

**WENATCHEE PLANNING COMMISSION
SCHEDULED MEETING
August 21, 2024
WENATCHEE CITY HALL COUNCIL CHAMBERS
301 Yakima Street
Wenatchee, WA 98801
5:30 PM**

AGENDA

I. CALL TO ORDER AND WELCOME

II. ADMINISTRATIVE AFFAIRS

- A. Approval of the minutes from the last regular meeting on July 17, 2024

III. PUBLIC COMMENT PERIOD

Comments for any matters not included on the agenda

IV. OLD BUSINESS

None

V. NEW BUSINESS

- A. Public Hearing: Proposed Amendments to WCC Title 10.50 Signs & Chapter 10.72.050 Nonconforming Signs
- B. Workshop: Middle Housing Code Update

VII. ADJOURNMENT

Wenatchee City Hall is open for the public to attend meetings in person. The public may also participate in the meeting via phone by calling: (509) 888-3298, passcode 16995#. If you have questions about participating in the meeting, please contact Stephen Neuenschwander, Planning Manager at sneuenschwander@wenatcheewa.gov or (509) 888-3285.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Mayor's office at (509) 888-6204 (TTY 711). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title 1.)

MINUTES

I. CALL TO ORDER

Chair Rani Sampson called the meeting to order at 5:30p.m., with the following members in attendance: Ruby Gaston, Amber Bollinger, Anupama Vembar, and Joe Gamboni. Josh Jorgensen and Susan Albert were absent.

City Planning staff was represented by: Stephen Neuenschwander, Assistant Director; Matt Parsons, Senior Planner; Eva Osburn, Administrative Assistant.

II. ADMINISTRATIVE AFFAIRS

A. Approval of the minutes from the regular meetings on June 12, 2024.

Commissioner Joe Gamboni moved to approve the minutes from the June 12 regular meeting. Commissioner Amber Bollinger seconded the motion. The motion carried unanimously.

III. PUBLIC COMMENT PERIOD

There was no public comment.

IV. OLD BUSINESS

None

V. NEW BUSINESS

A. Workshop: Draft Amendments to Chapter 10.50 Signs

Stephen Neuenschwander, Assistant Director, presented.

VI. OTHER

None

VII. ADJOURNMENT

With no further business to come before the Planning Commission, Chair Rani Sampson adjourned the meeting at 6:12p.m.

Respectfully submitted,
CITY OF WENATCHEE
COMMUNITY DEVELOPMENT DEPARTMENT
Eva Osburn, Administrative Assistant

TO: City of Wenatchee Planning Commission
FROM: City of Wenatchee Community Development Staff
DATE: August 14, 2024
RE: Amendments to Title 10. 10.50 Signs and Chapter 10.72.050
Nonconforming signs of the Wenatchee City Code

I. REQUESTED ACTIONS

Conduct a public hearing and formulate a recommendation to the City Council on the proposed amendments to the Wenatchee City Code (WCC) Title 10.50 and Chapter 10.72.050 Nonconforming signs, attached as Exhibit A, to authorize a digital billboard on South Miller Street between 5th Street and Springwater Ave.

II. ENVIRONMENTAL REVIEW

The City of Wenatchee has determined the proposed amendments to the Wenatchee City Code (WCC) will not have probable significant adverse impacts on the environment. The City of Wenatchee has issued a determination of non-significance (DNS). Notice of the environmental determination for the proposed amendments to the Wenatchee City Code was made on July 25, 2024.

III. PUBLIC PROCESS

- The planning commission conducted a public workshop on July 17, 2024.
- Public notice of the proposed amendments was published in the Wenatchee World on July 27, 2024.
- Notice was mailed on July 25, 2024 to all property owners, as determined by the most recent data from the Chelan County Assessor Office, within 350 feet of the digital billboard area on South Miller Street between 5th Street and Springwater Ave.
- Information regarding the proposed amendment were added to the City of Wenatchee website on July 25, 2024.
- Notice of the intent to adopt amendments to the Wenatchee City Code were sent to the Washington State Department of Commerce on July 25, 2024 per RCW 36.70A.

IV. AGENCY AND PUBLIC COMMENTS:

Comments received have been included as Exhibit B.

V. COMPREHENSIVE PLAN GOALS AND POLICIES

The Wenatchee Urban Area Plan, Planning to Blossom 2037, is a planning and visioning document to ensure that growth and development in the urban area is consistent with the goals of the Washington State Growth Management Act (RCW 36.70A) and done in an orderly and efficient pattern. The plan has been revised and updated to reflect the growth of the community, the development patterns, and the changing environment. The plan includes numerous goals and policies that support the effort to review and update the sign regulations pertinent to the visual appeal and navigability of the City. The following goals and policies are from the plan and form the basis of the updated development codes:

Applicable Policies from the Community Design and Healthy Communities Element

- GOAL 1: GATEWAYS -- Improve the visual appeal and navigability of Wenatchee by enhancing gateways into the city, its districts and neighborhoods.
- Goal 1, Policy 1: Develop visually attractive and identifiable gateways at primary entrances to the city using a combination of streetscape, signage, and building orientation to create memorable community entries.
- Goal 6: Dark Sky Design, Policy 6: All signs and lighting (including for streets, buildings, parking areas, and signs) should be designed so that they perform their function without being unduly disruptive to the visual appeal of the area.
- GOAL 7: Aesthetics -- Identify opportunities to improve the visual aesthetics of the community.
- Goal 7, Policy 4: Review sign standards to determine priorities on the amortization of nonconforming signage. Opportunities are available to improve the signage code to better meet community advertising needs while improving the cumulative visual impacts of signage.

VI. PROJECT ANALYSIS

The City adopted Ordinance 2019-52 (attached as Exhibit C) which amended the Wenatchee City Code to amortize legal non-conforming billboards out over a 10-year period beginning on January 20, 2020. This code amendment required to removal of non-conforming billboards by the end of the amortization period unless compensation is required by federal, state, or local laws (particularly RCW 47.42).

The adoption of this code amendment was appealed to the Washington State Growth Management Hearings Board as case number 20-1-004 by Outfront Media LLC. In an effort to resolve the appeal without further legal proceedings, the City of Wenatchee and Outfront Media LLC entered into an agreement to pursue a settlement. The terms of the settlement include Outfront Media removing certain billboards in the city and the city proposing an amendment to WCC 10.50 Signs to allow for the permitting and construction of one digital billboard.

The draft amendments would allow the City to approve one new digital billboard with two sign faces on a site to be determined by Outfront Media on South Miller Street between 5th Street and Springwater Ave. The draft code includes standards that regulate the size, height, brightness, dwell time of the digital message, transition time between messages, prohibits visibility of the new billboard from State Highway 285, and lays out the requirements to relocate the sign within the sign area. Amendments to Chapter 10.72.050 Nonconforming signs acknowledges that billboards, with the exception of any billboard built consistent with this amendment, are not permitted.

Code revisions since public notice:

1. City staff is recommending that a 10-foot minimum setback be added to the draft code under consideration. This proposed setback is consistent with the building code requirements for new billboards. The setback would apply to the closest element of the sign structure to property lines.
2. City staff is recommending that section 10.50.040(2)(f) be amended to allow the billboard to advertise for off-premises businesses. Without this amendment the draft code would be inconsistent with standards and requirements of the general requirements of the sign code.

VII. Recommendation

Staff has included findings that would support the approval of the amendments to Title 10.50 Signs to allow for a new digital billboard on South Miller Street between 5th Street and Springwater Avenue consistent with the appeal agreement with Outfront Media LLC.

VIII. SUGGESTED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Suggested Findings of Fact:

1. The City of Wenatchee has adopted the Wenatchee Urban Area Comprehensive Plan and a series of sub-area comprehensive plans pursuant to the Growth Management Act (GMA), RCW Chapter 36.70A, which cover the Wenatchee Urban Growth Area and all incorporated areas within the City of Wenatchee, that have been found to be consistent with each other and with the adopted GMA plans of the adjoining jurisdictions.
2. The City of Wenatchee Planning Commission is responsible for long-range planning matters and providing implementation recommendations to assure compliance with the Growth Management Act for the City of Wenatchee Urban Growth Area in coordination with Chelan County and within the incorporated boundaries of the City of Wenatchee. These measures include updates and amendments to the

comprehensive plan; development regulations, environmental regulations, and any other rules, actions or regulations deemed necessary to implement the Growth Management Act.

3. RCW Chapters 36.70 and 36.70A authorize the adoption of development regulations.
4. Section 10.04.020 Purpose of the Wenatchee Zoning Code identifies the purposes of the title as to promote the public health, safety, and general welfare; to assist in the implementation of the Wenatchee urban area comprehensive plan; to comply with the Growth Management Act; and to comply with the provisions and objectives of Chapter 44, Laws of Washington, 1935, as amended, and Chapter 17, Laws of 1990, First Extraordinary Session, as amended.
5. The Planning Commission conducted one public workshop on the proposed revisions on July 17, 2024.
6. The City of Wenatchee issued a determination of non-significance on July 25, 2024 and provided copies of the environmental documents to the Department of Ecology SEPA Register.
7. The City of Wenatchee issued a notice of its intention to adopt amendments to Title 10 including the public review, comment period, and public hearing dates on July 25, 2024 which was published in the Wenatchee World on July 27, 2024.
8. On July 25, 2024, the City of Wenatchee provided formal notice to the Washington State Department of Commerce of the intent to adopt amendments to the Wenatchee City Code with a request for expedited review, pursuant to RCW 36.70A.106. Additional notices were provided to local and regional agencies for the review and comment periods/environmental determinations.
9. On August 8, 2024, the request for Expedited Review was granted by the Washington State Department of Commerce.
10. All comments were considered by staff and the planning commission.
11. On August 21, 2024, the City of Wenatchee Planning Commission conducted an advertised public hearing. The Planning Commission entered into the record the files on this amendment, accepted public testimony, and deliberated the merits of the proposal.
12. The City of Wenatchee Planning Commission has reviewed the entire record and public testimony as it relates to the proposed amendments to the Wenatchee City Code.

13. The State Scenic Vistas Act, Chapter 47.42 RCW, provides certain protections to billboards located within the jurisdiction of that Act.
14. Billboards are defined in Section 10.50.030, WCC as a type of large permanent sign designed or used for high-visibility display of sign copy which is typically not associated with the property upon which the sign is placed. Billboards typically have a wood or steel structure with a single face or double face oriented to major traffic routes. Billboards are larger than permitted pole signs and may include catwalks.
15. GOAL 1 in the Community Design and Healthy Communities Element: GATEWAYS -- Improve the visual appeal and navigability of Wenatchee by enhancing gateways into the city, its districts and neighborhoods. *The removal of billboards by Outfront Media serves to improve the visual appeal and navigability of the community.*
16. Goal 1, Policy 1 in the Community Design and Healthy Communities Element: Develop visually attractive and identifiable gateways at primary entrances to the city using a combination of streetscape, signage, and building orientation to create memorable community entries. *The removal of billboards by Outfront Media will assist in providing more attractive gateways to the community.*
17. Goal 6 in the Community Design and Healthy Communities Element: Dark Sky Design, Policy 6: All signs and lighting (including for streets, buildings, parking areas, and signs) should be designed so that they perform their function without being unduly disruptive to the visual appeal of the area. *The proposed billboard would be limited in height, size, brightness, and message dwell time to minimize disruption to the visual appeal of the area.*
18. GOAL 7 in the Community Design and Healthy Communities Element: Aesthetics -- Identify opportunities to improve the visual aesthetics of the community. *The proposed billboard would be limited in height, size, brightness, and message dwell time to improve the visual aesthetics of the community through removal of non-conforming billboard signs.*
19. Goal 7, Policy 4 in the Cultural and Historic Resources Element: Review sign standards to determine priorities on the amortization of nonconforming signage. Opportunities are available to improve the signage code to better meet community advertising needs while improving the cumulative visual impacts of signage. *The approval of the amendment would result in Outfront Media dropping their appeal of Ordinance 2019-51 allowing the amortization ordinance to be fully implemented.*
20. Billboards legally in existence since the adoption of Ordinance 2007-34 have been determined to be legally non-conforming signs.
21. With the exception of the proposed billboard, new off-site billboard signs have been prohibited in the City of Wenatchee since the enactment of Ordinance 2007-34.

Suggested Conclusions of Law:

1. The procedural and substantive requirements of the State Environmental Policy Act have been complied with.
 2. The procedural requirements of RCW 36.70A have been complied with.
 3. The proposed amendments are consistent with the Chelan County Countywide Planning Policies and the City of Wenatchee Urban Area Comprehensive Plan.
 4. The proposed amendments are consistent with the requirements of Revised Code of Washington, and the Washington Administrative Code.
 5. The proposed amendments have been reviewed and processed in accordance with the requirements of Title 10 Zoning, Title 12 Environmental Protection, and Title 13 Administration of Development Regulations of the City of Wenatchee Code.
-

Exhibit A: Draft revisions to WCC 10.50 Signs and 10.72.050 Nonconforming signs
Exhibit B: Ordinance 2019-51
Exhibit C: Comments on the proposal

10.50.XXX Digital billboard. [NEW SECTION]

- 1) The city shall authorize and issue a building permit for no more than one digital billboard located on North Miller Street between 5th Street and Springwater Avenue. The digital billboard shall have a maximum of two (2) digital sign faces.
- 2) The digital billboard shall meet the following standards:
 - a. The brightness of light emitted from the Digital Sign shall not exceed 0.3 foot candles over ambient light levels measured at a distance of one hundred fifty feet (150') feet.
 - b. Dwell time shall be a minimum of 8 seconds.
 - c. Transition time shall be a maximum of 1 second.
 - d. The digital display shall be turned off daily between the hours of midnight and 6 am.
 - e. The highest point of the sign face shall be a maximum of 30 feet above existing grade.
 - f. The maximum size of the sign face shall not exceed 300 square feet.
 - g. The digital billboard shall not be visible from State Highway 285 also known as Wenatchee Avenue.
 - h. 10' minimum setback from the closest element of the sign structure to property lines, rights-of-way, or private drives.
- 3) Application for the digital billboard shall include a management program that demonstrates compliance with the dwell time, transition time, and lighting standards of this section.
- 4) Installation shall occur within one year of the issuance of a building permit for the digital billboard.
- 5) The digital billboard may be relocated only under the following circumstances:
 - a. The proposed relocated site must be on North Miller Street between 5th Street and Springwater Avenue; and
 - b. The sign owner shall submit to the city a building permit application within 30 days of termination of negotiations with the underlying property owner or within 30 days of receiving notice of termination of its property rights and prior to removal of the digital billboard in its original location.
- 6) Once constructed, the city shall not require the removal of the digital billboard unless the city agrees to pay the sign owner the fair market value of the digital billboard prior to removal.

10.50.040 General requirements.

(2) Sign Location Restrictions. Except where specifically authorized by this chapter, signs are prohibited in the locations described below. Prohibited signs are subject to removal (except nonconforming signs as defined by this chapter) by the city at the owner's expense.

(f) Any permanent commercial, advertising, or business sign (including billboards) that is not located on the premises of the business to which it refers, except as allowed by WCC 10.50.XXX Digital billboard.

Exhibit A - Draft amendments to the Wenatchee City Code Chapter 10.50 Signs – Public hearing version

10.72.050 Nonconforming signs.

(1) With the exception of billboards, code requirements applicable to nonconforming on- and off-site signs are addressed in WCC [10.50.150](#), Legal nonconforming signs. Billboards are not a permitted use under Chapter [10.50](#) WCC, Signs, except as allowed by WCC 10.50.XXX Digital billboard. Legally established billboards in existence at the time of adoption of the ordinance codified in this section are considered nonconforming signs subject to the provisions of subsection (2) of this section.

(2) Billboard Sign Amortization. Notwithstanding any other provisions of this title, an existing nonconforming billboard may continue to be used for a period of 10 years after January 20, 2020. No structural alterations may be made after January 20, 2020, and the said billboard must be brought into conformity by removal before 10 years after January 20, 2020. The city may elect not to apply any provisions of this section if the removal of a billboard would require the city to pay compensation under any federal, state or other law, including Chapter [47.42](#) RCW. (Ord. 2019-51 § 2 (Exh. A); Ord. 2010-03 § 1 (Exh. A); Ord. 2007-34 § 2 (Exh. A))

Exhibit B

From: [NC-Review](#)
To: [Matthew Parsons](#)
Cc: [Verellen, Clayton](#); [Darveshi, Shaun](#); [Kieninger, David](#); [Reynolds, James](#); [Richards, Marcus](#)
Subject: RE: [EXTERNAL] Notice of Limited Development Regulation Amendment; Environmental Determination; and Public Hearings
Date: Monday, July 29, 2024 9:41:29 AM

CAUTION: This email originated from outside of the City of Wenatchee. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Greetings,

Thank you for giving WSDOT the opportunity to comment on this project. At this time, WSDOT has no comments.

-Thank you

From: Matthew Parsons <MParsons@WenatcheeWA.Gov>
Sent: Thursday, July 25, 2024 4:31 PM
To: Chris Hanson <CHanson@WenatcheeWA.Gov>; Jake Lewing <JLewing@WenatcheeWA.Gov>; Emma Honeycutt <EHoneycutt@WenatcheeWA.Gov>; Thomas Stanford <TStanford@WenatcheeWA.Gov>; Glen DeVries <GDeVries@WenatcheeWA.Gov>; Jessica Shaw <JShaw@WenatcheeWA.Gov>; David Erickson <DErickson@wenatcheewa.gov>; cindy.grubb@co.chelan.wa.us; DeannaC.Walter@CO.CHELAN.WA.US; kirsten.ryles@co.chelan.wa.us; bbrett@wvfire.org; dradcliffe@wvfire.org; kblanchard@wvfire.org; cblaufuss@wvfire.org; clillquist@eastwenatcheewa.gov; ameyer@wrhd2o.com; millerdaledistrict@gmail.com; NC-Review <NC-Review@WSDOT.WA.GOV>; tackley@co.douglas.wa.us; transportationplanner@linktransit.com; Shewak, Riley <Riley@chelan-douglas.org>; john.goodwill@chelanpud.org; realestateservices@chelanpud.org; alicia.cofer@ziply.com; Tim.Edington@charter.com; ty.marshall@charter.com; michael.collier@charter.com; Mike.Beck@charter.com; ronald.g.andrus@email.usps.gov; scott.macdonald@bnsf.com; ckazen@wm.com; kalahar.k@wenatcheeschools.org; Rich Peters <rpeters@wvc.edu>; corrine_camuso@yakama.com; jessica_lally@yakama.com; guy.moura@colvilletribes.com; karen.capuder@colvilletribes.com; thpo@sauk-suiattle.com
Cc: Stephen Neuenschwander <SNeuenschwander@WenatcheeWA.Gov>
Subject: [EXTERNAL] Notice of Limited Development Regulation Amendment; Environmental Determination; and Public Hearings

WARNING: This email originated from outside of WSDOT. Please use caution with links and attachments.

NOTICE IS HEREBY GIVEN that the City of Wenatchee is reviewing proposed amendments to the Wenatchee City Code; specifically:

- Amendments to Chapter 10.50 Signs to allow a single digital billboard up to 300 square feet in area and 30-feet-tall along N Miller Street between 5th Street and Springwater Avenue.
- Amendments to Chapter 10.72.050 Nonconforming signs to allow a new digital

billboard.

The amendments were sent to the Washington State Department of Commerce as required by RCW 36.70A.106 with a request for expedited review. The state required notice period began on July 27, 2024 and concludes on August 10, 2024 (if expedited review is granted).

Comments on the proposed amendments should be submitted as soon as possible for consideration by City staff, the Planning Commission, and the City Council. Comments are accepted up to and at the public hearing. Please email comments to sneuenschwander@wenatcheewa.gov or mail to:

Planning Division
ATTN: Billboard Update
City of Wenatchee
P.O. Box 519
Wenatchee, WA 98807

To view the draft amendments on the internet, navigate to the City of Wenatchee website:
<https://www.wenatcheewa.gov/government/community-development/current-projects/billboard-code-update>

The City of Wenatchee has determined the proposed amendments to the Wenatchee City Code will not have probable significant adverse impacts on the environment and have issued a determination of non-significance (DNS) in compliance with RCW 43.21C.

NOTICE IS HEREBY GIVEN that the City of Wenatchee Planning Commission will hold a public hearing on August 21, 2024 at 5:30 PM in the Council Chambers of Wenatchee City Hall, 301 Yakima St, Wenatchee, WA 98801 to consider the proposed amendments. The public is invited to attend the public hearing and comment on all pertinent matters.

NOTICE IS HEREBY GIVEN that the Wenatchee City Council will hold a public hearing on September 12, 2024 at 5:15 PM in the Council Chambers of Wenatchee City Hall, 301 Yakima St, Wenatchee, WA 98801 to consider the proposed amendments. The public is invited to attend the public hearing and comment on all pertinent matters.

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Matt Parsons, AICP

Senior Planner
Community Development Department
City of Wenatchee



301 Yakima St, Suite 100, PO Box 519

Wenatchee WA, 98807-0519

Phone: (509) 888-3253 | Fax: (509) 888-3201

Email: mparsons@wenatcheewa.gov

Website: www.wenatcheewa.gov

(pronouns: he/him/his)

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From: [Vicki Griffin](#)
To: [Stephen Neuenschwander](#)
Cc: [Real Estate Services](#)
Subject: RE: Notice of Limited Development Regulation Amendment; Environmental Determination; and Public Hearings
Date: Friday, July 26, 2024 3:14:54 PM

CAUTION: This email originated from outside of the City of Wenatchee. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Stephen,

The PUD's only concern with this new section is the height of the digital billboard in relation to our overhead utilities. The PUD respectfully requests that this issue be addressed by adding something like the following to the new code, perhaps in Section 2.

All National Electric Safety Codes shall be met or exceeded during construction, operation and maintenance of the digital billboard.

Thank you for providing an opportunity for comment.

Best regards,

Vicki Griffin
Real Estate Services Manager
Chelan County PUD #1
PO Box 1231
Wenatchee, WA 98807-1231
509.661.4240

From: Matthew Parsons <MParsons@WenatcheeWA.Gov>
Sent: Thursday, July 25, 2024 4:31 PM
To: Chris Hanson <CHanson@WenatcheeWA.Gov>; Jake Lewing <JLewing@WenatcheeWA.Gov>; Emma Honeycutt <EHoneycutt@WenatcheeWA.Gov>; Thomas Stanford <TStanford@WenatcheeWA.Gov>; Glen DeVries <GDeVries@WenatcheeWA.Gov>; Jessica Shaw <JShaw@WenatcheeWA.Gov>; David Erickson <DErickson@wenatcheewa.gov>; cindy.grubb@co.chelan.wa.us; DeannaC.Walter@CO.CHELAN.WA.US; kirsten.ryles@co.chelan.wa.us; bbrett@wvfire.org; dradcliffe@wvfire.org; kblanchard@wvfire.org; cblaufuss@wvfire.org; clillquist@eastwenatcheewa.gov; ameyer@wrhd2o.com; millerdaledistrict@gmail.com; nc-review@wsdot.wa.gov; tackley@co.douglas.wa.us; transportationplanner@linktransit.com; riley@chelan-douglas.org; John Goodwill <John.Goodwill@chelanpud.org>; Real Estate Services <realestateservices@chelanpud.org>; alicia.cofer@ziply.com; Tim.Edington@charter.com; ty.marshall@charter.com; michael.collier@charter.com; Mike.Beck@charter.com; ronald.g.andrus@email.usps.gov; scott.macdonald@bnsf.com; ckazen@wm.com; kalahar.k@wenatcheeschools.org; Rich Peters <rpeters@wvc.edu>; corrine_camuso@yakama.com; jessica_lally@yakama.com; guy.moura@colvilletribes.com; karen.capuder@colvilletribes.com; thpo@sauk-suiattle.com

Cc: Stephen Neuenschwander <SNeuenschwander@WenatcheeWA.Gov>

Subject: [External] Notice of Limited Development Regulation Amendment; Environmental Determination; and Public Hearings

PAUSE TO CONSIDER: The actual sender address for this email is
mparsons@wenatcheewa.gov.

Do you trust this message and any contents within?

If not, please forward it to our Phishing Hole for analysis. Thank You!

NOTICE IS HEREBY GIVEN that the City of Wenatchee is reviewing proposed amendments to the Wenatchee City Code; specifically:

- Amendments to Chapter 10.50 Signs to allow a single digital billboard up to 300 square feet in area and 30-feet-tall along N Miller Street between 5th Street and Springwater Avenue.
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(pronouns: he/him/his)

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ORDINANCE NO. 2019-51

AN ORDINANCE, amending and restating Chapter 10.72 “Nonconforming uses, structures and lots” of the Wenatchee City Code.

WHEREAS, the City Council enters the following Findings of Fact:

1. The City of Wenatchee has adopted the Wenatchee Urban Area Comprehensive Plan and a series of sub-area comprehensive plans pursuant to the Growth Management Act (GMA), RCW Chapter 36.70A, which cover the Wenatchee Urban Growth Area and all incorporated areas within the City of Wenatchee, that have been found to be consistent with each other and with the adopted GMA plans of the adjoining jurisdictions.
2. The City of Wenatchee Planning Commission is responsible for long range planning matters and providing implementation recommendations to assure compliance with the Growth Management Act for the City of Wenatchee Urban Growth Area in coordination with Chelan County and within the incorporated boundaries of the City of Wenatchee. These measures include updates and amendments to the comprehensive plan; development regulations, environmental regulations, and any other rules, actions or regulations deemed necessary to implement the Growth Management Act.
3. RCW Chapters 36.70 and 36.70A authorize the adoption of development regulations.
4. Section 10.04.020 Purpose of the Wenatchee Zoning Code identifies the purposes of the title as to promote the public health, safety, and general welfare; to assist in the implementation of the Wenatchee urban area comprehensive plan; to comply with the Growth Management Act; and to comply with the provisions and objectives of Chapter 44, Laws of Washington, 1935, as amended, and Chapter 17, Laws of 1990, First Extraordinary Session, as amended.
5. The Planning Commission conducted two public open houses on June 25, 2019 and August 21, 2019.

6. The Planning Commission conducted one public workshop on the proposed revisions on November 20, 2019.
7. The City of Wenatchee issued a determination of non-significance on November 19, 2019 and provided copies of the environmental documents to the Department of Ecology SEPA Register.
8. The City of Wenatchee and Chelan County issued a joint notice of the public 60 day review and comment period, and public hearing dates on November 19, 2019 which was published in the Wenatchee World.
9. On November 19, 2019, the City of Wenatchee provided formal notice to the Washington State Department of Commerce of the intent to adopt amendments to the Wenatchee City Code with a request for expedited review, pursuant to RCW 36.70A.106. Additional notices were provided to local and regional agencies for the review and comment periods/environmental determinations.
10. Public comments submitted during the comment period were reviewed by the Planning Commission and included in the official record.
11. On December 11, 2019, the City of Wenatchee Planning Commission conducted an advertised public hearing. The Planning Commission entered into the record the files on this amendment, accepted public testimony, and deliberated the merits of the proposal.
12. The City of Wenatchee Planning Commission has reviewed the entire record and public testimony as it relates to the proposed amendments to the Wenatchee City Code.
13. The City conducted a sign survey and invited the community to respond. The English version was online August 2-14, 2019 and the Spanish version was online August 6-18, 2019. The survey received a total of 498 respondents (492 English and 6 Spanish).

14. The written comments to the survey included community reference to reduce the amount of sign clutter including billboards, encouraged less signs, no new pole signs, and beautifying the entrance to the city, particularly the North Wenatchee Avenue corridor.
15. The State Scenic Vistas Act, Chapter 47.42 RCW, provides certain protections to billboards located within the jurisdiction of that Act.
16. Billboards are defined in Section 10.50.030, WCC (adopted by Ord 2019-50 on December 5, 2019) as a type of large permanent sign designed or used for high-visibility display of sign copy which is typically not associated with the property upon which the sign is placed. Billboards typically have a wood or steel structure with a single face or double face oriented to major traffic routes. Billboards are larger than permitted pole signs and may include catwalks.
17. GOAL 1 in the Community Design and Healthy Communities Element: GATEWAYS -- Improve the visual appeal and navigability of Wenatchee by enhancing gateways into the city, its districts and neighborhoods. *The amortization of non-conforming billboard signs serves to improve the visual appeal and navigability of the community.*
18. Goal 1, Policy 1 in the Community Design and Healthy Communities Element: Develop visually attractive and identifiable gateways at primary entrances to the city using a combination of streetscape, signage, and building orientation to create memorable community entries. *The amortization of non-conforming billboard signs will over time result in a more attractive gateways to the community.*
19. Goal 6 in the Community Design and Healthy Communities Element: Dark Sky Design, Policy 6: All signs and lighting (including for streets, buildings, parking areas, and signs) should be designed so that they perform their function without being unduly disruptive to the visual appeal of the area. *The amortization of existing digital billboards and non-conforming off-site signs would further the intent of this policy.*
20. GOAL 7 in the Community Design and Healthy Communities Element: Aesthetics -- Identify opportunities to improve the visual aesthetics of the community. *Community responses to the survey*

indicated a desire to improve the visual aesthetics of the community through removal of non-conforming billboard signs.

21. Goal 7, Policy 4 in the Cultural and Historic Resources Element: Review sign standards to determine priorities on the amortization of nonconforming signage. Opportunities are available to improve the signage code to better meet community advertising needs while improving the cumulative visual impacts of signage. *The primary purpose of the code revision is to amortize out non-conforming billboard signs. The amortization timeframe balances out the community desire to enhance the gateways to the city and reduce sign clutter with property owner rights to obtain a financial return on their investment.*

22. The City has a history of enacting land use regulations placing limitations on off-site signs and billboards and ultimately prohibiting them:
 - a. The City adopted zoning standards, permitting new off-site signs in the General Commercial by Ord 2720 on June 21, 1988.
 - b. The City initiated a moratorium on off-site signs by Ord 3017 on November 9, 1993.
 - c. The City extended the moratorium on off-site signs by Ord 3046 on January 11, 1994.
 - d. The City extended the moratorium on off-site signs by Ord 3061 on April 5, 1994.
 - e. The City adopted off-site sign standards in the General Commercial district by Ord 3069 on July 19, 1994.
 - f. The City extended the moratorium on off-site signs until September 21, 1994 by Ord 3073 which was signed on June 7, 1994.
 - g. The City initiated a 180 day moratorium on off-site signs by Ord 2005-04 on January 27, 2005.
 - h. The City extended off-site sign moratorium by Ord 2005-19 on July 14, 2005.
 - i. The City prohibits off-site signs in the General Commercial and Industrial districts and establishes non-conforming standards for off-site signs by Ord 2005-22 on September 22, 2005.
 - j. Off-site signs are prohibited in the community by Ord 2007-34 on October 12, 2007.

23. Billboards legally in existence since the adoption of Ordinance 2007-34 have been determined to be legally non-conforming signs.

24. New off-site billboard signs have been prohibited in the City of Wenatchee since the enactment of Ordinance 2007-34.
25. The Washington Supreme Court has directly addressed nonconforming uses and amortization of uses in many cases such as *City of Univ. Place v. McGuire*, 144 Wn.2d 640, 648–49, 30 P.3d 453 (2001), *Rhod-Azalea & 35th, Inc. v. Snohomish Cty.*, 136 Wn.2d 1, 9, 959 P.2d 1024 (1998), *Northend Cinema, Inc. v. City of Seattle*, 90 Wn.2d 709, 722, 585 P.2d 1153 (1978), and *Seattle v. Martin*, 54 Wn.2d 541, 342 P.2d 602 (1959).
26. Courts have consistently recognized that nonconforming uses are subject to subsequently enacted reasonable police power regulations. See *Goldblatt v. Town of Hempstead*, 369 U.S. 590, 82 S.Ct. 87 (1962).
27. “The policy of zoning legislation is to phase out a nonconforming use.” *Anderson v. Island County*, 81 Wn.2d 312, 323, 501 P.2d 594 (1972). Nonconforming uses are not favored, and may be extinguished, either after a period of nonuse **or a reasonable amortization period allowing the owner to recoup on investment.** *Rhod-A-Zalea*, 136 Wn.2d at 7, 959 P.2d 1024; see also *Choi v. City of Fife*, 60 Wn. App. 458, 803 P.2d 1330. (Emphasis added.)
28. In *Seattle v. Martin*, 54 Wn.2d 541, 342 P.2d 602 (1959) the WA Supreme Court recognized the power of a municipality to require termination of nonconforming uses within a reasonable period of time. The Court adopted a balancing test to determine the reasonableness of the termination period – that test is whether the harm or hardship to the user outweighs the benefit to the public to be gained from termination of the use.
29. Legally non-conforming off-site billboards have been able to recoup 12 years of financial benefit since the City adopted Ord 2007-34 on October 12, 2007.
30. The amortization of non-conforming off-site signs and billboards within 10 years is a reasonable timeframe that adequately balances the harm or hardship to the billboard owner and the benefit to the public gained from the termination of the non-conforming billboards and off-site signs.
31. The amortization of non-conforming off-site signs and billboards within 10 years is a reasonable timeframe for owners to recoup

additional remaining financial value on their investment while balancing the community desire for their removal.

32. An amortization period of 10 years together with the 12 years of legal non-conforming use since the prohibition of offsite signs on October 12, 2007 is a reasonable amortization period.
33. An analysis of building permits issued for off-site signs or billboards indicates that the average age as being at least 20 years.
34. Off-site non-conforming billboards have been annexed into the City since the enactment of Ordinance 2007-34. These off-site non-conforming billboards were subject to the same non-conforming regulations as those legally established in city limits as of the enactment of Ordinance 2007-34. Historic building permit information is not immediately available to determine the age of the signs.
35. Pursuant to RCW 36.70A.370 and following the guidelines prepared by the Washington State Attorney General pursuant to RCW 36.70A.370, the proposed amendments were reviewed by City Staff to assure that adoption of the changes will not result in an unconstitutional taking of property. It was determined that amortizing non-conforming billboards did not prevent other viable economic uses of the properties; no fundamental property attribute was destroyed, derogated or implicated; the minimum period of 22 years of use mitigates the financial impact to the owners and does not unfairly disrupt the owners' investment expectations; and the new amortization code advances a legitimate city interest to implement and accomplish the goals of its Comprehensive Plan.

WHEREAS, the City Council makes the following Conclusions of Law:

1. The procedural and substantive requirements of the State Environmental Policy Act have been complied with.
2. The procedural requirements of RCW 36.70A have been complied with.
3. The proposed amendments are consistent with the Chelan County Countywide Planning Policies and the City of Wenatchee Urban Area Comprehensive Plan.
4. The proposed amendments are consistent with the requirements of Revised Code of Washington, and the Washington Administrative Code.

5. The proposed amendments have been reviewed and processed in accordance with the requirements of Title 10 Zoning, Title 12 Environmental Protection, and Title 13 Administration of Development Regulations of the City of Wenatchee Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WENATCHEE, WASHINGTON, do ordain as follows:

SECTION I
Findings and Conclusions

The recitals set forth above are hereby adopted as the City Council's Findings of Fact and Conclusions of Law in support of this Ordinance. If any Finding of Fact is deemed more appropriately a Conclusion of Law, or if any Conclusion of Law is deemed more appropriately a Finding of Fact, they are hereby adopted as such.

SECTION II

Chapter 10.72 "Nonconforming uses, structures and lots" shall be and hereby is amended and restated as set forth on Exhibit "A" attached hereto.

SECTION III

The provisions of this Ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, section or portion of this Ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this Ordinance, or the validity of its application to other persons or circumstances.

SECTION IV

A summary of this ordinance will be published in the official newspaper of the City of Wenatchee and shall be in full force and effect thirty (30) days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF WENATCHEE, at a regular hearing thereof, this 12th day of December, 2019.

CITY OF WENATCHEE, a municipal corporation

By 
FRANK J. KUNTZ, Mayor

ATTEST:

By 
TAMMY L. STANGER, City Clerk

APPROVED:

By _____
STEVE D. SMITH, City Attorney

EXHIBIT "A"

Chapter 10.72 NONCONFORMING USES, STRUCTURES AND LOTS

Sections:

- 10.72.010 Intent and purpose.
- 10.72.020 Nonconforming uses.
- 10.72.030 Nonconforming structures.
- 10.72.040 Nonconforming lots.
- 10.72.050 Nonconforming signs.

10.72.050 Nonconforming signs.

(1) With the exception of billboards, code requirements applicable to nonconforming on and offsite signs are addressed in Section 10.50.150 Legal nonconforming signs, WCC. Billboards are not a permitted use under Chapter 10.50 Signs, WCC. Legally established billboard in existence at the time of adoption of this ordinance are considered nonconforming signs subject to the provisions of Section 10.72.050(2), WCC.

(2) Billboard sign amortization. Notwithstanding any other provisions of this Title, an existing nonconforming billboard may continue to be used for a period of ten years after January 20, 2020. No structural alterations may be made after January 20, 2020, and the said billboards must be brought into conformity by removal before ten years after January 20, 2020. The City may elect not to apply any provisions of this section if the removal of a billboard would require the city to pay compensation under any federal, state or other law, including RCW Chapter 47.42.)

(1) Off-Site Signs-

(a) Off-site signs in existence on the date of adoption of the ordinance codified in this section, which were constructed, erected or maintained in compliance with all previous regulations, shall be regarded as nonconforming signs which may be continued, maintained and altered by changing the sign face or message, but shall not be allowed to change sign type, such as but not limited to the addition or changing of "effects," and shall not be allowed to increase in size, height or any other manner.

(b) Off-site signs in existence on the date of adoption of the ordinance codified in this section, which were constructed, erected or maintained in compliance with all previous regulations, which are destroyed by an act of God or accident may be replaced; provided, that the replaced sign meets the standards set forth in subsection (1)(c) of this section.

(c) Off-site signs in existence on the date of adoption of the ordinance codified in this section, which were constructed, erected or maintained in compliance with all previous regulations, may be moved or relocated on the same parcel of land when development of the property by the property owner requires relocation; provided, however, that the replacement sign conforms to the provisions of WCC 10.50.170 and the following standards:

(i) The new off-site sign shall be no greater in size (height and area) than the replaced sign;

- (ii) The new off-site sign shall be similar in construction to the replaced sign (e.g., electronic versus painted, single face or double faced or V-type);
- (iii) No off-site sign is located within 500 lineal feet of another off-site sign;
- (iv) No off-site sign is located within 300 lineal feet of a residential zone;
- (v) No off-site sign is located within 300 lineal feet of, or oriented to be viewed from, those areas known as Riverfront Park, Walla Walla Point Park, or Confluence Park, or as the same are subsequently known;
- (vi) Off-site signs shall be limited in size to 300 square feet, including the frame area;
- (vii) Maximum height of off-site signs shall be 30 feet above grade, measured from the base of the sign support;
- (viii) The new off-site sign shall not contain any new "effects."

(2) On-Site Signs.

- (a) An on-site sign which is legally nonconforming as of the effective date of the ordinance codified in this title by reason of restrictions on height, required setbacks or other requirements concerning on-site signs may be continued so long as it remains otherwise lawful.
- (b) A nonconforming on-site sign shall not be altered, extended, enlarged, or otherwise physically changed in any manner that would have the effect of increasing its amount or degree of nonconformity.
- (c) A nonconforming on-site sign destroyed by any cause to an extent exceeding 50 percent of its cost of replacement using new materials shall only be replaced with an on-site sign conforming to the provisions of this title.
- (d) Nothing in this title shall be deemed to prevent the normal maintenance and repair of a nonconforming on-site sign or its restoration to a safe condition when declared to be unsafe by any official charged with protecting the public safety. (Ord. 2010-03 § 1 (Exh. A); Ord. 2007-34 § 2 (Exh. A))



**City of
Wenatchee**

Community Development Department

City Hall
301 Yakima Street, Suite 100 (509) 888-3200
Wenatchee, WA 98801 Fax (509) 888-3201

TO: Planning Commission

FROM: Community Development Staff

SUBJECT: Review second draft of Middle Housing code update

DATE: August 14, 2024

ATTACHMENTS:

- Draft code revisions to new Middle Housing (4 or less units per lot) code, Definitions, Density, and Off-Street Parking.

Intro

Planning Commission meetings this year have focused on legislative changes regarding housing. In January, a brief overview of the HB1110 was provided along with several other bills. In February, staff presented details on middle housing and accessory dwelling unit legislative changes, and discussed how the city may respond to these state mandates. In March, staff provided an overview and history of middle housing in the city. In May, staff reviewed key topics related to middle housing, such as landscaping, open space and height. In June, staff presented a first draft of a new concept for organizing development standards around housing, inspired both by HB1110's requirements, as well as our experience implementing our 2019 housing code standards.

In August staff will present updates to the new Middle Housing code, based on our June discussion. We will also present draft code changes to related sections of code to ensure consistency and to meet new state middle housing standards.

Middle Housing – 4 units or less per lot

Staff presented a new format for residential development standards to address both new state Middle Housing legislation and to unify and simplify residential development standards for in-fill development. Based on the Planning Commission's June discussion and staff research, the attached draft code contains edits to what was presented in June in the following areas:

1. **Articulation:** we moved the articulation requirement so that it applies to all facades that are at least 26 feet high and 30 feet wide (instead of only applying to the street façade). Now an articulation method must be applied to applicable side and rear facades and to buildings behind. This shift came from the discussion with the PC to address side property impacts. Also new is an option to meet the RDG standards for façade articulation.
2. **Windows and doors:** we cleaned up the language so it is clear that garage doors (which the code attempts to minimize the impact of) are measured as part of the façade area and windows on garage doors do count toward the window area.

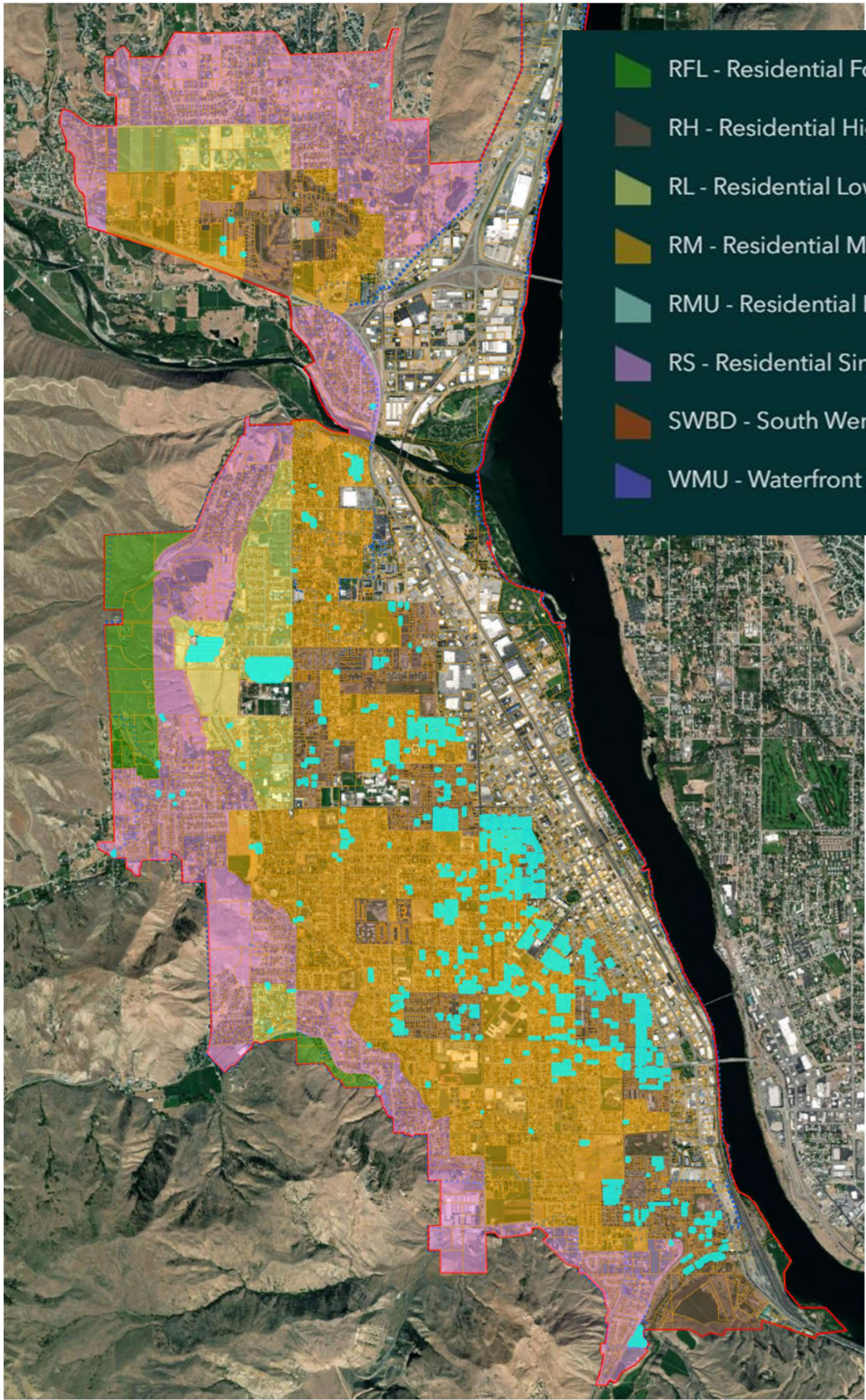
3. **Garage width:** staff research of single-family homes that have been permitted under the current garage width code shows us that our current standard is not effectively reducing the impact of garage doors on facades. Research also showed that buildings that have significant modulation, articulation and/or windows seem to produce facades with less impactful garage doors. Standards that require a garage to modulate (as in behind an upper story or behind an entry) add a significant expense and challenge to development, hindering our goal of flexible design standards for in-fill and Middle Housing. Therefore, removing the garage width requirement and relying on the articulation and windows and doors standards seem to be our most effective path forward to mitigating the impact of garage doors on facades.
4. **Open Space:** we added the option for building related open space and cleaned up the language to improve clarity between the options of ground related and building related open space.
5. **Greenery:** we utilized Spokane's landscape code for middle housing as a template and increased the requirement to 50% (from 10%), while allowing some flexibilities for walkways and landscape structures within the area.









Parking

In order to comply with HB 1110, it is necessary to update our parking requirements. The attached draft amendments to the off-street parking code add language that requires 1 space per unit for lots that are 6,000 square feet or less, as required by state law. This is a slight modification from our current code, which requires 1 space per bedroom, with a maximum of 2 per unit. Lots over 6,000 square feet will still keep this standard.

Wenatchee parking requirements are listed in both the off-street parking chapter (10.60) and the residential chapter (10.47), so staff is recommending consolidating the parking code. The attached draft amendments delete all of the different housing types and instead summarize all dwelling units will have the same off-street parking requirements. This will also require a clean-up of the code in 10.47, which we plan to bring for review in September.

In order to see the impact of this required parking reduction, below is an image of residential parcels that are 6,000 square feet or less highlighted in teal. There are about 1,580 parcels 6,000sf or less out of about 12,180 total in residential districts. In other words, about 13% of residential parcels will now only be required to provide 1 parking space per unit. While these parcels are scattered throughout the city, it is notable that most are concentrated near commercial districts and areas near transit stops. The only residential zones that require a minimum lot size above than 6,000sf are the Residential Single-Family and Residential Foothills zones.



-  RFL - Residential Foothills Low
-  RH - Residential High
-  RL - Residential Low
-  RM - Residential Moderate
-  RMU - Residential Mixed Use
-  RS - Residential Single Family
-  SWBD - South Wenatchee Business District
-  WMU - Waterfront Mixed Use

Definitions

The proposed approach to implementing the middle housing state legislation requires updates and revisions to the definitions section of the City Code. Updates focus on consistency with legislative definitions as well as clarifying housing types and associated standards that typify the use.

REVIEW: HB 1110 Summary

ESSHB1110, passed in the 2023 legislative session, was one of a series of bills focused on addressing the state's housing crisis. With a population of at least 25,000 but less than 75,000, the City of Wenatchee is required to comply with the following.

For all lots in predominantly residential zones greater than 1,000 square feet:

1. Allow at least 2 units/lot
2. Allow at least 4 units/lot, when 1 affordable unit is provided
3. Allow at least 6 middle housing types (single-family, courtyard, cottage, duplex, townhouse, multifamily)
4. Require a maximum of 1 parking space/unit for lots less than 6,000sf and 2 spaces/unit on lots greater than 6,000sf
5. Development standards cannot be more restrictive than SFR (setbacks, height, lot coverage)

For an in depth look at the state law and how it may apply to the City, refer back to Exhibit A in the May memo.

Next Steps

Over the following months, staff will continue to bring code changes to align with the direction we set out at the June meeting. The following is a list of topics we expect to address:

- Modifications and cleanup of unit types and how they fit in the District Use Chart
- Residential Units (five or more) code section draft
- ADU integration with middle housing codes
- In collaboration with Public Works, a draft code to update consistency on access and driveways
- Exemptions to density requirements in critical areas and their buffers.
- Height and building bulk will be addressed in the context of the Comprehensive Plan update, as it is related to density and zoning.
- The Housing Study will present findings that encourage increasing density in specific areas of the City. This topic will be addressed in the context of the Comprehensive Plan update.

Timeline for Compliance

Under the state statute the city must adopt compliant regulations by December 31, 2026 or the statewide [model ordinance](#) developed by the Washington State Department of Commerce will govern as described in [RCW36.70A.636](#)(2). However, the City has been awarded a grant for this work and

under that program we have agreed to adopt compliant provisions by the end of 2024. Early adoption of housing standards to comply with the legislative updates will assist the city in meeting the housing demand by providing a simplified development code for middle housing types.

- The Planning Commission will review draft code amendments in June – September.
- A public comment draft would be released in late September or early October.
- A public hearing with the Planning Commission would be scheduled for the November meeting.
- A public hearing with the City Council would be scheduled for early December.
- The effective date of the ordinance, if adopted, would most likely be in mid-January 2025.

Questions?

If you have any questions, please do not hesitate to contact us:

- Mia Bretz, Associate Planner (509) 888-3250 MBretz@WenatcheeWA.Gov
- Matt Parsons AICP, Senior Planner (509) 888-3253 mparsons@wenatcheewa.gov
- Stephen Neuenschwander, Assistant Director (509) 888-3285
SNeuenschwander@WenatcheeWA.Gov

Middle Housing Code

DRAFT

10.08 Definitions

10.08.040 “A.”

“Accessory dwelling unit” ~~also called an ADU or DADU,~~ means a dwelling unit that has been added onto, created within, or separated from a ~~single-family detached primary dwelling unit on the same parcel for use as a complete independent living unit with provisions for cooking, sanitation and sleeping.~~ ~~Accessory dwelling units~~ are subject to the provisions of WCC 10.47.040.

10.08.050 “C.”

~~“Dwelling, Cottage housing” means dwelling units with a maximum square footage of 1,200 square feet and a common open space that either (a) is owned in common; or (b) has units owned as condominium units with property owned in common and a minimum of 20 percent of the lot size as open space. Cottages may be in single-family or duplex form. Density is calculated at 0.5 per unit. refers to small and mostly detached individual dwelling units. Lots where two to three cottage houses are proposed (referred to as “infill cottage housing”) are subject to the provisions of WCC 10.47.080. Lots where four or more cottage houses are proposed are subject to the provisions of WCC 10.47.090.~~

~~“Dwelling, Courtyard housing” means three or more small multifamily dwelling units arranged on two or three sides of a yard or court with a maximum square footage of 1,000 square feet and a minimum of 20 percent of the lot size is preserved as common open space. Density is calculated at 0.75 per unit. around a courtyard and complying with the provisions of WCC 10.47.120.~~

10.08.055 “D.”

~~“Dwelling, duplex” means two attached dwelling units. a detached residential building designed for occupancy by two self-contained attached dwelling units living independently of each other. Duplexes are subject to the provisions of WCC 10.47.100.~~

~~“Dwelling, accessory” see “Accessory dwelling unit.”~~

“Dwelling” or “dwelling unit” means one or more rooms designed as complete independent living facilities for one or more persons and includes permanent provisions for living, sleeping, cooking (a kitchen including a sink, stove or range, refrigerator, and countertop(s)), and sanitation (a bathroom containing a toilet, shower or bathtub, and sink).

~~“Dwelling, multifamily” means three or more attached residential dwelling units, on one lot or parcel. Multifamily developments are subject to the provisions of WCC 10.47.150.~~

“Dwelling, single-family” means a permanent single detached residential living dwelling unit, containing sufficient facilities to function as an independent dwelling unit. Single-family dwellings may be site-built or manufactured.

“Dwelling, single family – cluster” means a single-family development featuring reduced lot sizes within a subdivision; provided, that open space is integrated into the design to compensate for the clustered lot arrangement. Two design options apply to single-family cluster developments as set forth in WCC 10.47.060.

“Dwelling, single family – courtyard” means a single-family development served by a shared private lane and complying with the provisions of WCC 10.47.070.

10.08.100 “M.”

“Major transit stop” means a stop on a high capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW, commuter rail stops, stops on rail or fixed guideway systems, stops on bus rapid transit routes, and stops for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays (including those funded for development and projected for construction within an applicable six-year transit plan under RCW 35.58.2795).

10.08.115 “P.”

“Primary structure” means a building that is occupied or is intended to be occupied by a primary use, including an attached garage. When a dwelling unit (pursuant to WCC 10.08.055) is the primary structure on a parcel, it may be termed a “primary dwelling unit.

10.08.135 “T.”

“Dwelling, T~~own~~house” means a row of at least three attached housing-dwelling units, constructed to a townhouse standard per International Residential Code (IRC) R302 as amended. Each unit has its own front access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls. ~~Townhouse design standards are set forth in WCC 10.47.130.~~

10.46.020 Residential district development chart.

Standard	RS	RL	RM	RH	RF	Conditions/ Exceptions/ Reference
Maximum Density	6 dwelling units per acre(x)	8 dwelling units per acre(x)	20 dwelling units per acre(x)	40 dwelling units per acre(x)	4 dwelling units per acre(x)	WCC 10.46.110 (x) two dwelling units per lot is allowed

10.46.110 Density calculations and exceptions.

(1) Calculations for Determining Maximum Density, Where Expressed in Dwelling Units per Acre. The entire gross site area may be used in the calculation of the maximum allowed residential density including half of the adjacent city or county right-of-way (to the centerline).

(2) How to Calculate Density. Maximum density for an individual site shall be calculated by multiplying the site area (in acres) by the maximum dwelling units/acre in the applicable zone. When calculation results in a fraction, the fraction shall be rounded to the nearest whole number as follows:

(a) Fractions of 0.50 and above are rounded up.

(b) Fractions below 0.50 are rounded down.

(3) Exceptions to Density Standards. Exceptions to established density standards shall be granted in the following instances:

(a) When an exception is granted for a particular use described in Chapter 10.47 WCC.

(b) Additional density may be granted for affordable housing pursuant to RCW 35A.63.300 when local needs can be demonstrated compliant with the comprehensive plan.

(c) Up to four units per lot are allowed for lots 1,000 square feet or more in RS, RL, RM and RH when they are within one-quarter mile walking distance of a major transit stop or the following standards are met.

(i) The applicant must commit to renting or selling the required number of units as affordable housing. Dwelling units that qualify as affordable housing shall have costs, including utilities other than telephone, that do not exceed 30 percent of the monthly income of a household whose income does not exceed the following percentages of median household income adjusted for household size, for the county where the household is located, as reported by the United States Department of Housing and Urban Development:

A. Rental housing: 60 percent.

B. Owner-occupied housing: 80 percent.

(ii) The units shall be maintained as affordable for a term of at least 50 years, and the property shall satisfy that commitment and all required affordability and income eligibility conditions. The applicant shall record a covenant or deed restriction that ensures the continuing rental or ownership of units subject to these affordability requirements consistent with the conditions in chapter 84.14 RCW for a period of no less than 50 years.

(iii) The covenant or deed restriction shall address criteria and policies to maintain public benefit if the property is converted to a use other than that which continues to provide for permanently affordable housing.

(iv) The units dedicated as affordable housing shall:

A. Be provided in a range of sizes comparable to other units in the development.

B. The number of bedrooms in affordable units shall be in the same proportion as the number of bedrooms in units within the entire development.

C. Generally, be distributed throughout the development and have substantially the same functionality as the other units in the development

10.47.??? Residential Dwelling Units (four or less) [new section]

Dwelling units defined herein and where allowed by Chapter 10.10 WCC, District Use Chart, shall meet the following standards unless otherwise regulated within this code:

(1) Purpose

- (a) To enhance the character of the street and neighborhood and maintain “eyes on the street” for safety to pedestrians and to create a more welcoming and interesting streetscape.
- (b) To enhance the streetscape and promote neighborhood interaction and safety through design.
- (c) To deemphasize garages and driveways as major visual elements along the street.
- (d) To provide usable open space for residents.
- (e) To provide housing types that are responsive to changing household demographics (e.g., retirees, small families, young professionals), provide opportunities for more affordable housing within single-family neighborhoods, and provide opportunities for infill development consistent with goals of the Wenatchee urban area comprehensive plan.
- (f) To ensure compatibility with neighboring uses.

(2) Standards

- (a) Applicability. The standards of this section shall apply to the development of up to four dwelling units on one parcel, including new buildings, building conversions, additions or modifications.
- (b) Form. Dwelling units may be detached, attached, stacked, row, or otherwise combined. Allowable unit types include ADU, single-family, duplex, cottage, courtyard, multifamily, and townhouse.

(c) Design

- (i) Walkways. Clear and obvious pedestrian access between the sidewalk (or the street if there is no sidewalk) and the building entry is required for new dwellings. The driveway may be used for pedestrian access.
- (ii) Weather Protection. All new dwellings shall provide a covered pedestrian entry.
 - (A) For entries serving a single dwelling and facing the street and not separated from the street by a dwelling or located more than 100 feet from a street, a minimum weather protection of four feet wide by three feet deep shall be provided.

(B) For all other entries serving a single dwelling, a weather protection at least two feet deep shall be provided.

(C) For all primary building entries that serve more than one residence, a minimum weather protection of at least six feet wide and five feet deep shall be provided.

(iii) Articulation. Buildings over 26 feet high shall apply at least one articulation method every 30 feet for facades.

1. Roofline change or a roof dormer with a minimum of four feet in width.

2. Balcony(ies) a minimum of 50 square feet and accessible from an interior room.

3. An offset of the façade of a minimum of two feet in depth.

4. A roofed porch at least 50 square feet in size for facades facing the street.

5. Windows and doors are at least 30 percent of the area of the street-facing façade elevation(s).

6. Meet the requirements of façade articulation methods in the Residential Design Guidelines E.3.1.c.

(iii) All street facing facades that are visible from the street and that are not separated from the street by a dwelling or located more than 100 feet from a street must have the following elements:

(A) Entry. A primary entrance that is visible from oriented to the street shall be provided.

(B) Windows and doors. A minimum of 15 percent of the area of the street-facing façade elevation shall include windows or doors. Garage doors are calculated as part of the façade area (they do not count as a door), but windows on garage doors count toward the window area.

~~(iv) Garage Width. Garage doors (attached or detached) may occupy no more than 50 percent of the width façade of the ground-level facade facing the street. Garage doors may exceed this limit up to a maximum of 65 percent of the width of the ground-level facade facing the street provided at least two of the following design details are utilized:~~

~~(A) A decorative trellis over at least the entire width of the garage door(s).~~

~~(B) A window or windows are placed above the garage on a second story or attic wall.~~

~~(C) A balcony that extends out over the garage and includes decorative support columns.~~

~~(D) Utilizing all single vehicle car doors as an alternative to wider garage doors suitable for two-car garages.~~

~~(E) Windows on the garage door.~~

~~(F) Decorative details on the garage door. Standard squares on a garage door will not qualify as a decorative detail.~~

(d) Open Space. All new dwelling units shall provide an open space area of 100 square feet per dwelling unit or 10 percent of residential unit floor with a minimum dimension of 10 feet on all sides.

~~(i) Exterior ground level open space must be accessible to each unit either in common or private areas with a minimum dimension of 10 feet on all sides. Drive aisles and parking areas shall not count in the calculations for open space. Open space must be directly accessible for each unit either in common or private areas. Common open space shall be located in a separate tract or tracts and owned in common by all property owners.~~

~~(ii) Building related open space may be provided in the form of balconies, roof decks or interior spaces and only count as usable open space when they meet the requirements in Residential Design Guidelines C.3.2. Drive aisles and parking areas shall not count in the calculations for usable open space.~~

~~(iv) Additions shall not create or increase any nonconformity with this standard.~~

(e) Landscaping Greenery.

(i) All new dwelling units shall adhere to the Street Trees section of the Landscaping Chapter 10.62.100(6) WCC.

~~(ii) The area of the width of the parcel between the right of way and the front of the building shall have at least 10 percent covered in vegetation. Vegetation may be in the form of either ground cover, shrubs and/or trees. Fifty percent of the area between the front lot line and the front building line must be planted and maintained utilizing one of the methods below. A patio or porch may be included in the calculation of planted area. Use of landscape structures such as trellises, raised beds and fencing to unify the overall site design is encouraged. The front planted area may be counted towards required open space.~~

~~(A) Planted with living landscape material, such as ground cover, shrubs or trees.~~

~~(B) Landscaped to the street frontage standard, per WCC 10.62.100(2).~~

(f) Parking. Parking shall be located to the side or rear of buildings unless in a designated driveway. All other parking standards are in WCC 10.60.

10.60.080 Off-street parking requirements.

The following requirements shall be met in all zoning districts, except when specifically regulated elsewhere in this code:

Land Use	Standards
Residential	
Accessory dwelling unit	Refer to WCC 10.47.040(2)(d)
Bed and breakfast, transient rental	1 space per bedroom
Boarding or lodging room	1 space per bedroom
<u>Dwelling Unit (properties 6,000sf and less)</u>	<u>1 space per unit</u>
<u>Dwelling Unit (properties above 6,000sf)</u>	<u>1 space per bedroom, not more than 2 spaces per dwelling unit.</u>
<u>Duplex; patio homes</u>	<u>1 space per bedroom, but not more than 2 spaces per dwelling unit; refer to WCC 10.47.100(2)(a)</u>
Supervised living facilities, welfare or correction institution, group homes (7 or more)	1 space per 5 beds
Home occupation	2 spaces per business
Senior housing	1 space per dwelling unit

Land Use	Standards
Multifamily dwelling; townhouses	1 space per bedroom, but not more than 2 spaces per dwelling unit
Student housing	1.5 spaces per bedroom up to 3 bedrooms per unit. Above 3 bedrooms add 0.5 parking space per student.
Single-family dwelling, adult family home, group home (6 or less)	2 spaces per dwelling unit
Infill-cottage housing (2 to 3 units)	1 space per bedroom, but not more than 2 spaces per dwelling unit; refer to WCC 10.47.080(2)(h)
Cottage housing (4+)	1 space per bedroom, but not more than 2 spaces per dwelling unit; refer to WCC 10.47.090(2)(j)
Courtyard housing	1 space per bedroom, but not more than 2 spaces per dwelling unit; refer to WCC 10.47.120(2)(i)
Live-work dwellings	Refer to WCC 10.47.140(2)(e)
Manufactured home community	Refer to WCC 10.47.180(2)(k)(i)