

TOWN OF WILKESON, WASHINGTON ORDINANCE NO. ____-25

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WILKESON, PIERCE COUNTY, WASHINGTON ADOPTING AMENDING TITLE 16 SUBDIVISION OF LAND AND TITLE 17 ZONING IN ORDER TO COMPLY WITH RECENT LEGISLATION AMENDING THE GROWTH MANAGEMENT ACT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on July 21, 1998, the Town Council passed the Unified Development Code in response to the adoption of the Washington State Growth Management Act (GMA) to codify critical area protections in the Town of Wilkeson; and

WHEREAS, the majority of the Town of Wilkeson development regulations have not been updated since 1998; and

WHEREAS, the Town Council wish to create a more GMA compliant, streamlined, efficient and coherent development code and permit review process; and

WHEREAS, the state legislature has amended the Growth Management Act to define new standards related to the provision of accessory dwelling units, co-living residences, conversion of existing non-residential buildings to residential uses, and provided definitions and regulations related to emergency shelters, permanent and transitional housing and other affordable housing options including the creation of unit lot subdivisions and amended residential parking standards; and

WHEREAS, the Town Council wishes to define the duration and location of camping in residential areas not associated with a permitted homeless encampment; and

WHEREAS, the SEPA Responsible Official issued a Determination of Nonsignificant Impact on October 15, 2025 which was not appealed; and

WHEREAS, the Land Use Administrator posted a Notice of Intent to Adopt this ordinance with the Department of Commerce on October 15, 2025 with a comment period ending on December 14, 2025; and

WHEREAS, the Town Council of the Town of Carbonado held a public hearing on the proposed ordinance on _____; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WILKESON, WASHINGTON, AS FOLLOWS:

Section 1. Existing Wilkeson Municipal Code Chapter 17.03 District Regulations is hereby repealed and replaced with Exhibit 1 attached hereto and adopted as if set forth herein in full.

Section 2. Existing Wilkeson Municipal Code Chapter 17.04 Off-Street Parking and Loading Requirements is hereby repealed and replaced with Exhibit 2 attached hereto and adopted as if set forth herein in full.

Section 3. A new section is hereby added to Wilkeson Municipal Code Chapter 16.03 Short Plats as follows.

WMC 16.03.080 Unit Lot Subdivisions

- A. Notices and Conditions. Prominent informational notes be placed on the unit lot subdivision's plat, and recorded with the Pierce County Auditor to acknowledge each of the following:
 - 1. Approval of the design and layout of the unit lot's housing development project was granted based on detailed review of that specified project, as a whole, on the parent lot, including specific reference to the applicable permit or file number for that specified project;
 - 2. Subsequent subdivision actions, additions, or modifications to the unit lot housing development project's structures may not create or increase any nonconformity of the parent lot as a whole, and shall conform to the approved unit lot housing development project or to the land use and development standards in effect at the time of the proposed actions, additions, or modifications;
 - 3. If a structure or portion of a structure within the unit lot housing development project has been damaged or destroyed, any repair, reconstruction, or replacement of any structure shall conform to the approved unit lot housing development project or to the land use and development standards in effect at the time the proposed repair, reconstruction, or replacement project's permit application becomes vested; and
 - 4. Additional development or redevelopment of the individual unit lots may be limited as a result of the application of development standards to the parent lot.
- B. Approval. In approving a unit lot subdivision, the Town will:
 - 1. Not require any public pre-decision meeting or hearing, nor any design review other than administrative design review, except for those required to comply with state law, including chapter 90.58 RCW.
 - 2. Ensure that the community and property owners within 250 feet of the unit lot to be subdivided are provided notice consistent with RCW 36.70B.110 of how to provide written comments to the administrative decision maker, including through notice posted on the closest public sidewalk or roadway.
 - 3. Impose only clear and objective design and development standards in approving the unit lot subdivision.

4. Only impose standards to the subdivision that are logically integrated with the application, review, and approval procedures that apply to the underlying unit lot housing development project to the greatest extent feasible.
 5. Subject the unit lot subdivision to the maximum time limit period for local government actions as set forth in RCW 36.70B.080, unless extended pursuant to project-specific mutual agreement as permitted by RCW 36.70B.080.
- C. Public Health and Safety. All public health, safety, building code, and environmental permitting requirements to a development project that is subject to or integrated with a unit lot subdivision process.
 - D. Utilities. Each unit lot subdivision shall have its own separately metered sewer and water connection. Each unit must obtain an equivalent residential unit (ERU) for each utility or be connected to a private well and/or on-site septic system. Private utilities may be provided individually on each lot or as a group well and community septic system. Areas needed for shared utilities shall be contained within recorded tracts on the face of the plat.
 - E. No unit lot subdivision project or a unit lot development project may be located where development is restricted under other laws, rules, or ordinances, such as in locations where development is limited as a result of physical proximity to on-site sewage system infrastructure, critical areas, or other unsuitable physical characteristics of a property including lack of potable water or sewage treatment facilities.
 - F. Nothing in this section alters the vesting requirements set forth in RCW 58.17.033.

Section 4. New sections are hereby added to Wilkeson Municipal Code Chapter 17.07 General and Supplementary Provisions as follows.

WMC 17.07.240 Accessory Dwelling Units

- A. Purpose. The purpose of this section is to regulate the establishment of ADUs in order to:
 1. Make it possible for adult children to provide care and support to a parent or other relatives in need of assistance; and/or
 2. Provide increased security and companionship for homeowners; and/or
 3. Provide the opportunity for homeowners to gain the extra income necessary to help meet the rising costs of home ownership; and/or
 4. Provide for the care of disabled persons within their own homes; and/or
 5. Provide for a more diverse and affordable housing stock.
- B. Development Standards. All ADUs within the town must comply with the

following requirements:

1. An ADU may be attached to, included within, or detached from, the principal unit in any zone which allows a single-family housing unit, duplex, triplex, townhome, or other housing unit.
2. An ADU may be located within any zone when utilized as a caretaker's quarters for public utility facilities.
3. Two accessory dwelling units are allowed on lots that are located in zoning districts which allow for single-family homes in the following configurations:
 - a. One attached ADU and one detached ADU;
 - b. Two attached ADUs; or
 - c. Two detached ADUs, which may be comprised of either one or two detached structures.
4. ADUs may be developed on any lot that meets the minimum lot size required for the principal unit.
5. ADUs must meet all development standards applicable to the principal unit, including maximum site coverage, minimum yard requirements, and height limitations, with the following exceptions:
 - a. Detached ADUs may be sited at a lot line if the lot line abuts a public alley, unless the town routinely plows snow on the public alley.
 - b. ADUs converted from existing structures, including but not limited to detached garages, will be allowed, even if they violate current code requirements for setbacks or lot coverage.
6. Public street improvements shall not be required as a condition of permitting accessory dwelling units.
7. Required off-street parking spaces including garages, carports, or off-street areas reserved for vehicles which may be in tandem, shall be calculated as follows:
 - a. Only one off-street parking space per unit is required on lots smaller than 6,000 square feet before any zero lot line subdivisions or lot splits;
 - b. Two off-street parking spaces per unit are required on lots greater than 6,000 square feet before any zero lot line subdivisions or lot splits.
 - c. Exceptions. ADUs within one-half mile walking distance of a major transit stop shall not be required to meet off-street parking space requirements.
8. In order to encourage the development of housing units for people with disabilities, the town planner in consultation with the building official may allow reasonable deviation from the stated requirements to install features

that facilitate accessibility.

- C. ADUs shall not be allowed on lots designated with critical areas or their buffers as designated in RCW 36.70A.060, or to a watershed serving a reservoir for potable water if that watershed is or was listed, as of the effective date of the ordinance codified in this section, as impaired or threatened under Section 303(d) of the federal Clean Water Act, unless deemed a compatible use as determined by the town planner in consultation with the building official.
- D. Compliance With Applicable Codes and Permits. ADU construction shall conform to all codes which are required for any new residential construction. An approved building permit is needed prior to construction and a certificate of occupancy will be required prior to occupancy of the ADU.
 - 1. Exception. Applicable impact fees for an ADU are limited to 50 percent of the impact fees that would be imposed on the principal unit.
- E. Sewer and Water Connections.
 - 1. For the purposes of water and sewer connections, each ADU is considered one half (0.5) of an Equivalent Residential Unit (ERU). Each principal residence is considered one ERU. ADU may not be permitted on a lot unless that lot has sufficient water and sewer ERU or private well and/or on-septic capacity to support both the principal residence and any additional ERU.
 - 2. ADU are not permitted on lots not served by public sewers or which will not support the additional use with an on-site septic systems, nor in residential zones with a density of one dwelling unit per acre or less that are within areas designated as wetlands, fish and wildlife habitats, flood plains, or geologically hazardous areas.
 - 3. Metering.
 - a. Attached ADU may have the same metering as the principal residence.
 - b. Detached ADU must have separate metering from the principal residence.
- F. Subdivision/Sale. The ADU, or the land on which the ADU is located, shall not be subdivided, sold, or otherwise segregated in ownership from the primary residence or the land on which the primary residence is located without completion of a subdivision or short subdivision process, including a unit lot subdivision, as approved by the town of Carbonado, or an approved condominium process.
- G. ADUs shall not be utilized for short-term rentals.

WMC 17.07.250 Co-Living Residences

- A. Definition. Co-Living Residences are described in WMC 14.95.
- B. Co-Living Residences are subject to the following provisions:
 - 1. For purposes of calculating dwelling unit density and parking requirements,

each sleeping unit shall be considered one-quarter (1/4) of a dwelling unit.

2. For purposes of calculating sewer connection fees, each sleeping unit shall be considered one-half (1/2) of a dwelling unit.
3. The building as a whole shall comply with the dimensional standards of the state building code.
4. The Town shall not regulate the unit sizes or number of bedrooms beyond the provisions of the state building code dimensional standards.
5. Co-Living Residences may include only residential use or a mix of uses.
6. Co-Living Residences are permitted in the same manner as multi-family residences.

WMC 17.07.260 Conversion of Existing Buildings for Residential and/or Child Care Center Use

- A. Conversion of existing non-residential buildings. The conversion of existing non-residential buildings to residential use and/or child care centers is generally permitted in all zones.
 1. Density. There is no restriction on housing unit density for addition of housing units at a density up to 50 percent more than what is allowed if construction is entirely within an existing building envelope in a building located within a zone that permits multifamily housing, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building and density is permitted for existing or improved onsite septic systems.
 2. Parking. Addition parking is not required for addition of dwelling units or living units added within an existing building, but existing parking must be retained and required parking for nonresidential uses that remain after the new units are added must be maintained or added.
 3. Permit Fees. Except for emergency housing and transitional housing uses, no permitting is required on the use of an existing building for residential purposes beyond those generally applicable to all residential development within the building's zone.
 4. Design. No design standards, including setbacks, lot coverage, and floor area ratio are required, on the use of an existing building for residential purposes beyond those generally applicable to all residential development within the building's zone.
 5. Exteriors. No exterior design or architectural standards are required on the residential use of an existing building beyond those necessary for health and safety of the use of the interior of the building or to preserve character-defining streetscapes, unless the building is a designated landmark or is within a historic district established through a local preservation ordinance.
 6. Ground Floor. Additional housing units are permitted in any part of a

building.

7. Unchanged portions. Unchanged portions of an existing building used for residential purposes need not meet the current energy code solely because of the addition of new dwelling units within the building. However, if any portion of an existing building is converted to new dwelling units, each of those new units must meet the requirements of the current energy code, except if:
 - a. The square footage of new dwelling units does not exceed 2,500 square feet or 50 percent of the total building square footage, whichever is greater;
 - b. The building owner submits documentation, in a form acceptable to the city, showing the building's residential units' projected energy use intensity is less than or equal to the energy use intensity target in accordance with the clean buildings performance standard in RCW 19.27A.210; or
 - c. In all areas zoned for residential housing, an additional housing unit is created within an existing home.
8. Nonconformity. The addition of housing units within an existing building is permitted notwithstanding nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the Town Planner makes written findings that the nonconformity will cause a significant detriment to the surrounding area.
9. Transportation and Environment. No transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW based on the addition of residential units within an existing building is required.
- B. Safety and sanitation. Nothing in this section requires the Town to approve a building permit application for the addition of housing units or child care centers constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing in cases in which the building cannot satisfy life safety standards or sanitary regulations.
- C. Definitions.
 1. For the purpose of this section, "existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add housing units.
 2. For the purpose of this section, "child care center" has the same meaning as in RCW 43.216.020.

WMC 17.07.270 Indoor Emergency Shelters, Transitional and Permanent Supportive Housing

- A. Uses Permitted. Indoor emergency shelters, indoor emergency housing, permanent supportive housing and transitional housing are permitted in any zone in which

hotels are allowed and must meet the same development and operating regulations as permitted residential dwellings, including adhering to building and fire codes and American Disability Act requirements to ensure consistency in health and safety for all residents. Minimum parking requirements are waived for all indoor emergency shelters, transitional housing, indoor emergency housing and permanent supportive housing.

- B. Exemptions. Exemptions to development regulations, including but not limited to setback requirements, density limits, restrictions on support spaces inside buildings (e.g., office space for tenants) and public noticing requirements, for indoor emergency shelters, transitional housing, emergency housing and permanent supportive housing may be permitted with administrative approval by the planning director to address Carbonado's housing needs allocation through shelter and housing forms that do not meet building codes or other requirements. These types may include, but are not limited to, pallet shelters and tiny shelters. Regardless of the form, the housing or shelter must be indoors and allow access to bathrooms and showers.
- C. Special Provision for Religious Organizations. Any affordable housing development, including permanent supportive housing and transitional housing with a lease, of any single-family or multifamily residence located on real property owned or controlled by a religious organization is allowed an increased density bonus consistent with local housing needs allocation with administrative approval by the planning director. Homeless encampments and temporary shelters are permitted on property owned or controlled by a religious organization and must adhere to state regulations in RCW 35.21.915 and RCW 36.01.290.

Section 5. A new subsection E is hereby added to Wilkeson Municipal Code 17.07.180 Temporary Uses as follows.

WMC 17.07.180

- E. Camping.
 - 1. This section prohibits the use of structures or vehicles not permitted for permanent occupancy as primary or guest living quarters in excess of 30 days in a three-month period in a calendar year without a temporary use permit issued by the land use administrator. This section applies to garages, carports, accessory structures, sheds, fabric shelters or tents, watercraft and recreational vehicles. The land use administrator may grant an extension for guest usage for a maximum of 30 additional days. In the case of an emergency such as damage to the main house, the director may grant a temporary use permit for emergency use while the main house is being rehabilitated or reconstructed. Temporary or permanent connections to the public storm water or sewer systems are prohibited for all temporary living quarters. Violations of this code are enforceable under Chapter 14.65 WMC, Administration and Enforcement.
 - a. The temporary use permit must list an expiration date and provisions

for further extension;

- b. The temporary use permit must be affixed to the recreational vehicle in such a manner that it is prominently displayed and visible, to the extent possible, from a public right-of-way;
 - c. Recreational vehicles meeting the requirements of this subsection must be parked on private property and need not comply with accessory structure setback requirements for the effective period of the permit;
 - d. No more than one temporary use permit may be granted within any three-month period; and
 - e. Recreational vehicles shall not have connections to residential sewer systems or permanent connections to other residential utilities.
- 2. No more than one recreational vehicle at a time may be used as a temporary dwelling on a lot.
 - 3. Parking or storage of recreational vehicles, watercraft or utility trailers for compensation is not permitted within a residential zone (R1, R-2 or R-3). This subsection does not apply to storage facilities provided exclusively for tenants of multifamily dwelling complexes.
 - 4. No recreational vehicle may be used as an accessory structure to a residence or operating business, nor to accommodate a residential accessory use.

Section 6. Severability. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof provided the intent of this Ordinance can still be furthered without the invalid provision.

Section 7. Effective Date and Publication. This ordinance shall take effect and be in full force January 1, 2026. This Ordinance or summary of the content thereof shall promptly be published in the official newspaper of the Town.

Passed by the Town Council on the ____ day of _____, 2025.

Approved by the Mayor on the ____ day of _____, 2025.

Jeff Sellers, Mayor

ATTEST:

Marie Wellock, Clerk-Treasurer

APPROVED AS TO FORM:

Mike Reynolds, Town Attorney