

ORDINANCE #564

AN ORDINANCE AMENDING ORDINANCE #371 (ZONING) BY ELIMINATING THE HEAVY MANUFACTURING (MH) ZONING DISTRICT; 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 of Yacolt recognizes its responsibility under WAC 365-196-500 to adopt development regulations that are internally consistent and that are consistent with and implement the Growth Management Plan;

Whereas, the Town Council of Yacolt recognizes that it must update development regulations to be consistent with the Growth Management Plan and to ensure compliance with the requirements of RCW 36.70A.130 of the Growth Management Act (GMA);

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 has satisfied the public hearing and notice requirements of Ordinance #371 prior to adoption of this Ordinance, as well as the requirement to provide notice of the proposed amendment of development regulations to the Washington State Department of Commerce under RCW 36.70A.106 and WAC 365-196-630;

Whereas, the Town Council of Yacolt, Washington, is in regular session this 19th day of June, 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 3, (ESTABLISHMENT OF ZONE DISTRICTS AND MAPS), subsection B, (Zoning Districts), of Ordinance #371, adopted February 3, 1997, (as amended), is hereby replaced in its entirety with the following:

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

- b). Section 6, (MANUFACTURING DISTRICTS (ML, MH)), of Ordinance #371, adopted February 3, 1997, (as amended), is hereby replaced in its entirety with the following:

SECTION 6: LIGHT MANUFACTURING DISTRICT, (ML)

A. Purposes. 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.

B. Uses. Table 6A lists examples of allowable uses in the ML district. Review of all proposed manufacturing uses is mandatory. "P" = Permitted uses, "C" = Conditional uses which may be permitted, subject to the approval of a conditional use permit, and "X" = Uses specifically prohibited.

TABLE 6A

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

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| 8. | Race tracks, auto or motorcycle. | X |
| 9. | Railroad tracks and facilities within 300 feet of residential zone. | C |

B. Assembly – Manufacture of Products.

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| 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 |
| 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
- 5. Manufacture of concrete products. X
- 6. Crusher, stone or rock. X

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| 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 |
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| E. | Other. | |
| 1. | Welding shop. | P |
| 2. | Existing residential uses, without any increase in density, and dwelling unit for caretaker 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 multi-family dwellings; dwelling groups; apartment houses; townhouses; or other multi-family dwellings, (subject to the provisions of Sub-Section J of Section 6 of this ordinance). | C |
| 10. | Single-family residences, (subject to the provisions of Sub-Section I of Section 6 of this ordinance). | C |
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| 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 |

C. 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).

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

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*

* Additional setbacks and/or landscape requirements may apply, particularly adjoining residential uses or zones. See section 12 of this ordinance.

E. Off-street parking and loading. Off-street parking and loading shall be provided as required in section 11.

F. Landscaping. Landscaping and buffers shall be provided as required in table 12, section 12 of this ordinance.

G. Signs. Signs shall be permitted according to the provisions of section 13.

H. 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:

1. Maximum permissible noise levels shall be as determined by WAC 173-60, as amended, and applicable provisions of this ordinance.
2. Smoke and Particulate Matter. Air emissions must be approved by the Southwest Air Pollution Control Authority or its

successor.

3. 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.

I. 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 Section 4 of this Ordinance, 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.

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 ML Light Manufacturing District as a Conditional Use. The following provisions apply to the location of such multi-family dwellings in the ML District:

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 setback shall be five (5) feet. The rear yard setback 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 the ML 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.

- c). Section 12, (LANDSCAPING AND SCREENING), sub-section B, (Landscaping and Screening Design Standards), Table 12A, (Landscaping and Screening Matrix), of Ordinance #371, adopted February 3, 1997, (as amended), is hereby replaced in its entirety with the following:

Table 12A – Landscaping and Screening Matrix

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

Section 3 – Amendments to Ordinance #563:

- a). Section 2, (Amendments to Ordinance #371), sub-section (h), of Ordinance #563, adopted May 1, 2017, is hereby amended for the ministerial purpose of clarifying that the language added therein was intended to become a new sub-section 9 of sub-section E, (Other), of Table 6A, of Section 6, (Manufacturing districts), of

Ordinance #371, adopted February 3, 1997.

- b). Section 2, (Amendments to Ordinance #371), sub-section (i), of Ordinance #563, adopted May 1, 2017, is hereby amended for the ministerial purpose of clarifying that the language added therein was intended to become a new sub-section J of Section 6, (Manufacturing districts), of Ordinance #371, adopted February 3, 1997.

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 - Savings Clause: 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.

Section 6 – 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 7 - 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 #564

The Town Council of the Town of Yacolt adopted Ordinance #564 at its regularly scheduled Town Council meeting held on June 19, 2017. The content of the Ordinance is summarized in its title as follows:

AN ORDINANCE AMENDING ORDINANCE #371 (ZONING) BY ELIMINATING THE HEAVY MANUFACTURING (MH) ZONING DISTRICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

The effective date of the Ordinance is June 28, 2017.

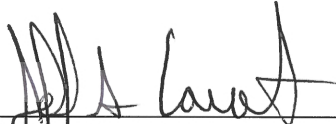
A copy of the full text of the Ordinance will be mailed upon request to the undersigned at the Town of Yacolt Town Hall, P.O. Box 160, Yacolt, WA 98675: (360) 686-3922.

Published this 28th day of June 2017.

Cindy Marbut, Town Clerk.


PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 19th day of June, 2017.

TOWN OF YACOLT



Jeff Carothers, Mayor

Attest:



Cindy Marbut, Town Clerk

Approved as to Form:


David W. Ridenour, Town Attorney

Ayes: Wallway, Myers + Lister
Nays: _____
Absent: Hancock
Abstain: _____

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #564 of the Town of Yacolt, Washington, entitled "AN ORDINANCE AMENDING ORDINANCE #371 (ZONING) BY ELIMINATING THE HEAVY MANUFACTURING (MH) ZONING DISTRICT; 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

Published: 6-28-17
Effective Date: 6-28-17
Ordinance Number: 564