in evaluating whether the conditions for the temporary encampment permit are met, or the need for additional conditions upon the temporary encampment permit, without violating the legal rights of the temporary encampments sponsor.

(D) The Town Council may not impose certain conditions on homeless encampment permits pursuant to state law. The Council may not:

(1) Impose conditions of approval other than those necessary to protect public health and safety.

(2) Impose conditions of approval that substantially burden the decisions or actions of a religious organization regarding the location of housing or shelter for homeless persons on property owned by the religious organization.

(3) Require a religious organization to obtain insurance pertaining to the liability of the Town with respect to homeless persons housed on property owned by the religious organization, or otherwise require the religious organization to indemnify the Town against such liability.

(4) Impose permit fees in excess of the actual costs associated with the review and approval of the required permit applications.

(E) Emergencies. The Mayor may waive these requirements when a catastrophic event necessitates the immediate establishment of a temporary encampment.

(F) Definition. For the purposes of this section, "religious organization" means the federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property. (Ord. 1523, 2015).

Chapter 18.30

TEMPORARY USES AND STRUCTURES

Sections:

18.30.010 Purpose.

18.30.020 Definitions.

18.30.030 Time Limits.

18.30.040 Duration and Frequency, Temporary Use Permit.

18.30.050 Temporary Structures.

18.30.060 Temporary Storage Units and Cargo Containers.

18.30.070 Construction Debris Drop Boxes.

18.30.010 Purpose. The purpose of this Chapter is to establish allowed temporary uses and structures, provide standards and conditions for regulating such uses and structures, and establish a permit system to monitor and control temporary uses. (Ord. 1550, 2017).

18.30.020 Definitions. As used in this in this section, the following terms have the following meanings.

(A) Applicant means the person that owns, rents, occupies, or controls the property and applies for a temporary use permit.

(B) Cargo Containers means a standardized shipping container more than 20 feet in length, designed and used for intermodal freight transport.

(C) Major construction projects means those residential developments of five or more homes, and commercial development of buildings larger than 4,000 square feet.

(D) Recreational vehicle, or RV, means a vehicle that is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(E) Supplier means the company or vendor which supplies a Temporary Storage Unit.

(F) Temporary Storage Unit means a transportable unit 20 feet or less in length, designed and used primarily for temporary storage of building materials (before they are utilized for building purposes), household goods, and other such materials for use on a limited basis. Such unit is not an accessory structure as provided in Chapter 18.16 SMC.

(G) Tent means a temporary human shelter made from stretched out fabric.

(H) Construction Debris Drop Box means a container designed for the collection of demolition or other construction debris placed at a construction site. (Ord. 1639, 2021: Ord. 1550, 2017).

18.30.030 Time Limits. All temporary uses and structures are subject to the provisions of the regulations contained in this Chapter. The following table indicates where each temporary structure is allowed in Town, and the number of days allowed, subject to the provisions and qualifications in each subsection. An "X" indicates that the particular temporary use or structure is not allowed in that zone. (Ord. 1550, 2017).

Table of Temporary Uses/Structures and Number of Days Allowed

Zoning District →	Commercial General Commercial Shoreline	Parks, Recreation and Open Space Public/Quasi-Public	R-7.2, R-9.6, Multi- Family and MPD
Type of Temporary Use or Structure ↓			
Temporary Encampment (See 18.28.040)	X	90 days – limited to property owned by places of worship	X
Temporary Construction Buildings (18.30.050 A)	Removed within 30 days of completion	Removed within 30 days of completion	Removed within 30 days of completion
Temporary Real Estate Office (18.30.050 B)	X	X	Removed at end of 1 year following recording of plat
Temporary Housing Unit during Construction (18.30.050 C)	Removed within 30 days of final inspection or 1 year	Removed within 30 days of final inspection or 1 year	Removed within 30 days of final inspection or 1 year
Temporary Occupancy of RV, Travel Trailer or Tent (18.30.050 D)	X	X	14 days without permit 30 days with permit Once per 6 months
Temporary Storage Unit (18.30.060 A)	14 days	14 days	14 days
Temporary Storage in Cargo Containers (18.30.060 B)	180 days	X	X, in MPD zone, as allowed by MPD permit only
Construction Debris Drop Box (18.30.070)	Allowed during construction	Allowed during construction	Allowed during construction

(Ord. 1639, 2021)

18.30.040 Duration and Frequency, Temporary Use Permit.

(A) Temporary uses shall be limited in duration and frequency as set forth in this Chapter, except for Temporary Encampments which are governed by SMC 18.28.040. Temporary uses identified in SMC 18.30.050 and 18.30.060 shall obtain a temporary use permit.

(1) Any property owner desiring a temporary use shall obtain a temporary use permit from the Town Administrator. The Town shall provide a form for applying for the various temporary uses, including the name of the applicant, the type of use, location, and specified days and hours of operation of the proposed temporary use.

(2) The duration of the temporary use shall include the days the use is being set up and established as well as when the event actually takes place.

(3) A parcel may host no more than three temporary uses or structures within a calendar year; provided the time periods specified in SMC 18.30.030 are not exceeded. Multiple temporary uses or structures may occur on a parcel concurrently provided the time periods in SMC 18.30.030 are not exceeded.

(4) Recreational vehicles, travel trailers, or tents shall not be used as a permanent place of abode, or dwelling. Occupancy of a recreational vehicle, travel trailer or tent, or combination thereof, for more than 60 days in any 12-month period shall be considered permanent occupancy.

(5) Temporary parking lots associated with a temporary use shall not remain longer than the associated temporary use.

(B) Temporary Use Permit

(1) The Town Administrator shall issue the temporary use permit if the application meets the criteria for the type of temporary use applied for.

(2) The Town Council shall set a fee for temporary use permits by resolution. The fee shall be calculated to defray the costs of inspection as provided herein.

(3) By submitting an application and paying the fee, the applicant consents to inspection by the Town Administrator or designee at reasonable times to determine if the use is in compliance with the regulations in this Chapter.

(4) All Temporary Use Permits shall be posted prominently on the building, structure or vehicle that is the subject of the permit. (Ord. 1550, 2017).

18.30.050 Temporary Structures.

(A) Temporary Construction Buildings. Temporary structures for the storage of tools and equipment, or containing supervisory offices in connection with major construction projects, may be established and maintained during the progress of such construction on such projects. Such buildings shall be removed within 30 days after completion of the project or 30 days following issuance of the certificate of occupancy for the building under construction.

(B) Temporary Real Estate Office. One temporary real estate sales office may be located on any new subdivision in any residential zone; provided the activities of such office shall pertain only to the selling of lots within the approved divisions of land of 5 or more lots or phase or division upon which the office is located. The temporary real estate office shall be removed at the end of a 1-year period measured from the date of the recording of the map of the land division upon which such office is located.

(C) Temporary Housing Unit during Construction. A temporary housing unit during construction may be placed on a lot or tract of land in any zone for occupancy during the period of time necessary to construct a permanent use or structure on the same lot or tract or abutting property leased or owned by the applicant. Existing dwelling units may be converted to a temporary housing unit. A temporary housing unit is subject to the following:

(1) The unit is removed from the site within 30 days after final inspection of the project, or within one year from the date the unit is first moved to the site, whichever may occur sooner.

(2) A permit is issued by the Building Department prior to occupancy of the unit on the construction site.

(D) Temporary Occupancy of Recreational Vehicle, Travel Trailer or Tent.

(1) One recreational vehicle, travel trailer or tent may be used as a temporary dwelling on private residential property already containing another dwelling unit when the owner or user of the recreational vehicle, travel trailer or tent is a nonresident visiting a resident of that property.

(2) Temporary occupation of the recreational vehicle, tent or travel trailer may be allowed for up to 14 days without a permit and for an extended period not to exceed 30 days, including all time occupied without a permit, upon issuance of a temporary occupancy permit.

(3) No more than one recreational vehicle/tent/travel trailer use permit may be granted within any six-month period.

- (4) Occupation of recreational vehicles is not permitted in the public right-of-way.
- (5) Recreational vehicles, tents or travel trailers shall not be placed in critical areas or their associated buffers.
- (6) The recreational vehicle, travel trailer, or tent shall be vacated at the expiration of the temporary occupancy period. Recreational vehicles, travel trailers and tents owned by the property owner may remain on the site unoccupied. Recreational vehicles, travel trailers and tents owned by persons other than the property owner shall be removed at the end of the temporary occupancy period.
- (7) Extensions of the permit time limits may be granted by the Town Administrator on a case-by-case basis, when needed, in situations of undue hardship and provided that efforts to relocate or acquire permanent housing are underway, for no more than 30 days. (Ord. 1550, 2017).

18.30.060 Temporary Storage Units and Cargo Containers.

(A) Temporary Storage Units

- (1) Zones allowed. Properly permitted temporary storage units are allowed within all zoning districts.
- (2) Placement of Temporary Storage Units
 - (a) Temporary storage units must be placed in the driveway or side yard in the R-7.2, R- 9.6 and MF zones. If the grade of the property does not allow a temporary storage unit to be placed in the driveway or side yard, the Town Administrator may grant permission to place the unit within the right-of-way. The applicant must demonstrate that the grade of the property would not allow siting the temporary storage unit, and that placing the temporary storage unit in the right-of-way would not impeded traffic or pedestrians.
 - (b) Placement of temporary storage units in the MPD zoning district is regulated by the MPD permit issued in accordance with Chapter 14.34 SMC.
 - (c) Temporary storage units must be placed in the rear or side yard in all other zones.
- (3) Time restrictions
 - (a) The temporary storage unit may be located at one address for a maximum of fourteen (14) consecutive days, including the days of delivery and removal. An extension may be granted to the applicant by the Town Administrator, subject to conditions, for a reasonable additional time period in an amount not to exceed thirty (30) days.
 - (b) Each residential property is limited to a maximum of four (4) permits per calendar year, and a minimum of fifteen (15) days must elapse between the end of one (1) permit period and the beginning of another.

(4) Condition of Temporary Storage Unit

The applicant, as well as the supplier, shall be responsible for ensuring that the temporary storage unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks, at all times.

(5) Prohibited Uses of Temporary Storage Units

No temporary storage unit can be used to store solid waste, construction debris, demolition debris, recyclable materials, business inventory, commercial goods, goods for property other than at the residential property where the temporary storage unit is located (i.e. used for retail sales) or any other illegal or hazardous material. Upon reasonable notice to the applicant, the Town may inspect the contents of any temporary storage unit at any reasonable time to ensure that it is not being used to store said materials.

(B) Cargo Containers

- (1) Zones allowed. Cargo containers are allowed in the Commercial General and Commercial Shoreline zones and are prohibited in the R-7.2, R-9.6, MF, P/QP and PROS

zones. Use of cargo containers within the MPD zone is subject to the MPD permit issued in accordance with Chapter 14.34 SMC.

(2) Abatement of Existing Cargo Containers

Cargo containers existing in the R-7.2, R-9.6, MF, P/QP and PROS zones upon the effective date of this ordinance must be removed from the property no later than 90 days from the receipt of a notice from the Town Administrator advising the owner of the provisions of this ordinance.

(3) Allowed Uses in the Commercial Zones

Cargo containers may be placed in the Commercial General and Commercial Shoreline zones, when the following standards are complied with:

- (a) Materials stored within cargo containers must be directly related to an approved commercial use on site;
- (b) No storage of hazardous materials may take place within cargo containers;
- (c) Cargo containers may not be used for personal or commercial storage uses unrelated to the commercial use;
- (d) Cargo containers must be in compliance with bulk requirements of Development Regulations;
- (e) Cargo containers may not encumber required parking, aisle or landscaping, and may not block Emergency Vehicle Access or established vehicle routes;
- (f) No more than two cargo containers may be used for storage associated with commercial uses at one time; and
- (g) Cargo containers may not be on any site in excess of 180 days within any 12 month period. (Ord. 1639, 2021: Ord. 1550, 2017).

18.30.070 Construction Debris Drop Boxes. Drop boxes used for the collection of construction debris shall be kept in an orderly state, emptied when full, and removed from the construction site promptly upon completion of construction. (Ord. 1550, 2017).

Chapter 18.36

CONCURRENCY REVIEW

Sections:

18.36.010 Intent.

18.36.020 Definitions.

18.36.030 Concurrency test.

18.36.040 Certificate of capacity.

18.36.050 Exemptions.

18.36.060 Appeals.

18.36.010 Intent. The intent of this chapter is to establish a concurrency management system to ensure that concurrency facilities and services needed to maintain minimum level of service standards can be provided simultaneous to, or within a reasonable time after, development occupancy or use as required by the State Growth Management Act, RCW 36.70A. Concurrency facilities and services are arterial streets, transit, water, power, sanitary sewer, schools, solid waste-garbage, solid waste-recycle/yard waste, storm water management, library, fire flow, fire/EMS/law enforcement and parks.

The intent of this chapter is to require a concurrency management system test for those applications to the Town for an increase in the number of building lots, or a significant increase

in the intensity of land use; the chapter is not intended to require a concurrency management system test for the construction of a single family home or duplex, or accessory structures in keeping with residential neighborhoods. This chapter is also intended to further the goals and policies of the Steilacoom comprehensive plan. (Ord. 1375 §15, 2004: Ord. 1171 §1, 1995).

18.36.020 Definitions.

(a) Adequate: At or above the level of service standards specified in the current adopted comprehensive plan.

(b) Applicant: A person or entity who has applied for a development permit, or a development agreement pursuant to RCW 36.70B.170.

(c) Available capacity: Capacity for a concurrency facility that currently exists for use without requiring facility construction, expansion or modification.

(d) Certificate of capacity: A document issued by the Community Development Department indicating the quantity of capacity for each concurrency facility that has been reserved for a specific development project on a specific property. The document may have conditions and an expiration date associated with it.

(e) Concurrency Facilities: Facilities for which concurrency is required in accordance with the provisions of this chapter. They are arterial streets, transit, water, power, sanitary sewer, solid waste-garbage, schools, solid waste-recycle/yard waste, storm water management, library, fire flow, fire/EMS/law enforcement and parks.

(f) Concurrency Test: The comparison of an applicant's impact on concurrency facilities to the capacity, including available and planned capacity, of the concurrency facilities.

(g) Development Permit: A land use, building permit, or development agreement pursuant to RCW 36.70B.170. Development permits are classified as exempt, final or preliminary. Exempt permits are set out in SMC 18.36.050.

(h) Development Permit, Final: A building permit or development agreement pursuant to RCW 36.70B.170.

(i) Development Permit, Preliminary: The following land use permits: conditional use permit, preliminary plat, rezone, shoreline substantial development/conditional use permit, short plat and site plan approval.

(j) Facility and Service Provider: The department, district, or agency responsible for providing the specific concurrency facility. Examples include, but are not limited to: the Town of Steilacoom, the Steilacoom Historical School District and Pierce Transit.

(k) Level of Service Standard: The level of service standard specified in the current adopted comprehensive plan.

(l) Planned Capacity: Capacity for a concurrency facility that does not exist, but for which the necessary facility construction, expansion or modification project is contained in the current adopted comprehensive plan capital facilities element and scheduled to be completed within six (6) years.

(m) Planned Capacity, Transportation Facilities: Capacity for transportation facilities, including arterial streets and transit, that does not exist, but for which the necessary facility construction, expansion or modification project is contained in the current adopted comprehensive plan capital facilities element and financial commitment is in place to complete the improvements within six (6) years. (Ord. 1639, 2021: Ord. 1171 §2, 1995).

18.36.030 Concurrency test.

(a) Application: All preliminary and final development permit applications are subject to a concurrency test except those exempted in SMC 18.36.050. A complete concurrency test application includes: a preliminary or final development permit application that includes all information required by the Steilacoom Municipal Code for the respective permit; any fees for the preliminary or final development permit application and concurrency test fee as set forth in

SMC, Appendix D "Fee Schedules"; and a State Environmental Policy Act determination if the permit proposal requires a SEPA analysis as set forth in Steilacoom Municipal Code Title 16.

(b) Procedures: The concurrency test will be performed in the processing of the development permit and conducted by the community development department, in conjunction with the facility and service providers.

(1) The Community Development Department shall provide the overall coordination of the concurrency test by notifying the facility and service providers of all applications requiring a concurrency test as set forth in subsection (a) above; notifying the facility and service providers of all exempted applications which use capacity as set forth in SMC 18.36.050; notifying applicants of the test results; notifying the facility and service providers of the final outcome (approval or denial) of the development permit; and notifying the facility and service providers of any expired development permits or discontinued certificates of capacity.

(2) Facility and service providers shall be responsible for maintaining and monitoring their available and planned capacity by conducting the concurrency test, for their individual facilities or services, for all applications requiring a concurrency test as set forth in subsection A above; reserving the capacity needed for each application; accounting for the capacity for each exempted application which uses capacity as set forth in SMC 18.36.050; notifying the Community Development Department of the results of the test; and reinstating any unused capacity as set forth in SMC 18.36.040.

(3) Facility and service providers shall be responsible for annually reporting the total, available and planned capacity of their facility as of the end of each calendar year to the Town of Steilacoom.

(c) Test: Development applications that would result in a reduction of a level of service below the minimum level of service standard cannot be approved. For water, power, sanitary sewer, solid waste-garbage, solid waste-recycle/yard waste, fire flow and storm water management only available capacity will be used in conducting the concurrency test. For arterial roads, transit, fire/EMS/law enforcement, schools and parks, available and planned capacity will be used in conducting the concurrency test. The test shall be completed by the Town within thirty (30) days of receipt of a complete application as set forth in subsection (a) above.

(1) If the capacity of concurrency facilities is equal to or greater than capacity required to maintain the level of service standard for the impact from the development application, the concurrency test is passed. A certificate of capacity will be issued according to the provisions of SMC 18.36.040.

(2) If the capacity of concurrency facilities is less than the capacity required to maintain the level of service standard for the impact from the development application, the concurrency test is not passed. The applicant may:

(A) Accept a ninety (90) day reservation of concurrency facilities that exist and modify the application to reduce the need for concurrency facilities that do not exist;

(B) Accept a ninety (90) day reservation of concurrency facilities that exist and demonstrate to the Town's satisfaction that the proposed development will have a lower need for capacity than usual and, therefore, capacity is adequate;

(C) Accept a ninety (90) day reservation of concurrency facilities that exist and arrange with the appropriate facility and service provider for the provision of the additional capacity of concurrency facilities required; or

(D) Appeal the results of the concurrency test to the Hearing Examiner in accordance with the provision of SMC 18.36.060.

(d) Concurrency Inquiry Application: An applicant may inquire whether or not concurrency facilities exist without an accompanying request for a development permit. A fee as set forth in the SMC Appendix D "Fee Schedules," may be charged for such concurrency test. Any available capacity cannot be reserved. A certificate of capacity will only be issued in

conjunction with a development permit approval as outlined in SMC 18.36.040. (Ord. 1171 §3, 1995).

18.36.040 Certificate of capacity.

(a) Issuance: A certificate of capacity shall be issued at the same time the development permit is issued and upon payment of any fee and/or performance of any condition required by a facility and service provider.

(b) Applicability: A certificate of capacity shall apply only to the specific land uses, densities, intensities, and development project described in the application and development permit.

(c) Transferability: A certificate of capacity is not transferable to other property, but may be transferred to new owners of the original property.

(d) Life Span of Certificate: A certificate of capacity shall expire if the accompanying development permit expires or is revoked. A certificate of capacity may be extended according to the same terms and conditions as the accompanying development permit. If the development permit is granted an extension, the extension shall also apply to the certificate of capacity. If the accompanying development permit does not expire, the certificate shall be valid for three years from the issuance of the certificate.

(e) Unused Capacity: Any capacity that is not used because the developer decides not to develop or the accompanying development permit expires shall be returned to the pool of available capacity. (Ord. 1171 §4, 1995).

18.36.050 Exemptions.

(a) No Impact: Development permits for development which creates no additional impacts on any concurrency facility are exempt from the requirements of this chapter. Such development includes, but is not limited to:

(1) Any addition or accessory structure to a residence, public facility, or business with no change or increase in use or increase in the number of dwelling units;

(2) Interior or exterior renovations of structures with no change or increase in the number of dwelling units;

(3) Interior or exterior renovations or modifications of structures for a use with the same or less intensity as the existing use;

(4) Replacement structure with no change or increase in use or increase in number of dwelling units;

(5) Temporary structures;

(6) Driveway, resurfacing or parking lot paving;

(7) Landscaping, lighting, or fencing;

(8) Signs;

(9) Demolitions;

(10) Conditional use permits which do not allow an increase in use or number of new dwelling units above the intensity of use or number of dwelling units allowed by the existing zoning of the property;

(11) Variances which do not allow an increase in use or number of new dwelling units above the intensity of use or number of dwelling units allowed by the existing zoning of the property.

(b) Exempt Permits: The following development permits are exempt from the requirement of this chapter:

(1) Lot line adjustment;

(2) Final plat;

(3) Administrative waiver;

(4) Permits for construction of single family homes, duplexes, and accessory dwelling units, as defined in SMC 15.04.010 and,

(5) Permits for developments that had complete applications submitted before the effective date of this chapter. (Ord. 1171 §5, 1995).

18.36.060 Appeals.

(a) Basis of Appeal: The applicant may appeal the results of the concurrency test based on three grounds:

- (1) A technical error;
- (2) The applicant provided alternative data or a mitigation plan that was rejected by the facility or service provider;
- (3) Unwarranted delay in review that allowed capacity to be given to another applicant.

(b) Procedures: The applicant must file a notice of appeal with the Steilacoom Town Clerk within fifteen (15) calendar days of the notification of the test results. The notice of appeal must specify the basis of the appeal and provide supporting data. Each appeal shall be accompanied by a fee as set forth in SMC Appendix D "Fee Schedules," with said fee refunded to the appellant should the appellant prevail. Upon filing of such appeal, the Town Clerk shall notify the appropriate facility and service provider and the community development department of such appeal.

(c) Hearing Scheduling and Notification: When an appeal has been filed within the time prescribed, with the supporting data and payment of the required fee, the Town Clerk shall place such appeal upon the Hearing Examiner's calendar to be heard. Notice of such public hearing shall be given to the applicant and the appropriate facility and service provider, at least fifteen (15) days prior to the hearing date.

(d) Record: The appropriate facility and service provider shall transmit to the Hearing Examiner all papers, calculations, plans and other materials constituting the record of the concurrency test, at least seven days prior to the scheduled hearing date. Within this same seven (7) day time period, the Town Clerk shall transmit the appellant's notice of appeal and supporting data to the Hearing Examiner. The Hearing Examiner shall consider the appeal upon the record transmitted, supplemented by any additional evidence which the appellant, the facility and service provider and the Town submit.

(e) Burden of Proof: The burden of proof shall be on the appellant to show by a preponderance of the evidence that the Town and/or the facility and service provider was in error.

(f) Hearing and Decision: The Hearing Examiner shall conduct the hearing and render the decision in accordance with the provisions of SMC 18.40.130.

(g) Reconsideration and Appeal of Hearing Examiner Decision: Reconsideration of the Hearing Examiner's decision shall be allowed as set forth in SMC 18.40.160. The decision of the Hearing Examiner shall be considered a final decision, appealable only to the Superior Court of Washington for Pierce County. Appeals to the Superior Court shall be commenced within thirty (30) calendar days of the final action of the hearing examiner. (Ord. 1171 §6, 1995).

Chapter 18.44

AMENDMENTS, AND LICENSES AND PERMITS

Sections:

18.44.010 Amendments.

18.44.020 Licenses and permits.

18.44.010 Amendments. The purpose of this section is to provide a means by which the text provisions and zoning district boundaries may be amended. All such changes shall further the intent of the comprehensive plan, in accordance with RCW 36.70A.040(3).

(1) Authority. The Town Council may, after review and recommendation of the Planning Commission, amend, supplement or change by ordinance any of the text provisions and zoning district boundaries.

(2) Text Amendments. Amendments to the text of this title may be initiated by the Town Council or the Planning Commission. The text of this title may be amended upon any of the following required findings:

- (A) The amendment furthers the intent of the comprehensive plan;
- (B) The amendment furthers the purposes of this title;
- (C) The amendment is necessary to the efficient and effective administration of this title.

(3) Zoning District Boundary Amendments. Amendments to the zoning district boundaries may be initiated by the Town Council, Planning Commission or petition of owners of fifty-one (51) percent of the area of the properties to be rezoned. Amendments may be made if all the following findings are made:

- (A) The amendment is consistent with the comprehensive plan;
- (B) The amendment is consistent with the purposes of this title;
- (C) The amendment is consistent and compatible with the uses and zoning of surrounding property;
- (D) The property is practically and physically suited for the uses allowed in the proposed zoning classification; and
- (E) The benefit or cost to the public health, safety and welfare is sufficient to warrant the action taken.

(4) Contract rezone. The applicant may propose conditions on the use of development of the property to be rezoned which may mitigate otherwise unacceptable adverse effects of the proposed action. These conditions may be incorporated into a contract between the Town and the property owner as a necessary requirement of the rezone. Failure to fulfill the contract condition shall void the rezone action and the property shall revert to the previous zoning classification. (Ord. 1188 §1(part), 1996).

18.44.020 Licenses and permits.

(a) No business license or other permit shall be issued unless the use of a property conforms to the requirements of this title.

(b) No building permit or other permit shall be issued until the plans, specifications, occupancy and use of the structure conforms to the requirements of this title.

(c) No license, permit or approval shall be granted until all fees required by this title have been paid. (Ord. 1188 §1(part), 1996).

Chapter 18.48

MARIJUANA RELATED USES

Sections:

18.48.010 Medical Cannabis Collective Gardens – definition.

18.48.020 State-licensed facilities – definitions.

18.48.030 Medical Cannabis Collective Gardens.

18.48.040 Marijuana Related Uses.

18.48.010 Medical Cannabis Collective Gardens – definition. The terms “medical cannabis collective garden” and “collective garden” mean the growing, production, processing, transportation, and delivery of cannabis, by qualifying patients for medical use, as set forth in Chapter 69.51A RCW, and subject to the following conditions:

- (a) A collective garden may contain no more than fifteen plants per patient up to a total of forty-five plants;
- (b) A collective garden may contain no more than twenty-four ounces of usable cannabis per patient up to a total of seventy-two ounces of usable cannabis;
- (c) A copy of each qualifying patient’s valid documentation, including a copy of the patient’s proof of identity, must be available at all times on the premises of the collective garden;
- (d) No useable cannabis from the collective garden is delivered to anyone other than one of the qualifying patients participating in the collective garden;
- (e) A collective garden may contain separate areas for growing, processing, and delivering to qualifying patients, provided that these separate areas must be physically part of the same premises, and located on the same parcel or lot. A location utilized solely for the purpose of distributing cannabis shall not be considered a collective garden; and
- (f) No more than one collective garden may be established on a single tax parcel. (Ord. 1511 §1, 2014).

18.48.020 State-licensed facilities – definitions.

- (a) Unless the context clearly indicates otherwise, all terms used in this Chapter shall have the same meanings established pursuant to RCW 65.50.101.
- (b) “Marijuana” means all parts of the plant cannabis, whether growing or not, with a THC concentration greater than zero point three percent (.03%) on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant which is incapable of germination.
- (c) “Marijuana processor” means a person licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers.
- (d) “Marijuana producer” means a person licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.
- (e) “Marijuana-infused products” means products that contain marijuana or marijuana extracts and are intended for human use. The term “marijuana-infused products” does not include useable marijuana.
- (f) “Marijuana retailer” means a person licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet.
- (g) “Useable marijuana” means dried marijuana flowers. The term “useable marijuana” does not include marijuana-infused products. (Ord. 1511 §2, 2014).

18.48.030 Medical Cannabis Collective Gardens.

- (a) Collective gardens as defined in SMC 18.48.010 are prohibited in the following zoning districts:
 - (1) All single-family and multi-family residential zones, including R-7.2, R-9.6 and MF.
 - (2) All commercial zones, including CG and CS.
 - (3) All public zones, including P/QP and P/OS.

(4) Any new zoning district established after January 10, 2014, including MPD.

(b) In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated under applicable provisions of this code or state law, including Chapter 9.12 SMC.

(c) Nothing in this section is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any Town, state, or federal law or statute. (Ord. 1639, 2021: Ord. 1511 §3, 2014).

18.48.040 Marijuana Related Uses.

(a) The production, processing and retailing of marijuana is and remains illegal under federal law. Nothing herein or as provided elsewhere in the ordinances of the Town of Steilacoom is an authorization to circumvent federal law or provide permission to any person or entity to violate federal law. Only state-licensed marijuana producers, marijuana processors, and marijuana retailers may locate in the Town of Steilacoom and then only pursuant to a license issued by the State of Washington. The purposes of these provisions is solely to acknowledge the enactment by Washington voters of Initiative 502 and a state licensing procedure and to permit to, but only to, the extent required by state law marijuana producers, marijuana processors, and marijuana retailers to operate in designated zones in the Town.

(b) Marijuana producers, marijuana processors and marijuana retailers as defined in SMC 18.48.030 are prohibited in the following zoning districts:

(1) All single-family and multi-family residential zones, including R-7.2, R-9.6 and MF.

(2) All commercial and zones, including CG and CS.

(3) All public zones, including P/QP and P/OS.

(4) Any new zoning district established after January 10, 2014, including MPD.

(c) In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated under applicable provisions of this code or state law, including Chapter 9.12 SMC.

(d) Nothing in this section is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any Town, state, or federal law or statute. (Ord. 1639, 2021: Ord. 1511 §4, 2014).

Chapter 20.139

SHORT-TERM RENTALS

Sections:

[20.139.010 Purpose.](#)

[20.139.020 Definitions.](#)

[20.139.030 General requirements.](#)

[20.139.040 Application requirements.](#)

[20.139.050 Development standards.](#)

[20.139.060 Term of annual permit and license.](#)

[20.139.070 Violation and repeat offenses.](#)

[20.139.080 Denial of application for a short-term rental.](#)

[20.139.090 Appeal.](#)

[20.139.100 Elimination of type 2 short-term rentals.](#)

20.139.010 Purpose.

A. The purpose of this chapter is to establish regulations for the operation of short-term rentals within the city. It does not apply to hotels, motels, and bed and breakfasts. This chapter also establishes a short-term rental permit and license.

B. The provisions of this chapter are necessary to provide adequate housing opportunities to low and moderate income persons and to prevent unreasonable burdens on services and impacts on residential neighborhoods posed by short-term rentals. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and that they won't unreasonably reduce community housing opportunities. Maintenance of the city's existing residential neighborhoods is essential to its continued social and economic strength. It is the intent of this chapter to protect housing availability and to minimize the impact of short-term rentals on adjacent residences, and to minimize the impact of the commercial character of short-term rentals. (Ord. 2017-33 § 5, 2017; Ord. 2017-23 § 1 (part), 2017).

20.139.020 Definitions.

The definitions set forth in this section shall apply to short-term rental properties. Definitions contained in Chapter [20.06](#) also apply.

A. “Authorized agent” is a property management company or other entity or person who has been designated by the owner, in writing, to act on their behalf. The authorized agent may or may not be the designated representative for purposes of contact for complaints.

B. “Event” means wedding, bachelor or bachelorette party, concert, sponsored event, or any similar group activity.

C. “Local contact” means a person identified by the owner who is available to respond twenty-four hours a day, seven days a week, to any complaint involving the short-term rental.

D. “Owner” means the person that owns and holds legal and/or equitable title to the property.

E. “Principal residence” means the residence where the owner personally resides two hundred seventy-five or more days each calendar year.

F. “Short-term rental” means temporary lodging for charge or fee at a dwelling for a rental period of less than one month, or less than thirty continuous days if the rental period does not begin on the first day of the month.

G. “Short-term rental type 1” means short-term rental at a dwelling that is the owner’s principal residence and where either (1) rooms are rented and the owner is personally present at the dwelling during the rental period, or (2) the entire dwelling is rented for no more than ninety total days in a calendar year. Portions of calendar days shall be counted as full days. The room(s) for rent may be located within a detached or attached accessory dwelling unit.

H. “Short-term rental type 2” means short-term rental at a dwelling that is not the owner’s principal residence. (Ord. 2017-33 § 6, 2017: Ord. 2017-23 § 1 (part), 2017).

20.139.030 General requirements.

A. No owner or property within the Walla Walla city limits may offer, operate, rent, or otherwise make available or allow any other person to make available for occupancy or use a short-term rental without a short-term rental permit and license. Offer includes through any media, whether written, electronic, web-based, digital, mobile, or otherwise.

B. Only type 1 short-term rentals are allowed within Walla Walla city limits, and no other short-term rentals are permitted. (Ord. 2017-33 § 7, 2017: Ord. 2017-23 § 1 (part), 2017).

20.139.040 Application requirements.

In addition to the general application requirements of the designated review level, applicants for a short-term rental permit and license and yearly renewals must pay the fees stated herein and provide the following additional information as required on the forms provided by the city. Applications which do not include all required information shall be deemed incomplete within twenty-eight days from application submittal. After applicant’s notice of incomplete application

is deemed received, application must be complete within thirty days or nonconforming uses will be deemed abandoned as outlined in Section [20.139.100](#)(E).

A. Verification that lodging and business taxes through the previous quarter from the expiration date have been remitted to the Washington State Department of Revenue for an existing short-term rental. If applying for a new short-term rental, then verification of lodging taxes will be done at the annual renewal of the license.

B. The application fee for a short-term rental permit is one hundred fifty dollars. There shall also be an additional license fee.

C. The annual renewal fee for a short-term rental permit is one hundred fifty dollars. There shall also be an additional license fee.

D. Statement that required parking spaces are available on the subject property. A parking layout shall be shown on the submitted site plan of the subject property.

E. Acknowledgment of receipt and review of a copy of the good neighbor guidelines. In addition, evidence that the good neighbor guidelines have been effectively relayed to short-term rental tenants through the rental contract or posting online or providing in a conspicuous place in the dwelling unit, or other similar method. This will be verified at the inspection.

F. Provide information identifying all websites and other locations where availability of the short-term rental is posted (such as VRBO/Air BNB/etc.) or advertised and any listing number(s). (The city issued permit and license number(s) must be part of any posting or advertisement of the short-term rental.)

G. Such other information the development services director or designee deems reasonably necessary to administer this chapter. (Ord. 2020-51 § 15, 2020; Ord. 2017-33 § 8, 2017; Ord. 2017-23 § 1 (part), 2017).

20.139.050 Development standards.

A. In addition to the requirements of Chapter [20.127](#), one additional off-street parking space is required of short-term rentals. The parking spaces must be provided on the property being rented.

B. Recreational vehicles and other similar vehicles, machines, or recreational devices are not permitted to be parked on site or within the public right-of-way related to short-term rentals.

C. Owner must have property insurance and liability coverage for the short-term rental.

D. Short-term rentals are prohibited to be utilized as event space.

E. If the unit is not an owner occupied short-term rental, then a local contact must be provided who is able to respond twenty-four hours a day, seven days a week to any complaints. The local contact must be within twenty-five miles of the Walla Walla city limits.

F. A short-term rental permit and license will not be issued if the owner is not current on lodging tax payments to the Washington State Department of Revenue for an existing short-term rental. If applying for a new short-term rental then verification of lodging taxes paid will be done at the annual renewal.

G. Owner or authorized agent is responsible for providing in a conspicuous location within the short-term rental the good neighbor guidelines.

H. Functioning carbon monoxide detectors and smoke detectors shall be kept in operating order and installed as required by the International Residential Code (IRC).

I. Functioning fire extinguisher(s) shall be installed within the short-term rental. Number and location will be determined based on the size of the structure during the inspection process.

J. If the short-term rental property has a pool then the pool must be fenced meeting the requirements of the IRC. (Ord. 2017-33 § 9, 2017: Ord. 2017-23 § 1 (part), 2017).

20.139.060 Term of annual permit and license.

A. Short-term rental permits and licenses shall be issued for a period of one year, with its effective date running from the date of issuance. The permit and license must be renewed annually. Applicable standards of this chapter must be met and the following renewal requirements must also be met:

1. Verification that all lodging taxes for year have been paid to the Washington State Department of Revenue.

2. Owner or authorized agent is responsible for scheduling the annual inspection.

B. The short-term rental permit and license will be issued in the name of the owner. If the property is sold, and the new owner or authorized agent continues the property as a short-term rental then the new owner or authorized agent is required to obtain a short-term rental permit and license and comply with the regulations outlined in this chapter. (Ord. 2017-33 § 10, 2017: Ord. 2017-23 § 1 (part), 2017).

20.139.070 Violation and repeat offenses.

A. It is unlawful to rent, offer for rent, or advertise for rent a dwelling unit located on any property within the city as a short-term rental without a permit and license authorizing such use that has been approved and issued in the manner required by this chapter.

B. Failure of the owner or the authorized agent or local contact of a short-term rental to respond to a nuisance complaint to the Walla Walla police department arising out of the occupancy and use of the short-term rental by a tenant, or the tenant's visitors or guests, is a violation and will be fined as follows:

1. First call and violation received no charge;
2. Second call and violation received seven hundred fifty dollars;
3. Third call and violation received one thousand dollars; and
4. Fourth call and violation received permit and license revoked.

C. In addition to any other remedy provided by this chapter, a short-term rental permit and license issued pursuant to this chapter may be suspended, modified, or revoked for violations of this chapter, for violation of any other law on the premises of the short-term rental, or for the maintenance of such other conditions as may be shown to be injurious to the public health and safety.

D. A violation of Chapter [10.13](#), Stopping, Standing and Parking, as well as Title [8](#), Health and Safety.

E. Violation of this chapter shall be processed as outlined in Chapter [20.42](#).

1. The development services director shall determine whether a short-term rental permit and license should be suspended, modified, or revoked, and notify the applicant of that determination in writing.

2. The development services director's determination under subsection (E)(1) of this section shall be appealable to the Walla Walla hearing examiner as provided in Chapter [20.38](#).

F. Violation of this chapter is additionally declared to be a nuisance. (Ord. 2017-33 § 11, 2017; Ord. 2017-23 § 1 (part), 2017).

20.139.080 Denial of application for a short-term rental.

An application for a short-term rental shall be denied if the approving authority finds that either the application or record fail to establish compliance with the provisions of this chapter. When any application is denied, the approving authority shall state the specific reasons, and shall cite the specific provisions and sections of this code on which the denial is based. (Ord. 2017-23 § 1 (part), 2017).

20.139.090 Appeal.

Decisions regarding short-term rentals may be appealed to the appropriate appellate body as prescribed in Chapter [20.38](#), Closed Record Decisions and Appeals. (Ord. 2017-23 § 1 (part), 2017).

20.139.100 Elimination of type 2 short-term rentals.

A. Short-term rental type 2 is not a permitted use in the city of Walla Walla.

B. Only those type 2 short-term rentals that were lawfully established and existing as of November 9, 2017, will be allowed as nonconforming uses. Such uses may not be significantly changed, altered, extended, or enlarged and must cease as provided herein. A use shall not be considered lawfully established and existing unless the owner proves all of the following:

1. That a location was used for short-term rental use during 2017 prior to November 9th;
2. That the use was continuing as of November 9, 2017, and not merely intermittent or occasional;
3. That the owner registered the short-term rental use and obtained a business registration card from the city of Walla Walla in accordance with Chapter 20.142 before November 9, 2017; and
4. That all applicable taxes were fully and timely paid for all short-term rental use that occurred prior to November 9, 2017.

C. Type 2 short-term rentals established and existing as of November 9, 2017, must obtain a short-term rental permit and license, and must apply for such permit and license by no later than February 1, 2018. In addition to the information required by Chapter [20.14](#) and Section [20.139.040](#), the applicant must provide proof of a lawfully established and existing short-term type 2 rental use predating November 9, 2017, as provided in subsection B of this section and the scope and extent of such use. Failure to timely apply for a short-term rental permit and license or to provide proof of lawful use shall be conclusive evidence that such use was not lawfully established or existing as of November 9, 2017, and neither a permit nor a license shall be issued for such locations.

1. The development services director shall determine whether a type 2 short-term rental use was lawfully established and existing as of November 9, 2017, and notify the applicant of that determination in writing.
2. The development services director's determination under subsection (C)(1) of this section shall be appealable to the Walla Walla hearing examiner as provided in Chapter [20.38](#).

D. Type 2 short-term rentals must meet the requirements of Sections [20.139.040](#) and [20.139.050](#)(B) through (J). Failure to satisfy such requirements shall be grounds for imposition of penalties and suspension, modification or revocation of permits and licenses as provided in Section [20.139.070](#). Revocation of a short-term rental permit or license for noncompliance shall terminate any right to continue type 2 short-term rental use; such use must immediately cease upon permit or license revocation, and type 2 short-term rental uses may not be reestablished at such locations.

E. Permits and licenses for short-term rentals must be timely renewed each year. Renewal applications must provide proof that type 2 short-term rental use continued throughout the preceding year. Type 2 short-term rental use must cease if such use has been discontinued or abandoned. Intent to discontinue and abandon a type 2 short-term rental use shall be presumed if a location was not rented at least a total of twenty-nine days during the preceding year. An owner

may rebut such presumption by presenting proof that the failure to sufficiently rent a location was due to conditions over which the owner had no control. Discontinued and abandoned uses may not be reestablished, and no permit or license for a discontinued or abandoned type 2 short-term rental use shall be renewed.

1. The development services director shall determine whether a type 2 short-term rental use has been discontinued or abandoned, and notify the applicant of that determination in writing.

2. The development services director's determination under subsection (E)(1) of this section shall be appealable to the Walla Walla hearing examiner as provided in Chapter [20.38](#).

F. Type 2 short-term rental use must cease if a location is not rented for short-term use for six consecutive months or more. When a location is not rented for type 2 short-term use for six consecutive months or more, the use shall be deemed vacated even if the use has been unintentionally vacated.

1. The development services director shall determine whether a type 2 short-term rental use has been vacated, and notify the applicant of that determination in writing.

2. The development services director's determination under subsection (F)(1) of this section shall be appealable to the Walla Walla hearing examiner as provided in Chapter [20.38](#).

G. Taxes and fees for type 2 short-term rental uses must be timely and fully paid. Failure to timely and fully pay any applicable taxes or fees shall be deemed discontinuance of type 2 short-term rental use, and such use must immediately cease. Type 2 short-term rental uses may not be reestablished at such locations until delinquent taxes and fees are fully paid. (Ord. 2017-33 § 12, 2017).