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## Chapter 10.08

### GENERAL ZONING DISTRICT REGULATIONS

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#### **10.08.010    General development standards.**

The regulations established in this title within each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

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- (1) No building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations specified in this title for the zoning district in which it is located.
- (2) No buildings or structures shall encroach on any easement or right-of-way.
- (3) No part of a yard, or other open space, or off-street-parking or loading space required about or in connection with any building for the purpose of complying with this title shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
- (4) No yard or lot existing at the time of passage of this title shall be reduced in dimension or area below the minimum requirements set forth in this title. Yards or lots created after the effective date of this title shall meet at least the minimum requirements established by this title.
- (5) All structures and uses require connection to public water and sewer systems where available. If public sewer and/or water service is not available to serve a proposed project the proponent shall extend such service, unless the reviewing official and all other appropriate agencies authorize the use of interim systems. When interim systems are authorized, the following may be required:
- (A) "Double plumbing" dry line sewers to connect the structure or use's on-site system to a public sewer when it becomes available;
  - (B) Dry line sewer installation when the city provides construction elevations in sufficient detail to ensure that the dry lines will be able to function;
  - (C) Installation of an interim community sewer system which shall be managed and/or owned by an approved satellite management agency;
  - (D) Permanent or interim community water supply system shall be managed and/or owned by an approved satellite management agency;
- (6) Uses allowed within a zoning district are specifically those listed as Class 1 permitted, Class 2 administrative or Class 3 conditional uses within Chapter [10.28](#), Table 10.28A. (Ord. 1634, § 29, 2004.)

**10.08.020 Minimum lot size - subdivision.**

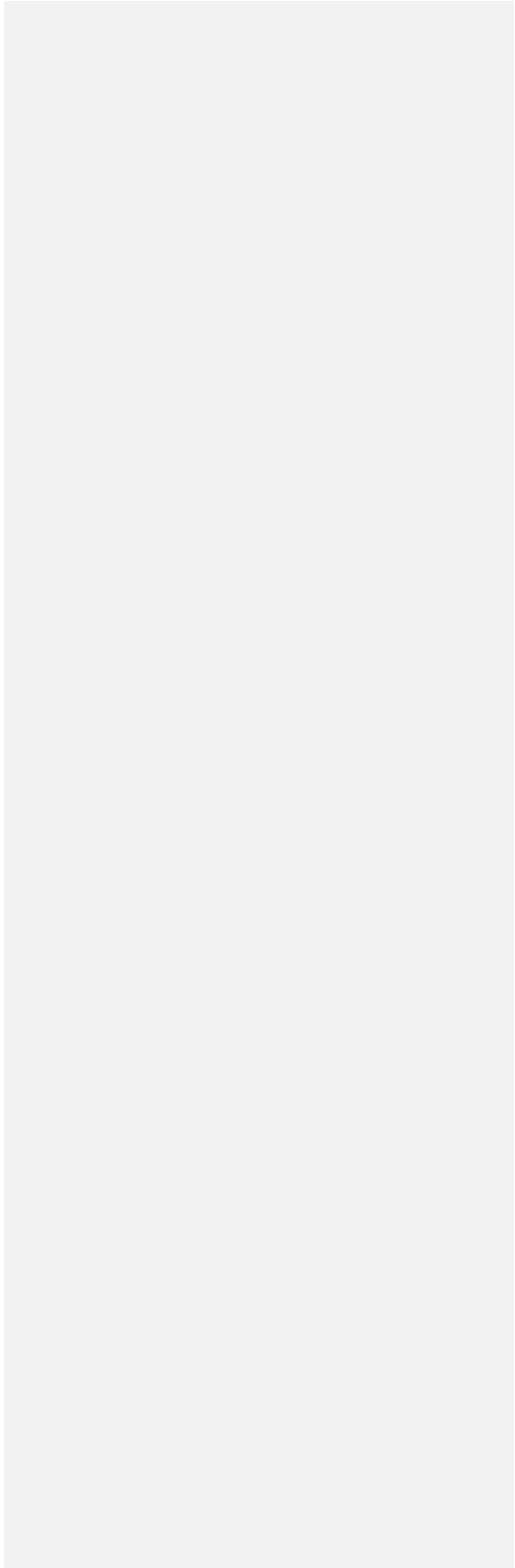
(a) Minimum Lot Size. Minimum lot size is the smallest lot size permitted in a particular zoning district when land is subdivided, short platted, resubdivided, or when lot lines are adjusted. No lot

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shall be created that is smaller than the applicable minimum lot size standard established in the below table.

1. In residential districts, this standard is intended to maintain the residential character of the area and will vary by dwelling type, the suitability of the land for development, and the type of water and sewer system. The following are the minimum lot size requirements in the residential districts, except when the Yakima health district determines that a larger area is necessary for the safe installation of approved water supply and sewage disposal systems.
2. The smaller lot size for zero lot line, attached, and multifamily dwellings does not permit an increase in the maximum number of dwelling units per residential acre. Any lots created for zero lot line, attached, and multifamily dwellings shall be so designated on the face of the plat or short plat.



<u>Lot Development Type/Situation</u>	<u>Water and Sewage System</u>	<u>Minimum Lot Size</u>
<u>Detached Single-Family Dwellings</u>	Municipal water and sewage system	<u>86,000 sq. ft.</u>
<u>Zero Lot Line Single-Family Dwellings</u>	Municipal water and sewage system	<u>440,000 sq. ft.</u>
<u>Common Wall Single-Family Dwellings</u>	Municipal water and sewage system	<u>4,000 sq. ft. ½-acre</u>
<u>Two-Family Dwellings</u>	Municipal water and sewage system	<u>8,000 sq. ft. 1-acre</u>
<u>Cottage/Cluster Dwellings</u>	<u>Municipal water and sewage system</u>	<u>See section SMC 10.24</u>
<u>Accessory Dwelling Units</u>	<u>Municipal water and sewage system</u>	<u>See section SMC 10.08.100</u>
<u>Multi-Family Dwellings and PD Residential</u>	<u>Municipal water and sewage system</u>	<u>5-acres No minimum- Density may not exceed maximum density of zone.</u>
<u>In Floodplain</u>	<u>Municipal water and sewage system</u>	<u>One acre (provided the minimum lot size of the zoning district has a buildable area outside the floodplain, and a plat restriction prohibits development on that portion of the lot in the floodplain</u>

<u>Lot Development Type/Situation</u>	<u>Water and Sewage System</u>	<u>Minimum Lot Size</u>
<u>Planned Development Lots Inside City Limits - Over 200 f.t. from Municipal Water and Sewer</u>	<u>Individual water and individual sewer system</u>	<u>One-half acre (a)(1)</u>
<u>Planned Development Lots Inside City Limits - Over 200 f.t. from Municipal Sewer</u>	<u>Public or community water system and individual sewer system</u>	<u>14,500 sq. ft. (a)(1)</u>
<u>Planned Development Lots Inside City Limits - Over 200 f.t. from Municipal Water</u>	<u>Individual water system and regional or approved community sewer system</u>	<u>No minimum, but lot sizes shall be preapproved by the Yakima Health district prior to submittal (a)(1)</u>

**10.08.025 Designated multi-family (duplex and triplex) residential lots.**

Within a proposed land division of twenty percent of the lots may be designated for a future multi-family dwelling which include duplexes and triplexes. The proposed lot(s) shall be considered by the reviewing body and, once the lot location(s) are approved, the lot(s) shall be clearly identified on the recorded subdivision providing public disclosure of said approval.

Careful consideration of adjacent properties by the hearing examiner shall be made ensuring harmonious compatibility. All duplex and triplex lots shall be internal to the subdivision/not abutting any external property lines, or shall be separated from existing residential developments by a public street.

The minimum lot size requirement of any lot(s) designated for multi-family dwellings shall be a minimum of four thousand square feet or such minimum lot size based on 10.08.020.

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**10.08.030 Vision clearance at intersections.**

All corner lots at street intersections or railroads crossings shall maintain for safety vision purposes a triangular area, one angle of which shall be formed by the lot lines adjacent to the street(s) or railroad right-of-way. The sides of such triangle forming the corner angle shall be twenty feet in length measured along the sides of the aforementioned angle. The third side of the triangle shall be a straight line connecting the last two mentioned points. Within the area comprising the triangle nothing shall be erected, placed, planted or allowed to grow so as to materially impede vision higher than twenty-four inches above the centerline grades of intersecting streets and/or railroads. Landscaping not exceeding the height limits of this section is encouraged within clear view triangles. The reviewing official may consider the landscaped triangle area as part of any landscape requirement if planted and continuously maintained by the property owner(s). (Ord. 1634, § 31, 2004.)

**10.08.040 Lot coverage.**

~~Principal and accessory structures shall not occupy or cover a greater~~ That portion of the lot that is covered by structures and other impervious surfaces as allowed per Table 8-1 below:

**Chapter 10.08 Table 8-1 Maximum Lot Coverage**

Maximum Lot Coverage <del>for both principal and accessory structures</del>						
Zoning district						
LDSF	R-1	R-2	R-3	B-1	B-2	M-1
<del>3560</del> percent	<del>3560</del> percent	<del>3560</del> percent	80 percent	80 percent	100 percent	100 percent

\* Lot coverage includes ~~both principal and accessory structures and parking area. Twenty percent of the total lot area shall be dedicated exclusively to landscaping and greenery~~ that portion of the lot that is covered by structures and other impervious surfaces.

\*\* ~~Lot coverage includes both principal and accessory structures and parking area. Twenty percent of the total lot area shall be dedicated exclusively to landscaping and greenery; provided, however, where an owner allocates more-~~

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~~than the required off-street spaces (an allocation in excess of one additional space) for off-street parking, the required amount of landscaping and greenery may, at the discretion of the administrative official, be reduced by the square footage of the additional off-street parking but the amount of landscaping and greenery shall in no event be less than ten percent of the lot area. Maximum Lot Coverage. Maximum lot coverage is the percentage of net land area of a site that can be covered with structures and other impervious surfaces. The maximum lot coverage in each district is shown in Table 8-1. In the LDSF and R-1 districts, this standard is intended to protect the open character of each district, and ensure that land is available to accommodate septic tanks and drain fields. The intent in the R-2 and R-3 districts is to provide areas for landscaping and recreation. Maximum lot coverage requirements in the commercial districts are intended to promote development consistent with the character of the district, protect setbacks, and provide the opportunity to integrate open space and landscaping plans into the design and placement of the structure and off-street parking.~~

### 10.08.050 Height of buildings and structures.

Principal and accessory structures shall not exceed the maximum height specified in Table 8-2:

**Chapter 10.08 Table 8-2 Maximum Structure Height**

Maximum Structure Height by Zoning District						
LDSF	R-1	R-2	R-3	B-1	B-2	M-1
35 feet	35 feet	35 feet	Unlimited	Unlimited	Unlimited	Unlimited

(1) The height of buildings is measured in the manner set forth in Title 10, Appendix A, Building Height. The height of other structures not containing a roof is the vertical distance from the base of the structure to its highest point.

(2) Height limitations shall generally not apply to accessory projections such as steeples or spires on places of religious assembly, elevator shaft housings, water towers, or chimneys, except as may be limited by a condition of permit approval, provided the accessory projection is not intended for human occupancy, and that it is removed not less than twenty feet from any adjoining lot line. (Ord. 2046, § 2 (Exh. A), 2018; Ord. 1634, § 33, 2004.)

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### **10.08.055 Distance between multiple-family (grouped) buildings.**

Where multiple-family structures are grouped on one lot the minimum distance between two buildings at any given point shall be consistent with S.M.C., Title 11.

### **10.08.060 Height of fences.**

In the LDSF, R-1, R-2, or R-3 zoning district, and as an accessory use to a dwelling in any zoning district, fences may be erected and maintained to a height not to exceed six feet in the side or rear yard area, and to a height not to exceed four feet in the front yard area, except on corner lots. On corner lots any fence exceeding four feet in height shall not extend closer to either street than twenty feet from a property line. Fences exceeding the height limitations may be authorized for buffering conflicting land uses, or required site screening, or through the administrative adjustment process of Chapter [10.30](#). (Ord. 1634, § 34, 2004.)

### **10.08.070 ~~Front yards on sloping lots.~~**

If the elevation of a lot rises or falls more than four feet in the first twenty feet measured from the front lot line, the following provisions shall apply:

~~The subject building permit shall contain a complete grading plan and retaining wall plan which shall be reviewed and approved by the City of Selah Building Official prior to building permit issuance. The required depth of the front yard shall be equal to the horizontal distance measured from the front lot line to where the average lot profile line intersects a horizontal line four feet above or below the front lot line, as determined by the building official. (Ord. 1634, § 35, 2004.)~~

### **10.08.080 Swimming pool setback and enclosure.**

In all zoning districts a three foot setback from the pool to the side and rear property lines shall be maintained and the area around the pool shall be enclosed by a barrier a minimum of forty-eight inches in height. Pedestrian access gates shall be self-closing and have a self-latching device. (Also see: International Building Code 2003 Edition, Appendix 31, Section 3109.4.1). (Ord. 1634, § 36, 2004.)

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**10.08.090 Setbacks from property lines.**

**Chapter 10.08, Table 8-3 Principal Structure Setbacks**

Required Principal Structure Setbacks from Property Lines							
Zoning District							
	LDSF	R-1	R-2	R-3	B-1	B-2	M-1
Front Yard Setback	20 feet	20 feet	<del>20</del> 15 feet	15 feet	15 feet	<del>15</del> 0 feet***	0 feet***
Side Yard Setback* (-)	<del>10% of lot width with a 5 ft. minimum and 8 ft. maximum**</del>	<del>10% of lot width with a 5 ft. minimum and 8 ft. maximum**</del>	<del>10% of lot width with a 5 ft. minimum and 8 ft. maximum**</del>	<del>10% of lot width with a 5 ft. minimum and 8 ft. maximum**</del>	<del>10% of lot width with a 5 ft. minimum and 8 ft. maximum**</del>	0 feet***	0 feet***
Rear Yard Setback(-)	<del>20</del> 15 feet	<del>20</del> 15 feet	<del>20</del> 15 feet	15 feet	0 feet	0 feet***	0 feet***

\* Corner lots shall provide a side yard setback equal to the minimum required front yard setback.

~~\*\* Structures exceeding one story shall provide a minimum side yard setback of eight feet on each side of the structure.~~

\*\*\* All lot boundaries abutting a residential zoning district shall be effectively sight-screened by a tight fence or wall or by a combination of fencing and landscaping except as limited by vision triangle requirements.

(-) Attached single-family dwellings ~~and zero lot line developments~~ are permitted a zero interior lot line setback between the two ~~attached~~ dwellings, and a ~~twentyfive~~-foot rear yard setback in the R-2 zoning district.

**Chapter 10.08, Table 8-4 Accessory Structure Setbacks**

Required Accessory Structure Setbacks from Property Lines							
Zoning District							
	LDSF	R-1	R-2	R-3	B-1	B-2	M-1
Front Yard Setback	20 feet	20 feet	<del>20</del> 15 feet	15 feet	15 feet	15 feet	0 feet
Side Yard Setback	5 feet	5 feet	5 feet	5 feet	0 feet	0 feet	0 feet
Rear Yard Setback	5 feet*	5 feet*	5 feet*	5 feet*	0 feet	0 feet	0 feet

\* Accessory structures may extend to the rear lot line adjacent to any city-owned alley.

10.08.100 Accessory dwelling units.

A. Accessory dwelling unit (ADU) defined. Per SMC Title 10 Appendix "A", an Accessory dwelling unit means a small, self-contained residential unit located on the same lot as an existing single-family home. An ADU may be created as a separate unit within an existing home (such as in an attic or basement), an addition to the home (such as a separate apartment unit with separate entrance), or in a separate structure on the lot (such as a converted garage). An ADU has all the basic facilities needed for day-to-day living independent of the main home, such as a kitchen, sleeping area, and a bathroom. As the term "accessory" implies, ADUs are generally defined to be smaller in size and prominence than the main residence on the lot.

B. Purpose. The purpose of the accessory dwelling unit (ADU) provisions are to:

1. Provide property owners with an opportunity for extra income, companionship, and security;
2. Better utilize existing infrastructure and community resources (sewer, water, roads, etc.);
3. Provide a housing type that allows flexibility to respond to changing needs and lifestyles;
4. Add to the supply of affordable dwelling units; and
5. Protect neighborhood character and stability by ensuring that ADUs are compatible with surrounding land uses.

B. Permitted Use and Configuration. Two accessory dwelling units are a permitted use on all parcels which allow for the construction of single-family dwellings, and meets the minimum lot size

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for the zoning district of the principal dwelling unit (See SMC 10.28, Table 10.28A, for level of review) subject to the following configurations, and conditions:

1. One attached accessory dwelling unit, and one detached accessory dwelling unit.
2. Two attached accessory dwelling units.
3. Two detached accessory dwelling units.
4. An accessory dwelling located within an existing detached accessory structure such as but not limited to a garage.
5. The conversion of an existing structure including but not limited to detached garages. Converted structures may exceed setback and lot coverage requirements, but shall comply with all provisions of Title 10.

C. Requirements. Accessory dwelling units are subject to the development standards of the underlying zoning district, and the below requirements:

1. All ADUs require the property owner to apply for a building permit in order to ensure that the structure meets the requirements of the Selah Municipal Code and the most current version of the International Residential Building code adopted by the State of Washington.
  2. All ADUs shall be in compliance with RCW 36.70A, RCW 43.21C, and RCW 64.32, 64.34, 64.38, and 64.90.
  3. Off-street parking shall be provided as required in SMC Chapter 10.34 for both the ADU and the primary residence located on the lot they are intended to serve.
  4. The ADU's floor area shall not exceed one thousand square feet.
  5. The ADU's exterior walls shall be designed so as to be similar in style, color, and building materials to the primary detached dwelling.
  6. The ADU shall be designed to be consistent with the architectural character of the principal residence. Materials, roof forms, and window proportions shall match that of the principal unit/building. The review of the design will be conducted administratively with that of the processing of the building permit.
  7. Any exterior additions or alterations for an attached ADU shall be located on the side or rear of the principal residence.
  8. A detached ADU is not allowed in the required front or side setback of the existing primary residence on the site unless the side setback abuts an alley.
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9. An ADU attached to the primary structure shall have the same building setbacks, and lot coverage requirements as the primary structure per SMC Chapter 10.08, Table 8-3 Principal Structure Setbacks.

10. An ADU that is attached to, or built above, a detached garage or a stand-alone structure shall have the same building setbacks as an accessory structure per SMC Chapter 10.08, Table 8-4 Accessory Structure Setbacks.

11. Setback Exception: An ADU that abuts and is served/accessed by an alley is allowed a zero lot line setback along the alley property line.

12. A parcel/lot shall contain no more than one single-family residence and two ADUs.

13. ADUs shall not be allowed on parcels zoned B-1, B-2, and M-1.

14. The primary residence and the ADU shall both be connected to public sewer and water if available (within two hundred feet).

a. If the ADU is attached to the primary dwelling unit, the two dwelling units shall share a single sewer and water connection.

b. If the ADU is attached to, or located above, a detached garage, or is a stand-alone structure, each unit shall have its own sewer and water connection, with required meters. An exception to this requirement may be granted by the City of Selah's Public Works Director.

c. If public sewer and/or public water are not available at the site, the applicant shall provide documentation from the Yakima Health District certifying that the on-site septic and/or on-site well are adequate to provide service for both the existing single-family residence and the ADU.

15. A lot containing an ADU shall not be subdivided, or otherwise segregated in ownership, in a way that separates the ADU and the primary dwelling unit on different lots, except as permitted under SMC 10.50.

16. The construction of an ADU shall not require new public street improvements.

16. Any exterior stairs shall generally be located in the rear or side yards or in the front yard provided the stairs are architecturally similar to the principal structure.

17. A deed restriction, signed by the property owner and the city, shall be recorded with the Yakima County auditor's office providing notice to potential buyers of the ADU restrictions.

D. Enforcement. The city retains the right with reasonable notice to inspect the ADU for compliance with the provisions of this section.

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E. Elimination. The city retains the right with reasonable notice to withdraw occupancy approval if any of the requirements under subsection B of this section are violated. In the event the city withdraws occupancy, the property owner may:

1. If attached, merge the existing ADU to the single-family dwelling; or
2. If detached, use the building for an approved accessory use or remove the structure from the premises.

### **10.08.105 Alternative residential development standards.**

The purpose of SMC 10.08.150 is to provide alternative residential development options to traditional single-family dwellings and multifamily dwellings. These standards provide opportunities changing composition of households and the need for smaller, more diverse, and often, more affordable housing choices. Providing for a variety of housing types also encourages innovation and diversity in housing design and site development, while ensuring compatibility with surrounding single-family residential and nonresidential development.

#### **10.08.105A Relationship to other SMC provisions.**

SMC Title 10, Zoning Regulations. The standards of SMC10.08.150 modify and supplement the standards in other provisions of SMC Title 10. In the event of a conflict between the standards in SMC 10.08.105, and other requirements of SMC Title 10, the provisions of SMC 10.08.150 shall govern.

#### **10.08.105B Cottage development MH.**

##### **A. Site.**

1. The design of a cottage development shall take into account the relationship of the site to the surrounding areas. The perimeter of the site shall be designed to minimize adverse impact of the cottage development on adjacent properties and, conversely, to minimize adverse impact of adjacent land use and development characteristics on the cottage development;

2. The maximum density shall be two times the maximum number of dwelling units allowed in the underlying zone;

3. Where feasible, each cottage that abuts a common open space shall have a primary entry and/or covered porch oriented to the common open space;

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4. Buildings shall meet the following minimum setback standards:

- a. Twenty-foot front yard setback;
- b. Ten-foot rear yard setback; and
- c. Five-foot side yard setback;

5. Common open space is required and shall meet the following criteria:

a. Three hundred square feet of common open space per cottage or a minimum of 20 percent of the lot size whichever is greater. This may include common open space, private open space, setbacks, critical areas, and other open space;

b. Setbacks and private open space shall not be counted towards the common open space;

c. One common open space shall be located centrally to the project with pathways connecting the common open space to the cottages and any shared garage building and community building;

d. Each common open space shall have a minimum dimension of 15 feet on any side;

e. Cottages shall surround the common open space on a minimum of two sides of the open space. At least half of the cottage units in the development shall abut a common space and have the primary entrance facing the common open space;

f. Community buildings may be counted toward the common open space requirement;

g. Parking areas and vehicular areas shall not qualify as common open space;

h. Critical areas and their buffers, including steep slopes, shall not qualify as common open space unless a 15-foot paved pathway system with rest areas are incorporated into the open space path system.

6. One and one-half off-street parking spaces for each cottage is required per SMC 10.34.120, Table B Parking Spaces Required.

7. Parking lots for the proposed development shall be required to be place in the rear or sides of the proposed cottage development with access from an alley or 24 foot driveway.

**B. Building.**

1. Cottages shall not exceed 900 square feet, excluding any loft or partial second story and porches. A cottage may include an attached garage, not to exceed an additional 300 square feet.

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2. Porches are required. All cottages shall feature a roofed porch at least 60 square feet in size with a minimum dimension of five feet on any side facing the street and/or common open space.

3. The building height for a cottage shall not exceed 25 feet.

4. The building height for any attached garage or shared garage building shall not exceed 20 feet.

5. Buildings shall be varied in height, size, proportionality, orientation, rooflines, doors, windows, and building materials.

**C. Other.**

1. Accessory dwelling units are prohibited.

2. All other SMC provisions that are applicable to a single-family dwelling units shall be met.

D. Permit Type. Cottage development shall require review and approval pursuant to SMC Table 10.28.020A Permitted, Administrative and Conditional Uses.

**10.08.105C Town house development MH.**

A. Town house development shall be permitted in accordance with SMC 10.28 Table 10.28A Permitted, Administrative and Conditional Uses.

B. In zero lot line developments, zero setbacks along one side are allowed, provided a two-foot maintenance easement is recorded as part of the subdivision plan.

C. Townhouses located on individual lots shall meet minimum rear, front, and side yard requirements (where applicable), maximum lot coverage, and building height requirements shown in Tables 8-1 and 8-2. Townhouses are subject to the following requirements:

1. No more than eight dwelling units shall be attached in one continuous row or group;

2. There shall be a side yard on each side of a contiguous row or group of dwellings of not less than six feet;

3. Accessory dwelling units are prohibited.

4. Townhouses included in a condominium development may limit the lot to the building footprint; provided, that the yard area shared in common with all units is equivalent in area to the yard required by the underlying zone.

5. Townhouse developments shall not exceed the density of the subject zoning district and comprehensive plan designations.

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D. Parking: Townhouse development shall be required to provide parking in accordance with the requirements of multiple-family dwellings SMC 10.34.120, Table B.

#### **10.08.105D MH Community buildings.**

Community buildings are permitted in MH Cottage, Townhouse, and Court Yard, developments, and in Non-MH planned developments. Community buildings shall meet the following criteria:

A. Community buildings shall be clearly incidental in use.

B. Community buildings shall not exceed the height of the underlying zoning district or that of the principal buildings within the development.

C. Community buildings shall be commonly owned and maintained by the property owners.

#### **10.08.105E Common wall – Attached single-family dwellings.**

A. Applicability. The following regulations shall be applied to development upon lots created by subdivision for common wall - single-family attached units.

B. Minimum Lot Size. Each lot shall contain a minimum lot size as specified by SMC 10.12.030, 10.14.030, & 10.16.030, or as otherwise modified and permitted thru the provisions of SMC 10.24 Planned Development.

C. Lot Coverage. Each half of the common wall lot shall meet the lot coverage standards of SMC 10.08 Table 8-1, or as otherwise modified and permitted thru the provisions of SMC 10.24 Planned Development.

E. Setback Standards. The setback standards for common wall – attached single-family dwellings shall comply with SMC 10.08 Table 8-3, or as otherwise modified and permitted thru the provisions of SMC 10.24 Planned Development.

F. International Building Code Requirements. All International Building Code requirements, provided in SMC Title 11, shall be met for common wall attached single-family development.

G. Common Wall Agreement. The applicant shall submit a common wall agreement with any land use application for common wall – attached single-family development.

1. The common wall agreement shall be recorded as a covenant running with the land. The common wall agreement shall be recorded at the auditor's office prior to the issuance of a building permit.

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H. Height. Height regulations shall be those specified for the underlying zoning district as specified in SMC 10.08 Table 8-2.

I. Attached Units Restriction. Attached common wall structures shall be required for the lots shall be bound by covenant. Detached single-family shall not be allowed on lots created for common wall attached single-family.

J. Parking. Common wall – Attached single-family dwelling units are shall have two off-street parking spaces per dwelling unit.

### **10.08.105F Courtyard housing.**

All courtyard housing developments, where defined in SMC Title 10 and where allowed by Table 10.28A SMC, Permitted, Administrative and Conditional Uses, are subject to the following standards unless otherwise regulated within this code:

Courtyard housing is characterized by attached multifamily units arranged around a courtyard. The units may be all ground related, like townhouses, or a combination of ground related and upper story residences. Courtyard housing on a single lot is a special case of “multifamily development,” but standards for courtyard housing are separated here because of that housing type’s unique configuration around a courtyard or open space.

#### (1) Purpose.

- (a) To provide housing types that are responsive to changing household demographics (e.g., retirees, small families, young professionals).
- (b) To provide opportunities for more affordable housing within single-family neighborhoods.
- (c) To encourage creation of functional usable open space in a pleasant setting.
- (d) To promote neighborhood interaction and safety through design.
- (e) To ensure compatibility with neighboring uses.
- (f) To provide opportunities for infill development consistent with goals of the City of Selah comprehensive plan.

#### (2) Standards.

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(a) Courtyard housing development options include ownership, rental, condominium, and subdivision.

(b) Subdivision. Courtyard housing developments which involves subdivision, shall only be allowed through the provisions of a Planned Development under SMC 10.24.

(c) Minimum and Maximum Number of Dwelling Units.

(i) A single courtyard housing development shall include a minimum of four dwelling units, up to a maximum of 24 units. The city may allow development of more than 24 dwelling units through the provisions of SMC 10.24 provided the density of the development does not exceed the density of the underlying Comprehensive Plan Future Land Use designation.

(d) Density. The maximum density shall not exceed that of the subject development's underlying comprehensive plan future land use designations density, except that dwelling units under 1,000 square feet (excluding unenclosed front porches) may be counted as three-quarters of a unit (resulting in a one-third density bonus).

(e) Setbacks.

(i) Courtyard buildings facing public streets are subject to the applicable street setbacks in SMC 10.08.090.

(ii) Courtyard buildings built along the side yards of adjacent properties (not in the development) are subject to the applicable side setback.

(iii) Courtyards built along rear property lines of adjacent properties (not in the development) shall maintain 15-foot minimum setbacks in the SR, R-1, and R-2 zones and 10-foot minimum setbacks in all other applicable zones.

(iv) There is no minimum internal setback between units within a courtyard development.

(f) Site Design and Orientation. Dwellings within a courtyard housing development shall be oriented to promote a sense of community, both within the development, and with respect to the larger community, outside of the courtyard project.

(i) Clear and obvious pedestrian access and visual access between the sidewalk (or the street if there is no sidewalk) and the courtyard is required for new courtyard dwellings.

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(ii) Common open space shall be provided in a centrally located focal area for the development and abuts at least 50 percent of the courtyards in the development; direct access to the common open space shall be provided for each courtyard by a paved walkway.

(iii) Courtyard buildings shall face the public street, and have parking lot or accessory buildings located in the rear of the subject development.

(g) Open Space.

(i) A common open space is required for each courtyard cluster.

(ii) A minimum of 200 square feet of common open space shall be provided per dwelling unit.

(A) Common open space within a development shall be a minimum of 800 square feet in size with no dimension less than 15 feet, regardless of the number of dwelling units.

(C) Fences are not allowed within any common open space area.

(D) Common open space shall be located in a separate tract or tracts and owned in common by all property owners.

(iii) Surface water management facilities may be included in the open space calculation for meeting minimum requirements, if it can be demonstrated that they are designed so that residents can use the space similar to other open space designations.

(h) Access, Parking, and Garages.

(i) Unless a higher classification of road is required by the City Engineer to provide for consistency with the City of Selah Comprehensive Plan, internal access and circulation shall meet the requirements of, a Fire Apparatus Access Road, per the current edition of the International Fire Code, or as amended.

(ii) Each courtyard dwelling unit shall provide one off-street parking space per bedroom, up to two parking spaces per unit.

(iii) Parking areas shall be located to the side or rear of courtyard units (not between the courtyard and the street front unless no other configuration is feasible, as determined by

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the city). Landscaping in the form of hedges or architectural barriers is required to screen surface parking lots from neighboring properties and common open spaces.

(iv) Private garages are allowed to be attached to or detached from individual courtyard units if less than 250 square feet in size and accessible by an alley or shared private lane. Private garages shall match the architectural style of the courtyard units.

(v) Enclosed parking areas may be grouped together within one or more structures. Individual garage doors shall be one car width.

(i) Covenants enforced by a homeowner's association shall be required to include the perpetual maintenance of all common areas and open spaces and preclude the conversion to another use.

#### **10.08.105G MH Duplexes.**

MH duplexes are defined in SMC Title 10 Appendix "A" as Stacked or Side-by-Side. Each duplex is a small to medium sized, detached, house-scaled building consisting of two units that are either stacked or side-by-side units that face the street and are contained within a single building that is typically less than 2.5 stories in height.

A. Permitted Use: MH duplexes are permitted in accordance with SMC 10.28 Table 10.28A Permitted, Administrative and Conditional Uses.

B. Orientation: MH duplexes shall be oriented so that the primary structure faces the public street.

C. Development Standards: MH duplexes located on individual lots shall meet minimum rear, front, and side yard requirements (where applicable), maximum lot coverage, and building height requirements of Tables 8-1 and 8-2.

D. Parking: MH duplex development shall be required to provide parking in accordance with the requirements of SMC 10.34.120, Table B with the location in the rear of the subject lot or within a proposed duplex below the subject dwelling units.

E. Accessory dwelling units: Accessory dwelling units are prohibited.

#### **10.08.105H MH Triplexes.**

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MH triplexes are defined in SMC Title 10 Appendix "A" as a small-to-medium sized, detached, house-scaled building consisting of three units which are entered from the street and are contained within a single building, that is typically 2.5 stories or less in heights.

A. Permitted Use: MH triplexes are permitted in accordance with SMC 10.28 Table 10.28A Permitted, Administrative and Conditional Uses.

B. Orientation: MH triplexes shall be oriented so that the primary structure faces the public street.

C. Development Standards: MH triplexes located on individual lots shall meet minimum rear, front, and side yard requirements (where applicable), maximum lot coverage, and building height requirements of Tables 8-1 and 8-2.

D. Parking: MH triplex development shall be required to provide parking in accordance with the requirements of SMC 10.34.120, Table B with the location in the rear or side of the subject property (location along the side of a property is only allowed when the parking is opposite existing neighborhoods and/or on a corner lot along a street frontage).

E. Accessory dwelling units: Accessory dwelling units are prohibited.

#### **10.08.1051 MH Four-plexes.**

MH Four-plexes are defined in SMC Title 10 Appendix "A" as a small-to-medium sized, detached, house-scaled building consisting of four units, that are typically up to 2.5 stories high, and are arranged in one of four configurations:

- a. Four units with two on each floor that share a common entry from the street;
- b. Four units, two on each floor that share two common entries from the street;
- c. Four units, centered around a small forecourt, two units share an entrance, and two units have separate entrances; and
- d. Four units, two on each floor, with individual entrances.

A. Permitted Use: MH four-plexes are permitted in accordance with SMC 10.28 Table 10.28A Permitted, Administrative and Conditional Uses.

B. Orientation: MH four-plexes shall be oriented so that the primary structure faces the public street.

C. Development Standards: MH four-plexes located on individual lots shall meet minimum rear, front, and side yard requirements (where applicable), maximum lot coverage, and building height requirements of Tables 8-1 and 8-2.

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D. Parking: MH Four-plex development shall be required to provide parking in accordance with the requirements of SMC 10.34.120, Table B with the location in the rear or side of the subject property (location along the side of a property is only allowed when the parking is opposite existing neighborhoods and/or on a corner lot along a street frontage).

E. Accessory dwelling units: Accessory dwelling units are prohibited.

### **10.08.110 Additional setback for industrial zoning districts adjacent to residential zones.**

There shall be a setback of fifty feet from the property line on the side abutting or facing a residential (R-1, R-2 or R-3) zoning district.

If the property abuts a public road right-of-way, the width of the right-of-way may be calculated as part of the additional setback. (Ord. 1634, § 38, 2004.)

### **10.08.120 Additional setback from existing agricultural activities.**

To provide a buffer between existing agricultural activities and proposed residential structures the following setbacks are enacted:

(1) Where a residential structure is proposed adjacent to an existing agricultural activity a one hundred foot building setback is required from the adjoining agricultural activity.

If the proposed residential structure is separated from the agricultural activity by a public road right-of-way the width of the right-of-way shall be calculated as part of the setback.

(2) A reduction of the required setback may be granted, subject to Type II review, and the recording a declarative covenant as provided in Section [10.08.130](#), if an applicant can document any of the following:

(A) *Existing Development.* The setback adjustment will not adversely affect the adjacent agricultural activity because existing residential structures are already located on immediately adjoining lot(s), and the requested reduction is consistent with those setbacks;

(B) *Physical Features.*

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(i) The required additional setback would prohibit placement of the residential structure due to topography, flood hazard, steep slope or other natural feature, shape or configuration of the lot; or

(ii) An intervening physical feature, such as a road, river, or stream substantially mitigates the effects of placing a residential structure closer to the agricultural activity. (Ord. 1634, § 39, 2004.)

#### **10.08.130 Declarative covenant required.**

Where a proposed residential structure is within one hundred feet of any active agricultural activity a declarative covenant shall be recorded indicating that the land use is situated in close proximity to such use and, therefore, may be subject to noise, dust, smoke, odors, traffic and the application of chemicals resulting from commonly accepted practices associated with nearby agricultural use. Such covenant shall be in a form prescribed by the administrative official. (Ord. 1634, § 40, 2004.)

#### **10.08.140 Manufactured home siting requirements.**

The provisions established herein are intended to assure the siting of manufactured homes in mobile/manufactured home parks, manufactured home subdivisions and on individual lots is compatible with surrounding uses and preserves the general character and integrity of the mobile/manufactured park, manufactured home subdivision and/or adjacent residential uses.

(1) *New Manufactured Homes.* As defined in Title [10](#), Appendix [A](#), new manufactured homes are allowed to be sited in the same manner as site-built homes, factory-built homes, or homes built to any other state construction or local design standard. New manufactured homes shall:

(A) Be set upon a permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative;

(B) Comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located;

(C) Be thermally equivalent to the state energy code; and

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(D) Meet all other requirements for a designated manufactured home as defined in RCW [35.63.160](#).

(2) *Manufactured Homes*. In addition to the specific regulations set forth in the LDSF use district the following regulations shall apply to the placement of manufactured homes not defined by this title as new manufactured homes, in manufactured home subdivisions or on individual lots in the LDSF zoning district. All such manufactured homes shall:

- (A) Have permanent steps or inclined planes affixed to all entrances;
  - (B) Maintain a minimum eighteen-inch crawl space under the entire unit;
  - (C) Either be set upon a permanent foundation as required by subsection [\(1\)\(A\)](#) of this section or have permanent skirting or side walls installed to enclose all areas between the lower edge of the outside walls and the ground;
  - (D) Be placed and anchored per the manufacturer's installation instructions or per the design of a professional engineer or architect licensed in Washington (WAC [296-150M-610\(1\)\(C\)](#)), except in flood prone areas placement and anchoring shall be in accordance with the provisions of Chapter [11.19](#), Appendix A;
  - (E) Have the tow tongue and axles removed;
  - (F) *Roof Slope*. Roof slope shall be not less than a two-foot rise for each twelve feet of horizontal run;
  - (G) *Roofing Materials*. Roofing materials shall be compatible in appearance with surrounding site-built homes, and consistent with fire safety standards;
  - (H) *Siding Materials*. Siding materials shall be wood, masonite, or other material compatible with surrounding site-built homes;
  - (I) *Pit Set*. If not set upon a permanent foundation in accordance with subsection [\(1\)\(A\)](#) of this section, manufactured homes shall be "pit set," with the bottom of the floor joist or frame no more than twelve inches above finished grade, except as necessary to accommodate terrain. The pit shall be of sufficient depth to accommodate an eighteen-inch clearance below the frame of the unit with crawl space access located near utility connections. (Ord. 2018, § 2, 2017; Ord. 1634, § 41, 2004.)
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**10.08.150 Exterior lighting.**

Exterior lighting for all uses and signs shall be directed downward and otherwise arranged, shaded, screened, shielded, or of a design that results in the light being directed onto the site and of an intensity or brightness that does not reflect or cause glare into any adjacent or nearby residential use or interfere with the safe operation of motor vehicles. (Ord. 1634, § 42, 2004.)

**10.08.160 Buffering requirements for commercial and industrial uses.**

Any commercial or industrial use, including any outdoor storage area, which abuts property zoned for residential purposes shall provide either:

- (1) A maintained landscape planting or screening at least ten feet in width between such use and the adjacent residential zoning district. Within the landscaped area shall be placed lawn, ground cover, trees, hedges, evergreens, shrubbery or other suitable plantings; or
- (2) A six foot high wall or slatted fence obscuring visibility a minimum of ninety percent. This option is not available if any proposed wall would be located within a public utility easement.

The purpose of the landscaped planting or wall is to protect the character of the adjacent residential zoning district and to minimize impacts on adjacent residential uses.

A buffering plan shall be submitted and reviewed as part of the Class 1, II or III application. (Ord. 1634, § 43, 2004.)

**10.08.170 Screening of refuse dumpsters.**

All dumpsters shall be screened from view from any public right-of-way according to the following provisions:

- (1) One side of the dumpster shall remain accessible for refuse removal and shall be screened by a solid gate with a minimum height of five feet. The gate shall be maintained in good working order and shall remain closed except when refuse pick-up occurs.
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(2) Any side of a dumpster that is not used for access and is visible from a public right-of-way shall be screened from view by a solid wall with a minimum height of six feet. The wall shall be architecturally compatible with other buildings and structures on the site.

(3) Alternative screening methods may be permitted with the approval of the administrative official. (Ord. 1634, § 44, 2004.)

### **10.08.180 Yard/garage sales.**

Yard or garage sales are permitted as an accessory use to a dwelling provided all of the following provisions are met:

- (a) Is a temporary sales event for the sale of surplus or unwanted items;
- (b) The sales event does not exceed three consecutive days in duration;
- (c) Only two yard sales events are permitted per parcel, lot or dwelling per calendar year;
- (d) The sales event shall be supervised and be the responsibility of the property owner or dwelling unit tenant. (Ord. 1634, § 45, 2004.)

### **10.08.190 Transportation concurrency review.**

(a) *Purpose.* This section sets forth specific standards providing for compliance with the concurrency requirements of the State Growth Management Act (GMA) and for consistency between Selah and countywide planning policies under the GMA. The GMA requires that the city of Selah "must adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development." (RCW [36.70A.070](#)).

(b) *Exemptions.* The following shall be exempt from the provisions of this chapter:

- (1) Development permits issued prior to the effective date of the ordinance codified in this chapter provided the permit or permits have not expired;
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(2) De minimis development, herein defined as any proposed development generating less than ninety vehicular trips per day;

(3) Public libraries, parks, and recreational facilities;

(4) Publicly funded educational facilities;

(5) Construction of public transportation facilities;

(6) Highways of statewide significance, as designated by the Washington State Department of Transportation; and

(7) Road or street projects undertaken by the city.

(c) *Level of Service Standards.* For the purpose of this section, level of service (LOS) for transportation facilities shall be D for principal arterials and C for minor arterials, collectors and local access roads, as set forth within the transportation element of the city of Selah Comprehensive Plan and are hereby adopted by reference.

(d) *Review Process.* The city shall utilize the following procedures for evaluating all projects or development activities for concurrency, unless the applicant is otherwise notified in writing:

(1) *Certificate of Concurrency.*

(A) The public works director or designee shall complete a transportation concurrency evaluation at the time a development permit is applied for or during the course of permit review. The review shall conclude with a determination that the proposed project meets the level of service standards whereby a certificate of concurrency shall be issued and attached or incorporated to the development permit approval. When a project is determined to have not met level of service standards, the certificate of concurrency shall be conditioned in a manner that satisfies the requirements of this chapter, or the project shall not be approved.

(B) The applicant shall provide the city with all information necessary to complete the concurrency evaluation on the proposed development. It shall be the responsibility of the applicant to provide studies, surveys, traffic counts, engineering review or any other items determined to be necessary for an accurate concurrency evaluation.

(C) A certificate of concurrency shall be accorded the same terms and conditions as those for the underlying development permit. If a development permit timeline is extended the certificate shall also be extended for the same time duration. A certificate of concurrency

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**Commented [PJ1]:** The City should consider changing this standard to require transportation concurrency with development that generates less trips to require new development to pay their fair share of their traffic impacts.

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shall be valid only for the development permit approved for the same parcel and may be transferable to any new owner(s) of the parcel to which it was issued.

(2) *Traffic Impact Calculations.*

(A) *Trip Generation.* Traffic calculations shall be based on the trip generation average described within the latest available edition of the Institute of Transportation Engineers (ITE) trip generation manual for the particular type and extent of the development being proposed.

(B) *Concurrency Test.* The projected number of trips generated by a proposed development shall be subtracted from existing or new transportation capacity of the impacted transportation facility. If projected demand is less than available capacity, the project is not adverse to level of service standards and shall be issued a certificate of concurrency.

(e) *Transportation Concurrency Mitigation Methods.* The city shall use the following procedures and criteria to review and approve the adequacy of mitigation methods unless the applicant is otherwise notified in writing:

(1) If mitigation is determined necessary to maintain level of service standards for an impacted transportation facility, the applicant may choose among the following actions:

(A) Reduce the size of the project until levels of service standards are met;

(B) Enter into a legally binding development agreement with the city whereby all required improvements will be constructed and completed within six years of the development approval date which also ensures that the financing is available to pay for the improvements at time of building permit approval;

(C) Be subject to a development approval conditioned that the required improvements be completed prior to the issuance of building permits, final plat or site plan approvals associated with the development;

(D) Propose transportation demand management strategies to reduce vehicle trips generated by the project development;

(E) At the city's discretion, await the city's completion of mitigating improvements if such improvements are underway or planned as part of the city's six-year transportation improvement plan; or

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(F) Any combination of the above.

(2) Acceptable impact mitigation requires a finding of the following:

(A) The mitigation contributes to transportation facility performance and established level of service standards;

(B) The mitigation is consistent with the comprehensive plan;

(C) Any improvements to an intersection or roadway do not shift traffic to residential areas or to other intersections where there is no mitigation being proposed;

(D) Any adverse environmental impacts of the facility improvements may be reasonably minimized or eliminated; and

(E) The improvements are consistent with established engineering standards.

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