



Town of Yacolt
Special Council Meeting Agenda
Monday, April 27, 2026
5:00 PM
Town Hall

Call to Order

Flag Salute

Unfinished Business

1. Discussion re: Comprehensive Plan Updates

Adjourn



Town of Yacolt Request for Council Action

CONTACT INFORMATION FOR PERSON/GROUP/DEPARTMENT REQUESTING COUNCIL ACTION:

Name: Mayor Shealy

Group Name: Staff

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ITEM INFORMATION:

Item Title: Discussion re: Comprehensive Plan Update

Proposed Meeting Date: April 27, 2026

Action Requested of Council: Review suggested updates to the Town's Comprehensive Plan as presented by Jackson Civil Engineering. Participate in discussions regarding the Plan and updates, with the goal of finalizing a new Updated Plan for the Town, which will comply with the State's current requirements and most effectively benefit the residents of Yacolt and the surrounding area.

Proposed Motion: None at this time; discussion only

Summary/Background: Jackson Civil Engineering was tasked by the Town of Yacolt to draft updates to the Town's Comprehensive Plan and Urban Growth Area. Washington State has enacted new regulations for land use and growth, which the newly updated Plan must comply with. Paul Dennis, Sr. Planner from JCE will lead the discussions, guiding the Town Council regarding what the State now requires. During tonight's discussion, specific points will be presented to Council for their input. Depending on how far they are able to get on this tonight, there may be at least one more workshop like this scheduled. At the June Council meeting, a public hearing will take place where the proposed final Comp Plan Update will be presented for public comment. The final Comp Plan Update must be submitted to the State by June 30th, so we are nearing the finish line.

Staff Contact(s): Clerk Stephanie Fields
clerk@townofyacolt.com

Mayor Ian Shealy
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Title 18. Zoning

Chapter 18.05. GENERAL PROVISIONS

§ 18.05.010. Purpose.

The text and zoning maps constitute the zoning regulations for the town of Yacolt. It is the purpose of this title to accomplish the following:

- A. Classify, designate and regulate the development of land for residential, commercial, industrial land uses as a means of implementing the Comprehensive Growth Management Plan text and map.
- B. Provide adequate open spaces for light, air and the prevention of fires.
- C. Provide the economic and social advantages which result from an orderly, planned use of land resources.
- D. Facilitate energy conservation and the use of renewable energy resources to enhance the livability and quality of housing.
- E. Provide for desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities.
- F. Provide for the preservation of adequate space for industrial, commercial and other activities necessary for a healthy economy.
- G. Lessen congestion of streets.
- H. Stabilize expectations regarding future development, thereby providing a basis for wise decisions with respect to such development.
- I. Provide for judicious, efficient, timely and reasonable administration respecting the due process set forth in this title and other applicable laws.
- J. Protect and promote the public health, safety and general welfare.
(Ord. 371 § 1(A), 1997)

§ 18.05.020. Compliance.

No building or other structure shall be constructed, improved, altered, enlarged, or moved; nor shall any use or occupancy of premises within the town be commenced or changed; nor shall any condition of or upon real property be caused or maintained, after the effective date of the ordinance except in conformity with conditions prescribed for each of the several zones established hereunder. It is unlawful for any person, firm, or corporation to erect, construct, establish, move into, alter, enlarge, use or cause to be used, any buildings, structures, improvements or use of premises contrary to the provisions of this title. Where this title imposes greater restrictions than those imposed or required by other rules, regulations or ordinance, the provisions of this title shall control, except when specified otherwise in this title.
(Ord. 371 § 1(B), 1997)

Chapter 18.10. DEFINITIONS

§ 18.10.010. Definitions.

Abutting.

For the purposes of this title and the establishment of special development standards, "abutting" shall mean adjoining with a common boundary line; except that where two or more lots adjoin only at a corner or corners, they shall not be considered as abutting unless the common property line between the two parcels measures not less than eight feet in a single direction.

"Access" or "accessway"

shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use.

"Accessory use or structure"

shall mean one which is subordinate to the principal use of a building on the lot serving a purpose customarily incidental to the use of the principal building.

"Adjacent"

shall mean near, close; for example, an industrial district across the street or highway from a commercial district shall be considered as "adjacent."

"Adjoin"

shall mean the same as "abutting."

"Alley"

shall mean a public right-of-way not over 30 feet wide which affords a secondary means of access to abutting lots.

Alteration, Structural.

"Structural alteration" shall mean any change or repair which would tend to prolong the life of the supporting members of a building or structure. Any change in the external dimensions of the building is a structural alteration.

"Animal hospital"

shall mean a place where animals are given medical or surgical treatment, and are cared for during the time of such treatment.

"Apartment"

shall mean a dwelling unit in a multiple-family building.

"Apartment house"

shall mean the same as "dwelling, multiple-family."

"Area of special flood hazard"

shall mean the land in the floodplain subject to a one percent chance or greater of flooding in any given year.

"Automobile repair"

shall mean upholstering of; replacement of parts for; motor service; rebuilding or reconditioning of engines, all types of motor vehicles, or trailers, and painting or paint shop.

"Automobile service station" or "filling station"

shall mean a building or lot having pumps and storage tanks where fuels, oils, or accessories for motor vehicles are dispensed, sold, or offered for sale at retail only, and where repair service is secondary.

"Automobile wrecking"

shall mean the dismantling or disassembling of motor vehicles or mobile homes, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Three or more dismantled, obsolete, or inoperable motor vehicles on one lot shall constitute a wrecking yard.

"Base zone"

shall mean the primary district applicable to a parcel of property irrespective of any overlay or combining district.

"Boarding house"

shall mean a building other than a facility provided for under another definition or section of this title, or a hotel where, for compensation, meals or lodging and meals are provided for four or more persons.

"Breezeway"

shall mean a structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.

"Building"

shall mean a combination of materials to form a structure that is adapted to a permanent or continued occupancy. It is a structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattel.

Building, Height of.

"Height of building" shall mean the vertical distance from the average contact ground level, after grading, at the front wall of the building to the highest point of the building.

"Building inspector"

shall mean the building inspector of Clark County, Washington.

Building, Main.

"Main building" shall mean a building within which is conducted the principal use permitted on the lot, as provided in this title.

"Building setback line"

shall mean a line parallel to the front lot line and passing through the most forward point or plane of the building closest to the front lot line.

"Carport"

shall mean a roof projecting from one side of a building designed to cover, but not enclose, automobile parking spaces.

"Church"

shall mean a permanently located building primarily used for religious worship.

"Clinic"

shall mean a building or portion of a building containing offices for providing medical, dental, or psychiatric services not involving overnight housing of patients.

"Club"

shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

"Co-Living Housing"

means a residential development with sleeping units that are independently rented and lockable and provide living and sleeping space, in which residents share kitchen facilities with other sleeping units in the building.

"Community storage area"

shall mean a facility accessory to a primary use established in accord with county standards, designed to provide for the temporary or permanent storage of automobiles in an operable condition, boats, campers, trailers, and similar recreational vehicles or equipment, and serving two or more ~~unrelated~~ persons.

"Conditional use"

shall mean an activity specified by this title as a principal or an accessory use, permitted when

authorized by the town council subject to certain conditions.

"Congregate care facility"

shall mean any home or private facility maintained and operated for the care, boarding, housing, and training of six or more handicapped persons who require assistance in taking responsibility for themselves and guidance as necessary in activities of daily living, social and recreational activities and opportunities. A congregate care facility does not provide medical, nursing or social casework services.

"Contiguous"

shall mean the same as "abutting."

"Convalescent, nursing or rest home"

shall mean any building or premises in and on which two or more sick, injured, or infirm persons are housed, for a period in excess of 24 consecutive hours, and furnished with meals and nursing care for hire.

"Court"

shall mean an open, uncovered, and unoccupied space within an allotted property line, and free from automotive drives and parking, except for any necessary entrance or exit drive.

"Crown cover"

shall mean the area within the drip line or perimeter of the foliage of a tree.

Day-Care Center, Commercial.

"Commercial day-care center" shall mean a building and premises in and on which more than 12 individuals are cared for during some portion of a 24-hour period. In no case shall these individuals be housed in the building or on the premises.

Day-Care Center, Family.

"Family day-care center" shall mean a dwelling and premises in and on which not more than eight individuals, not residing in the dwelling nor related to the care provider, are cared for during some portion of a 24-hour period in the residence of the person or persons under whose direct care the individuals are placed.

Day-Care Center, Mini.

"Mini day-care center" shall mean a dwelling and premises in and on which seven to 12 individuals are cared for during some portion of a 24-hour period, in the residence of the person or persons under whose direct care the individuals are placed, or for the care of 12 or fewer individuals in a facility other than the residence of the person or persons under whose direct care and supervision the individuals are placed.

"Density"

shall mean a ratio comparing the number of dwelling units with land area, and is expressed as the number of residential dwelling units per acre of land in a residential development, including, but not limited to, one house on one lot. Density is expressed as "gross density," which includes all land included within a project.

"Development"

shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

"District" or "zone"

shall mean a geographic area or area of the town within which the standards governing the use of land, buildings, and premises are uniform.

"Drive-in restaurants"

shall mean those restaurants with facilities allowing take-out foods and beverages without leaving a vehicle. They generally also have the characteristics of high turnover restaurants.

"Dwelling"

shall mean any building or portion thereof, designed or used as the residence or sleeping place of one or more persons.

"Dwelling group"

shall mean a group of two or more dwellings attached or detached, located on an undivided parcel of land in one ownership and having any yard or court in common.

Dwelling, Multiple-Family.

"Multiple-family dwelling" shall mean a building or portion thereof designed or used as a residence by three or more families, and containing three or more dwelling units.

Dwelling, Single-Family.

"Single-family dwelling" shall mean a building designed or used for residence purposes by not more than one family, and containing one dwelling unit only.

1. "Attached" shall mean sharing common walls.
2. "Detached" shall mean physically separated.

Dwelling, Two-Family, or Duplex.

"Two-family dwelling" or "duplex" shall mean a building designed or used for residence purposes by not more than two families, and containing two dwelling units.

"Dwelling unit"

shall mean one room or a suite of two or more rooms, designed for or used by one family or housekeeping unit for living and sleeping purposes, and having not more than one kitchen or kitchenette.

"Efficiency dwelling unit"

shall mean any room having cooking facilities, and used for combination living, dining and sleeping purposes for not more than two persons, and is designed as a separate apartment, not merely rooming accommodations.

"Employees"

shall mean all persons, including proprietors, working on the premises.

"Family"

shall mean two or more persons customarily living together as a single housekeeping unit and ~~using common-cooking occupying a dwelling unit, provided that occupants of a boarding house, hotel, or club shall not be regarded as family facilities, as distinguished from a group occupying a hotel, club, boarding or lodging house, or other group of unrelated individuals not exceeding six in number.~~

Fence, Sight-Obscuring.

"Sight-obscuring fence" shall mean a fence or evergreen planting, or combination of fence and planting arranged in such a way as to obstruct vision.

Floor Area, Gross.

"Gross floor area" shall mean the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls and including halls, stairways, elevator shafts at each floor level.

Floor Area Ratio.

"Floor area ratio (FAR)" shall mean the gross floor area of all buildings on a lot divided by the lot area. For example, a FAR of two to one (2:1) means two square feet of floor area for every one square foot of site area.

"Frontage"

shall mean that portion of a parcel of property which abuts a dedicated public street or highway, or private road or driveway approved by the town. Frontage can include courtyards, plazas and other pedestrian areas which accommodate pedestrian activity and limit motorized vehicles.

Garage, Detached.

"Detached garage" shall mean an accessory building intended and primarily used for the storage of motor vehicles, which is separate from and secondary to the main structure of the occupants.

Garage, Private.

"Private garage" shall mean an accessory building or part of a main building intended primarily for the storage of motor vehicles owned or used by occupants of the main building.

Garage, Public.

"Public garage" shall mean a structure or portion thereof, other than a private or community garage used for the storage, sale, hire or repair of self-propelled vehicles or trailers.

"Guesthouse"

shall mean an accessory building designed, constructed and used for the purpose of providing temporary living accommodations for guests, or for members of the same family as that occupying the main structure, and containing no kitchen facilities.

"Habitable floor"

shall mean any floor usable for living purposes including working, sleeping, eating, cooking or recreating uses, or any combination of these uses. A floor used only for storage purposes is not a "habitable floor."

"Hazardous waste"

shall mean all dangerous and extremely hazardous waste as defined in RCW 70.105.010.

"Hazardous waste storage"

shall mean the holding of dangerous waste for a temporary period as regulated by the state dangerous waste regulations, Chapter 173-303 WAC.

"Hazardous waste treatment"

shall mean the physical, chemical or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amenable for energy or material recovery, amenable for storage, or reduced in volume.

"Hazardous waste treatment and storage facility, off-site"

shall mean facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located.

"Hazardous waste treatment and storage facility, on-site"

shall mean facilities that treat and store waste generated on the same geographically contiguous or bordering property.

"Health officer"

shall mean the Southwest Washington Health District Officer, his successor, or his authorized representatives or agents.

Height of Building.

"Height of building" shall mean the same as "building, height of."

Home Business, Occupation.

"Home business" or "occupation" shall mean a use conducted upon the property for which the business use is clearly secondary to the use of the parcel for residential purposes.

"Home owners association"

shall mean a nonprofit organization operating under recorded land agreements through which the following take place:

1. Each person owning or purchasing a lot in a planned unit or other described land area is automatically a member by such ownership or purchase.
2. Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.
3. Construction and maintenance responsibilities for any undivided property are identified and assigned.

"Hospital"

shall mean any institution, place, building or agency which maintains and operates organized facilities for 20 or more persons for the diagnosis, care and treatment of human illness, including convalescence and also including care during and after pregnancy; or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or for a longer period.

"Hotel"

shall mean a building in which lodging is provided and offered to the public for compensation, and

which is open to transient guests.

"Junkyard"

shall mean a place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building; but not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operative conditions, or salvaged materials incidental to manufacturing operations.

"Jurisdictional board of health"

shall mean the Southwest Washington Health District, or its duly authorized representative (RCW 70.95.030).

"Kennel"

shall mean either (1) any premises used to conduct a commercial business involving the breeding, buying, selling or letting dogs for hire, boarding or training dogs, or (2) any premises at which 10 or more dogs which are five months old or older are kept for any purpose, including animal shelters, but excluding veterinary clinics and animal hospitals where dogs are kept only for treatment by licensed veterinarians.

"Landscaping"

shall mean not only trees, grass, bushes, shrubs, flowers and garden areas, but also the arrangement of fountains, patios, decks, street furniture, and ornamental concrete or stonework areas and artificial turf or carpeting, but excluding artificial plants, shrubs, bushes, flowers, and materials in movable containers.

"Lot"

shall mean a parcel of land used or which is capable of being used under the regulations of this title, lawfully created as such in accordance with the subdivision laws or ordinance in effect at the time of its creation. (See town of Yacolt Engineering Standards for Public Works, April 26, 1994; effective July 5, 1994.)

"Lot area"

shall mean the computed area contained within the lot lines; said area to be exclusive of street or alley rights-of-way.

"Lot, corner"

shall mean a lot abutting upon two or more streets at their intersection, or upon two parts of the same street; such street or parts of the same street forming an interior angle of less than 130 degrees within the lot lines.

"Lot coverage"

shall mean that percentage of the total lot area covered by structures, including all projections except eaves.

"Lot depth"

shall mean the horizontal distance between the midpoint of the front and opposite, usually, the rear lot line. In the case of a corner lot, the depth shall be the length of its longest front lot lines.

"Lot, interior"

shall mean a lot or parcel of land other than a corner lot.

"Lot line"

shall mean any line bounding a lot as herein defined. Lot lines for unusual lot configurations may be determined by the mayor.

Lot Line, Front.

"Front lot line" shall mean the property line abutting a street, or approved private road or easements. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the shortest lot line adjoining the pole portion of the lot, excluding the undecidable portion of the pole.

Lot Line, Rear.

"Rear lot line" shall mean a lot line not abutting a street which is opposite and most distant from the

front lot line.

Lot Line, Side.

"Side lot line" shall mean any lot line which is not a front lot line or a rear lot line.

"Lot of record"

shall mean a lot as shown on the records of the county assessor or county auditor at the time of the passage of the ordinance codified in this title; provided, however, this shall not include lots that may appear on the records of the county assessor which were created contrary to the provisions of laws and regulations in effect prior to the passage of the ordinance codified in this title. Any lots created after the adoption of the ordinance codified in this title shall comply with the standards contained herein.

Lot, Through.

"Through lot" shall mean an interior lot having a frontage on two streets and/or highways.

"Lot width"

shall mean the horizontal distance measured at the building setback line between the two opposite side lot lines. Average lot width shall be the average of the front and rear lot lines.

"Low-cost animal vaccination clinic"

shall mean a facility where vaccinations for dogs and cats are provided by a licensed veterinarian for a minimal fee on a not-for-profit basis.

"Lowest floor"

shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor.

"Maintain"

shall mean to cause or allow to continue in existence. When the context indicates, the word shall mean to preserve and care for a structure; improve or condition an area to such an extent that it remains attractive, safe, presentable, and carries out the purpose for which it was installed, constructed, or required.

"Manufactured" or "mobile home"

shall mean, in addition to the definition under Ordinance 356, a dwelling constructed in conformance with the current nationally recognized standards for manufactured housing.

"Mini-storage warehouse"

shall mean storage facilities located within a totally enclosed structure used for the storage of nonflammable or nonexplosive materials. This storage shall not be in connection with a commercial or industrial use. This storage may be in connection with residential uses.

"Mobile home park"

shall mean an area designed, equipped, and maintained for the parking of two or more mobile homes being used as living quarters for humans.

"Motel"

shall mean a building or group of buildings used for transient residential purposes, containing guest rooms or dwelling units with automobile storage space provided in connection therewith; which building or group is designed, intended, or used primarily for the accommodation of transient automobile travelers, including groups designated as auto cabins, motor courts, motor hotels, and similar designations.

"New construction"

shall mean structures for which construction begins on or after the effective date of the ordinance codified in this title.

"Nonconforming use"

shall mean a use of land, building or structure which use lawfully existed at the time of the adoption of the ordinance codified in this title or of any amendment thereto, but which use does not conform with the use regulations imposed by this title or such amendment thereto.

"Nuisance"

shall include those definitions contained in Chapters 7.48 and 9.66 RCW. Any violation of this title shall constitute a nuisance per se.

"Nursing home" or "rest home"

shall mean any building where six or more persons are housed or lodged, and furnished with meals and nursing care for hire.

"Official controls"

shall mean legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of the town, and are the means of translating into regulations and ordinance all or any part of the general objectives of the comprehensive plan. Such official controls may include, but are not limited to, ordinances establishing zoning, subdivision control, platting, and adoption of detailed maps.

"Owner"

shall mean the owner of record of real property as shown on the tax rolls of the county, or a person purchasing a piece of property under contract. For the purposes of this title, in terms of violations and binding agreements between the county and the owner, "owner" shall also mean a leaseholder, tenant, or person in possession or control of the premises or property at the time of agreement, violations of agreement, or the provisions of this title. For the purpose of processing an application for a land use approval or permit under this title, where such application or permit must be filed by an owner, the term "owner" also includes a governmental entity contemplating acquisition of a parcel for a use which would require such permit or approval.

Parking Area, Public.

"Public parking area" shall mean an open area other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free of charge, or as an accommodation for clients or customers.

"Parking space"

shall be a permanently surfaced and marked area not less than eight and one-half feet wide and 20 feet long, excluding paved area necessary for access, for the parking of a motor vehicle.

Parking Space, Compact.

"Compact parking space" shall mean a permanently surfaced and marked area not less than seven feet five inches wide and 15 feet long, excluding paved area necessary for access, for the parking of a compact motor vehicle.

"Pedestrian area"

shall mean any sidewalk, walking trail, courtyard, plaza or other area intended primarily for use by pedestrians.

"Permittee"

shall be the person who is proposing to use or who is using the land pursuant to any permit required herein.

"Premises"

shall mean a tract or parcel of land with or without habitable buildings.

"Principal uses permitted outright"

shall mean those uses allowed as a matter of right within certain land use districts without public hearing, zoning permit, conditional use permit, or variance; provided, that such use is in accordance with the requirements of the particular district and general conditions stated elsewhere in this title.

"Private open space"

shall mean a portion of land, together with the improvements thereon, reserved for the use and enjoyment of the owners and occupants of the dwelling units. Parking lots, storage, service driveways, loading berths, or other functional uses not directly connected with recreational or leisurely activities shall not be construed as "private open space," and neither shall yards of five feet or less, designed primarily for the provision of light and air.

"Prohibited use"

shall mean any use which is not specifically enumerated or interpreted as allowable in that district.

"Public facilities"

shall mean facilities which are owned, operated, and maintained by a public agency.

"Recreation space"

shall mean an area that shall be improved and maintained for its intended use. Exterior as well as interior areas can constitute recreation space. Examples of usable recreation space include swimming pools, community buildings, interior gyms, picnic areas, tennis courts, community gardens, improved playgrounds, paths and passive seating areas.

"Residential care facility"

shall mean an establishment operated with 24-hour supervision for the purpose of serving 11 or more persons of any age who, by reason of their circumstances or conditions, require care; for example, work release programs, alcoholic treatment programs, drug rehabilitation centers, mental health programs, etc. This definition does not include prisons or conventional correctional institutions involving 24-hour locked incarceration with little or no freedom of movement. "Care" is defined as room and board and the provision of a planned treatment program; "planned treatment" means a previously determined program of counseling, therapy or other rehabilitative social service.

"Residential care home"

shall mean an establishment operated with 24-hour supervision for the purpose of serving not more than 10 persons of any age who, by reason of their circumstances or conditions, require care while living as a single housekeeping unit in a dwelling unit; for example, work release programs, alcoholic treatment programs, drug rehabilitation centers, mental health programs, etc. This definition does not include prisons or conventional correctional institutions involving 24-hour locked incarceration with little or no freedom of movement. This definition and corresponding requirements under county code shall not apply to adult foster homes as defined in Chapter 70.128 RCW. "Care" is defined as room and board and the provision of a planned treatment program; "planned treatment" means a previously determined program of counseling, therapy or other rehabilitative social service.

"Retirement housing facility"

shall mean a facility established for the purpose of providing housing for six or more retirement-age citizens in a supportive living environment, which may include provision of food, household maintenance, recreation activities and health care facilities, including an infirmary, with a maximum of 10 beds as licensed by the state of Washington.

"Rooming house"

shall mean a building wherein furnished rooms without cooking facilities are rented for compensation to three or more nontransient persons, not included in the family unit of the owner or tenant of the premises.

Service Station.

See "Automobile service station."

"Setback"

shall mean the minimum allowable horizontal distance from a given point or line of reference, such as a street right-of-way, to the nearest vertical wall or other element of a building or structure as defined herein.

"Shared access facility"

shall mean a frontage or service road generally parallel to an arterial, connecting parcels to an arterial; alternately, a common accessway serving businesses with one or more ownerships.

"Site plan"

shall mean a plan prepared to scale, showing accurately and with complete dimensions, all proposed and existing buildings, landscaping, open space, structures and features on abutting properties, and parking proposed for a specific parcel of land.

"Start of construction"

includes substantial improvement, and means the date the building permit was issued; provided, the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or other erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Story"

shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six feet above grade for more than 50 percent of the total perimeter or is more than 12 feet above grade at any point, such basement or unused under-floor space shall be considered as a story.

"Street"

shall mean all roads, streets, highways, freeways, easements, and public rights-of-way used for or designed for vehicular access or use, including private roads.

"Structure"

shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

"Substantial improvement"

shall mean the cost of any repair, reconstruction, or improvement of a structure equal to or greater than 50 percent of its market value before the damage occurred or otherwise prior to reconstruction.

"Townhouse"

shall mean a dwelling containing two or more dwelling units which share one or more common walls with other dwelling units, and with each dwelling unit individually occupying an individually owned parcel of land with no side yards between adjacent townhouses.

"Travel trailer"

shall mean any transportable trailer available for recreational use, 40 feet or less in length or eight feet or less in width, built on a chassis and equipped with wheels.

"Undevelopable area"

shall mean an area that cannot be used practicably for a habitable structure, because of natural conditions, such as slopes exceeding 20 percent in a direction greater than 45 degrees east or west of true south, severe topographic relief, water bodies or conditions, or conditions that isolate one portion of a property under another portion so that access is not practicable to the unbuildable portion; or manmade conditions, such as existing development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

"Usable open space"

shall mean an open area that is not covered in impervious surface exceeding 400 square feet with all dimensions a minimum of 20 feet.

"Use"

shall mean an activity or purpose for which land or premises, or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.

"Utility substation facilities"

shall mean a subsidiary or branch facility utilizing aboveground structures which is necessary to provide or facilitate distribution, transmission or metering of water, gas, sewage, radio signals and/or electric energy. Such facilities have a local impact on surrounding properties and may consist of, but are not limited to, the following:

1. Water, gas and electrical distribution or metering sites;
2. Water or sewage pumping stations;
3. Water towers and reservoirs;
4. Public wells and any accessory treatment facilities;
5. Transmission towers and accessory equipment to provide radio and data communications service, radio paging or cellular communications service;
6. Telephone switching facilities.

"Visual obstruction"

shall mean any fence, hedge, tree, shrub, device, wall, or structure exceeding three and one-half feet in height above the elevation of the top of the curb, as determined by the town; and so located at a street or alley intersection as to dangerously limit the visibility of persons in motor vehicles on said streets or alleys. This does not include trees kept trimmed or branches to a minimum height of at least six feet.

"Wetlands"

shall mean those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. "Wetlands" includes swamps, marshes, bogs and similar areas. Those that are present within the corporate limits of the town are generally described in the comprehensive growth management plan for the town of Yacolt and the map of critical lands referenced in the Clark County growth management plan.

"Yard"

shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed by any structure from the ground upward to the sky.

Yard, Front.

"Front yard" shall mean an open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title.

Yard, Rear.

"Rear yard" shall mean an open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title.

Yard, Side.

"Side yard" shall mean an open space extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title.

"Zone district"

shall mean the same as "district" or "zone."

(Ord. 371 § 2, 1997; Ord. 432 § 2, 2004)

Chapter 18.15. ESTABLISHMENT OF ZONE DISTRICTS AND MAPS

§ 18.15.010. Classification of zoning districts.

For the purposes of this title, the town is divided into zoning districts designated as follows:

Zoning District	Map Symbol
Park	PO
Single-Family Residential	R1-12.5, R1-10, R-6, R-5
Neighborhood Commercial	C1
Community Commercial	C2
Light Manufacturing	ML

(Ord. 371 § 3(A), (B), 1997; Ord. 409 § 3(A), (B), 2001; Ord. 564 § 2(a), 2017)

§ 18.15.020. Original maps.

The designations, locations and boundaries of the districts set forth in this title shall be shown on the zoning maps of the town of Yacolt, Washington. Said maps and all notations, references, data and other information shown thereon shall be and are hereby adopted and made a part of this title. The signed copies of the zoning maps containing the zoning districts designated at the time of adoption of the ordinance codified in this chapter shall be maintained in Town Hall and the office of the Clark County department of assessment and GIS. Any land or property not specifically identified with a zone designation shall be considered to be zoned as is the most restrictive zone classification designated on adjacent and/or abutting properties, until such time as it is determined otherwise by a rezone action.

(Ord. 371 § 3(C), 1997; Ord. 409 § 3(C), 2001)

§ 18.15.030. Revised maps.

The town council may cause official zoning maps to be revised, or portions thereof, with a map or maps, or portions thereof, which include all lawful changes of zone to date. Such maps, or portions thereof, filed as replacements, shall bear dated, authenticating signatures of the town council and be maintained on file at Town Hall and Clark County department of assessment and GIS.

(Ord. 371 § 3(D), 1997; Ord. 409 § 3(D), 2001)

§ 18.15.040. Copies of maps.

The mayor shall maintain or cause to be maintained up-to-date copies of the zoning maps in Town Hall. The mayor shall cause the copies of the zoning maps to be revised so that they accurately portray changes to zone boundaries and the location of conditional use permits.

(Ord. 371 § 3(E), 1997; Ord. 409 § 3(E), 2001; Ord. 549 § 1(a), 2016)

§ 18.15.050. Interpretation of the district boundaries.

The district boundary lines are indicated on the zoning maps. Where uncertainty exists as to the boundaries of any district as shown on the zoning maps, the following rules shall apply:

- A. Wherever the zone boundary is indicated as being along or approximately along a street, alley, the centerline of a block, or a property line, then, unless otherwise definitely indicated on the maps, the centerline of the street, alley, or block, or the property line, shall be construed to be the boundary of the zone.
- B. Where the location of a zone boundary line is not determined by the above rule, and is not indicated by a written dimension, the boundaries shall be located by the use of the scale appearing on the maps.
- C. Whenever any street, alley, or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley, or public way shall be automatically

extended to the center of the former right-of-way and all of the area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

- D. Where the application of the above rule does not clarify the zone boundary location, the mayor shall interpret the maps, and by written decision, determine the location of the zone boundary. Said written decision shall be kept on file with the town clerk.
(Ord. 371 § 3(F), 1997; Ord. 409 § 3(F), 2001)

Chapter 18.20. PARK DISTRICTS

§ 18.20.010. Purpose.

These districts are intended to provide for the following:

- A. Recognize the need for both passive and active forms of recreation.
- B. Establish areas dedicated to recreational, aesthetic, educational or cultural use.
(Ord. 409 § 3.9(A)(1), 2001)

§ 18.20.020. Permitted uses.

The following uses are permitted:

- A. Public parks and recreational facilities.
(Ord. 409 § 3.9(A)(2), 2001)

§ 18.20.030. Conditional uses.

The following are conditional uses in these districts in accordance with the provisions of Chapter **18.40** YMC:

- A. Private recreational facilities, including baseball fields, soccer fields, softball fields, and golf courses, but not including such intensive commercial recreation uses as a golf driving range (unless within a golf course), race track, amusement park or gun club.
(Ord. 409 § 3.9(A)(3), 2001)

Chapter 18.25. SINGLE-FAMILY RESIDENTIAL DISTRICTS

Article I. Single-Family Residential – R1-12.5, R1-10

§ 18.25.010. Purpose.

These districts are intended to provide for the following:

- A. Recognize, maintain and protect established low density residential areas.
- B. Establish higher densities where a full range of community services and facilities are present or will be present at the time of development.

- C. Provide for additional related uses such as schools, parks and utility uses necessary to serve immediate residential areas.
(Ord. 371 § 4(A)(1), 1997)

§ 18.25.020. Permitted uses.

The following uses are permitted:

- A. Single-family detached dwellings, including manufactured homes as defined in [Ordinance 356](#).
- B. Public parks and recreational facilities.
- C. Accessory uses and structures normal to a residential environment, including detached garages.
- D. Cemeteries, and mausoleums, crematories, columbaria and mortuaries within cemeteries; provided, that no mortuary or crematorium is within 100 feet of a boundary street, or where no street borders the cemetery within 200 feet of a lot in a residential district.

E. Family day care [homecenters](#).

F. [Adult Family Home](#)

E.G. [Permanent supportive housing or transitional housing](#)
(Ord. 371 § 4(A)(2), 1997)

§ 18.25.030. Conditional uses.

The following are the conditional uses in these districts in accordance with the provisions of Chapter **18.40 YMC**.

- A. Churches.
- B. Public or private schools, including preschools.
- C. Private recreational facilities, such as country clubs and golf courses, but not including such intensive commercial recreation uses as a golf driving range (unless within a golf course), race track, amusement park or gun club.
- D. Government structures, including fire stations, libraries, museums and post offices; but not including storage or repair yards, warehouses or similar uses.
- E. Commercial day care centers.
- F. Residential care homes and facilities.
- G. Ambulance dispatch facility.
- H. Cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematorium is within 200 feet of a lot in a residential district.
- I. Home occupations.
- J. Temporary tract offices and model homes.
- K. Mini day care centers.
- L. Utility substation facilities.
- M. Duplexes or two-family dwellings; triplexes, four-plexes, or other multifamily dwellings; dwelling groups; apartment houses; townhouses; or other multifamily dwellings.
(Ord. 371 § 4(A)(3), 1997; Ord. 515 § 2(a), 2014; Ord. 563 § 2(a), 2017)

Commented [AB1]: Though technically compliant - Ordinance 356 should be checked for things like "mobile" instead of "manufactured". I see it listed online but couldn't find the actual document.

§ 18.25.040. Height regulations.

No building or structure with the exception of storage sheds shall be hereafter erected, enlarged or structurally altered to exceed 35 feet in height. No storage sheds shall be hereafter erected, enlarged or structurally altered to exceed 10 feet in height. The height of storage sheds shall be measured at the peak of the roof.

(Ord. 371 § 4(A)(4), 1997; Ord. 399, 2000)

§ 18.25.050. Lot requirements.

The minimum lot requirements shall be one of those set out in Table 4A for this district classification, as designated on the zoning map.

Classification	Minimum Lot Area (sq. ft.)	Average Lot Width (feet)	Average Lot Depth (feet)	Setback			
				Front Yard (feet)	Side Yard (feet)	Opposite Side Yard (feet)	Rear Yard (feet)
R1-10	10,000	60	90	25	5	5	25
R1-12.5	12,500*	80	90	25	5	5	25

The minimum street side yard shall be 15 feet.

* The minimum lot size will be established using Method 2, in the building lot size of 12,500, provided there are no soil concerns that would result in the change of the minimum building lot size.

(Ord. 371 § 4(A)(5), 1997; Ord. 491, 2012; Ord. 563 §§ 2(c), 3, 2017)

§ 18.25.060. Lot coverage.

Maximum lot coverage by building and structures shall not exceed 50 percent. Carports are excluded from this provision; provided, that the total coverage limitation is not exceeded by more than 10 percent as a result of these exceptions.

(Ord. 371 § 4(A)(6), 1997)

§ 18.25.070. Signs.

Signs shall be permitted according to the provisions of Chapter **18.85** YMC.

(Ord. 371 § 4(A)(7), 1997)

§ 18.25.080. Off-street parking.

Off-street parking shall be provided as required in Chapter **18.70** YMC.

(Ord. 371 § 4(A)(8), 1997)

§ 18.25.085. Local health officer authority.

The local health officer shall have final authority to approve, approve with conditions, or deny any development application in single-family residential R1-12.5, R1-10 zoning districts. No building or development permit may be issued by the town except in compliance with the conditions described in a

recommendation for approval from the local health officer, who shall determine the minimum lot size, minimum land area, lot coverage criteria, dwelling density, soil condition standards, or such other standards and requirements as the local health officer is authorized by law or regulation to determine, as such law or regulation is now enacted or may hereafter be amended.
(Ord. 563 § 2(b), 2017)

Article II. Single-Family Residential – R-6, R-5 (Subject to Public Sewer Availability)

§ 18.25.090. Permitted uses.

The following uses are permitted:

- A. Duplexes on corner lots.
- ~~B.~~ B. Single-family detached dwellings, including manufactured homes subject to Ordinance 356.
- ~~B.C.~~ B.C. Co-living Housing
- ~~C.D.~~ C.D. Public parks.
- ~~D.E.~~ D.E. Accessory uses and structures normal to a residential environment, including detached garages.
- ~~E.F.~~ E.F. Cemeteries, and mausoleums, crematories, columbaria and mortuaries within cemeteries; provided, that no mortuary or crematorium is within 100 feet of a boundary street, or where no street borders the cemetery within 200 feet of a lot in a residential district.
- ~~G.~~ G. Family day care homecenters.
- ~~H.~~ H. Adult Family Home
- ~~F.I.~~ F.I. Permanent supportive housing or transitional housing
- ~~G.J.~~ G.J. Accessory uses and structures normal to a residential environment, including detached garages.
(Ord. 371 § 4(B)(1), 1997)

§ 18.25.100. Conditional uses.

The following are conditional uses in the R-5 and R-6 districts, in accordance with the provisions of Chapter **18.40** YMC.

- A. Churches.
- B. Public or private schools, including preschools, but not including business, dancing and technical schools.
- C. Private recreational facilities, including country clubs, golf courses and swimming clubs, but not including such intensive commercial recreation uses as a golf driving range, race track, amusement park or gun club.
- D. Government structures, including fire stations, libraries, museums and post offices; but not including storage or repair yards, warehouses, or similar uses.
- E. Commercial day care centers.
- F. Residential care homes and facilities.
- G. Ambulance dispatch facility.
- H. Mobile home parks in R-5 district, subject to the provisions of Ordinance 356.

- I. Cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematorium is within 200 feet of a lot in a residential district.
- J. Home occupations.
- K. Temporary tract offices and model homes.
- L. Mini day care centers.
- M. Utility substation facilities.
- N. Duplexes or two-family dwellings; triplexes, four-plexes, or other multifamily dwellings; dwelling groups; apartment houses; townhouses; or other multifamily dwellings.
(Ord. 371 § 4(B)(2), 1997; Ord. 515 § 2(b), 2014; Ord. 563 § 2(d), 2017)

§ 18.25.110. Height regulations.

No building or structure with the exception of storage sheds shall be hereafter erected, enlarged or structurally altered to exceed 35 feet in height. No storage sheds shall be hereafter erected, enlarged or structurally altered to exceed 10 feet in height. The height of storage sheds shall be measured at the peak of the roof.
(Ord. 371 § 4(B)(3), 1997; Ord. 399, 2000)

§ 18.25.120. Lot requirements.

The minimum lot requirements shall be those set out in Table 4B for this district classification, as designated on the zoning map.

Table 4B						
Classification	Minimum Lot Area (sq. ft.)	Average Lot Width (feet)	Average Lot Depth (feet)	Setback		
				Front Yard (feet)	Side Yard (feet)	Opposite Side Yard (feet)
R-5	5,000/4,000 per duplex unit	45	75	20	5/10	5/0
R-6	6,000	50	90	20	5/10	5/0

The minimum street side yard shall be 15 feet.
(Ord. 371 § 4(B)(3), (4), 1997; Ord. 549 § 1(b) – (d), 2016; Ord. 563 § 2(e), 2017)

§ 18.25.130. Lot coverage.

Maximum lot coverage by buildings or structures shall not exceed 50 percent.
(Ord. 371 § 4(B)(5), 1997)

§ 18.25.140. Off-street parking.

Off-street parking shall be provided as required in Chapter 18.70 YMC.
(Ord. 371 § 4(B)(6), 1997)

§ 18.25.150. Signs.

Signs shall be permitted according to the provisions of Chapter 18.85 YMC.
(Ord. 371 § 4(B)(7), 1997)

Chapter 18.26 ACCESSORY DWELLING UNITS

18.26.010 Purpose.

It is the purpose of this chapter to regulate the establishment of accessory dwelling units within or in conjunction with single-family dwellings while preserving the character of single-family neighborhoods. The primary purpose of this chapter shall be to permit establishment of additional living quarters within single-family residential neighborhoods in order to:

- A. Make it possible for adult children to provide care and support to a parent or other relatives in need of assistance; and/or
- B. Provide increased security and companionship for homeowners; and/or
- C. Provide the opportunity for homeowners to gain the extra income necessary to help meet the rising costs of home ownership; and/or
- D. Provide for the care of disabled persons within their own homes; and/or
- E. Provide for a more diverse and affordable housing stock. (Ord. _____).

18.26.020 Intent.

A maximum of two accessory dwelling units shall be permitted as subordinate to a new or existing residential use if the accessory dwelling unit and lot meet the requirements of this chapter. (Ord. _____).

18.26.030 Definitions.

- A. "Accessory dwelling unit" means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.
- B. "Attached accessory dwelling unit" means an accessory dwelling unit located within or attached to a single-family housing unit, duplex, triplex, townhome, or other housing unit.
- C. "City" means any city, code city, and town located in a county planning under RCW 36.70A.040.
- D. "County" means any county planning under RCW 36.70A.040.
- E. "Detached accessory dwelling unit" means an accessory dwelling unit that consists partly or entirely of a building that is separate and detached from a single-family housing unit, duplex, triplex, townhome, or other housing unit and is on the same property.
- F. "Dwelling unit" means a residential living unit that provides complete independent living facilities for one or more persons and that includes permanent provisions for living, sleeping, eating, cooking, and sanitation.
- G. "Gross floor area" means the interior habitable area of a dwelling unit including basements and attics but not including a garage or accessory structure.
- H. "Owner" means any person who has at least 50 percent ownership in a property on which an accessory dwelling unit is located.
- I. "Principal unit" means the single-family housing unit, duplex, triplex, townhome, or other housing unit located on the same lot as an accessory dwelling unit.
- J. "Short-term rental" means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than 30 consecutive nights. (Ord. _____).

18.26.040 Illegal accessory dwelling unit.

An "illegal accessory dwelling unit" is one that was installed without the required permits. (Ord. _____).

18.26.050 Lot standards.

Accessory dwelling units may be developed on lots of any size; provided, that all other applicable zoning requirements are met. Detached accessory dwelling units shall comply with the detached accessory building provisions set forth in each residential zoning district. (Ord. _____).

18.26.060 Subdivision.

The accessory dwelling unit, or the land on which the accessory dwelling unit is located, shall not be subdivided from the land on which the principal dwelling unit is located. (Ord. _____).

18.26.070 Size.

- A. An accessory dwelling unit shall not exceed 1,000 square feet of gross floor area in size, and shall not have more than two bedrooms. When an accessory dwelling unit is completely located on a single floor of a multiple-floor dwelling, the administrator may allow increased size up to 50 percent of the principal dwelling unit's livable floor area in order to efficiently use all floor area.
- B. Two accessory dwelling units may be permitted on any residential lots in the following configuration:
 - 1. One attached accessory structure and one detached accessory structure; or
 - 2. Two attached or two detached accessory structures.
- C. Existing Accessory Structures. Lot coverage and setbacks for existing accessory structures shall be exempted to permit conversion to accessory dwelling units. (Ord. _____).

18.26.080 Architectural design.

The design of the accessory dwelling unit shall be consistent with the design of the principal dwelling unit and shall maintain the style, appearance and character of the main building, and shall use matching materials, colors, window style, and comparable roof appearance. (Ord. _____).

18.26.090 Stairs.

Exterior stairways shall not be constructed on the front of the principal dwelling unit. (Ord. _____).

18.26.100 Compliance with applicable codes.

- A. The accessory dwelling unit shall comply with all standards for health and life safety as set forth in the International Building Code, International Residential Code, Uniform Plumbing Code, National Electrical Code, International Mechanical Code, International Fire Code, and Washington State Energy Code as each code is adopted by the city; and any other applicable codes or regulations, except as provided in this chapter. The accessory dwelling unit shall comply with all zoning code provisions for single-family residences, including setbacks, accessory buildings and lot coverage, except as provided in this chapter.
- B. Accessory Structure Height. The maximum height for an accessory structure shall be 24 feet in height.
- C. Setback Exception. For lots that have a rear lot line that abuts an alley, a detached accessory dwelling unit may be sited up to the lot line that abuts the alley. The accessory dwelling unit shall comply with required side yard setbacks.
- D. Parking. One off-street stall parking is required for each accessory dwelling unit unless within one-half-mile walking distance of a major transit stop as defined in RCW 36.70A.696." (Ord. _____).

18.26.110 Septic and water connections.

The accessory dwelling unit, either attached or detached, shall be served by the existing primary residence septic and water connections and water meter. The water meter size shall not be increased for the purpose of serving the accessory dwelling unit. (Ord. _____).

Commented [AB2]: Should add language about meeting fire flow.

18.26.120 Annual report.

The administrator shall provide an annual report to the planning commission, which indicates the number of units established, the geographic distribution of the units, the average size of the units, the number and type of any complaints received, and any enforcement action taken. The annual report shall be provided so that the planning commission may annually assess the ADU provisions with regards to density. (Ord. _____).

18.26.130 Application.

- A. The property owner shall apply for an accessory dwelling unit permit with the community development department, and shall pay the application fee as established by resolution.
- B. Impact fees shall be assessed at 50 percent of the fees assessed for single-family residential homes pursuant to Chapter XX.XX NMC. (Ord. _____).

18.26.140 Permit issuance.

A permit for an accessory dwelling unit will be issued upon compliance with the provisions of this chapter. Once the accessory dwelling unit permit is issued, the applicant will need to apply for a city

building permit, when applicable. (Ord. _____).

18.26.150 Building plan review.

The community development department will review submitted building plans to ensure adherence to the criteria of this chapter. (Ord. _____).

18.26.160 Enforcement.

The city retains the right (with reasonable notice) to inspect the accessory dwelling unit for compliance with this chapter. (Ord. _____).

18.26.170 Variances.

Variances to the chapter shall require variance approval as outlined in Chapter 18.45 YMC. (Ord. _____).

Chapter 18.30. COMMERCIAL DISTRICTS

§ 18.30.010. Purpose.

- A. Neighborhood Commercial (C1) District. This district is intended to provide for medium-sized shopping and service facilities. These centers shall range from 10,000 square feet to three acres. They are intended to provide for the shopping and service needs of the immediate urban neighborhood in which they are found.
- B. Community Commercial (C2) District. This district is intended to recognize existing retail and service commercial development patterns that occur as small centers or strips. Most uses provide goods and services to the local population.
(Ord. 371 § 5(A), 1997)

§ 18.30.020. Uses.

The uses set out in Table 5A are examples of uses allowable in the commercial zone districts. The review of all proposed commercial uses is mandatory.

Table 5A		
"P" – Permitted uses; "C" – Conditional uses which may be permitted subject to the approval of a conditional use permit; "X" – Uses specifically prohibited.		
	C1	C2
A. Residential.		
1. New single-family dwelling units as provided in Chapter 18.25 YMC.	C	C
2. Existing residences without any increase in density.	P	P
3. Caretaker or manager residence when incorporated as an integral part of a use permitted outright or by conditional use.	C	C
4. Duplexes or two-family dwellings; triplexes, four-plexes, or other multifamily dwellings; dwelling groups; apartment houses; townhouses; or other multifamily dwellings (subject to the provisions of YMC § 18.30.100)	C	C
<u>5. Co-living Housing</u>	<u>C</u>	<u>C</u>
B. Retail Sales – Food.		
1. Markets in excess of 25,000 sq. ft. of gross floor area.	C	C
2. Markets – 5,000 to 25,000 sq. ft. of gross floor area.	P	P

3. Markets – <5,000 sq. ft. of gross floor area.	P	P
4. Delicatessen.	P	P
5. Meat and fish markets.	C	P
6. Fruit and vegetable markets.	C	P
7. Dairy products, including egg and poultry stores.	C	P
8. Other specialized food stores.	C	P
9. Bakery – where baked foods manufactured elsewhere are sold on the premises.	C	P
10. Bakery – manufacturing where on-site baked foods are sold on the premises (<5,000 sq. ft. of gross area).	C	P

Table 5A

Table 5A		
<p>"P" – Permitted uses; "C" – Conditional uses which may be permitted subject to the approval of a conditional use permit; "X" – Uses specifically prohibited.</p>		
	C1	C2
11. Bakery – manufacturing where on-site baked foods are sold on the premises (5,000 sq. ft. or more gross floor area).	C	P
C. Retail Sales – Apparel and Accessories.		
1. Apparel and accessory stores – men's, women's, and children's.	P	P
2. Shoe stores.	P	P
3. Tailor shops.	C	P
4. Furrier shops.	C	P
D. Retail Sales – General Merchandise.		
1. Department stores, major (over 50,000 sq. ft. of gross floor area).	C	C
2. Department stores, junior (under 50,000 sq. ft. of gross floor area).	C	C
3. Limited price (e.g., 5 and 10 variety stores).	C	P
4. Mail order houses (principal use).	C	P
5. General merchandise stores.	C	P
6. Specialty stores including building/home improvement/hardware and drug/variety/garden center (located in an enclosed building).	C	P
E. Retail Sales – Restaurants, Drinking Places.		
1. Restaurants.	C	P
2. Restaurants – Take out.	C	C
3. Drinking places, alcoholic beverages (with or without entertainment).	C	C
4. Restaurants – Portable building (coffee, nonalcoholic beverages, ready-made, prepackaged food sales).	P	P
F. Retail Sales – Furniture, Home Furnishings, and Home Equipment.		
1. Household furniture, home furnishing and home equipment stores.	C	P
2. Household appliance stores.	C	P
3. Radio, television, and music stores.	C	P
G. Retail Sales – Automotive and Related.		
1. Motor vehicle dealers, new and used.	C	C
2. Tire, battery, and accessory stores.	C	C
3. Service stations.	C	C
4. Boat, marine supplies, and trailers.	C	C
5. Motorcycles.	C	P
6. Auto parts, new or remanufactured.	C	P
7. Mobile home and/or recreational vehicle dealers, new and used.	C	C
8. Car washes.	C	C
H. Retail Sales – Building Material and Farm Equipment.		
1. Lumber and other building materials stores and yards, with only incidental cutting and planing of products sold.	C	C
2. Heating and plumbing equipment, including incidental fabrication (operated entirely within an enclosed building).	C	P

Table 5A

"P" – Permitted uses; "C" – Conditional uses which may be permitted subject to the approval of a conditional use permit; "X" – Uses specifically prohibited.		
	C1	C2
3. Paint, glass, and wallpaper store.	C	P
4. Electrical supplies store.	C	P
5. Hardware store.	C	P
6. Farm equipment and implement dealer.	C	C
I. Retail Sales – Miscellaneous Stores.		
1. Antiques, stamp, and coin shops.	C	P
2. Bicycles.	C	P
3. Book and stationery.	C	P
4. Camera and photographic supplies.	C	P
5. Drug and proprietary.	C	P
6. Fabric (yard goods).	C	P
7. Farm and garden supplies, including nurseries.	C	P
8. Florists.	C	P
9. Fuel dealers.	C	C
10. Gift, novelty and souvenirs.	C	P
11. Hay, grain, and feed stores.	C	C
12. Ice dealers.	C	C
13. Jewelry.	C	P
14. Liquor.	C	P
15. News and magazine dealers.	C	P
16. Secondhand stores (providing that merchandise displayed and sold is from within an entirely enclosed building).	C	P
17. Sporting goods.	C	P
18. Tobacco and smoker supplies.	C	P
19. Yarn shops.	C	P
J. Retail Sales – Products (Custom Fabricated, Processed, Assembled, Installed, Repaired, or Printed on the Premises within an Entirely Enclosed Building).		
1. Cabinet shops.	C	C
2. Electrical shops.	C	C
3. Plumbing shops.	C	C
4. Sheet metal shops.	C	C
5. Welding shops.	C	C
6. Electroplating shops.	C	C
7. Heating and air-conditioning shops.	C	C
8. Sign shops.	C	C
9. Upholstery shops.	C	C
10. Printing, publishing, and lithographic shops.	C	C
11. Radio and television repair shops.	C	P

Table 5A

Table 5A		
"P" – Permitted uses; "C" – Conditional uses which may be permitted subject to the approval of a conditional use permit; "X" – Uses specifically prohibited.		
	C1	C2
12. Home appliance repair shops.	C	C
K. Services – Personal.		
1. Laundry, cleaning and dyeing plants.	C	C
2. Self-service laundries and cleaning places.	C	P
3. Laundry and cleaning drop and pick-up places.	C	P
4. Pressing, alteration and garment repair.	P	P
5. Barber and beauty shops.	P	P
6. Shoe repair shops.	P	P
7. Photographic studios.	C	P
8. Clothing rental establishments.	C	P
9. Transportation terminals.	C	C
10. U.S. Post Offices.	C	C
11. Mortuaries.	C	C
L. Services – Business.		
1. Adjustment and collection agencies.	C	P
2. Advertising agencies, including commercial artists.	C	P
3. Auto, truck and trailer rental or repair.	C	C
4. Business and management services.	C	P
5. Car washes.	C	C
6. Credit agencies.	C	P
7. Duplicating, addressing, blueprinting, photocopying, mailing and stenographic services.	C	P
8. Employment agencies.	C	P
9. Equipment rental agencies.	C	C
10. Equipment service and repair shops.	C	C
11. Offices housing personnel who provide special services to business.	C	P
12. Off-street parking facilities.	C	P
13. Services to buildings (including dwellings), cleaning and exterminating.	C	C
14. Telephone answering services.	C	P
15. Miscellaneous business services, including auctioneers, bondsmen, drafting, detective agencies, notary public, and other like services.	C	P
16. Moving and storage.	C	C
17. Vehicle repair shops (located entirely within an enclosed building).	C	C
18. Mini-warehouses.	C	P
19. Auction barns.	C	C
20. Vehicle towing and storage services.	C	C
M. Services – Finance, Insurance, and Real Estate.		
1. Financial and banking institutions.	C	P

Table 5A

Table 5A		
<p>"P" – Permitted uses; "C" – Conditional uses which may be permitted subject to the approval of a conditional use permit; "X" – Uses specifically prohibited.</p>		
	C1	C2
2. Insurance and bond carriers, agents, brokers, and services.	C	P
3. Real estate brokers, agents, and services.	C	P
4. Branch banks.	C	P
N. Services – Lodging Places.		
1. Hotels.	C	C
2. Motels.	C	C
3. Travel trailer and camper parks.	C	C
<u>4. Indoor Emergency Shelters and Indoor Emergency Housing</u>	<u>C</u>	<u>C</u>
<u>5. Permanent supportive housing or transitional housing</u>	<u>C</u>	<u>C</u>
O. Services – Medical and Health.		
1. Hospitals.	C	C
2. Medical and dental laboratories.	C	C
3. Sanitaria, convalescent, and rest homes.	C	C
4. Orthopedic equipment and supplies, rental, sales, and service.	C	P
5. Animal hospitals and veterinary clinics.		
Outside animal activities.	C	C
Inside animal activities only.	C	C
6. Ambulance services.	P	P
7. Residential care homes.	C	C
8. Residential care facilities.	C	C
9. Congregate care facilities.	C	C
10. Low-cost animal vaccination clinic.	C	C
P. Services – Professional Office such as Accounting, Architectural, Engineering and Law.		
1. Clinic, outpatient.	C	P
2. Professionals, other.	C	P
Q. Services – Amusement.		
1. Amusement centers.	C	C
2. Art galleries.	C	P
3. Billiard and pool parlors.	C	P
4. Bowling alleys.	C	P
5. Carnivals (temporary) and circuses (temporary).	C	C
6. Dance studios and dance schools.	C	P
7. Golf, miniature.	C	P
8. Skating rinks, ice and/or roller.	C	P
9. Racquet clubs.	C	C
10. Theaters, indoor.	C	C
11. Sports facilities, including stadium and arena facilities.	C	C
12. Skateboard facilities, indoor.	C	C
13. Outdoor public entertainments, amusements, or assemblies.	C	C

14. Athletic and health clubs.	C	C
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Table 5A

"P" – Permitted uses; "C" – Conditional uses which may be permitted subject to the approval of a conditional use permit; "X" – Uses specifically prohibited.		
	C1	C2
R. Services – Educational.		
1. Nurseries, commercial day-care centers, preschools.	C	P
2. Mini day-care centers.	C	P
3. Family day-care <u>centers-home</u> (only single-family residences).	C	P
4. Libraries.	C	P
5. Vocational schools.	C	P
6. Music schools.	C	P
7. Public parks, parkways, recreation facilities, trails, and related facilities.	P	P
S. Services – Membership Organizations.		
1. Business and professional.	C	P
2. Civic, social and fraternal.	C	P
3. Charitable.	C	P
4. Labor.	C	P
5. Political.	C	P
6. Religious, not including churches.	C	P
7. Churches.	C	C
T. Public Services and Facilities.		
1. Buildings and other structures such as city hall, police, and fire stations.	C	C
2. Educational institutions.	C	C
3. Sewer, water and utility transmission lines.	P	P
4. Zoos, museums, historic and cultural exhibits and the like.	C	C
5. Utility substation facilities.	C	C
U. Food and Fiber Production.		
1. Agriculture.	C	C
2. Silviculture.	C	C

(Ord. 371 § 5(B), Table 5A, 1997; Ord. 432 § 5, 2004; Ord. 482, 2011; Ord. 485 § 1, 2011; Ord. 515 § 2(c), 2014; Ord. 538 § 1, 2016; Ord. 549 § 1(e), 2016; Ord. 563 § 2(f), 2017)

§ 18.30.030. Accessory uses.

- A. The following accessory uses are permitted in all commercial districts: on-site hazardous waste treatment and storage facilities, subject to Washington State siting criteria (RCW 70.105.210).
- B. Outdoor storage of equipment or materials is permitted outside buildings if not expressly prohibited and if such storage complies with the applicable development standards.
(Ord. 371 § 5(C), 1997)

§ 18.30.040. Height regulations.

No building or structure with the exception of storage sheds shall be hereafter erected, enlarged or structurally altered to exceed 35 feet in height. No storage sheds shall be hereafter erected, enlarged or structurally altered to exceed 10 feet in height. The height of storage sheds shall be measured at the peak of the roof.
 (Ord. 371 § 5(D), 1997; Ord. 399, 2000)

§ 18.30.050. Lot requirements.

For lot requirements, see Table 5B.

Table 5B		
	C1	C2
A. Minimum square feet of new zoning district.	10,000	10,000
B. Minimum square lot area.	10,000	10,000
C. Minimum front yard setback (feet).	25	0
D. Minimum side yard setback (feet).		
1. Abutting all single-family residential uses.	5	0
2. Not abutting one of above.	5	None
E. Minimum rear yard (only if adjacent to a residential district).	25	10 feet plus an additional 1/2 foot for each foot the building exceeds 20 feet in height
F. Minimum landscaped area (type subject to Chapter 18.75 YMC).	15%/L1	15%/L1

(Ord. 371 § 5(E), Table 5(B), 1997; Ord. 549 § 1(f), 2016)

§ 18.30.060. Off-street parking and loading.

Off-street parking and loading shall be provided as required in Chapter 18.70 YMC.
 (Ord. 371 § 5(F), 1997)

§ 18.30.070. Landscaping.

Landscaping shall be provided as required in Table 12A of Chapter 18.75 YMC.
 (Ord. 371 § 5(G), 1997)

§ 18.30.080. Signs.

Signs shall be permitted according to the provisions of Chapter 18.85 YMC.
 (Ord. 371 § 5(H), 1997)

§ 18.30.090. Special provisions.

When a commercial district abuts a residential district, the minimum side yard setback shall be 20 feet, plus an additional one-half foot for each foot the building exceeds 20 feet in height. Also see Chapter 18.75 YMC for additional landscape/buffer width requirements abutting a residential zone.
 (Ord. 371 § 5(I), 1997)

§ 18.30.100. Multiple-family residential apartments.

Duplexes or two-family dwellings; triplexes, four-plexes, or other multifamily dwellings; dwelling groups; apartment houses; townhouses; or other multifamily dwellings are permitted in the C1 neighborhood commercial district and the C2 community commercial district as a conditional use. The following provisions apply to the location of such multifamily dwellings in the C1 and C2 districts:

A. Lot Requirements.

1. Lot Area. Minimum lot area shall be 6,000 square feet for the first unit, an additional 2,000 square feet (1,500 square feet if the size of an existing lot is less than 8,000 square feet for duplexes) for the second unit, and a minimum of 1,000 square feet of land for each additional dwelling unit over two units.
2. Front Yard. Minimum front yard setback shall be 20 feet.
3. Side Yard. Minimum side yard setback on each side of the residential dwelling shall be five feet, except on corner lots, where the street side yard setback shall be 20 feet.
4. Rear Yard. Minimum rear yard shall have a depth of five feet. The rear yard shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.
5. Lot Coverage. Maximum lot coverage by buildings and structures shall be 50 percent of the total lot area.
6. Local Health Officer Authority. Where a public sewer system is not available, the local health officer shall have final authority to approve, approve with conditions, or deny any development application for a multifamily residential structure (listed above) in a C1 or C2 zoning district. No building or development permit for such multifamily residential structure may be issued by the town except in compliance with the conditions described in a recommendation for approval from the local health officer, who shall determine the minimum lot size, minimum land area, lot coverage criteria, dwelling density, soil condition standards, or such other standards and requirements as the local health officer is authorized by law or regulation to determine, as such law or regulation is now enacted or may hereafter be amended.

(Ord. 371 § 5(J), 1997; Ord. 563 § 2(g), 2017)

§ 18.30.110. Single-family residences.

The regulations and minimum requirements for single-family residences in any residential zoning classification described in Chapter 18.25 YMC, as amended, shall apply as minimum standards to the location of any single-family residence in any commercial zoning district of the town, except as those regulations and minimum requirements may be changed in the discretion and judgment of the town council and expressed in the conditional use permit.

(Ord. 549 § 1(g), 2016)

Chapter 18.35. LIGHT MANUFACTURING DISTRICT (ML)

§ 18.35.010. Purposes.

- A. Light Manufacturing District (ML). The light manufacturing district is intended to provide sites for activities which require processing, fabrication, storage and wholesale trade. Generally, these activities require reasonable accessibility to the highway network and/or rail system.

(Ord. 371 § 6(A), 1997; Ord. 564 § 2(b), 2017)

§ 18.35.020. Uses.

Table 6A lists examples of allowable uses in the ML district. Review of all proposed manufacturing uses is mandatory.

Table 6A	
"P" – Permitted uses; "C" – Conditional uses which may be permitted subject to the approval of a conditional use permit; "X" – Uses specifically prohibited.	
	ML
A. Services – Retail, Amusements.	
1. Veterinary or dog and/or cat hospital, and kennels or boarding places.	C
2. All types of automobile, motorcycle, truck and equipment sales, service, repair and rental.	C
3. Boat building, sales and repair.	C
4. Fuel oil distributors.	X
5. Retail or combination retail/wholesale lumber and building materials yards.	P
6. Mobile home, trailer sales, storage and rental.	P
7. Blacksmith shops.	P
8. Race tracks, auto or motorcycle.	X
9. Railroad tracks and facilities within 300 feet of residential zone.	C
B. Assembly – Manufacture of Products.	
1. Assembly and fabrication of sheet metal products.	P
2. Assembly, manufacture, compounding or treatment of articles or merchandise from the following previously prepared material: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, lacquer, leather, paper, plastics, precious or semiprecious metals or stones, shell textiles, tobacco, wood (excluding sawmills, lumber mills and planing mills), yarns and paint.	C
3. Manufacture, compounding, processing, packaging, or the treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, food and beverage products.	P
4. Manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay.	P
5. Manufacture and maintenance of electric and neon signs, billboards or commercial advertising structures.	P
6. Manufacture of musical instruments, toys, novelties, rubber or metal stamps.	P
7. Manufacture of optical goods, scientific and precision instruments and equipment.	P
8. Manufacture of artificial limbs, hearing aids, dentures, surgical instruments and dressings, and other devices employed by the medical and dental professions.	P
9. Manufacture and/or assembly of communication equipment and electronic equipment and supplies.	P
10. Printing, publishing and bookbinding.	P
11. Manufacture of asbestos products.	X
12. Manufacture of cable, transmission.	P
13. Manufacture of cans.	X
14. Manufacture of candles.	X

Table 6A

<p>"P" – Permitted uses; "C" – Conditional uses which may be permitted subject to the approval of a conditional use permit; "X" – Uses specifically prohibited.</p>	
	ML
15. Manufacture of guns.	C
16. Manufacture of ammonia.	X
17. Manufacture of anti-knock compounds for gasoline.	X
18. Manufacture of carborundum (abrasives).	X
19. Manufacture of cellulose and cellulose products.	X
20. Manufacture of insecticide and fungicide.	X
21. Manufacture of paper and byproducts of paper.	P
22. Manufacture of paint, oil (linseed), shellac, turpentine, lacquer or varnish.	X
23. Manufacture of phenol or phenol products.	X
24. Manufacture of roofing paper or shingles, asphalt.	X
25. Manufacture of acid.	X
26. Manufacture and storage of explosives.	X
C. Processing and Storage.	
1. Spinning or knitting of cotton, wool, flax or other fibrous materials.	P
2. Wholesale business, storage buildings and warehouses.	C
3. Cold storage plants, including storage and office.	P
4. Processing uses such as bottling plants, creameries, laboratories, blueprinting and photocopying, tire retreading, recapping and rebuilding.	P
5. Storage or sale yard for building materials, contractors' equipment, house mover, delivery vehicles, transit storage, and used equipment in operable condition.	C
6. Brewery, distillery or winery.	C
7. Junkyards or wrecking yards.	C
8. Grain elevator and flour milling.	X
9. Sawmills, lumber mills, planing mills and molding plants.	X
10. Animal or boneblack processing.	X
11. Junk, rags, paper or metal salvage, storage or processing.	X
12. Rolling, drawing or alloying ferrous and nonferrous metals.	X
13. Rubber, treatment or reclaiming plant.	X
14. Slaughterhouse.	X
15. Distillation of bones.	X
16. Major petroleum storage and/or refining.	X
17. Fat rendering.	X
18. Incinerator or reduction of garbage, offal, dead animals or refuse.	X
D. Aggregate Products.	
1. Stone, marble and granite monument works.	X
2. Manufacture of brick, tile or terra cotta.	X
3. Manufacture of clay products.	X
4. Concrete mixing plant.	X

Table 6A

Table 6A	
"P" – Permitted uses; "C" – Conditional uses which may be permitted subject to the approval of a conditional use permit; "X" – Uses specifically prohibited.	
	ML
5. Manufacture of concrete products.	X
6. Crusher, stone or rock.	X
7. Manufacture of cement, lime, gypsum or plaster of Paris.	X
8. Manufacture of concrete products entirely within an enclosed building.	C
9. Surface mining and quarries, subject.	X
E. Other.	
1. Welding shop.	P
2. Existing residential uses, without any increase in density, and dwelling unit for care-taker on the property.	P
3. Administrative, educational, and other related activities and facilities in conjunction with a permitted use.	P
4. Agriculture.	P
5. Silviculture.	P
6. Off-site hazardous waste treatment and storage facilities, subject to state siting criteria (RCW 70.105.210).	P
7. Airports and helicopters, subject.	C
8. Truck terminal.	X
9. Duplexes or two-family dwellings; triplexes, four-plexes, or other multifamily dwellings; dwelling groups; apartment houses; townhouses; or other multifamily dwellings (subject to the provisions of YMC § 18.35.100).	C
10. Single-family residences (subject to the provisions of YMC § 18.35.090).	C
F. Public Services and Facilities.	
1. Buildings and other structures such as police and fire substations.	P
2. Educational institutions.	C
3. Sewer, water and utility transmission lines.	P
4. Residential care facilities and homes.	X
5. Congregate care facilities.	X
6. Utility substation facilities.	C

(Ord. 371 § 6(B), 1997; Ord. 515 § 2(d), 2014; Ord. 563 § 2(h), 2017; Ord. 564 § 2(b), 2017)

§ 18.35.030. Accessory uses.

On-site hazardous waste treatment and storage facilities shall be permitted in the ML district, subject to Washington State siting criteria (RCW 70.105.210).
 (Ord. 371 § 6(C), 1997; Ord. 564 § 2(b), 2017)

§ 18.35.040. Lot requirements.

Table 6B lists examples of allowable uses in the ML district. New lots and structures and additions to structures subject to this title shall comply with the standards for lots, building height, setbacks and

building separation described in Table 6B.

1. Minimum lot area	10,000 sq. feet
2. Minimum lot width	100 feet
3. Minimum lot depth	100 feet
4. Height limit	None
5. Minimum building setback*	
a. Front/street side	20 feet
b. Side (interior)	10 feet
c. Rear	15 feet
6. Maximum building coverage	50 percent
7. Minimum landscaped area/type	20 percent/L1*

Notes:

* Additional setbacks and/or landscape requirements may apply, particularly adjoining residential uses or zones. See Chapter **18.75** YMC.

(Ord. 371 § 6(D), 1997; Ord. 564 § 2(b), 2017)

§ 18.35.050. Off-street parking and loading.

Off-street parking and loading shall be provided as required in Chapter **18.70** YMC.

(Ord. 371 § 6(E), 1997; Ord. 564 § 2(b), 2017)

§ 18.35.060. Landscaping.

Landscaping and buffers shall be provided as required in Table 12, Chapter **18.75** YMC.

(Ord. 371 § 6(F), 1997; Ord. 564 § 2(b), 2017)

§ 18.35.070. Signs.

Signs shall be permitted according to the provisions of Chapter **18.85** YMC.

(Ord. 371 § 6(G), 1997; Ord. 564 § 2(b), 2017)

§ 18.35.080. Performance standards.

No land or structure shall be used or occupied within this district unless there is continuing compliance with the following minimum performance standards:

- A. Maximum permissible noise levels shall be as determined by Chapter 173-60 WAC, as amended, and applicable provisions of this title.
- B. Smoke and Particulate Matter. Air emissions must be approved by the Southwest Air Pollution Control Authority or its successor.
- C. Heat and Glare. Except for exterior lighting, operations producing heat and glare shall be conducted entirely within an enclosed building. Exterior lighting shall be designed to shield surrounding streets and land uses from nuisance and glare.

(Ord. 371 § 6(H), 1997; Ord. 564 § 2(b), 2017)

§ 18.35.090. Single-family residences.

Single-family residences are permitted as a conditional use in the light manufacturing district (ML). The regulations and minimum requirements for single-family residences in any residential zoning classification described in Chapter **18.25** YMC, as amended, shall apply as minimum standards to the location of any single-family residence in the light manufacturing zoning district of the town, except as those regulations and minimum requirements may be changed in the discretion and judgment of the town council and expressed in the conditional use permit.

(Ord. 549 § 1(h), 2016; Ord. 564 § 2(b), 2017)

§ 18.35.100. Multiple-family residential apartments.

Duplexes or two-family dwellings; triplexes, four-plexes, or other multifamily dwellings; dwelling groups; apartment houses; townhouses; or other multifamily dwellings are permitted in the ML light manufacturing district as a conditional use. The following provisions apply to the location of such multifamily dwellings in the ML district:

A. Lot Requirements.

1. **Lot Area.** Minimum lot area shall be 6,000 square feet for the first unit, an additional 2,000 square feet (1,500 square feet if the size of an existing lot is less than 8,000 square feet for duplexes) for the second unit, and a minimum of 1,000 square feet of land for each additional dwelling unit over two units.
2. **Front Yard.** Minimum front yard setback shall be 20 feet.
3. **Side Yard.** Minimum side yard setback on each side of the residential dwelling shall be five feet, except on corner lots, where the street side yard setback shall be 20 feet.
4. **Rear Yard.** Minimum rear yard setback shall be five feet. The rear yard setback shall be increased by one-half foot for each foot by which the building height exceeds 15 feet.
5. **Lot Coverage.** Maximum lot coverage by buildings and structures shall be 50 percent of the total lot area.
6. **Local Health Officer Authority.** Where a public sewer system is not available, the local health officer shall have final authority to approve, approve with conditions, or deny any development application for a multifamily residential structure (listed above) in the ML zoning district. No building or development permit for such multifamily residential structure may be issued by the town except in compliance with the conditions described in a recommendation for approval from the local health officer, who shall determine the minimum lot size, minimum land area, lot coverage criteria, dwelling density, soil condition standards, or such other standards and requirements as the local health officer is authorized by law or regulation to determine, as such law or regulation is now enacted or may hereafter be amended.

(Ord. 563 § 2(i), 2017; Ord. 564 § 2(b), 2017)

Chapter 18.40. CONDITIONAL USE PERMITS

§ 18.40.010. Purpose.

In certain districts, conditional uses may be permitted, subject to the granting of a conditional use permit. Because of their unusual characteristics, or the special characteristics of the area in which they

are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this chapter and their effect on surrounding properties.
(Ord. 371 § 7(A), 1997)

§ 18.40.020. Town council authority.

The town council shall have the authority to approve, approve with conditions, disapprove, or revoke conditional use permits subject to the provisions of this chapter. Changes in use, expansion or contraction of site area, or alteration of structures or uses classified as conditional and existing prior to the effective date of the ordinance codified in this title, shall conform to all regulations pertaining to conditional uses.
(Ord. 371 § 7(B), 1997)

§ 18.40.030. Application.

A property owner or any interested person may make application for a conditional use permit which shall be made to the mayor in a manner prescribed by the town. Such application shall be accompanied by a site plan.
(Ord. 371 § 7(C), 1997)

§ 18.40.040. Investigation and report.

The mayor, other official or agent of the town prepares a report thereon, which shall be submitted to the town council and made available to the applicant prior to the public hearing.
(Ord. 371 § 7(D), 1997)

§ 18.40.050. Public hearings.

Before a conditional use is permitted, the proposed conditional use shall be considered by the town council at a public hearing. Notice of said hearing shall be given as provided in Chapter **18.95** YMC.
(Ord. 371 § 7(E), 1997)

§ 18.40.060. Action by the town council.

The town council may approve, approve with conditions, or disapprove the application for a conditional use permit. In permitting a conditional use the town council may impose, in addition to regulations and standards expressly specified in this title, other conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the community as a whole. These conditions may include requirements increasing the required lot size or yard dimensions, increasing street widths, controlling the location and number of vehicular access points to the property, increasing the number of off-street parking or loading spaces required, limiting the number of signs, limiting the coverage or height of buildings because of obstructions to view and reduction of light and air to adjacent property, limiting or prohibiting openings in sides of buildings or structures or requiring screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area, and requirements under which any future enlargement or alteration of the use shall be reviewed by the town and new conditions imposed.

In order to grant any conditional use, the town council must find that the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be significantly detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the community.

The town council shall render a decision within 60 days after the filing of the application. The decision of the town shall be final.

A conditional use permit shall become void one year after approval, or after such greater or lesser time as may be specified as a condition of approval, unless within that time the required building construction, alteration, or enlargement has been commenced and diligently pursued, or if no such construction, alteration, or enlargement is required, unless the permitted activity is being regularly conducted on the premises. The town council may extend the permit for a period of one year.
(Ord. 371 § 7(F), 1997)

§ 18.40.070. Effect.

No building or other permit shall be issued in any case where a conditional use permit is required by the terms of this chapter until five days after the approval of the conditional use by the town council.
(Ord. 371 § 7(G), 1997)

§ 18.40.080. Revocation.

The town council may revoke any conditional use permit for noncompliance with conditions set forth in the granting of said permit after first holding a public hearing and giving notice of such hearing as provided in Chapter 18.95 YMC. The foregoing shall not be the exclusive remedy, and it shall be unlawful and punishable hereunder for any person to violate any condition imposed by a conditional use permit.
(Ord. 371 § 7(H), 1997)

§ 18.40.090. Limitation on new applications.

In a case where an application is denied by the town council, the application shall not be eligible for resubmittal for the period of one year from the date of said denial, unless, in the opinion of the town council, new evidence is submitted or conditions have changed to an extent that further consideration is warranted.
(Ord. 371 § 7(I), 1997)

§ 18.40.100. Minor expansions.

An existing permitted or lawfully nonconforming conditional use may be expanded or modified following the site plan approval, if the expansion or modification will result in less than a 25 percent cumulative enlargement or relocation of the structure, floor area, or parking area, complies with other applicable regulations, and is not expressly prohibited by either: (A) an applicable prior land use decision if the original use is lawfully nonconforming because it was commenced prior to a conditional use permit being required; or (B) the conditional use permit issued for such use.
(Ord. 371 § 7(J), 1997)

Chapter 18.45. VARIANCES

§ 18.45.010. Scope.

- A. The town council may grant a variance to the following: setbacks, buffers, building height, landscaping, lot coverage and lot dimensions but not including lot area or density as provided in this title.

- B. The town council shall approve an administrative variance(s) if he or she finds, based on substantial evidence in the record, that the applicant has sustained the burden of proving the variance(s) complies with all of the following:
 - 1. Granting the variance(s) will not substantially detract from the livability or appearance of a residential area or from the desired character of a nonresidential area, or the variance(s) will substantially enhance the livability or appearance of a residential area or the desired character of a nonresidential area, such as by preserving or protecting significant natural, scenic, historic, cultural, open space or energy resources;
 - 2. If variances to more than one regulation are being requested, the cumulative effect of the variances shall be consistent with the purpose of the zone in which the site is situated;
 - 3. Adverse impacts resulting from the variance(s) are mitigated to the extent practical;
 - 4. The variance(s) does not substantially impair or impede the availability or safety of access that would otherwise exist for vehicles or for pedestrians, or alternative access is provided.
- C. Relationship of Variance to Associated Applications.
 - 1. If an application for an administrative variance is associated with another application(s) subject to this title, or if it is reasonably likely and foreseeable that it will be associated with another application(s) subject to this title, then the application for the administrative variance shall be combined with the associated application(s) for processing and shall be subject to the same procedure type as the highest number procedure type application(s) with which it is combined.
 - 2. If an administrative variance is approved and, subsequently, an application(s) subject to an equal or higher number procedure type is filed, the decision approving the administrative variance may be altered for good cause by the decision on the merits of subsequent application(s).

(Ord. 371 § 8(A), 1997)

§ 18.45.020. Approval standards for a variance.

The town council may permit and authorize a variance from the requirements of this title only when unusual circumstances cause undue hardship in the application of this title. A variance shall be made only when all of the following conditions and facts exist:

- A. Unusual circumstances of conditions apply to the property and/or to the intended use that do not apply generally to other property in the same vicinity or district;
- B. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same vicinity or district;
- C. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located;
- D. That the granting of such variance will not adversely affect the realization of the comprehensive plan.

(Ord. 371 § 8(B), 1997)

§ 18.45.030. Application and fee.

A request for a variance may be initiated by a property owner or his authorized agent by filing an application with the mayor. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties. A

fee shall be paid to the town at the time of filing the application in accordance with the provisions of Chapter 18.110 YMC.
(Ord. 371 § 8(C), 1997)

§ 18.45.040. Action of the review authority.

The town council shall make a written decision regarding the application within 60 days following the receipt of a technically complete application.
(Ord. 371 § 8(D), 1997)

§ 18.45.050. Time limit on approval of variance.

Authorization of a variance shall be void one year after the effective date of the variance, unless a building permit has been issued and substantial construction has taken place. However, the town council may extend the variance one year longer if the director finds the facts based on which the variance was approved have not changed substantially.
(Ord. 371 § 8(E), 1997)

Chapter 18.50. NONCONFORMING USES, STRUCTURES AND LOTS

§ 18.50.010. Purpose.

- A. The purpose of this chapter is to establish provisions for the allowance and potential alteration of uses, lots, or structures which do not conform to currently applicable standards or regulations, but which were in conformance with standards in place at the time of their inception, and have been rendered nonconforming due to a change in the applicable standards and regulations.
- B. Nonconformities typically occur in three general categories, or combinations thereof: nonconforming lots, typically having substandard size or dimensions; nonconforming structures, typically having substandard setbacks or excessive height; and nonconforming uses, in which the activity is inconsistent with the allowances or procedures of the underlying zoning district.
(Ord. 371 § 9(A), 1997)

§ 18.50.020. Establishment of legal nonconforming status.

For purposes of interpretation of this chapter, any uses, structures, lots, which in whole or part are not in conformance with current zoning standards shall be considered as follows:

- A. Legal Nonconforming. Those uses, structures or lots which in whole or part are not in conformance with current zoning standards, but were legally established at a prior date at which time they were in conformance with applicable standards. Such uses, structures, or lots may be maintained or potentially altered subject to the provisions of this chapter.
- B. Illegal Nonconforming. Those uses, structures or lots which in whole or part are not in conformance with current zoning standards and were not in conformance with applicable standards at the time of their inception. Illegal nonconforming uses, structures or lots shall not be approved for any alteration or expansion, and shall undertake necessary remedial measures to reach conformance with current standards, or be discontinued.
(Ord. 371 § 9(B), 1997)

§ 18.50.030. Burden of demonstration.

The burden of establishing that any nonconformity is a legal nonconformity as defined in this chapter shall be borne by the owner or proponent of such nonconformity.
(Ord. 371 § 9(C), 1997)

§ 18.50.040. New development on legally nonconforming lots.

In any zoning district, permitted structures or uses may be constructed upon any legally established nonconforming lot, subject to the standards of that district and all other applicable regulations.
(Ord. 371 § 9(D), 1997)

§ 18.50.050. Legal nonconforming uses.

A. Discontinuation of Legal Nonconforming Status.

1. Nonconforming uses shall be considered abandoned and discontinued in terms of legal nonconforming status if the legal nonconforming use ceases for a period of six months or more, or is changed to a conforming use.
2. A nonconforming use not involving a structure or one involving a structure (other than a sign) having an assessed value of less than \$200.00 shall be discontinued with two years from the date of the passage of the ordinance codified in this title.
3. Uses which are nonconforming with respect to provisions for screening shall not be considered as legally nonconforming, and shall provide screening as required under current standards and regulations of the underlying zoning district within a period of five years of the initial nonconformity. In cases of nonconforming screening where the existing use is not permitted in the underlying zoning district, the town council may impose screening standards of the district in which the use is normally permitted.
4. That portion of a commercial or industrial nonconforming use of property involving outside storage of inventory, supplies, or other material shall be abated within six months of the adoption of the ordinance codified in this title unless, within such period, application for site plan approval is made and thereafter granted for such outside storage. Site plan approval for nonconforming outside storage shall be processed in accordance with the standards of the district within which such use is permitted.

B. Expansions or Alterations of Legal Nonconforming Uses and Associated Structures.

1. Legal nonconforming single-family dwellings or duplexes and accessory structures may undergo expansion or alteration within an existing legal lot, provided such expansion does not violate standards for setbacks, height, or other applicable code provisions. Such expansions shall be subject to review by the town council.
2. Legal nonconforming uses and associated structures other than single-family dwellings or duplexes may undergo expansion or alteration, subject to compliance with all of the criteria listed below. Conditions of approval shall be required as necessary to ensure compliance. Such proposed expansions or alterations shall require site plan approval. Conditional use permit approval may also be required if the town council finds that the proposed expansion raises significant community concern relative to the criteria of this title.
 - a. The proposed expansion or alteration will not increase the extent of adverse impacts to the surrounding area and its character, or increase the extent of adverse impacts to future development likely to occur in the surrounding area consistent with the underlying zoning district; and

- b. The proposed expansion or alteration is limited to the legal lot of record of the existing use, unless expansion to adjacent lots serves to limit potentially adverse impacts; and
 - c. The proposed expansion or alteration fully complies with all applicable local, state, or federal requirements.
3. In considering approval of the proposed expansion or associated conditions thereof, the town council may apply the standards of the underlying zoning district and those of the zoning district in which the expanding use is normally allowed, as deemed necessary to ensure compliance with the intent of this chapter.
 4. The town council may also consider applications for expansion or alteration of existing nonconforming uses which have been established pursuant to a valid covenant agreement with the town, subject to the following:
 - a. To consider alteration or expansion under this section, at least 30 percent of total public infrastructure construction of the development authorized by the covenant must have been completed; and
 - b. All applicable provisions of the covenant agreement shall be fully complied with; and
 - c. The town council may apply specific standards of the zoning district established by the covenant, rather than standards of the underlying zoning district, as deemed necessary to ensure compliance with this chapter.
- C. Destruction of Legal Nonconforming Uses. If a structure containing a nonconforming use is destroyed by any cause leading to a loss of 60 percent or greater of appraised value as determined by the records of the county assessor from the previous year, any future structure on the site shall conform to regulations of the underlying zoning district.
(Ord. 371 § 9(E), 1997)

§ 18.50.060. Legal nonconforming structures.

Legal nonconforming structures may be altered, expanded or replaced only if such alteration, expansion or replacement is fully consistent with current applicable requirements, except as to those standards related to the legally established nonconformity of the structure, and if one of the following are met:

- A. Such alteration, expansion or replacement does not increase the extent of structural nonconformity; or
- B. Such alteration, expansion or replacement is necessary and required to make the structure safe for occupancy as required by building, health, fire, or other applicable standards.

(Ord. 371 § 9(F), 1997)

Chapter 18.55. TEMPORARY DWELLING PERMITS

§ 18.55.010. Temporary dwellings authorized – Hardship.

Subject to the conditions and upon the issuance of the permit provided for herein, one or more temporary dwellings may be established and maintained on a lot, tract, or parcel if the parcel is already occupied by a principal dwelling, for use by one of the following:

- A. A person who is to receive from or administer to a resident of the principal dwelling, continuous care and assistance necessitated by advanced age or infirmity, the need for which is documented by a physician's medical statement; or

- B. A caretaker, hired-hand or other similar full-time employee working on the lot, tract or parcel in connection with an agricultural or related use of the premises; or
- C. Relatives over 62 years of age with a low income as defined by Section 8 of the U.S. Housing Act, 42 U.S.C. § 1401, who are related by blood or marriage to a resident of the principal dwelling.
(Ord. 371 § 10(A), 1997)

§ 18.55.020. Temporary dwellings – Conditions.

Temporary dwellings authorized herein shall be subject to the following minimum conditions:

- A. The lot, tract or parcel shall be of such size and configuration, and the temporary dwelling shall be located in such a manner as to enable compliance with such zoning and subdivision regulations as would be applicable but for the authorization of this title; provided, that one temporary dwelling may be approved for each authorized permanent dwelling, subject to septic system approval.
- B. The temporary dwelling shall be a temporary structure such as a mobile home designed, constructed and maintained in a manner which will facilitate its removal at such time as the justifying hardship or need no longer exists; provided, that the additional dwelling authorized includes a covenant obligating the purchaser or successors to remove the existing dwelling upon the death or permanent change in residency of the seller retaining a life estate.
- C. A current vehicular license plate, if applicable, shall be maintained on the temporary dwelling.
- D. No more than one temporary dwelling shall be authorized under this chapter if the primary dwelling is a mobile home.
- E. Upon cessation of the hardship or need justifying the temporary dwelling permit, either such dwelling shall be removed or the owner of the lot, tract or parcel shall comply with all applicable zoning subdivision requirements.
(Ord. 371 § 10(B), 1997)

§ 18.55.030. Temporary dwellings – Permits.

- A. Applications for temporary dwelling permits shall be submitted to the mayor on forms provided by the town, and shall be accompanied by a processing fee. The application shall include the following:
 1. A site plan showing the size and boundaries of the lot, tract or parcel; the location of all existing buildings; and the proposed location of the temporary dwelling;
 2. A description of the proposed temporary dwelling;
 3. Documentation of approval of water supply and sewage disposal system by the appropriate governmental agency;
 4. Statement signed by the applicant describing the hardship or need which may include a letter from a medical doctor verifying the need for continuous care and assistance shall also be submitted;
 5. A declaration to be filed with the town clerk upon approval of the application setting forth the temporary nature of the dwelling.
- B. A temporary dwelling permit shall be valid for two years, and may be renewed by the issuing body for successive two-year periods upon written substantiation by the applicant to the continuing hardship or need justification. Upon the expiration of the two-year period, or at the end of each successive two-year period(s), if granted, the applicant shall notify the mayor in writing that the

temporary dwelling has been removed and, further, said notice shall include a request for an inspection to determine that the temporary dwelling has, in fact, been removed in compliance with the permit.

(Ord. 371 § 10(C), 1997)

§ 18.55.040. Revocation.

In addition to any other remedies provided for by law, violation of permit conditions, standards of this chapter shall constitute grounds for revocation of a temporary dwelling permit. Such revocation may be ordered by the town council following a public hearing.

(Ord. 371 § 10(D), 1997)

Chapter 18.60. ADULT & CHILD CARE FACILITIES

§ 18.60.010. Purpose.

The council finds that affordable, good quality, and licensed adult and child day care within the town of Yacolt is critical to the well-being of ~~parents and children in~~ the community and is a needed community service. Further, it is the purpose of this chapter to facilitate the siting of licensed adult and child day care facilities in the town of Yacolt in a manner which simplifies the review and approval process while ensuring conformance with the surrounding land uses.

(Ord. 325 § 1, 1991)

§ 18.60.020. Definitions.

For the purpose of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Child day care"

means the provision of supplemental parental care and supervision:

1. For a nonrelated child or children;
2. On a regular basis;
3. For less than 24 hours a day; and
4. Under license by the Washington State Department of Social and Health Services.

As used in this chapter, the term is not intended to include babysitting services of a casual, nonrecurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocal ~~child-care~~childcare by a group of parents in their respective homes.

"Child day care centerfacility"

means ~~a building or structure in which~~ an agency, person, or persons that regularly provide early childhood education and early learning services ~~care~~ for a group of children for periods of less than 24 hours a day. Child day care facilities include family day care homes, out-of-home child mini-day care centers, and child day care centers regulated by the Washington State Department of Social and Health Services, as presently defined and hereafter amended (Chapter 74.15 RCW, WAC 388-73-422).

(Ord. 325 § 2, 1991)

"Child care facility"

means a family day care home, mini-day care center, and day care center regulated by the Washington State Department of Social and Health Services, as presently defined and hereafter

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amended (Chapter 74.15 RCW, WAC 388-73-422).

"Family day care home"

means a person regularly providing care during part of the twenty-four-hour day to six or fewer children in the family abode of the person or persons under whose direct care the children are placed.

"Family day care provider" and "family home provider"

mean a child care provider who regularly provides early childhood education and early learning services for not more than 12 children at any given time in the provider's home in the family living quarters except as provided in RCW 43.216.692.

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"Mini-day care center"

means a person or agency providing care during part of the twenty-four-hour day to twelve or fewer children in a facility other than the family abode of the person or persons under whose direct care the children are placed, or for the care of seven through twelve children in the family abode of such person or persons.

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§ 18.60.030. Family day care home.

A. Family Day Care Home. A family day care home shall be permitted by right in all zoning districts permitting single-family dwellings provided that have obtained a permit for operation from the city. Permits shall be issued by the city, at no cost, upon proof that the family day care home has obtained all necessary licenses and approvals from the state to operate such a facility. Family Day Care Homes shall be residences and shall be subject to the following requirements:

1. Meet Washington State child day care licensing requirements;
2. Comply with all building, fire safety, health code, and business licensing requirements;
3. Lot size, building size, setbacks, and lot coverage conform to the standards of the zoning district except if the structure is a legal nonconforming structure;
4. A safe passenger loading area must be provided;
5. Signage, if any, will conform to Chapter **18.85** YMC;
6. Filing of a child day care registration form with the town as provided for in YMC § **18.60.060**;
7. No structural or decorative alteration which will alter the single-family character of an existing or proposed residential structure or be incompatible with the surrounding residences is permitted.

(Ord. 325 § 3, 1991)

§ 18.60.040. Child mini-day care center.

A. Child Mini-Day Care Center (Not Located in the Residence of the Care Provider). A child mini-day care center not located in the residence of the care provider is allowed in the designated zoning districts as follows:

1. Zoning Districts (Single-Family Residential and Two-Family Residential). A child mini-day care center not located in the residence of the care provider shall be permitted by administrative review.
 - a. Notice. Notice of the proposal shall be given as provided below:
 - i. Notices shall be posted on site and in two other conspicuous locations in the vicinity of the site at least 10 days prior to final action on the application;
 - ii. The notice shall include a description of the proposal, site location, deadline for submitting written comments and the address and phone number of the planning department of the town of Yacolt;

- b. Administrative Review Requirements. The planning director/building official shall review applications for a mini-day care center not located in the residence of the care provider in zones which allow for single-family and two-family residential structures and may approve, modify, or deny the application subject to the following requirements:
 - i. Meet Washington State child day care licensing requirements;
 - ii. Comply with all building, fire safety, health code, and business licensing requirements;
 - iii. Signage, if any, will conform to the requirements of Chapter **18.85** YMC;
 - iv. Filing of a child day care registration form with the city/county as provided for in YMC § **18.60.060**;
 - v. Parking requirements shall conform to Chapter **18.70** YMC;
 - vi. The site must be landscaped in a manner compatible with adjacent residences;
 - vii. No structural or decorative alteration which will alter the residential character of an existing residential structure used for a child mini-day care center is permitted. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood;
 - viii. The child mini-day care center shall not be located within 300 feet of another child mini-day care center not located in the residence of the care provider or child day care center. Any child day care center which is an accessory use pursuant to YMC § **18.60.050(D)** shall be excluded;
 - ix. The planning director/building official may attach conditions to the permit in order to reduce conflicts between the child mini-day care center and surrounding neighborhood; i.e., noise attenuation, special parking needs, and hours of operation;
 - x. If the planning director/building inspector finds that there is just cause for a public hearing, final approval shall be determined through a conditional use permit process and shall be subject to the requirements of YMC § **18.60.050(A)** and Chapter of the Clark County Municipal Code;

The process used to appeal an administrative review decision is contained in the Clark County Municipal Code (appeal of administrative decisions).

- 2. All Other Zoning Districts. A child mini-day care center not located in the residence of the care provider is permitted by right in all other zoning districts provided the conditions set forth in subsections (A)(1)(b)(i) through (vii) of this section are met.

(Ord. 325 § 4, 1991)

§ 18.60.050. Child day care center.

A child day care center may be allowed in the designated zoning districts as follows:

- A. Zoning Ordinance (Single-Family Residential and Two-Family Residential). A child day care center may be allowed in these zoning districts only upon issuance of a conditional use permit pursuant to Chapter **18.40** YMC.
 - 1. Conditional Use Permit Requirements.
 - a. Meet Washington State child day care licensing requirements;
 - b. Comply with all building, fire safety, health code, and business licensing requirements;
 - c. Lot size, building size, setbacks and lot coverage conform to those applicable to the zoning district;

- d. Signage, if any, will conform to the requirements for the applicable zoning district;
 - e. Filing of a child day care registration form with the city/county as provided for in YMC § 18.60.060;
 - f. Parking requirements shall conform to Chapter 18.70 YMC;
 - g. A fence at least four feet high must be installed around the play yard;
 - h. The site must be landscaped in a manner compatible with the adjacent residences;
 - i. No structural or decorative alteration which will alter the residential character of an existing residential structure used for a child day care center is permitted. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood;
 - j. The child day care center shall not be located within 300 feet of another day care center or child mini-day care center not located in the residence of the care provider, excluding any day care center which is an accessory use pursuant to subsection D of this section.
- B. All Other Zoning Districts. A child day care center is permitted by right in all other zoning districts subject to the following requirements:
1. Meet Washington State child day care licensing requirements;
 2. Comply with all building, fire safety, traffic safety, health code, and business licensing requirements;
 3. Setbacks, screening, landscaping, lot size, building size, and lot coverage shall conform to the pertinent portions of the zoning code;
 4. Parking requirements shall conform to Chapter 18.70 YMC;
 5. Filing of a day care registration form with the city as provided for in YMC § 18.60.060.
- C. Limitations in Use of a Family Residence. No child day care center shall be located in a private family residence unless the portion of the residence where the children have access is used exclusively for the children during the hours the center is in operation, or is separate from the usual living quarters of the family.
- D. Accessory Use. A child day care center, if sited on the premises of an operating community service facility, shall be considered accessory to the principal use of the property concerned.
(Ord. 325 § 5, 1991)

§ 18.60.060. Registration.

Each child day care service provider must register with the city/county planning department by completing a child day care registration form as provided by the department prior to initiation of the use. Upon registration, the child day care provider must be able to demonstrate compliance with the applicable conditions of this chapter.
(Ord. 325 § 6, 1991)

Chapter 18.65. RESIDENTIAL CARE FACILITIES & ADULT FAMILY HOMES

§ 18.65.010. Purpose.

The council finds that housing facilities for special needs populations are protected under provisions of

the Federal Fair Housing Amendments Act of 1988. Location of such facilities within the town of Yacolt is critical to the well-being of special needs members of the community and fulfills a needed community service. Further, it is the purpose of this chapter to facilitate the siting of residential care facilities and adult family homes in the town of Yacolt.
(Ord. 326 § 1, 1991)

§ 18.65.020. Definitions.

For the purpose of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined, as follows:

"Adult family home"

means the regular family abode of a person or persons who are providing personal care, special care room, and board to more than one but not more than ~~four~~ six adults who are not related by blood or marriage to the person or persons providing the services. An adult family home may provide services to up to eight adults upon approval from the department under RCW 70.128.066. ~~except that a maximum of six adults may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for by law (RCW 70.128.010). Adult family homes are permitted uses in all areas zoned for residential use (RCW 70.128.175).~~

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"Family"

means housing used, or intended for use, by persons with functional disabilities. The term includes, but is not limited to, adult family homes, residential care facilities, and housing for any supported living arrangement, as herein defined.

"People with functional disabilities"

means:

1. A person who, because of a recognized chronic physical or mental condition or disease, is functionally disabled to the extent of:
 - a. Needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living, or
 - b. Needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible, or
 - c. Having a physical impairment which substantially limits one or more of such person's major life activities, or
 - d. Having a record of having such an impairment; or
2. Being regarded as having such an impairment, but such term does not include current, illegal use of or active addiction to a controlled substance.

"Residential care facility"

means a facility, licensed by the state, that cares for at least five but not more than 15 people with functional disabilities, that has not been licensed as an adult family home pursuant to RCW 70.128.175.

"Supported living arrangement"

means a living unit owned or rented by one or more persons with functional disabilities who receive assistance with activities of daily living, instrumental activities of daily living, and/or medical care from an individual or agency licensed and/or reimbursed by a public agency to provide such assistance.

(Ord. 326 § 2, 1991)

§ 18.65.030. Housing for people with functional disabilities.

Housing for people with functional disabilities, as defined herein, which meets the applicable Washington

State licensing requirements, shall be considered a residential use of property for zoning purposes. Adult family homes are a permitted use in any zone allowing a single-family dwelling provided the adult family home complies with underlying zoning requirements and the requirements set forth in Chapter 70.128 RCW. They shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings.

For the purposes of this chapter, the conversion of an existing residential structure to housing for people with functional disabilities shall not be deemed a change of use or an abandonment or discontinuity of the prior use of the structure, if such structure constituted a prior nonconforming use.
(Ord. 326 § 3, 1991)

§ 18.65.040. Contradictions.

In the event of conflict between this chapter and any other ordinance or zoning provision for the town of Yacolt, the provisions of this chapter shall prevail.
(Ord. 326 § 4, 1991)

Chapter 18.66. TRANSITIONAL AND PERMANENT SUPPORTIVE HOUSING FACILITIES

The purpose of this section is to implement the requirements of RCW 35.21.683 and RCW 35A.21.430, as adopted or hereafter amended, by permitting permanent supportive housing and transitional housing within zones that allow residential dwelling units or hotels. These housing types provide stable housing and supportive services for individuals experiencing homelessness or housing instability. This section establishes standards to ensure such facilities are developed and operated in a manner that is consistent with the scale and character of surrounding residential uses, protects the health and safety of residents and the community, and provides clear operational expectations for facility operators.

§ 18.66.020. Definitions.

For the purpose of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined, as follows:

"Emergency housing"

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

"Emergency housing"

means a project that provides housing and supportive services to homeless persons or families for up to sixty days.

"Emergency shelter"

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

"Extremely Low-Income"

means a household means a single person, family, or unrelated persons living together whose adjusted income is at or below thirty percent of the 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.

"Homeless"

means persons, including families, who, on one particular day or night, do not have decent and safe shelter nor sufficient funds to purchase or rent a place to stay.

"Low-income household"

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means a single person, family, or unrelated persons living together whose adjusted income is at or below 80 percent of the 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.

"Moderate-Income Household"

means a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the 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. This definition is added to the existing definitions in RCW 36.70A.030 for low-income household, very low-income household, and extremely low-income household.

"Permanent supportive housing"

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

"Recovery residence" has the same meaning as under RCW 41.05.760.

"Transitional housing"

means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

"Very low-income household"

means a single person, family, or unrelated persons living together whose adjusted income is at or below 50 percent of the 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.

18.66.030 Transitional and permanent supportive housing facilities.

As required by RCW 35.21.683 and 35A.21.430 as adopted or hereafter amended, permanent supportive housing and transitional housing are permitted in any zone in which residential dwelling units or hotels are allowed, which is all residential and commercial zones. In residential zones, permanent supportive housing and transitional housing must be within the type, scale, density, and intensity of residential use(s) allowed in that zone and are subject to the following criteria:

- A. The number of permanent supportive and transitional housing facilities allowed on any given lot shall be no more than the number of standard dwelling units that would be allowed under YMC [_____].
- B. Permanent supportive and transitional housing facilities must meet the same development and operating regulations as permitted residential dwellings, including adhering to building and fire codes, to ensure consistency in health and safety for all residents.
- C. Permanent supportive and transitional housing facilities are limited to a maximum of six residents at any one time, plus up to four resident staff.
- D. Permanent supportive and transitional housing facilities must be a 24-hour-per-day facility where rooms or units are assigned to specific residents for the duration of their stay. Transitional housing facilities shall require a minimum length stay of 72-hours.
- E. On-site services such as laundry, hygiene, meals, case management, and social programs are limited to the assigned residents and shall not be available for drop in or other use by nonresidents.
- F. Prior to the start of operation for a permanent supportive housing or transitional housing

Commented [AB6]: Not sure we're allowed to limit number of individuals. Could consider tying occupancy to IBC occupancy load - "The number of residents permitted within a permanent supportive housing or transitional housing facility shall not exceed the occupancy limits established by the currently adopted building and fire codes. Resident staff providing supervision or services may be permitted in addition to residents where allowed by the applicable building code classification. "

facility, an occupancy agreement shall be submitted to the city meeting the following requirements. The city shall review and determine that the occupancy agreement meets the following requirements to the city's satisfaction before approving the occupancy agreement.

1. Property owners and/or facility operators shall use and enforce the occupancy agreement approved by the city.
2. The occupancy agreement shall include but is not limited to the following:
 - a. Names and contact information for onsite staff. The facility operator shall notify the city of each staff change(s) within 72 hours.
 - b. Description of the services to be provided onsite.
 - c. Description of the staffing plan including the following:
 - i. Number, function, and general schedule of staff supporting residents and operations.
 - ii. Staff certification requirements.
 - iii. Staff training programs.
 - iv. Staff to resident ratios.
 - v. Roles and responsibilities of all staff.
 - vi. The name and contact information for at least one organization member located off-site.
 - d. Rules and/or code of conduct describing resident expectations and consequences for failing to comply. At minimum, the code of conduct shall be consistent with state law prohibitions and restrictions concerning the following:
 - i. Possession and use of illegal drugs onsite.
 - ii. Threatening or unsafe behavior.
 - iii. Possession and use of weapons.
 - e. A fire safety plan reviewed and approved by the Lewis County Fire District 5 confirming fire department access.
 - f. A safety and security plan reviewed and approved by the Yacolt Police Department including protocols for response to the facility and to facility residents throughout the city. The safety and security plan shall establish a maximum number of permitted Yacolt Police Department response calls to the facility. Any Yacolt Police Department call(s) to the facility exceeding the maximum threshold established in the safety and security plan shall be considered a violation of this chapter and the facility operator will be fined in accordance with YMC [_____].
 - g. A plan for avoiding potential impacts on nearby residences including a proposed mitigation approach (for example, a Good Neighbor Agreement Plan) that addresses items such as noise, smoking areas, parking, security procedures, and litter.
 - h. Description of eligibility for residency and resident referral process.

18.66.040 Indoor Emergency Shelters and Indoor Emergency Housing.

- A. As required by RCW 35.21.683 and 35A.21.430 as adopted or hereafter amended, indoor emergency shelters and indoor emergency housing are permitted in any zone in which hotels are allowed, which includes the C commercial zones in the city of Yacolt, as provided in Section 17.28.020.
 1. Indoor emergency shelters, transitional housing, indoor emergency housing, and permanent supportive housing must meet the same development and operating regulations as permitted residential dwellings, including adhering to building and fire codes, to ensure consistency in health and safety for all residents.
 2. Hosting of unhoused people by religious organizations must meet the following requirements:
 - a. The requirements set forth in RCW 35A.21.360 as adopted or hereafter amended;
 - b. A memorandum of understanding (MOU) between the city and the religious organization is required to detail the working relationship between and city and the religious organization and additional requirements and expectations. The religious organization shall provide a draft of the MOU which addresses the criteria in RCW 35A.21.360, including fire safety plans and public health

- and safety impacts;
- c. Fire and life safety requirements in accordance with RCW 35A.21.360 may be required by the city on a case-by-case basis;
 - d. One location may not be used more than one hundred ninety days within a calendar year;
 - e. Only parking spaces that are in excess of the minimum required by the zoning code for the religious organization use may be used for hosting unhoused people, unless using more spaces is allowed by the MOU;
 - f. The religious organization shall provide restroom access, consistent with the requirements of RCW 35A.21.360 and the Yacolt Municipal Code;
 - g. If recreational vehicles are hosted, the religious organization must ensure proper disposal of all waste;
 - h. If the hosting is located outside of a building, the hosting area shall be fenced and screened; and
 - i. Concurrent hosting of an outdoor encampment is not allowed within one thousand feet of another outdoor encampment hosted by a religious organization.
3. Emergency housing or emergency shelters shall be regulated the same as hotels and motels, with the following additional requirements necessary for public health and safety:
- a. The density of emergency housing or emergency shelter within a facility shall not exceed the requirements of the underlying zone. No occupied structures may exceed occupancy limits set by the currently adopted building code;
 - b. On-site services such as laundry, hygiene, meals, case management, and social programs are limited to the residents of the facility;
 - c. No emergency housing or emergency shelter may also be used as a designated supervised/safer consumption site, supervised/safer injection facility, or supervised/safer injection service;
 - d. The organization managing and operating the emergency housing or emergency shelter facility shall be responsible for the operation and maintenance of the facility itself, and the conduct of the residents of the facility, regardless of whether the organization contracts with a third party for the provision of any services related to the facility itself or its residents;
 - e. The organization managing and operating the emergency housing or emergency shelter facility shall be responsible for the safety of residents of the facility and shall establish a plan to remove individuals who present a threat to other residents, the property of other residents, or the residents or property of adjacent property;
 - f. The organization managing and operating the emergency housing or emergency shelter facilities shall provide sanitation and basic safety measures including the following:
 - i. If on-site food preparation takes place, a kitchen area separated from sleeping areas, with handwashing and dishwashing stations stocked with soap;
 - ii. Two large first-aid kits that include emergency eye wash bottles and naloxone (Narcan) kits;
 - iii. Cleaning supplies including gloves, trash-grabber tool, disinfectant, hand sanitizer, masks, buckets, paper towels, etc.;
 - iv. Refuse receptacles and trash service; and
 - v. Storage of personal belongings; and
 - g. Prior to receiving any permits, or prior to beginning operation if no permits are required, the organization managing and operating the emergency housing or emergency shelter facilities shall provide a plan to the city that includes the following information:
 - i. Emergency contact information;
 - ii. Proposed population to be served; and
 - iii. Confirmation of sanitation and basic safety measures required for emergency housing and emergency shelters.
 - h. Notification.

- i. Advance Notice Required. The organization managing and operating the emergency housing or emergency shelter facility shall notify the city of the proposed emergency housing or emergency shelter facility a minimum of thirty days in advance of the proposed date of establishment of the facility. The advance notification shall contain the following information:
 - (A) The date the facility will commence;
 - (B) The length of time the facility will continue;
 - (C) The maximum number of residents proposed for the facility;
 - (D) The host location;
 - (E) The names of the organization(s) managing and operating the facility; and
 - (F) The manner in which the facility will comply with the requirements of this chapter.
- ii. Informational Meeting Required. The organization managing and operating the emergency housing or emergency shelter facility shall conduct at least one informational meeting within, or as close to, the location where the proposed facility will be located, a minimum of two weeks prior to beginning operation. The time and location of the meeting shall be agreed upon between the city and the organization managing and operating the facility. All property owners within five hundred feet of the proposed facility shall be notified by mail ten days in advance of the meeting. In lieu of notice by mail, an alternative means of notice may be provided that is reasonably calculated to notify the neighboring property owners within five hundred feet of the proposed facility.
- ii. Signs Required. The applicant shall also provide notice of the facility and the meeting within the same time frame as the mailed notice by posting two signs on the site or in a location immediately adjacent to the site that provides visibility of the signs to motorists using adjacent streets. The community development director or designee shall establish standards for size, color, layout, design, and placement for installation and removal of the signs. (Ord. 1633 § 4, 2025).

Chapter 18.70. PARKING, ACCESS AND CIRCULATION

§ 18.70.010. Off-street parking and loading – General.

- A. **Applicability.** Except as otherwise provided by this title, required off-street parking and loading spaces shall be improved and maintained as set forth in this chapter for all uses in all zoning districts.
- B. **Timing.** Parking and loading spaces required for a given use or development shall be provided consistent with the approved site plan before the county issues an occupancy permit or final inspection for the use or development in question.
- C. **Availability.**
 - 1. Parking spaces required for a given use or development shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for the storage of vehicles or materials, or for the parking of trucks used in conducting the business or use.
 - 2. Loading spaces required for a given use or development shall be available for loading and unloading of trucks and similar vehicles.
- D. **Location of Parking and Loading Facilities.**
 - 1. Off-street parking spaces for dwellings shall be located on the same lot as the dwelling.

- 2. Off-street parking spaces for uses other than residential shall be located on the same lot as the use or on another lot not more than 300 feet from the building or use they are intended to serve, measured in a straight line from the building.
- E. Change or Expansion of a Use. A site plan that changes the use of an existing structure or lot shall provide off-street parking and loading for the new use as required by this chapter. A site plan that enlarges an existing structure or use shall provide for additional parking and loading based only on the parking and loading requirements of the expansion.
- F. Lighting. Light fixtures in parking or loading areas shall be consistent with RCW 47.36.180 on public roadways and not cast significant light or glare off-site on adjacent properties.
- G. Surfacing. All surfaces of parking and loading spaces and related access drives and maneuvering areas shall be prepared consistent with standards approved by the town council.
- H. Drainage. Stormwater drainage facilities for parking and loading spaces and related access drives and maneuvering areas shall be provided as specified by the town council.
- I. Wheel Stops and Curbs. Parking and/or loading spaces on the perimeter of a parking lot or adjacent to interior landscaped areas or sidewalks shall include a wheel stop at least four inches high located three feet back from the front of the parking and/or loading space.
- J. Maintenance of Parking and Loading Areas. Required parking and loading spaces and associated access and maneuvering drives shall be maintained in good repair at all times.
(Ord. 371 § 11(A)(1), 1997)

§ 18.70.020. Calculation of parking requirements.

A site plan for a given use or uses shall show that at least the number of parking spaces required by Table 11A will be provided consistent with this chapter.

- A. Where Table 11A requires a certain number of parking spaces based on the area of a building, the area shall be the gross floor area within the exterior walls of the structure, excluding the area of a building that encloses parking or loading spaces.
- B. Where more than one use occupies a given structure or parcel of land or where a given business includes a combination of uses, the minimum required number of parking spaces shall be the sum of the requirements for each use, except to the extent the uses comply with the requirements of this chapter for shared parking.
- C. Where a building may be used for more than one purpose, and the applicant does not limit the permitted uses in the building, parking spaces shall be provided based on the possible use(s) that require the most parking spaces.
- D. Where Table 11A does not list the parking requirements for a proposed use, the town council shall determine the minimum parking requirements for the use, based on requirements in Table 11A for other similar uses, if any, or on substantial evidence of parking needs for similar uses in other, similar locations.
- E. Up to 30 percent of required parking spaces and all parking spaces in excess of minimum requirements may comply with the standards for compact cars in Table 11B.
- F. All parking areas shall comply with applicable local, state and federal standards regarding parking for disabled persons.
- G. The town council may reduce the required number of parking spaces to less than that required in Table 11A if the town finds that a lesser number of off-street parking spaces will be enough to fulfill all parking needs of the use or development, based on substantial evidence in the applications, such as an adequate survey or parking demand at similar uses under similar conditions. The number of parking spaces for disabled persons may not be reduced under this section.

Table 11A

USE	MINIMUM NUMBER OF PARKING SPACES
A. Residential	
1. 1-, 2- and 3-unit family dwellings	2 spaces/dwelling unit. Single-family and duplex parking may be tandem (one car behind the other).
2. Multifamily dwelling containing 4 or more dwelling units	1 1/2 spaces/dwelling unit
<u>3. Co-Living Housing</u>	<u>0.25 spaces per dwelling unit</u>
3. Apartment, hotel, rooming or boarding house	1 1/2 spaces/guest accommodation
4. Residential care facility	1 space/7 residents served under age of 12 1 space/5 residents served ages 12 – 17 1 space/4 residents served ages 18 years or older
5. Retirement housing facilities	1 space/each 3 units
B. Commercial residential	
1. Hotel	1 space/bedroom
2. Motel	1 space/bedroom
3. Clubs/lodges	Spaces to meet the combined requirements of the uses being conducted, such as hotel, restaurant, auditorium, etc.
C. Institutions	
1. Welfare or correctional institutions	1 space/3 beds for patients or inmates
Table 11A	
USE	MINIMUM NUMBER OF PARKING SPACES
2. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged	1 space/3 beds for patients or residents
3. Hospital	2 spaces/bed
D. Places of assembly	
1. Church	1 space/4 seats, or 8 feet of bench length in the main auditorium
2. Library, reading room, museum, art gallery	1 space/400 square feet of floor area
3. Preschool, nursery, kindergarten, mini-day care center or commercial day care center	2 spaces/teacher or employee
4. Elementary or junior high school	1 space/4 seats, or 8 feet of bench length in auditorium or assembly room, whichever is greater
5. High school	1 space/employee, plus 1 space/each 6 students, or 1 space/4 seats, or 8 feet of bench length in the auditorium, whichever is greater
6. College, commercial school for adults	1 space/3 seats in classroom
7. Other auditoriums, meeting rooms	1 space/4 seats, or 8 feet of bench length
E. Commercial amusements	
1. Stadium, arena, theater	1 space/4 seats, or 8 feet of bench length
2. Bowling alley	5 spaces/lane
3. Dance hall, skating rink	1 space/150 square feet of floor area
F. Commercial	
1. Retail store except supermarkets and stores selling bulky merchandise and grocery stores, 1,500 square feet gross floor area or less	1 space/350 square feet of floor area

2. Commercial retail, 1,501 square feet or more	1 space/350 square feet of floor area
3. Service or repair shops	1 space/200 square feet of floor area
4. Retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major area of the building	1 space/600 square feet of floor area
5. Bank, office (except medical and dental)	1 space/400 square feet of floor area
6. Medical and dental office or clinic	1 space/200 square feet of floor area
7. Eating or drinking establishments	1 space/200 square feet of floor area
8. Mortuaries	1 space/4 seats or 8 feet of bench length
G. Industrial	
1. Manufacturing establishment	1 space/500 square feet
2. Storage warehouse, wholesale establishment, rail or trucking freight terminal	1 space/2,000 square feet of floor area

(Ord. 371 § 11(A)(2), Table 11A, 1997)

§ 18.70.030. Parking design standards.

Off-street parking spaces shall comply with the standards for stalls and aisles, as set forth in Table 11B.

Angle (degrees)	Type	Stall width	Stall depth	Aisle width	Curb length
A		B	C	D	E
0	Compact	8.0	8.0	12.0	22.0
	Standard	9.0	9.0	12.0	22.0
45	Compact	8.0	19.1	14.0	11.3
	Standard	9.0	19.8	13.0	12.7
60	Compact	8.0	20.4	19.0	9.2
	Standard	9.0	21.8	18.0	10.4
70	Compact	8.0	20.6	20.0	8.5
	Standard	9.0	21.0	19.0	9.6
90	Compact	7.5	15.0	24.0	7.5
	Standard	9.0	20.0	24.0	9.0

(Ord. 371 § 11(A)(3), Table 11B, 1997)

§ 18.70.040. Loading space number and design standards.

- A. Commercial, industrial and public utility uses that have a gross floor area of 5,000 square feet or more shall provide truck loading or unloading berths in accordance with the following table:

Square Feet of Floor Area	Number of Berths Required
Less than 5,000	0
5,000 – 30,000	1
30,000 – 100,000	2
100,000 and over	3

- B. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities, and any similar use that has a gross floor area of 30,000 square feet or more, shall provide off-street truck loading or unloading berths in accordance with the following table:

Square Feet of Floor Area	Number of Berths Required
Less than 30,000	0
30,000 – 100,000	1
100,000 and over	2

- C. A loading berth shall be at least 12 feet wide and 35 feet long, and have a height clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.

(Ord. 371 § 11(A)(4), 1997)

§ 18.70.050. Access and circulation – Applicability.

This chapter applies to new development that includes parking or loading areas or vehicle, bicycle or pedestrian circulation, including changes to access and circulation of existing development.

(Ord. 371 § 11(B)(1), 1997)

§ 18.70.060. Vehicle access and circulation generally.

- A. Availability. Access and circulation required for a proposed use or development shall be improved to the standards in this chapter before the county issues an occupancy permit or final inspection for the use or development in question.
- B. Joint Access. The town council may authorize joint access by two or more uses if:
 1. The town council finds the access will comply with other applicable access and circulation standards of this chapter.
 2. Before the county issues a building permit for the use or development on one lot that will be served by the shared access on another lot, the applicant shall submit to the town council and the county cross-easements or equivalent agreements executed by the owners of the affected properties and filed permanently in town and county records with deeds to the properties authorizing use of the properties for the proposed shared access.
- C. Access and circulation drives shall comply with the applicable location standards of this chapter and shall be wide enough to safely accommodate the traffic that will use it consistent with standards approved by the town council. Each parking and loading space shall have access from a street by means of such a drive.
- D. Except for single-family and duplex dwellings, it shall be practicable for a typical driver to enter and exit all loading spaces and to enter and exit all groups of more than two parking spaces without backing or maneuvering in a public street other than an alley.

(Ord. 371 § 11(B)(2), 1997)

§ 18.70.070. Pedestrian circulation.

Pedestrian circulation shall be provided consistent with the following:

Where pedestrian or bicycle routes cross access, maneuvering, parking or loading areas, the crossing must be clearly identified by using striping, elevation changes, speed bumps, a different paving material, and/or other method that effectively alerts drivers, pedestrians and cyclists of the location and nature of the crossing.

(Ord. 371 § 11(B)(3), 1997)

§ 18.70.080. Access standards for drive-in, drive-up and drive-through uses.

- A. All uses providing drive-in, drive-up and drive-through services as defined by this chapter shall provide on the same site queuing spaces for in-bound vehicles as follows:

Use	Requirement
Drive-in banks	5 spaces/service terminal
Drive-in restaurant	10 spaces/service window
Gasoline service stations	3 spaces/pump
Mechanical car washes	3 spaces/washing unit
Parking facilities:	
Free-flow entry	1 space/entry driveway
Ticket dispense entry	2 spaces/entry driveway
Use	Requirement

Manual ticket dispensing	8 spaces/entry driveway. Attendant parking 10% of the parking driveway capacity served by the driveway
Other facilities	To be set in site plan or conditional use review.

- B. A vehicle queuing space shall be 18 feet long and eight feet wide and shall not be used for backing and maneuvering space for parking or other purposes.
- C. Access for Disabled Persons. Parking and access structures shall be constructed to conform to applicable provisions of the American Disability Act which are set forth in the Uniform Building Code. (Ord. 371 § 11(B)(4), 1997)

Chapter 18.75. LANDSCAPING AND SCREENING

§ 18.75.010. Applicability.

The following standards apply to landscaping and screening on private property. (Ord. 371 § 12(A), 1997)

§ 18.75.020. Landscaping and screening design standards.

- A. L1, General Landscaping.
 - 1. Intent. The L1 standard is for open areas. It is intended to be used where distance is the principal means of separating uses or development, and landscaping enhances the area between them. The L1 standard consists principally of groundcover plants; trees and high and low shrubs also are required.
 - 2. Required Materials. There are two ways to provide trees and shrubs to comply with an L1 standard. Shrubs and trees may be grouped. Groundcover plants, grass lawn or approved flowers must fully cover the landscaped area not in shrubs and trees. Where the area to be landscaped is less than 30 feet deep, one tree shall be provided per 30 linear feet. Where the area is 30 feet deep or greater, one tree shall be provided per 800 square feet and either two high shrubs or three low shrubs shall be provided per 400 square feet of landscaped area.
- B. L2, Low Screen.
 - 1. Intent. The L2 standard uses a combination of distance and low-level screening to separate uses or development. The standard is applied where a low level of screening sufficiently reduces the impact of a use or development, or where visibility between areas is more important than a greater visual screen.
 - 2. Required Materials. The L2 standard requires enough low shrubs to form a continuous screen three feet high and 95 percent opaque year-round. In addition, one tree is required per 30 lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Groundcover plants must fully cover the remainder of the landscaped area. A three-foot-high masonry wall or fence at an F2 standard or a berm may be substituted for shrubs, but the trees and groundcover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area.
- C. L3, High Screen.
 - 1. Intent. The L3 standard provides physical and visual separation between uses or development principally using screening. It is used where such separation is warranted by a proposed

development, notwithstanding loss of direct views.

2. Required Materials. The L3 standard requires enough high shrubs to form a screen six feet high and 95 percent opaque year-round. In addition, one tree is required per 30 lineal feet of landscaped area or as appropriate to provide a tree canopy over the landscaped area. Groundcover plants must fully cover the remainder of the landscaped area. A six-foot-high wall or fence that complies with an F1 or F2 standard with or without a berm may be substituted for shrubs, but the trees and groundcover plants are still required. When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area.

D. L4, High Wall.

1. Intent. The L4 standard is used where extensive screening of visual and noise impacts is needed to protect abutting sensitive uses and/or there is little space for separation between uses.
2. Required Materials. The L4 standard requires a six-foot-high wall that complies with the F2 standard. When adjacent to another property, the wall shall abut the property line. When adjacent to a street or road right-of-way, the wall shall be on the interior side of the landscaped area. One tree is required per 30 lineal feet of wall or as appropriate to provide a tree canopy over the landscaped area. In addition, four high shrubs are required per 30 lineal feet of wall. Groundcover plants must fully cover the remainder of the landscaped area.

E. L5, High Berm.

1. Intent. The L5 standard can be used instead of the L4 standard where extensive screening is warranted and more space is available for separation between uses.
2. Required Materials. The L5 standard requires a berm four to six feet high. If the berm is less than six feet high, low shrubs that comply with the L2 standard must be planted on top of the berm so that the overall screen height is six feet. In addition, one tree is required per 30 lineal feet of berm or as appropriate to provide a tree canopy over the landscaped area. Groundcover plants must fully cover the remainder of the landscaped area.

F. F1, Partially Sight-Obscuring Fence.

1. Intent. The F1 fence standard provides partial visual separation. The standard is applied where a proposed use or development has little impact, or where visibility between areas is more important than a total visual screen.
2. Required Materials. A fence or wall that complies with the F1 standard shall be six feet high and at least 50 percent sight-obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials.

G. F2, Fully Sight-Obscuring Fence.

1. Intent. The F2 fence standard provides visual separation where complete screening is needed to protect abutting uses, and landscaping alone cannot provide that separation.
2. Required Materials. A fence or wall that complies with the F2 standard shall be six feet high and 100 percent sight-obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials.

(click here to view the full table)

Table 12A – Landscaping and Screening Matrix

Table 12A – Landscaping and Screening Matrix								
L1 – General Landscaping L2 – Low Screen Landscaping L3 – High Screen Landscaping L4 – High Wall Landscaping. L5 – High Berm Landscaping.								
Zoning of land abutting development site	Zoning of proposed development							
	Single-family		Multifamily		Commercial		Light Manufacturing	
	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street
Single-family	None	None	L2 10-ft	L3 5-ft	L2 10-ft	L4 in 15-ft L5 in 10-ft	L3 10-ft	L4 in 50-ft L5 in 40-ft
Multifamily	None	L3 5-ft	L1 5-ft	L1 5-ft	L2 10-ft	L4 in 15-ft L5 in 10-ft	L3 10-ft	L4 in 15-ft L5 in 10-ft
Commercial	L1 5-ft	L3 10-ft	L2 5-ft	L3 10-ft	L2 10-ft	L1 5-ft	L2 10-ft	L3 5-ft
Light Manufacturing	L1 5-ft	L3 50-ft	L2 5-ft	L3 10-ft	L3 10-ft	L2 5-ft	L2 10-ft	L1 5-ft

(Ord. 371 § 12(B), Table 12A, 1997; Ord. 564 § 2(c), 2017)

§ 18.75.030. Landscaping and screening approval standards – Generally.

- A. A landscaping plan shall contain landscaping and screening consistent with the applicable design standards, based on Table 12A and other applicable provisions of this chapter.
- B. The applicant may provide landscaping and screening that exceeds the standards in this chapter; provided:
 - 1. A fence or wall (or combination of a berm and fence or wall) may not exceed a height of six feet above the finished grade at the base of the fence or wall (or at the base of a berm, if combined with one) unless the approval authority finds additional height is necessary to mitigate potential adverse effects of the proposed use or other uses in the vicinity; and
 - 2. Landscaping and screening shall not obstruct sight distances at intersections as provided in Chapter **18.70** YMC.
- C. The town council may approve use of existing vegetation to fulfill landscaping and screening requirements of this chapter if that existing landscaping provides at least an equivalent level of screening as the standard required for the development in question.
- D. As a condition of approval of a conditional use, the town may require an applicant to provide landscaping and screening that differs from the standards in Table 12A where necessary to comply with the other applicable approval standards for the use or development.
- E. Landscaped areas required for stormwater management purposes may be used to satisfy the landscaping requirements of this chapter, even though those areas may be inundated by surface water.

- F. Required landscaping and screening shall be located on the perimeter of a lot or parcel. Required landscaping and screening shall not be located on a public right-of-way or private street easement, unless authorized under another ordinance.

(Ord. 371 § 12(C), 1997)

§ 18.75.040. Landscape and screening standards for outdoor activity areas and equipment.

- A. Outdoor activity areas shall be screened from property used or rezoned for residential purposes or a public road right-of-way to at least an F2 or L3 standard if within 100 feet of the property or right-of-way and to at least an F1 standard if equal to or more than 100 feet from the property or right-of-way. Outdoor activity areas include storage of solid waste and recyclables from the site and, where permitted, storage of goods, materials or equipment.
- B. Rooftop and ground-level exterior equipment shall be screened from adjoining property used or zoned for residential purposes or from an adjoining public road right-of-way to at least an F2 or L3 standard if visible at grade from the property or right-of-way.

(Ord. 371 § 12(D), 1997)

§ 18.75.050. Timing.

The applicant shall install landscaping and screening required by this chapter consistent with the approved site plan or an approved modification thereto before the town (county) issues an occupancy permit or final inspection for the development in question; provided, the town council may defer installation of plant materials for up to six months after the town (county) issues an occupancy permit or final inspection for the development in question if the town council finds doing so increases the likely survival of plants.

(Ord. 371 § 12(E)(1), 1997)

§ 18.75.060. Shrubs and groundcover selection.

All required groundcover plants and shrubs must be of sufficient size and number to meet the required standards within three years of planting. Mulch (as a groundcover) must be confined to areas underneath plants and is not a substitute for living groundcover plants, lawn or flowers.

- A. Shrubs shall be supplied in one-gallon containers or eight-inch burlap balls with a minimum spread of 12 inches. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive.
- B. Groundcover plants shall be placed not more than 30 inches on center and 30 inches between rows. Rows of plants shall be staggered for a more effective covering. Groundcover shall be supplied in a minimum four-inch size container or a two-and-one-quarter-inch container or equivalent if planted 18 inches on center. Reduction in the minimum size may be permitted if certified by a registered landscape architect that the reduction shall not diminish the intended effect or the likelihood the plants will survive. A lawn or flower bed may be substituted for groundcover plants.

(Ord. 371 § 12(E)(2), 1997)

§ 18.75.070. Tree selection.

Trees may be deciduous or evergreen.

- A. Required deciduous trees (other than street trees) shall be fully branched, have a minimum caliper of one and one-quarter inches, and a minimum height of eight feet at the time of planting.
- B. Required evergreen trees (other than street trees) shall be fully branched and a minimum of six feet high at the time of planting.
- C. If the town decides reducing the minimum size of trees will detract from the desired effect of the trees, he or she may reduce the minimum size of trees (other than street trees) if the applicant submits a written statement by a landscape architect registered in Washington or expert in the growing of the tree(s) in question certifying that the reduction in size at planting will not decrease the likelihood the trees will survive.
- D. See also YMC § **18.75.080** regarding trees in landscape islands in parking lots.
(Ord. 371 § 12(E)(3), 1997)

§ 18.75.080. Selection generally.

Landscape materials should be selected and sited to produce a hardy and drought-resistant landscape area. Selection should include consideration of soil type and depth, the amount of maintenance required, spacing, exposure to sun and wind, the slope and contours of the site, compatibility with existing native vegetation preserved on the site, water conservation where needed, and the impact of landscaping on visibility of the site for purposes of public safety and surveillance.
(Ord. 371 § 12(E)(4), 1997)

§ 18.75.090. Installation standards.

The applicant shall show and comply with the following:

- A. Plant materials will be installed to current nursery industry standards.
- B. Plant materials shall be properly supported to ensure survival. Support devices such as guy wires or stakes shall not interfere with vehicular or pedestrian movement.
- C. Existing trees and plant materials to be retained shall be protected during construction, such as by use of chain link or other sturdy fence placed at the dripline of trees to be retained. Grading, topsoil storage, construction material storage, vehicles and equipment shall not be allowed within the dripline of trees to be retained.
(Ord. 371 § 12(E)(5), 1997)

§ 18.75.100. Maintenance.

Maintenance of landscaped areas is the ongoing responsibility of the property owner. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with in-kind materials unless otherwise authorized by the town council. Vegetation shall be controlled by pruning, trimming or otherwise so that it will not interfere with the maintenance or repair of any public utility, restrict pedestrian or vehicular access, or obstruct sight distance at intersections as provided in Chapter **18.70** YMC.
(Ord. 371 § 12(E)(6), 1997)

§ 18.75.110. Irrigation.

The intent of this standard is to ensure that plants will survive the critical establishment period when they are most vulnerable due to lack of watering. All required landscaped areas must comply with one of the following:

- A. Permanent built-in irrigation system with an automatic controller will serve the landscape area in question, and the system will be installed and operational before the town (county) grants an occupancy permit or final inspection for the development in question; or
- B. A temporary irrigation system will serve the landscape area in question; provided, to receive approval of this system, the applicant must submit a statement from a landscape architect registered in Washington or expert in the growing of the vegetation in question certifying that the proposed temporary irrigation system will provide sufficient water to ensure that the plant materials to be planted will survive installation and, once established, will survive without watering other than natural rainfall.

(Ord. 371 § 12(E)(7), 1997)

Chapter 18.80. FENCES

§ 18.80.010. Permit and other pre-installation requirements.

- A. A fence installation permit is required prior to installing any fence, wall or hedge. The application for said permit shall include a site and construction plan, including a list of the materials to be used. The public works supervisor will inspect the site for project placement and the mayor will grant final approval on the fence installation permit.
- B. A survey is required, at the applicant's expense, prior to the installation of any fence, wall or hedge that abuts town property if the applicant and town officials disagree on the location of the fence, wall or hedge.
- C. A utility locate is required prior to the installation of all fences and walls.

(Ord. 411, 2001)

§ 18.80.020. Standards.

- A. Any fence, wall or hedge shall not exceed six feet in height.
- B. Fences or walls may be constructed of wood, masonry, wire, or grown as hedges. All construction is to be done in such a manner as to leave no sharp or protruding edges, barbs, or projections. Hedges must be kept trimmed to or below the maximum allowed height and trimmed back to the inner edge of the town right-of-way. Electric fences, fences containing barbed wire, and fences containing pallets shall be prohibited within the limits of the town.
- C. Any fence or wall shall be installed inside or at the property line.

(Ord. 411, 2001)

§ 18.80.030. Removal.

Any fence, wall or vegetation installed, planted or infringing on the town right-of-way shall be subject to removal. The property owner shall be responsible for removal of the fence, wall, or vegetation within seven days of written notice to do so. If the fence, wall, or vegetation is not removed within the applicable time, the town will remove it at the property owner's expense. The property owner will be billed for all costs incurred by the town in removing the item. Any and all collection costs will also be billed to the property owner.

(Ord. 411, 2001)

Chapter 18.85. SIGNS

§ 18.85.010. Purpose.

The purpose of this chapter is to add sign requirements common to the several zoning districts for the preservation of the character of the areas, structures, and uses; the needs of residential, commercial, industrial and agricultural potential; the need for healthful, safe, and convenient use of all lands, and the conservation and promulgation of values and resources. These requirements include, but are not limited to, standards relating to the number, size, placement and physical characteristics of signs. In addition, the purpose of this chapter is to provide an effective administrative process for the review and enforcement of these standards to protect and improve the aesthetic quality of the community.

(Ord. 371 § 13(A), 1997)

§ 18.85.020. Scope.

The signage covered under this chapter includes, but is not limited to, all commercial signs and wall graphics; professional and business signs; home business and home occupation signs; banners, balloons, flags and other temporary signage. It is not intended to regulate traffic signs or other governmental street signs, doorway identification nameplates, holiday decorations, informational signs, temporary interior window signage or memorial signs. Also, it is not intended to regulate signage which is not visible from adjacent properties or from public rights-of-way. Further it is not intended to regulate the display of the national or state flag.

(Ord. 371 § 13(B), 1997)

§ 18.85.030. Signs prohibited.

Erection or maintenance of signs having any of the following characteristics is prohibited in the town:

- A. Signs which bear or contain statements, words or pictures of an obscene nature;
- B. Signs advertising activities that are illegal under state or federal laws or regulations in effect at the location of such signs or at the locations of such activities;
- C. A sign which does not bear the names of the owner or person responsible for the maintenance of the advertising sign;
- D. Signs artificially illuminated which are of such intensity or placed in such manner as to interfere with, or impair the vision of the driver of a motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle;
- E. Signs which attempt or appear to attempt to direct the movement of traffic by interfering with, imitating or resembling any official traffic sign, signal or device;
- F. Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic;
- G. Signs which exceed a height of 35 feet;
- H. Signs located or projecting within the town right-of-way unless a written street use permit has been obtained;
- I. Rooftop and rotating signs;

- J. Portable signs, temporary signs, flags and banners unless a temporary sign permit has been approved by the town;
- K. Signs containing strobe lights which are visible from beyond the property line;
- L. Any sign not specifically permitted by this chapter, excluding those signs identified in the scope of this chapter;
- M. Signs which contain flashing lights which exceed more than 10 percent of the area of the sign.
(Ord. 371 § 13(C), 1997)

§ 18.85.040. Sign permits.

- A. Sign Permits Required. Sign permits shall be required for all permanent signs exceeding 16 square feet. Permit applications shall include description of all proposed signs, as prescribed by the town. Sign permits are required for all signs which are authorized under this chapter. The sign permit shall only be issued if it complies with all of the applicable provisions of this chapter and the building code. One sign permit application may include all signs proposed for the premises. In addition, a temporary sign permit may include all temporary signs proposed within one year.
(Ord. 371 § 13(D), 1997)

§ 18.85.050. Signs unrestricted by zoning district.

The following types of signs are permitted in all zoning districts, unless specifically excluded in a particular zone. In such case, individual regulations for that zone shall apply.

- A. For the purpose of advertising a real estate subdivision, a temporary sign is permitted at each entrance of an officially recorded plat; provided, the sign does not exceed 32 square feet in area.
- B. For the purpose of identifying a subdivision, range, estate, or farm, a permanent sign may be erected as an integral part of a gate or entrance structure; provided, there are not more than two signs; each of which does not exceed 32 square feet in area.
- C. For the purpose of restricting the use of property, signs are permitted along the boundary line of a publicly or privately owned tract of land. Each such sign shall not exceed two square feet in area. In addition, at the entrance of such tract of land, one sign shall be permitted not to exceed 16 square feet in area.
- D. For the purpose of identifying or giving information pertaining to a public or semi-public institution, signs identifying the type of institution or related buildings are permitted. Each such sign shall not exceed 128 square feet in area. In addition, one bulletin board is permitted, not to exceed 32 square feet in area.
- E. For the purpose of identifying the entrance, exit, traffic direction, and parking facilities of public or private property on premises, signs are permitted not exceeding eight square feet in area and eight feet in height.
- F. For the purpose of endorsing political candidates or ballot propositions, or advertising fairs, rodeos, or similar temporary activities, the planning director shall issue a special permit for a temporary sign or group of signs. Such signs shall be removed by the permittee within 15 days following cessation of the activities for which the sign application was made. The maximum area of these signs shall be 32 square feet.
- G. For the purpose of giving directions, off-premises signs may be permitted subject to a conditional use permit, specifying the size, location and design. Such signs shall be limited to 32 square feet or less in area, unless it is sufficiently demonstrated that a larger sign is warranted in order to be adequately seen. Also, signs shall be limited to those which are necessary to direct or inform the

public as to the location of publicly owned facilities, historical points of interest, institutions, businesses, or business districts, fraternal orders, and service clubs. No such sign shall be permitted until a public hearing has been held.

- H. For the purpose of identifying the architect, engineer, or contractor of work under construction, one temporary sign is permitted, not exceeding 32 square feet in area.
- I. For the purpose of informing and directing traffic, on-premises directional signs, menu boards and height warning signs are permitted; provided, the signs are not oriented to and not intended to be legible from a street or other private property; further providing, that menu board and on-site directional signs shall not exceed 32 square feet in area and eight feet in height.

(Ord. 371 § 13(E), 1997)

§ 18.85.060. Nonconforming signs.

Nonconforming signs shall be subject to the conditions set forth below:

- A. A nonconforming sign or sign structure shall not be altered or enlarged in any manner unless such alteration or enlargement would bring the sign into conformity with the signs permitted in the zoning district in which it is located; provided, the restriction against alteration does not apply to copy or panel changes where the sign area and shape is maintained.
- B. Any nonconforming sign or sign structure may be maintained with ordinary care.

(Ord. 371 § 13(F), 1997)

§ 18.85.070. Signs facing residential districts.

No sign advertising a business which is not conducted on the premises or a commodity or service which is not the preliminary product of sale or services on the premises shall face or be oriented toward any adjoining or abutting residential district within 200 feet of the premises on which the sign is to be placed.

(Ord. 371 § 13(G), 1997)

§ 18.85.080. On-site interference.

The location and structural design of freestanding signs shall be such as to not interfere with the safe and efficient use of off-street parking and loading areas, including aisle-ways and access driveways.

(Ord. 371 § 13(H), 1997)

§ 18.85.090. Lighted signs as nuisance.

Illuminated signs shall be placed so as not to be a nuisance to any residents or future residents of adjacent residentially zoned property within 200 feet of the sign. A nuisance shall be defined as flashing lights or lights of such intensity which may interfere with the residents' peaceful occupancy of their home. As part of a sign permit or site plan review process, the town may require signs to be screened, shielded, relocated or the lighting adjusted or other measures to mitigate a potential interference with adjoining residentially zoned property.

(Ord. 371 § 13(I), 1997)

§ 18.85.100. Enforcement.

Upon presentation of proper credentials, the mayor or an agent of the town may enter at reasonable times a building or structure, or upon any premises in the town, to perform any duty imposed upon him by this chapter. He or she may inspect or reinspect all signs at his or her discretion.
(Ord. 371 § 13(J), 1997)

§ 18.85.110. Removal of signs in violation of this title.

If the mayor or agent of the town finds that any advertising sign is erected or maintained in violation of these regulations, or is erected or maintained in violation of the provisions of this chapter, he or she may direct Clark County code enforcement to, pursuant to Section 32 of the Clark County Code, send a notice and order to the owner of the advertising sign and/or the owner of the building or premises to bring it into compliance or to remove it within 10 working days; provided, that signs which are deemed to be a health and safety hazard shall be required to be removed immediately. If compliance is not achieved, the mayor may direct Clark County code enforcement to take appropriate action or proceedings to prevent, restrain, correct or abate the violation, including fines and enforcement pursuant to Section 32 of the Clark County Code.
(Ord. 371 § 13(K), 1997)

§ 18.85.120. Maintenance and appearance of signs.

All advertising signs, together with all of their supports, braces, guys, and anchors, shall be kept in good repair and maintained in a safe condition. All advertising signs and the sites upon which they are located shall be maintained in a neat, clear, and attractive condition, and advertising signs shall be kept free from excessive rust, corrosion, peeling paint or other surface deterioration. The display surface of all outdoor advertising structures shall be kept neatly painted or posted.
(Ord. 371 § 13(L), 1997)

§ 18.85.130. Abandoned signs.

Except as provided in this chapter, any person who owns or leases a sign shall remove such sign when either the function has discontinued or business it advertises has discontinued on the premises on which the sign is located; or when the sign is no longer properly repaired or maintained as required by this chapter.
(Ord. 371 § 13(M), 1997)

Chapter 18.86 ELECTRIC VEHICLE INFRASTRUCTURE

18.86.010 Purpose. The purpose of this chapter is to eliminate obstacles to a transition to electric vehicle use by allowing the establishment of a convenient and cost-effective electric vehicle infrastructure. Where no conflict exists, all other city code provisions shall be in force as to electric vehicle charging stations as applicable.

18.86.020 Permitted Locations.

EVI Type	Zoning District			
	R1-12.5, R1-10	R-6, R-5	C1	C2
EV Charging Station ^{1, 2}	P ³	P ³	P	P
Rapid Charging Station ⁴	P ⁵	P ⁵	P	P
Battery Exchange Station	X	X	P	P

Development Standards:

1. Level 1 and Level 2 charging only.
2. Level 1 and Level 2 charging are permitted in aquifer recharge areas and in other critical areas when serving an existing use.
3. Allowed only as accessory to a principal outright permitted use or permitted conditional use.
4. The term "rapid" is used interchangeably with Level 3 and fast charging.
5. Only "electric vehicle charging stations – restricted" as defined in YMC xx.xxx

Commented [AB7]: Need definition

18.86.030 Required Facilities

The installation or use of electric vehicle charging stations is not required as a condition of any development.

18.86.040 Electric Vehicle Charging stations, Generally.

- A. Electric vehicle charging stations are reserved for parking and charging electric vehicles only.
- B. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.

18.86.050 Accessible electric vehicle charging stations quantity and location

Where electric vehicle charging stations are provided in parking lots or parking garages, accessible electric vehicle charging stations shall be provided as follows:

- A. Accessible electric vehicle charging stations shall be provided in the ratios shown on the following table.

<u>Number of EV Charging Stations</u>	<u>Minimum Accessible EV Charging Stations</u>
<u>1 - 50</u>	<u>1</u>
<u>51 - 100</u>	<u>2</u>
<u>101 - 150</u>	<u>3</u>
<u>151 - 200</u>	<u>4</u>
<u>201 - 250</u>	<u>5</u>
<u>251 - 300</u>	<u>6</u>

- B. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and shall be connected to a barrier-free accessible route of travel. It is not necessary to designate the accessible electric vehicle charging station exclusively for the use of disabled persons.

18.86.060 Off-street parking – Electric vehicle charging stations

To ensure an effective installation of electric vehicle charging stations, the regulations in this section provide a framework for when a private property owner chooses to provide electric vehicle charging.

stations.

- A. Scope. For all parking lots or garages, except those that include electric vehicle charging stations – restricted.
- B. Number. No minimum number of charging station spaces is required.
- C. Minimum Parking Requirements. An electric vehicle charging station space may be included in the calculation for minimum required parking spaces that are required pursuant to other provisions of code.
- D. Location and Design Criteria. The provision of electric vehicle parking will vary based on the design and use of the primary parking lot. The following required and additional locational and design criteria are provided in recognition of the various parking lot layout options.
 - 1. Where provided, parking for electric vehicle charging purposes is required to include the following:
 - a. Signage. Each charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced.
 - b. Maintenance. Charging station equipment should be maintained in all respects, including the functioning of the charging equipment. A phone number or other contact information shall be provided on the charging station equipment for reporting when the equipment is not functioning or other problems are encountered.
 - c. Accessibility. Where charging station equipment is provided within an adjacent pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, the charging equipment shall be located so as not to interfere with accessibility requirements.
 - d. Lighting. Where charging station equipment is installed, adequate site lighting should exist, unless charging is for daytime purposes only.
 - 2. Parking for electric vehicles should also consider the following:
 - a. Notification. Information on the charging station, identifying voltage and amperage levels and any time of use, fees, or safety information.
 - b. Signage. Installation of directional signs at the parking lot entrance and at appropriate decision points to effectively guide motorists to the charging station space(s).
- E. Data Collection. To allow for maintenance and notification, the city will require the owners of any private new electric vehicle infrastructure station that will be publicly available (see definition “electric vehicle charging station – public”) to provide information on the station’s geographic location, date of installation, equipment type and model, and owner contact information.

18.86.070 Signage – Noticing of Electric Vehicle Charging Stations

- A. Upon adoption, the city shall require appropriate signs and marking to be placed in and around electric vehicle charging station spaces, indicating prominently thereon the parking regulations. The signs shall define time limits and hours of operation, as applicable, shall state that the parking space is reserved for charging electric vehicles and that an electric vehicle may only park in the space for charging purposes.
- B. Public Use Stations. Electric vehicle charging stations available for public use should have posted signage, as identified in this subsection, allowing only charging electric vehicles to park in such spaces. For purposes of this subsection, “charging” means that an electric vehicle is parked at an electric vehicle charging station and is connected to the charging

station equipment.

Example of possible signage to demarcate an off-street parking space with charging station equipment:



Chapter 18.90. CHANGES TO DISTRICTS AND AMENDMENTS

§ 18.90.010. General procedure.

This title may be amended by changing the boundaries of districts or by changing any other provisions thereof, whenever the public health, safety and general welfare requires such an amendment. Such a change may be proposed by the town council on its own motion or by petition as hereinafter set forth. Any such proposed amendment or change shall be submitted to the town council.

(Ord. 371 § 14(A), 1997)

§ 18.90.020. Application.

An application for amendment by a property owner or his authorized agent shall be filed with the mayor. The application shall be made on forms provided by the town, accompanied by a site plan drawn to scale showing the property involved and adjacent land. A fee shall be paid to the town at the time of filing the application in accordance with the provisions of the town's fee schedule.

(Ord. 371 § 14(B), 1997)

§ 18.90.030. Public hearings.

The town council shall hold a public hearing on a proposed change to a district or amendment to this title before taking final action on a proposed amendment.

(Ord. 371 § 14(C), 1997)

§ 18.90.040. Record of amendments.

The signed copy of each amendment to the text and map of this title shall be maintained on file in the office of the town clerk.
(Ord. 371 § 14(D), 1997)

§ 18.90.050. Resubmittal.

In a case where a petition for an amendment is denied by the town council, said petition shall not be eligible for resubmittal for one year from the date of said denial, unless such denial was specifically stated to be without prejudice. A new petition affecting the same property must be, in the opinion of the town council, substantially different from the petition denied to be eligible for consideration within one year from the date of said denial, unless the first denial was denied without prejudice, or the town council finds that conditions have changed to an extent that further consideration is warranted.
(Ord. 371 § 14(E), 1997)

§ 18.90.060. Rezone agreements.

The purpose of this section is to allow for the implementation of the comprehensive plan policies relating to future commercial centers and industrial developments, as appropriate. If, from the facts presented, and the findings, report and recommendations of the planning commission as required by. If the town council finds that the public health, safety and general welfare will be best served by a proposed change of zone, the town council may indicate its general approval, in principle, of the proposed rezoning by the adoption of a "resolution of intent to rezone" the area involved. This resolution shall include any conditions, stipulations or limitations which the town council may feel necessary to require in the public interest as a prerequisite to final action. The fulfillment of all conditions, stipulations and limitations contained in said resolution, on the part of the applicant, shall make such a resolution a binding commitment on the town council. Such a resolution shall not be used to justify spot zoning, to create unauthorized zoning categories by excluding uses otherwise permitted in the proposed zoning, or by imposing setback, area or coverage restrictions not specified in the code for the zoning classification, or as a substitute for a variance. Upon completion of compliance action by the applicant, the town council shall, by amending this title, effect such rezoning. The failure of the applicant to meet any or all conditions, stipulations or limitations contained in the resolution, including the time limit placed in the resolution, shall render the resolution of intent to rezone null and void, unless an extension is granted by the town council. Generally, the time limitation shall be one year. The town council may grant up to five one-year extensions, after which the resolution shall be null and void if all conditions, stipulations and limitations have not been met by the applicant.
(Ord. 371 § 14(F), 1997)

§ 18.90.070. Concomitant rezone agreements.

The purpose of this section is to explicitly provide for the use of agreements concomitant to rezone approvals. The agreement may call for performance by the applicant which is directly related to public needs which may be expected to result from the proposed usage of the property. The performance called for will mitigate the public burden in meeting those resulting needs by placing it more directly on the party whose property use will give rise to such needs. The agreement shall generally be in the form of a covenant running with the land. The provisions of the agreement shall be in addition to all other pertinent requirements of the town.

This agreement process will not generally be used for rezones pertaining to single-family residential use

zones. It may, however, be used for any situation where extraordinary potential adverse impacts from a proposed rezone may be neutralized by the agreement. The agreement process may be employed for rezones in sensitive geographic areas such as critical transportation corridors. The agreement process will generally be used for rezones to commercial, industrial, multifamily residential uses not specifically identified by the comprehensive plan map. The intent of this section is that concomitant rezone agreements shall only be used when normal review and approval procedures are not adequate to resolve the specific issues involved in the rezone proposal.

- A. The agreement may include the following mitigating measures:
 - 1. Access control.
 - 2. Landscaping, screening, buffering.
 - 3. Improvements to public services including drainage, sewer, water and roads.
 - 4. Lot coverage, dimension.
 - 5. Phasing of development.
- B. A concept plan may be required by the mayor that includes the following:
 - 1. General location of structures.
 - 2. Location and number of access points.
 - 3. Approximate gross floor area of structures.
 - 4. Name of the proposal.
 - 5. Identification of areas requiring special treatment due to their sensitive nature.
 - 6. North directional arrow.
 - 7. Names and location of all public streets or roads bordering the site.

The applicant may propose an agreement concomitant to rezone approval at the time of or after a preapplication conference with the mayor. The proposed agreement shall include any proposed mitigating measures and concept plan if one is required, and provide for appropriate enforcement mechanisms and performance guarantees. In cases where a specific project is to be considered in conjunction with a rezone request, the mayor shall review the site plan. The agreement shall be considered by the town council following public notice of the agreement and a public hearing.

(Ord. 371 § 14(G), 1997)

§ 18.90.080. Release of concomitant rezone agreements.

Upon petition by the property owner, a concomitant rezone covenant may be fully or partially released, or modified, by the town council following public notice of the action and a hearing. In considering requests for release or modification of concomitant rezone covenants, the town council shall consider the following:

- A. In the case of full covenant release, whether development of the site would be consistent with current zoning regulations and comprehensive plan recommendations; and

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- B. In the case of either full or partial covenant release or covenant modification, whether adequate public/private services are available to support development of the site; and
 - C. In the case of either full or partial covenant release or covenant modification, whether the requested action would unreasonably impact development undertaken on nearby properties in reliance upon the covenant commitments; and
 - D. In the case of partial covenant release or covenant modifications, whether future development under current zoning will be consistent with existing and planned development.
- (Ord. 371 § 14(H), 1997)

Chapter 18.95. PUBLIC HEARING PROCEDURES AND NOTICE OF HEARINGS

§ 18.95.010. Public hearing procedures and notice of hearings.

Public hearing and notice procedures shall be consistent with the following:

- A. Upon receiving an application for a development, the town shall have no more than 28 days to determine whether or not the application is technically complete. A written decision on a development proposal shall be rendered within 120 days following the receipt of a technically complete application.
- B. A notice of application shall be published and a comment period of not less than 14 or more than 30 days shall be established. The notice shall contain the following to the extent that this information is known:
 - 1. The case file number(s), date of application, the date the application was determined complete, and the date of the notice of complete application;
 - 2. A description of the proposed project and a list of project permits included with the application and, if applicable, a list of any further studies requested by the review authority;
 - 3. The identification of other permits not included in the application, to the extent known by the town;
 - 4. Identification of existing environmental documents that evaluate the proposed project;
 - 5. A statement of the public comment period, that the public has the right to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights. A statement shall indicate that written comments received by the town within 15 calendar days from the date of the notice will be considered;
 - 6. The deadline for submitting a SEPA appeal;
 - 7. The date, time, place and type of hearing, if applicable. The hearing date is to be set at the time of the date of notice of the application;
 - 8. A statement of the preliminary determination, if one has been made, of those development regulations that will be used for the project mitigation and which regulations the application

appears to comply with. A statement that a consolidated staff report and SEPA review will be available for inspection at no cost at least 15 calendar days before the administrative decision or public hearing, if applicable, and the deadline for submitting written comments;

9. The name of the applicant or applicant's representative and the name, address and telephone number of a contact person for the applicant, if any;
 10. A description of the site, including current zoning and nearest road intersections, reasonably sufficient to inform the reader of its location and zoning;
 11. A map showing the subject property in relation to other properties or a reduced copy of the site plan;
 12. The date, place and times where information about the application may be examined and the name and telephone number of the county representative to contact about the application;
 13. The designation of the review authority, and a statement that the hearing will be conducted in accordance with the rules of procedure adopted by the review authority; and
 14. Any additional information determined appropriate by the town.
- C. A SEPA threshold determination of environmental significance, nonsignificance, or mitigated nonsignificance shall be made by the town and circulated for comment 15 days prior to a decision on the proposed development.
- D. An advertised public hearing shall be conducted on the proposed development.
- E. A written decision by the town shall be rendered on the proposed development.
(Ord. 371 § 15, 1997)

Chapter 18.100. CONDITIONS TO BE MET PRIOR TO ISSUANCE OF BUILDING PERMIT

§ 18.100.010. Permit application.

Initial application for a building permit shall be made to the town clerk or designee on a form supplied by the town.

(Ord. 371 § 16(A), 1997; Ord. 426, 2003; Ord. 484 § 1(A), 2011; Ord. 576 § 1(A), 2019)

§ 18.100.020. Minor construction.

Minor construction may be determined to be exempt from a building permit, following the submission of an application to the town clerk on forms provided by the town and approval of such application by the mayor. Construction exempt from a building permit is that which total value as determined in Section 304(b) of the building code or as otherwise documented by the applicant does not exceed \$1,500 and a contractor is not involved; or the construction of any fence; provided, that the construction or alteration does not involve any engineered structural components, or reduce existing egress, light, air and ventilation, or include electrical, plumbing or mechanical fixtures whose installation requires a licensed

contractor. This exemption shall not otherwise exempt the construction or alteration from the substantive standards of the codes enumerated in RCW 19.27.031 as amended and maintained by the State Building Code Council under RCW 19.27.031.
(Ord. 371 § 16(B), 1997; Ord. 426, 2003; Ord. 484 § 1(B), 2011)

§ 18.100.030. Emergency construction.

Emergency construction may be undertaken prior to consideration of a building permit application by the building department upon approval by the mayor or the mayor's designee. Application for emergency construction shall be made to the town clerk on a form supplied by the town. Situations justifying emergency construction may include conditions which substantially endanger or impair the health or safety of the occupant(s), or deprive the occupant(s) of hot or cold water, heat, or electricity, or are imminently hazardous to life. Applicants applying for permission to proceed with emergency construction under this section remain subject to the requirement to promptly apply for a building permit through the town and to pay any fees or charges otherwise due. This exemption shall not otherwise exempt the construction or alteration from the substantive standards of the codes enumerated in RCW 19.27.031 as amended and maintained by the State Building Code Council under RCW 19.27.031.
(Ord. 484 § 1(C), 2011; Ord. 576 § 1(B), 2019)

Chapter 18.105. ENFORCEMENT AND PENALTIES

§ 18.105.010. Enforcement.

It shall be the duty of the town council to determine the applicability of this title for enforcement purposes. This determination shall be based upon information provided to the town council by the mayor, staff for the town and officials with other agencies with jurisdiction. Any permit, certificate, or license issued in conflict with the provisions of this title, intentionally or otherwise, shall be void. The mayor shall be responsible for facilitating and directing the enforcement of this title. The provisions of enforcement are set forth in Section 32 of the Clark County Code, which by reference are hereby made a part of this title. Clark County code enforcement division shall be responsible for carrying out the enforcement of this title as directed by the mayor.
(Ord. 371 § 17, 1997)

Chapter 18.110. FEES

§ 18.110.010. Fees payable.

All fees provided for in this chapter shall be payable at the time of submission of an application for processing.
(Ord. 371 § 18(A), 1997)

§ 18.110.020. Refunds.

Fees shall not be refundable, except that the town council may authorize a total or partial refund where sufficient findings exist that no processing or review costs have been incurred by the town.
(Ord. 371 § 18(B), 1997)

§ 18.110.030. Authority.

The mayor is responsible for administering and construing the provisions of this title.
(Ord. 371 § 18(C), 1997)

§ 18.110.040. Fees designated.

A. All building services fees will be set by resolution.
(Ord. 371 § 18(D), 1997; Ord. 484 § 2, 2011; Ord. 576 § 2, 2019)

Battery Charging Station An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

Battery Electric Vehicle (BEV) Any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries, and produces zero tailpipe emissions or pollution when stationary or operating.

Battery Exchange Station A fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540.

Charging Levels The standardized indicators of electrical force, or voltage, at which an electric vehicle’s battery is recharged. The terms 1, 2, and 3 are the most common EV charging levels, and include the following specifications:

- Level 1 is considered slow charging.
- Level 2 is considered medium charging.
- Level 3 is considered fast or rapid charging

Electric Scooters and Motorcycles Any 2-wheel vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries and produces zero emissions or pollution when stationary or operating.

Electric Vehicle Any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

Electric Vehicle Charging Station A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. An electric vehicle charging station equipped with Level 1 or Level 2 charging equipment is permitted outright as an accessory use to any principal use.

Electric Vehicle Charging Station — Restricted An electric vehicle charging station that is (1) privately owned and restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

Electric Vehicle Charging Station — Public An electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking) or (2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots).

Electric Vehicle Infrastructure Structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

Electric Vehicle Parking Space Any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle

Indoor emergency housing means a project that provides housing and supportive services to homeless persons or families for up to sixty days.

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

Medium-Speed Electric Vehicle Self-propelled, electrically powered four-wheeled motor vehicle, equipped with a roll cage or crush-proof body design, whose speed attainable in one mile is more than 25 miles per hour but not more than 35 miles per hour and otherwise meets or exceeds the federal regulations set forth in 49 C.F.R. Sec. 571.500.

Neighborhood Electric Vehicle A self-propelled, electrically powered four-wheeled motor vehicle whose speed attainable in one mile is more than 20 miles per hour and not more than 25 miles per hour and conforms to federal regulations under Title 49 C.F.R. Part 571.500.

Non-Electric Vehicle Any motor vehicle that does not meet the definition of “electric vehicle.

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

Plug-In Hybrid Electric Vehicle (PHEV) An electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to sustain battery charge using an on-board internal-combustion-driven generator; and (4) has the ability to travel powered by electricity.

Rapid Charging Station An industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.

Trailer A separate vehicle, not driven or propelled by its own power, but drawn by some independent power; to include any portable or movable structure or vehicle including trailers designed for living quarters, offices, storage, or for moving or hauling freight, equipment, animals, or merchandise of any kind, including boats, boat trailers, jet skis, halftracks, snowmobile, and the like, not included in other definitions