

ORDINANCE #563

AN ORDINANCE AMENDING ORDINANCE #371 (ZONING) TO ALLOW ADDITIONAL RESIDENTIAL MULTI-FAMILY USES AS CONDITIONAL USES IN THE TOWN'S RESIDENTIAL, COMMERCIAL AND MANUFACTURING ZONING DISTRICTS; AMENDING ORDINANCE #549 TO CLARIFY THE AUTHORITY OF THE LOCAL HEALTH OFFICER TO IMPOSE CONDITIONS ON BUILDING AND DEVELOPMENT PERMITS RELATING TO SUCH CONDITIONAL USES; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

RECITALS

Whereas, the Town of Yacolt, (hereafter "Town" or "Yacolt"), participates in the development and application of Clark County, Washington's Comprehensive Growth Management Plan pursuant to RCW 36.70A, (hereafter, "Growth Management Plan");

Whereas, the Town Council joins in the stated policies of the Growth Management Plan, which include;

- 1). General housing goals that encourage the availability of affordable housing to all economic segments of the population of this state, that promote a variety of residential densities and housing types, and that encourage preservation of existing housing stocks;
- 2). A housing element that recognizes the vitality and character of established residential neighborhoods and plans for sufficient land for housing to accommodate a range of housing types and prices to make adequate provision for existing and projected housing needs of all economic segments of the community;
- 3). Framework Plan Policies that describe the desire for communities to contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within their boundaries and to ensure an adequate supply of affordable and attainable housing;
- 4). Promotion of creative approaches to housing design to accommodate higher densities attractively; to increase housing affordability; and to ensure that infill development fits with the character of existing neighborhoods;
- 5). Encourage and permit development of inter-generational housing, assisted living options and accessory units in order to allow people with special needs and senior citizens to live as independently as possible and to reduce the need for (and cost of) social services; and,

- 6). The goal for all communities to provide increased flexibility in the use of new and existing housing development to increase the potential for re-use, preservation of existing affordable housing, shared living quarters, use of accessory structures as housing, and other strategies to improve the availability of affordable housing;

Whereas, the Town Council adopted the Town's current Zoning Ordinance #371 on February 3, 1997, with the intent and desire to provide flexible and affordable housing alternatives through increased densities and other means as expressed by its terms, including;

- 1). To provide for desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities, (Section 1 - Preliminary);
- 2). To stabilize expectations regarding future development, thereby providing a basis for wise decisions with respect to such development, (*Id.*);
- 3). To protect and promote the public health, safety and general welfare, (*Id.*); and,
- 4). To provide for higher densities where a full range of community services and facilities are present or will be present at the time of development, (Section 4: Single-Family Residential Districts);

Whereas, Ordinance #371 provides that it may be amended by the Town Council by changing any provision thereof whenever the public health, safety and general welfare requires such an amendment;

Whereas, the Town Council finds that the Zoning Ordinance #371 stated desire for multi-family housing alternatives and affordable housing solutions in general are more vital and important than ever;

Whereas, the Town Council further finds that:

- 1). A shortage of affordable housing is detrimental to the public health, safety and welfare in the Town of Yacolt;
- 2). Persons with lower to moderate incomes who work or live in or near Yacolt are experiencing a shortage of affordable housing opportunities and those with very low incomes are increasingly at risk of being excluded from living in the Town;
- 3). Available programs to subsidize housing for vulnerable groups are not sufficient by themselves to satisfy the housing needs of lower to moderate income households;
- 4). Allowing new development that excludes housing at prices affordable to these persons will worsen the shortage of affordable housing; and,

- 5). It is the Town Council's goal and a public policy of the Town to ensure there is an adequate supply of housing for persons of all economic segments of the community;

Whereas, the Town Council further finds that emphasizing the needs of Yacolt's most vulnerable populations, (seniors, working families, and long-term residents), will be critical to preserving the vitality of the Town and its neighborhoods;

Whereas, the Town Council further finds that Yacolt's small size and relatively limited land stocks available for development exacerbates the challenge of providing higher density development opportunities that might support affordable housing alternatives;

Whereas, the Town Council further finds that the wise application of conditions to desirable multi-family development applications can effectively alleviate some of the housing instability that exists in Yacolt;

Whereas, the Town Council further finds that by making multi-family uses a conditionally-approved use in certain Town zoning districts, the Council will retain authority to evaluate the public needs and benefits that would be served by a particular development application, and to mitigate any public burden resulting from the proposed use by placing conditions on any approval that may include, without limitation: access controls; landscaping, screening, fencing, and/or buffering; improvements to public services as needed; lot coverage and lot dimension standards; and architectural design standards to protect the homogeneity of a site's zoning district or neighboring, adjacent zoning districts;

Whereas, the Town Council further finds that it reserves sufficient authority and discretion in reviewing any conditional use application to deny any application where the Council finds the proposed use would unreasonably impact existing or future development on nearby properties;

Whereas, the Town Council finds that the public health, safety and general welfare of the citizens of Yacolt will be best served by a adopting the amendments to Ordinance #371 described herein;

Whereas, the Town Council finds that the public safety, health and welfare is further served by providing for ultimate authority and lawful discretion of the Local Health Officer to determine matters including, but not limited to, the maximum density of dwelling units that may be allowed under this Ordinance, the minimum lot area for any proposed multi-family structure(s), and such other conditions as may properly be applied by the Local Health Officer's authority under such rules and laws as may apply at the time of application;

Whereas, the Town Council has satisfied the public hearing and notice requirements of Ordinance #371 prior to adoption of this Ordinance;

Whereas, the Town Council of Yacolt, Washington, is in regular session this 1st day of May, 2017; and,

Whereas, each member of the Town Council has had notice of the time, place and purpose of said meeting:

NOW THEREFORE, be it Ordained by the Town Council of Yacolt, Washington, as follows:

Section 1 - Adoption of Recitals: The foregoing Recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance upon adoption hereof.

Section 2 – Amendments to Ordinance #371:

- a). Section 4, (SINGLE-FAMILY RESIDENTIAL DISTRICTS), sub-section A, (Single-Family Residential R1-12.5, R1-10), sub-section 3, (Conditional uses), of Ordinance #371, adopted February 3, 1997, is hereby amended by adding a new sub-section “m”, (following sub-section “l”), which shall read as follows:
 - m. Duplexes or two-family dwellings; triplexes, four-plexes, or other multi-family dwellings; dwelling groups; apartment houses; townhouses; or other multi-family dwellings.
- b). Section 4, (SINGLE-FAMILY RESIDENTIAL DISTRICTS), sub-section A, (Single-Family Residential R1-12.5, R1-10), of Ordinance #371, adopted February 3, 1997, is hereby amended by adding a new sub-section “9”, which shall read as follows:
 9. **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.
- c). Section 4, (SINGLE-FAMILY RESIDENTIAL DISTRICTS), sub-section A, (Single-Family Residential R1-12.5, R1-10), Table 4A, of Ordinance #371, adopted February 3, 1997, is hereby amended by deleting the column entitled “Density d.u./acre” in its entirety.
- d). Section 4, (SINGLE-FAMILY RESIDENTIAL DISTRICTS), sub-section B, (Single-Family Residential: R-6, R-5 (SUBJECT TO PUBLIC SEWER

AVAILABILITY), sub-section 2, (Conditional uses), of Ordinance #371, adopted February 3, 1997, is hereby amended by adding a new sub-section “n”, (following sub-section “m”), which shall read as follows:

- n. Duplexes or two-family dwellings; triplexes, four-plexes, or other multi-family dwellings; dwelling groups; apartment houses; townhouses; or other multi-family dwellings.
- e). Section 4, (SINGLE-FAMILY RESIDENTIAL DISTRICTS), sub-section B, (Single-Family Residential: R-6, R-5 (SUBJECT TO PUBLIC SEWER AVAILABILITY), Table 4B, of Ordinance #371, adopted February 3, 1997, is hereby amended by deleting the column entitled “Density d.u./acre” in its entirety.
- f). Section 5, (Commercial Districts), Table 5A, Sub-Section A, (Residential), sub-section 4, of Ordinance #371, adopted February 3, 1997, is hereby amended by replacing said sub-section 4 in its entirety with the following:

4.	Duplexes or two-family dwellings; triplexes, four-plexes, or other multi-family dwellings; dwelling groups; apartment houses; townhouses; or other multi-family dwellings, (subject to the provisions of Sub-Section J of Section 5 of this Ordinance.	C1 C	C2 C
----	--	---------	---------

- g). Section 5, (Commercial Districts), of Ordinance #371, adopted February 3, 1997, is hereby amended by replacing Section J thereof in its entirety with the following:

J. Multiple family residential apartments. Duplexes or two-family dwellings; triplexes, four-plexes, or other multi-family dwellings; dwelling groups; apartment houses; townhouses; or other multi-family 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 multi-family dwellings in the C1 and C2 Districts:

1. Lot requirements.

- a. Lot Area - Minimum lot area shall be six thousand (6,000) square feet for the first unit, an additional two thousand (2,000) square feet (fifteen hundred (1,500) square feet if the size of an existing lot is less than eight thousand (8,000) square feet for duplexes) for the second unit, and a minimum of one thousand (1,000) square feet of land for each additional dwelling unit over two (2) units.
- b. Front Yard - Minimum front yard setback shall be twenty (20) feet.

- c. Side Yard - Minimum side yard setback on each side of the residential dwelling shall be five (5) feet, except on corner lots, where the street side yard setback shall be twenty (20) feet.
 - d. Rear Yard - Minimum rear yard shall have a depth of five (5) feet. The rear yard shall be increased by one-half (1/2) foot for each foot by which the building height exceeds fifteen (15) feet.
 - e. Lot Coverage - Maximum lot coverage by buildings and structures shall be fifty percent (50%) of the total lot area.
 - f. 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 multi-family residential structure (listed above) in a C1 or C2 Zoning District. No building or development permit for such multi-family 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.
- h). Section 6, (Manufacturing districts (ML, MH)), Table 6A, Sub-Section E, (other), is hereby amended by adding a new sub-section 9, (following sub-section 8), which shall read as follows:

4.	Duplexes or two-family dwellings; triplexes, four-plexes, or other multi-family dwellings; dwelling groups; apartment houses; townhouses; or other multi-family dwellings, (subject to the provisions of Sub-Section I of Section 6 of this Ordinance.	ML C	MH C
----	--	----------------	----------------

- i). Section 6, (Manufacturing districts (ML, MH)), is hereby amended by adding a new Section I, (following Section H), which shall read as follows:

I. Multiple family residential apartments. Duplexes or two-family dwellings; triplexes, four-plexes, or other multi-family dwellings; dwelling groups; apartment houses; townhouses; or other multi-family dwellings are permitted in the ML and MH Manufacturing Districts as

a Conditional Use. The following provisions apply to the location of such multi-family dwellings in the ML and MH Districts:

1. Lot requirements.

- a. Lot Area - Minimum lot area shall be six thousand (6,000) square feet for the first unit, an additional two thousand (2,000) square feet (fifteen hundred (1,500) square feet if the size of an existing lot is less than eight thousand (8,000) square feet for duplexes) for the second unit, and a minimum of one thousand (1,000) square feet of land for each additional dwelling unit over two (2) units.
- b. Front Yard - Minimum front yard setback shall be twenty (20) feet.
- c. Side Yard - Minimum side yard setback on each side of the residential dwelling shall be five (5) feet, except on corner lots, where the street side yard setback shall be twenty (20) feet.
- d. Rear Yard - Minimum rear yard shall have a depth of five (5) feet. The rear yard shall be increased by one-half (1/2) foot for each foot by which the building height exceeds fifteen (15) feet.
- e. Lot Coverage - Maximum lot coverage by buildings and structures shall be fifty percent (50%) of the total lot area.
- f. 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 multi-family residential structure (listed above) in a ML or MH Zoning District. No building or development permit for such multi-family 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.

Section 3 – Amendment of Ordinance #549: Ordinance #549, entitled “An Ordinance Amending Ordinance #371 (Zoning) to Allow Additional Uses as Conditional Uses in the Town's Commercial and Manufacturing Districts, and to Clarify Other Regulations Described Therein; and, Amending Ordinance #491 to Clarify the Authority of the Local Health Officer to Impose Conditions on Building and Development Permits in R1-12.5 Single-Family Residential Zoning Districts”, adopted September 19, 2016, is hereby amended by deleting “Section 2 - Amendments of Ordinance #491” in its entirety.

Section 4 - Yacolt Municipal Code: Appropriate provisions of Section 2 and Section 3 of this Ordinance shall become and be made a part of the Yacolt Municipal Code upon the codification of the Town's Ordinances.

Section 5 - Effect of Repeal: The repeal of an Ordinance or part of an Ordinance shall not repeal the repealing clause of such Ordinance or revive any Ordinance which has been repealed thereby.

Section 6 - Savings Clauses:

- a). All terms of Ordinance #371, as amended, shall remain in full force and effect until the effective date of this Ordinance. As of and following the effective date of this Ordinance, the remaining terms of Ordinance #371, as amended, shall remain in full force and effect as amended hereby.
- b). All terms of Ordinance #549 shall remain in full force and effect until the effective date of this Ordinance.

Section 7 – Severability: If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remaining portion of this Ordinance shall remain in full force and effect.

Section 8 - Effective Date: The Town Clerk shall certify the adoption of this Ordinance and cause it, or the following summary of it, to be published once within fifteen (15) days of adoption in the Town's legal newspaper of record. This Ordinance shall take effect immediately upon adoption and publication, according to law.

Town of Yacolt - Summary of Ordinance #563

The Town Council of the Town of Yacolt adopted Ordinance #563 at its regularly scheduled Town Council meeting held on May 1, 2017. The content of the Ordinance is summarized in its title as follows:

AN ORDINANCE AMENDING ORDINANCE #371 (ZONING) TO ALLOW ADDITIONAL RESIDENTIAL MULTI-FAMILY USES AS CONDITIONAL USES IN THE TOWN'S RESIDENTIAL, COMMERCIAL AND MANUFACTURING ZONING DISTRICTS; AMENDING ORDINANCE #549 TO CLARIFY THE AUTHORITY OF THE LOCAL HEALTH OFFICER TO IMPOSE CONDITIONS ON BUILDING AND DEVELOPMENT PERMITS RELATING TO SUCH CONDITIONAL USES; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

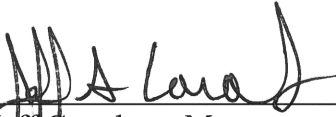
The effective date of the Ordinance is May10, 2017

A copy of the full text of the Ordinance will be mailed upon request to the undersigned at the Town of Yacolt Town Hall, P.O. Box 160, Yacolt, WA 98675: (360) 686-3922.

Published this 10th day of May, 2017. Cindy Marbut, Town Clerk/Treasurer

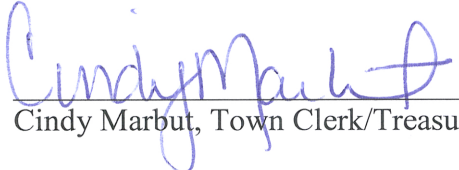
PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 1st day of May, 2017.

TOWN OF YACOLT



Jeff Carothers, Mayor

Attest:



Cindy Marbut, Town Clerk/Treasurer

Approved as to Form:

David W. Ridenour, Town Attorney

Ayes: Hancock, Listek, Tester + Wallway
Nays: Ø
Absent: Nyers
Abstain: Ø

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #563 of the Town of Yacolt, Washington, entitled "AN ORDINANCE AMENDING ORDINANCE #371 (ZONING) TO ALLOW ADDITIONAL RESIDENTIAL MULTI-FAMILY USES AS CONDITIONAL USES IN THE TOWN'S RESIDENTIAL, COMMERCIAL AND MANUFACTURING ZONING DISTRICTS; AMENDING ORDINANCE #549 TO CLARIFY THE AUTHORITY OF THE LOCAL HEALTH OFFICER TO IMPOSE CONDITIONS ON BUILDING AND DEVELOPMENT PERMITS RELATING TO SUCH CONDITIONAL USES; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE" as approved according to law by the Town Council on the date therein mentioned. The Ordinance has been published or posted according to law.

Attest:


Cindy Marbut, Town Clerk/Treasurer

Published: May10, 2017
Effective Date: May 10, 2017
Ordinance Number: 563