

CITY OF YELM
ORDINANCE NUMBER 1057

AN ORDINANCE OF THE CITY OF YELM AMENDING THE UNIFIED DEVELOPMENT CODE TITLE 18 YMC.

Whereas, the City of Yelm updated the Yelm Comprehensive Plan on February 14, 2017; and

Whereas, the Yelm Comprehensive Plan provides goals and policies for achieving affordable housing; and

Whereas the Yelm Planning Commission reviewed zoning and development regulation to implement the housing goals of the Comprehensive Plan; and

Whereas, the Federal Communications Commission (FCC) recently adopted a Declaratory Ruling, Order, and Regulation (Ruling), which imposes limitations on local municipalities regarding processing and review of all permits associated with the deployment of small wireless facilities; and

Whereas, local development and zoning ordinances should be consistent with FCC Rulings; and

Whereas, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act (Chapter 43.21C RCW), and a Determination of Nonsignificance (DNS) was issued on November 8, 2019; and

Whereas, the Commission held several open meetings, and a public open house on the proposed updates to the Unified Development Code, and

Whereas, the Commission held a duly advertised public hearing on the proposed amendments as required by the Growth Management Act, Section 36.70A.035 RCW; and

Whereas, the City provided the State of Washington Department of Commerce a notice of intent to adopt the proposed updated development regulations as required by Section 36.70A.106 RCW, and Section 365-196-630 WAC; and

Whereas, the Commission made recommendations to update Title 18 consistent with the Comprehensive Plan; and

NOW, THEREFORE, THE YELM CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. The Unified Development Code Section 18.10.065 is hereby amended as follows:

18.10.065 Determination of completeness for certain applications.

A. Wireless communication facilities.

For wireless communication facilities, the city must provide written notice to the applicant within ten (10) days of receipt of the application, specifically delineating any missing documents or information required in the application.

Section 2. The Unified Development Code Section 18.10.090 is hereby amended as follows:

18.10.090 Final decision and notice.

All final decisions shall include procedures for appeal. A final decision may consist of a letter of approval for ministerial projects, or a permit approval or a decision at a hearing for administrative, quasi-judicial, and legislative projects.

A. Timing.

1. A final decision must be issued within 120 days after the notice of complete application is issued; provided, that this does not include any time taken:

a. By the applicant to submit additional information required for the review of the project;

b. For the preparation of an environmental impact statement; or

c. To process and decide administrative appeals provided they do not exceed 90 days for an open record appeal hearing or 60 days for a closed record appeal.

2. The 120-day limit does not apply to legislative projects.

B. Special Considerations.

1. Preliminary Subdivision. A final decision for preliminary subdivisions shall be issued within 90 days after the notice of complete application is issued.

2. Final Subdivision. Final subdivisions will be approved, disapproved or returned to the applicant within 30 days from the date of submitting the final subdivision application to the city.

3. New Wireless Communication Facility. A final decision for a new wireless communication facility shall be issued within 90 days after the notice of complete application is issued.

4. Co-location or limited modification of an existing wireless communication facility. A final decision for the co-location or limited modification of an existing wireless communication facility will be issued within 60 days.

Section 3. The Unified Development Code Section 18.31.040 is hereby amended as follows:

18.31.040 Standards specific to the R-4 district.

A. Allowed Density. Four dwelling units per acre; provided, that ~~on existing lots one acre or less, duplexes are allowed at a density of one duplex per one-third acre (14,520 square feet).~~ Density bonus available for townhouse and planned residential developments.

B. Minimum Lot Area. There is no minimum lot area.

C. Minimum Front Yard Setback.

1. Fifteen feet from a local access street.
2. Twenty-five feet from a collector street.
3. Thirty-five feet from an arterial street.

D. Minimum side yard setback: five feet.

E. Minimum flanking yard setback: 15 feet.

F. Minimum rear yard setback: 25 feet.

G. Minimum driveway approach: 20 feet.

H. Maximum Building Heights.

1. Main building: 35 feet.
2. Accessory building: ~~25~~16 feet.

I. Accessory Buildings. All accessory buildings must comply with the current building setbacks as stated in this chapter; provided, however, if the accessory building is less than 120 square feet square feet, and less than 10 feet in height, the side and rear yard setbacks do not apply.

J. Secondary Dwelling Units. One secondary dwelling unit may be created on a single-family lot.

1. For lots of record under one acre such conversion or addition shall not exceed 1,000 square feet.
2. For lots of record of one acre or more such conversion or addition shall not exceed 1,500 square feet.

K. Townhouse Development.

1. ~~The minimum parcel size shall be two acres or larger.~~ Parcels shall provide a mix of townhouses and single-family detached units, with no less than 50 percent of the units being single-family dwellings.

Section 4.
follows:

The Unified Development Code Section 18.32.040 is hereby amended as

18.32.040 Standards specific to the R-6 district.

A. Allowed Density. Not less than three and not more than six dwelling units per acre. Density bonus available for townhouse and planned residential developments.

B. Minimum Lot Area. There is no minimum lot area.

C. Minimum Front Yard Setback.

1. Fifteen feet from a local access street.

2. Twenty-five feet from a collector street.

3. Thirty-five feet from an arterial street.

D. Minimum side yard setback: five feet.

E. Minimum flanking yard setback: 15 feet.

F. Minimum rear yard setback: 25 feet.

G. Minimum driveway approach: 20 feet.

H. Maximum Building Heights.

1. Main building: 35 feet.

2. Accessory building: ~~25~~16 feet.

I. Accessory Buildings. All accessory buildings must comply with the current building setbacks as stated in this chapter; provided, however, if the accessory building is less than 120 square feet square feet, and less than 10 feet in height, the side and rear yard setbacks do not apply.

J. Secondary Dwelling Units. One secondary dwelling unit may be created on a single-family lot.

1. For lots of record under one acre such conversion or addition shall not exceed 1,000 square feet.

2. For lots of record of one acre or more such conversion or addition shall not exceed 1,500 square feet. Such conversion or addition shall be subject to the availability of public utilities, and shall comply with all rules and regulations of the building, plumbing, fire and other applicable codes.

K. Townhouse Development.

1. The ~~minimum-maximum~~ parcel size for a townhouse development is ~~one~~five acres.

L. Manufactured Housing Community.

1. The parcel size shall be a minimum of three acres, with a maximum of 15 acres.

Section 5.
follows:

The Unified Development Code Section 18.33.020 is hereby amended as

18.33.020 Permitted uses.

A. Single-family residential units; provided the development occurs on existing lots of record, one acre or less;

B. Duplexes;

C. Townhouses;

D. Multifamily dwellings;

- ~~E. Manufactured housing community;~~
- ~~F. Secondary dwelling units;~~
- ~~E~~G. Planned residential development;
- ~~F~~H. Residential care facilities;
- ~~G~~I. Home occupations;
- ~~H~~J. Family home child care providers;
- ~~I~~K. Attached and co-located wireless facilities.

Section 6.
follows:

The Unified Development Code Section 18.33.040 is hereby amended as

18.33.040 Standards specific to the R-16 district.

A. Allowed Density.:

~~1.~~ Not less than eight and not more than 16 dwelling units per acre. Density bonus available for townhouse and planned residential developments.

B. Minimum Lot Area. There is no minimum lot area.

C. Minimum Front Yard Setback.

1. Fifteen feet from a local access street.
2. Twenty-five feet from a collector street.
3. Thirty-five feet from an arterial street.

D. Minimum side yard setback: 10 feet.

E. Minimum flanking yard setback: 20 feet.

F. Minimum rear yard setback: 25 feet.

G. Minimum driveway approach: 25 feet.

H. Maximum Building Heights.

- ~~1. Within 100 feet of a lower density residential zone: 25 feet.~~
- ~~2. All other residential buildings: 34~~5 feet or three stories, whichever is lesser.
- ~~2~~3. Accessory building: 35 feet.

I. Accessory Buildings. All accessory buildings must comply with the current building setbacks as stated in this chapter; provided, however, if the accessory building is less than 120 square feet square feet, and less than 10 feet in height, the side and rear yard setbacks do not apply.

~~J. Secondary Dwelling Units. One secondary dwelling unit may be created on a single family lot.~~

~~1. For lots of record under one acre such conversion or addition shall not exceed 1,000 square feet.~~

~~2. For lots of record of one acre or more such conversion or addition shall not exceed 1,500 square feet. Such conversion or addition shall be subject to the availability of public utilities, and shall comply with all rules and regulations of the building, plumbing, fire and other applicable codes.~~

JK. Townhouse Development.

1. The minimum ~~maximum~~ parcel size for townhouse development shall be ~~no more than 2.10~~ acres.

L. Manufactured Housing Community.

~~1. The parcel size shall be a minimum of three acres, with a maximum of 15 acres.~~

~~2. Maximum density shall be six units per acre.~~

Section 7. The Unified Development Code Section 18.35.040 is hereby amended as follows:

18.35.040 Standards specific to the CBD district.

A. Drive-through food establishments and services are prohibited.

B. Allowed residential density: 16 dwelling units per acre, ~~subject to R-16 development standards.~~

C. Minimum Lot Area. There is no minimum lot area.

D. Minimum Front Yard Setback.

1. Residential.

a. Fifteen feet from a local access street.

b. Twenty-five feet from a collector street.

c. Thirty-five feet from an arterial street.

2. All Other Uses. Structures shall be located so as to provide continuity with existing streets, alleys, sidewalks, and bikeways.

E. Minimum Side Yard Setback.

1. Single Family Residential: 5 feet side yard and 15 feet flanking yard

2. Multi-family Residential 10 feet side yard and 20 feet from any flanking street.

3.2. All Other Uses. Structures shall be located so as to provide continuity with existing streets, alleys, sidewalks, and bikeways.

F. Minimum Rear Yard Setback.

1. Residential: 25 feet.

2. Secondary Dwelling Units: 5 feet.

32. All Other Uses. Structures shall be located so as to provide continuity with existing streets, alleys, sidewalks, and bikeways.

G. Minimum Driveway Approach.

1. Residential: 20 feet.

2. All Other Uses. Structures shall be located so as to provide continuity with existing streets, alleys, sidewalks, and bikeways.

H. Maximum building heights: 35 feet.

I. Maximum floor area: 20,000 square feet per floor.

J. Secondary Dwelling Units. One secondary dwelling unit may be created on an existing parcel, one acre or less, where such conversion or addition shall not exceed 1,000 square feet.

KJ. Parking. Minimum parking requirements may be waived where on-site parking is unachievable, and on-street parking is available. Angled parking is allowed on local access and collector streets within the central business district.

LK. Properties fronting on a "pedestrian oriented street" shall include:

1. Paved pedestrian walkway from the street corner to the building entrance.

2. Transparent window area or window displays along at least 50 percent of the length of the ground floor facade.

3. Sculptural, mosaic or bas relief artwork over 50 percent of the length of the ground floor facade.

4. "Pedestrian oriented space," located adjacent to the sidewalk. At least 500 square feet of pedestrian oriented space must be provided for every 100 linear feet of facade as measured along the property lines adjacent to the street right-of-way.

5. Other special landscaping or building design feature approved by the city.

6. Building entries must have direct access to the public sidewalk.

7. No more than 50 percent of the street frontage measured parallel to the curb may be occupied by parking and/or vehicle access.

8. For properties fronting on two or more pedestrian oriented streets, parking may be located on one of the streets; provided, that a building or pedestrian oriented space is situated between the parking and the street corner.

ML. In addition to site planning measures above, provide at least two of the following pedestrian amenities near the sidewalk:

1. Pedestrian furniture, such as seating, lighting, drinking fountain, etc.
2. Pedestrian weather protection at least three feet wide along at least 80 percent of the building's street front face. The weather protection may be in the form of awnings, marquees, canopies or building overhangs; provided, that canopies or awnings not extend above 15 feet above the ground elevation at the highest point nor lower than eight feet at the lowest point.
3. Pedestrian oriented open space.
4. Substantial perimeter landscaping.
5. Artwork.
6. Transit stop with seating.
7. Window displays over the majority of the front facade.
8. Decorative screen wall, trellis, or other building or site feature.
9. Pedestrian lighting.

NM. Architecturally accentuate building corners at street intersections. All new buildings located on properties at the intersection of two public streets shall apply one or more of the following design elements:

1. At least 100 square feet of sidewalk or pedestrian oriented open space in addition to required building setback.
2. Corner entrance to courtyard, building lobby, atrium or pedestrian pathway.
3. Corner architectural elements such as bay windows, roof deck or balconies on upper stories, notched or curved facade surfaces.
4. Sculpture or artwork or distinctive use of materials.
5. Special treatment of pedestrian weather protection canopy.
6. Building corner entry.

ON. Building Design. Building shell colors shall be earth tones such as taupe, brown, red-brown, buff, gray, cream, white, natural wood, brick, or stone. Trim should be white, black, dark blue, dark green, dark teal, dark red, or other deep saturated colors. Bright accent colors should not cover more than 10 percent of any building facade.

Stucco must not be treated in a sculptural manner with curved surfaces or relief patterns. Stucco surfaces should be trimmed with wood, brick, or masonry or in a way that protects them from the weather.

Section 8.
follows:

The Unified Development Code Section 18.54.030 is hereby amended as

18.54.030 Minimum requirements.

The requirements for off-street parking and loading facilities and their design shall be regarded as the minimum; however, the owner, developer or operator of the premises for which the parking facilities are intended shall be responsible for providing adequate amounts and arrangement of space for the particular premises even though such space or its arrangement is in excess of the minimum set forth in this chapter.

For special uses, the parking requirement shall be as provided in that chapter or as determined by the site plan review committee.

A.-Residential Uses.

<u>Type of Use</u>	<u>Minimum Parking Requirements</u>
<u>Single Family</u>	<u>Two per dwelling unit</u>
<u>Accessory Dwelling Unit</u>	<u>One per dwelling unit.</u>
<u>Duplexes & Multi-family Units up to 4 Units</u>	<u>Two per dwelling Unit</u>
<u>Multi-family over 4 Units</u>	<u>One space for studio apartments</u> <u>One and one-half spaces per 1 - 2 bedroom dwelling unit</u> <u>Two spaces per 3+ bedroom dwelling units</u> <u>Plus one guest space for every 10 units.</u>
<u>Multi-family constructed along major transit routes</u>	<u>One space for studio and 1 bedroom apartments</u> <u>One and one-half spaces pre 2+ bedroom dwelling units</u>

~~Single family, duplexes and multifamily dwellings require two parking spaces per dwelling unit.~~

Housing intended for exclusive use of, and occupied by, senior citizens shall provide one space for every three dwelling units plus two-tenths space per dwelling unit in buildings containing five or more dwelling units. Housing in which the dwelling units are characterized by one room enclosing all activities (sometimes referred to as "bachelor" or "efficiency" units) shall provide one and one-half parking spaces for each dwelling unit, plus two-tenths space per dwelling unit in buildings containing five or more dwelling units.

B. Commercial Uses. In the several commercial districts, off-street parking requirements shall be as shown herein; provided, that all of the property is controlled by a single person or corporation, or written agreements for shared parking, acceptable to the city, are filed with the community development department. Shared parking agreements are acceptable only if the physical relationship between the premises makes such sharing possible and results in superior design in terms of layout, access, reduced curb cuts and the like.

In the following list, the parking requirements for specific uses listed shall be determined through a formula of one stall per number of gross floor area (GFA), or as specified.

Type of Use	Minimum Parking Requirements
Banks, saving and loan associations, business and professional offices	One per 300 sq. ft. of GFA.
Retail establishments, including grocery stores	One per 250 sq. ft. of GFA.
Establishments for the sale and consumption of food and beverages, including fraternal and social clubs	One per 200 sq. ft. of GFA.
Boarding, lodging or rooming houses	One and one-half for each sleeping room.
Institutions, sanitariums and long-term facilities	One for each two beds, plus one per employee based on the greatest number of care employees on a single shift.
Churches, mortuaries or funeral homes	One for six seats in the principal place of assembly or worship, including balconies and choir loft.
Hospitals	One for each bed, plus one per employee based on the greatest number of employees on a single shift.
Libraries and museums	One for each eight occupants, based on maximum occupants per the International Building Code.
Medical or dental clinics	One and one-half per patient treatment room/area, plus one space per employee based on the greatest number of employees on a single shift.
Motels, hotels	One for each unit, plus one per employee based on the greatest number of employees on a single shift.
Motor vehicle or machinery sales, wholesale stores, furniture stores	One for each 400 sq. ft. of GFA.

Type of Use	Minimum Parking Requirements
Schools:	
High schools	One for each four students that enrolled and are of legal driving age, plus one per classroom and office. Public assembly areas, such as auditoriums, stadiums etc., which are primary uses, shall be considered a separate use in determining parking.
Elementary and junior high schools	One for each 10 students of design capacity.
Places of assembly without fixed seats, e.g., stadiums, auditoriums, and churches	One for each 10 occupants, based on the maximum occupant load per the International Building Code.
Assembly areas, less-concentrated use, e.g., conference rooms and gymnasiums	One for each 10 occupants, based on the maximum occupant load per the International Building Code.
Theaters	One for each six seats.

C. General Industrial Uses.

1. One space per employee based on the greatest number of employees on a single shift, plus
2. One square foot parking per square foot of display or retail area, plus
3. One space for each vehicle owned, leased or operated by the company.

D. Specific Industrial Uses. Warehouses require one space per 1,000 square feet GFA, plus one space per 400 square feet of GFA used for office or display.

Off-street parking requirements for uses similar or related to, or any use not specifically listed above, shall be determined by the site plan review committee on the basis of the requirement for similar uses, and on the basis of evidence of actual demand created for similar or related uses in Yelm, and such other traffic engineering or planning data as may be available and appropriate for the establishment of minimum and maximum parking requirements.

Section 9. The Unified Development Code Section 18.64.020 is hereby amended as follows:

18.64.020 Planned residential development.

A planned residential development encourages imaginative design and the creation of permanent open space by preserving or creating environmental amenities superior to those generally found in conventional developments, and by preserving to the greatest possible extent the natural characteristics of the land, including topography, natural vegetation, waterways, and views. For single family residential developments, the inclusion of a variety of housing types such as duplexes or townhomes may qualify for density bonuses listed below.

A. Density Bonus. The city may approve an increase in the dwelling unit density up to:

1. In the low density district, fifteen percent, rounded to the nearest whole number.

2. In the moderate density district, twenty percent, rounded to the nearest whole number.

3. In the high density district, twenty-five percent, rounded to the nearest whole number.

BA. Subdivision Requirements. A planned residential development shall be exempt from the specific design requirements of a standard subdivision, except that when any parcel of land in a planned residential development is intended for individual ownership, sale, or public dedication, procedural and applicable state laws pertaining to the subdivision and conveyance of land and the preparation of maps shall be followed.

CB. Relationship of Planned Residential Development Site to Adjacent Areas. The design of a planned residential development shall take into account the relationship of the site to the surrounding areas. The perimeter of the planned residential development shall be designed to minimize undesirable impact of the planned residential development on adjacent properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics on the planned residential development.

DG. Buildings may have common walls and, therefore, be built to the property line as in townhouse construction. Wherever buildings are separated, a minimum distance of 10 feet shall be maintained between such buildings.

ED. Landscaping. Natural landscape features which are to be preserved, such as existing trees, drainage ways, rock outcroppings, etc., may be accepted as part of the landscaping plan when such natural features contribute to the attractiveness of the proposed development.

Section 10. The Unified Development Code Section 18.64.050 is hereby amended as follows:

18.64.050 Townhouse development.

It is the intent of this section to provide for the development of townhouses within residential neighborhoods which may be conveyed as individually owned, separately platted lots. A townhouse is a one-family dwelling unit which is part of a group of two or more such units separated by common party walls having no doors, windows or other provisions for human passage or visibility through the common walls. Each one-dwelling unit in a townhouse is attached by not more than two party walls.

A. Density Standards and Uses.

1. Density Bonus. The city may approve an increase in the dwelling unit density up to:

a. In the low density district, fifteen percent, rounded to the nearest whole number.

b. In the moderate density district, twenty percent, rounded to the nearest whole number.

c. In the high density district, twenty-five percent, rounded to the nearest whole number.

~~The basic density shall be the same as permitted by the underlying zone.~~

~~2. A townhouse lot shall contain a minimum area of 1,600 square feet and a minimum lot and building width of 20 feet.~~

~~3. No more than four abutting townhouses or townhouse clusters within the townhouse project site shall have a common front building setback. Variations in the setback of front building faces shall be at least four feet.~~

~~4. No townhouse dwelling unit shall be located closer than 25 feet to any public right-of-way nor within 15 feet of a private drive, access road or common open parking area to the front or rear of such a dwelling unit.~~

~~5. Every lot containing a townhouse must provide each unit private spaceyard of at least 2300 square feet, oriented to either the building front, rear and/or side, enclosed visually by fences or walls at least five feet in height or plantings to screen first level views from adjacent units. This space can include porches, patios and decks.~~

~~6. The minimum side yard requirement for end dwelling units in townhouse groups shall be the same as the underlying zone. For all dwelling units other than end dwelling units in subdivided townhouse developments, the common walls shall be designed with zero lot lines.~~

67. No portion of a townhouse, accessory structure or other building type in or related to one group or cluster of contiguous townhouses shall be nearer than 10 feet to any portion of a townhouse or accessory structure of another townhouse building or cluster.

78. When the only driveway is from the street, each pair of units must share a common curb cut.

89. Conversion of existing structures to a townhouse project will be permitted provided all townhouse development standards as outlined in this section can be satisfied.

Section 11. The Unified Development Code Section 18.70.020 is hereby amended as follows:

18.70.020 Exemptions.

The following are exempt from the provisions of this chapter:

A. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission (FCC);

B. Antennas and related equipment that are being stored, shipped, or displayed for sale;

C. Radar systems for military and civilian communication and navigation;

D. Wireless radio utilized for temporary emergency communications in the event of a disaster;

E. Licensed amateur (ham) radio stations;

F. Residential antennas;

G. Satellite dish antennas less than two meters in diameter, including direct to home or business satellite services, when used as an accessory use on a property;

H. Routine maintenance or repair of a WCF and related equipment;

I. Subject to compliance with all other applicable standards of this chapter, a building permit application need not be filed for emergency repair or maintenance of a WCF until 30 days after the completion of such emergency activity;

J. A "cell on wheels" (COW) or other temporary WCF for a maximum of 90 days during an emergency declared by the federal, state, or local government;

K. AM/FM radio and television broadcast facilities or towers.

L. Temporary WCF for coverage of a special event, subject to written approval by the city. WCF is deemed temporary if it is in place for up to one week prior to and after the event.

M. Temporary WCF installed for not more than one hundred eighty days, during repair, replacement, or relocation of an existing WCF or construction of a new WCF.

Section 12. The Unified Development Code Section 18.70.050 is hereby amended as follows:

18.70.050 Co-location.

To minimize adverse visual impacts associated with the proliferation of WCFs, co-location is encouraged. The city may deny an application to construct new facilities if the applicant has not made a diligent effort to mount the facilities on an existing freestanding or attached WCF or other communication tower. At a minimum, this requires an assessment of any existing towers that have the location, as well as the existing or potential height, structural capability and equipment structure area, to serve the applicant's needs, a written request to those tower owners to co-locate on their facilities, and a good faith effort to work with those tower owners to co-locate.

Section 13. The Unified Development Code Section 18.70.055 is hereby amended as follows:

18.70.055 Franchise required.

Pursuant to Title 15 YMC, the applicant shall obtain and execute a Franchise agreement granting a non-exclusive right to use public right-of-way.

Attachment of WCFs on an existing traffic signal, street light pole, or similar structure shall require written evidence of a license, or other legal right or approval, to use such structure by its owner. In its sole discretion, the city may prohibit or restrict the attachment of WCFs on certain city-owned poles, including without limitation, ornamental street light poles.

Section 14. The Unified Development Code Section 18.70.060 is hereby amended as follows:

18.70.060 Design standards for freestanding WCF towers.

A. Maximum Height.

1. One hundred fifty feet including antennas for WCF towers located in a priority location or 60 feet in a secondary location.

2. Modification to the maximum height may be granted by the approval authority if the applicant can show by clear and convincing evidence that the additional height is necessary to provide adequate service to the residents of the city and no other alternative with lesser impacts is available.

B. Setbacks. The setback shall be measured from the base of the WCF tower to the property line of the parcel on which it is located.

1. One hundred ten percent of tower height, including antennas.

2. A maximum 50 percent reduction to the setbacks may be granted by the approval authority, in a priority location only, if the WCF is built to a minimum wind stagnation pressure of 100 miles per hour, and an exposure and gust coefficient factor of C as listed in Tables 16-F and 16-G of the 1997 Uniform Building Code, as amended.

3. Further reduction to a minimum setback of 50 feet may be granted by the approval authority, in a priority location only, if the applicant can demonstrate that without adding more than minimal screening the alternate location is substantially screened on all sides by existing vegetation, buildings or topography, or that such location better preserves view corridors for adjacent property owners and the public.

C. Co-location. All freestanding WCF towers shall be designed and constructed to fully accommodate at least two additional WCF providers, including an area for each co-locator's equipment near the base of the tower, each comparable in size to the area required by the applicant, unless the applicant demonstrates why such design is not feasible for technical or physical reasons.

D. Separation.

1. Freestanding WCF towers shall be a minimum of 1,400 feet from another freestanding WCF tower or other communication tower.

2. Separation distances shall be measured from tower to tower regardless of property lines and roadways.

3. The separation may be reduced by up to 50 percent under the following circumstances:

a. Where the proposed freestanding WCF and an existing freestanding WCF or other communication tower are within a priority location;

b. Where the proposed freestanding WCF and an existing freestanding WCF or other communication tower are within substantially different view corridors as determined by the approval authority; or

c. Where it is clearly demonstrated by the applicant that from a technical standpoint a reduced separation is necessary.

4. Freestanding WCFs may be clustered within all industrial districts so long as all WCFs within the cluster are more than 500 feet from residential zoning districts and any property with an existing residence.

E. Siting and Screening.

1. Siting. Significant visual impacts of a WCF, from the front and rear of any residence on adjacent properties and for any residence across the roadway from the WCF, shall be minimized to the maximum extent feasible through

careful siting. At no time shall a WCF be attached to a tree; or to use any tree to attach any metal guy wire or cable supporting any attached antenna.

2. Color. WCF towers and antennas shall have a nonglare finish in a gray, blue, green or other color to blend with the surroundings or horizon unless a different color is required by the FCC or FAA. The finish must be approved by the approval authority.

3. Screening. If the area within 50 feet of the site perimeter is treed such that substantial year-round screening of the WCF site is provided, as determined by the approval authority, prior to the issuance of building permits, the applicant shall cause an easement signed by the property owner to be recorded with the county auditor establishing a tree retention buffer. A copy of the recorded easement shall be provided to the planning department. The buffer shall be a minimum of 50 feet wide and shall extend around the perimeter outside of the fenced tower site, excluding the access point. This buffer must extend into the adjacent property if the tower setback has been reduced such that the buffer will not fit entirely on the subject property. The approval authority may require the buffer area to be enhanced to provide the desired level of screening for the ground level facilities. Any tree within the buffer that dies or is removed due to disease or windthrow shall be replaced during the next planting season with a minimum of two conifer trees a minimum of six feet in height at the time of planting. The buffer shall be maintained so long as the tower is located on the site.

If site is not a treed area: a minimum 20 foot-wide buffer around the perimeter outside of the fenced site, excluding the access point, shall be planted with site-obscuring conifer trees. The trees shall be planted six feet on center in at least three offset rows. The trees shall be a minimum of six feet in height at the time of planting and shall be maintained in a green and growing state so long as the tower is on the site. Planting shall occur prior to the tower becoming operational.

The approval authority may modify the screening requirements where existing structures on site, existing vegetation along the parcel perimeter, or topography provide adequate screening.

F. Security.

1. A minimum six-foot-high chain link fence with privacy slats and topped with three strands of barbed wire shall be installed around the perimeter of the site for public safety and security purposes. Alternate methods of fencing may be approved if a level of public safety and security similar to that provided by the previously described fence can be clearly demonstrated. The fence and privacy slats shall be a deep green or other color which blends in with the surrounding environment. The fence will require a building permit. Access to the tower shall be through a locked gate.

2. All freestanding WCFs shall be fitted with anti-climbing devices.

G. Parking/Access. At least one parking space, plus adequate turnaround area, shall be provided. The access road, parking and turnaround areas shall have paved, gravel or other all-weather surface. The access road must be a minimum of 10 feet wide.

H. Signals, Lights and Signs. No signals, lights or signs shall be permitted on a WCF unless required by the FCC or FAA, except that all WCFs shall have a sign posted on the access gate with the WCF provider name, contact phone number and emergency phone number on it.

I. Outdoor Storage. Outdoor storage of motor vehicles or materials associated with the WCF is prohibited outside of the fenced area installed pursuant to subsection F of this section.

J. Noise and Interference. WCFs shall not exceed noise standards as defined in Chapter 173-60 WAC or cause interference with electrical, transmission or reception functions or cause similar disturbances.

Section 15. The Unified Development Code Section 18.70.070 is hereby amended as follows:

18.70.070 Design standards for attached WCFs.

A. Maximum Height. In a priority location, 28 feet above the building roof or top of structure on which it is mounted. In a secondary location, 10 feet above the building roof or top of structure on which it is mounted.

B. Setbacks. Attached WCF and transmission equipment mounted on building walls or roofs shall not extend over property lines nor into required front, side or rear yard areas; provided, that the site plan review committee may approve an encroachment into a required yard up to two feet for an antenna mounted on the face of wall of a building or structure if the antenna is camouflaged to blend into the architecture of the building or structure on which placed. Antennas mounted on rooftops or atop water tanks shall be set back horizontally from the vertical edge of the structure one foot for every foot of elevation above the roof or tank; or at center or nearest to center when horizontal/vertical measurements.

C. Wall-Mounted. If the antenna is mounted on a wall, it shall be as flush to the wall as technically possible.

D. Architectural Compatibility, Screening and Camouflaging. The antenna shall be architecturally compatible with the building and wall on which it is mounted, and shall be constructed, finished, or fully screened to match as closely as possible the color and texture of the building and wall. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the WCF or designed to blend with the building on which it is mounted.

E. Equipment Structures. Equipment structures mounted on a building roof shall either be hidden from view at ground level off-site or have a finish similar to the exterior building walls. Equipment for an attached antenna may also be located within the building on which the antenna is mounted. At no time shall a WCF be attached to tree; or to use any tree to attach any metal guy wire or cable supporting any attached antenna.

F. Signals, Lights, and Signs. No signals, lights or signs shall be permitted on an attached WCF unless required by the FCC or FAA.

G. Outdoor Storage. Outdoor storage of motor vehicles or materials associated with the WCF is prohibited.

H. Noise and Interference. WCFs shall not exceed noise standards as defined in Chapter 173-60 WAC or cause interference with electrical, transmission or reception functions or cause similar disturbances.

Section 16. The Unified Development Code Section 18.70.075 is hereby amended as follows:

18.70.075 Design standards for WCF in public right-of-way, not on WCF towers.

A. Maximum size.

1. Antennas shall be no larger than three cubic feet in volume.

2. Associated equipment shall be no larger than 28 cubic feet in volume.

B. Maximum height:

For WCFs located on utility distribution poles, no more than fifteen feet above the height of the pole to which the WCF is being attached, but in no event higher than a total of forty feet.

For WCFs located on street light poles, no more than eight feet above the height of the street light pole, but in no event higher than a total of forty feet. If a replacement street light pole is necessary to accommodate the attachment, the height limitations shall be measured as if the WCF was being installed on the street light pole that previously existed in that location.

For WCFs located on new, stand-alone poles, no more than ten feet above the height of any other existing poles located within five hundred feet of the proposed new pole location, but in no event higher than a total of forty feet.

Notwithstanding any of the foregoing, the maximum height limits may be modified by the director through the variance process described in Title 18.

Design requirements.

All WCFs in the right-of-way shall be constructed out of or finished with non-reflective materials (visible exterior surfaces only).

The color of stand-alone poles in the right-of-way constructed to accommodate WCFs shall be compatible with the colors of other poles in the right-of-way in the immediate vicinity.

Camouflage/Concealment. All WCFs and any transmission equipment shall, to the extent feasible, use camouflage design techniques including, but not limited to the use of materials, colors, textures, screening, undergrounding, or other design options that will blend the WCF to the surrounding natural setting and/or built environment. Design, materials and colors of WCFs shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation located in the right-of-way and on adjacent parcels.

Camouflage design may be of heightened importance where findings of particular sensitivity are made (e.g. proximity to historic or aesthetically significant structures, view, and/or community features). Should the director determine that WCFs are located in these areas of heightened importance, they shall be designed to minimize their profile at the request of the director.

The camouflage design may include the use of base stations and other structures should the director determine that such design meets the intent of this title and the community is better served thereby.

Poles and WCFs in the right-of-way should use existing landforms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment.

Poles shall be architecturally compatible with the surrounding area.

Poles and WCFs in the right-of-way shall be compatible with the surrounding topography, trees, and foliage.

Poles and WCFs in the right-of-way shall include design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

To the extent feasible, pole-mounted small cell wireless facilities shall be located on, or within an existing or replacement utility pole serving the city, or another utility and shall be camouflaged and concealed consistent with other existing natural or manmade features near the location where the facilities will be located.

If there are no reasonable alternatives, and the applicant is authorized to construct the new stand-alone poles or a replacement pole, to the extent reasonably feasible, such poles shall:

Be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the new stand-alone pole;

Be sized to minimize the negative aesthetic impacts to the right-of-way and adjacent property;

Be designed such that any ground mounted equipment shall be located in a manner necessary to address both public safety and aesthetic concerns in the reasonable discretion of the director, and may, where appropriate and reasonably feasible based upon technical, construction, and engineering requirements, require a flush-to-grade underground equipment vault;

Not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way. No stand-alone pole may be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the right-of-way that disrupts or interferes with its use by the city, the general public, or other person authorized to use or be present upon the right-of-way, when an alternative exists that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with utilities, and any other activity that will present a hazard to public health, safety, or welfare;

Not be located within six-hundred feet of another freestanding WCF pole in the right-of-way. The director may exempt an applicant from these requirements if the applicant demonstrates that the minimum separation requirement cannot be satisfied for technical reasons, and if the director determines that the placement of a WCF at a distance less than six-hundred feet from another WCF will meet the intent of reducing visibility of WCFs to the extent possible; and

With respect to equipment enclosures, be located out of view as much as possible.

11. Antennas shall meet the following requirements:

antennas shall be mounted as close to the pole as is technically feasible and may be flush mounted, placed on the pole top, or mounted with a standoff bracket.

Antennas shall be of a neutral, non-reflective color that is closely compatible with the color of the supporting structure.

12. Aside from antennas, other transmission equipment for all WCFs shall meet the following requirements:

All other transmission equipment shall be grouped as closely as technically possible and reduce the overall visual impact of the WCF;

Other transmission equipment shall be located out of sight whenever possible by locating within equipment enclosures. Where such alternate locations are not available, the transmission equipment shall be camouflaged or concealed; and

Other transmission equipment shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure, or uses other camouflage and concealment design techniques so as to make the equipment as visually unobtrusive as possible, including, for example, painting the equipment to match the structure or using a graphics wrap to blend the structure into the surrounding environment.

13. Any new wiring required to bring power to serve a WCF site shall be located underground.

D. Hazardous Materials. No hazardous materials shall be permitted in association with WCFs in the right-of-way, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing such materials.

E. Lighting. WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the city may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible to minimize the amount of glare and light falling onto nearby properties, particularly residences.

F. Noise. Noise generated on the site must not exceed the levels defined in Chapter 173-60 WAC or cause interference with electrical, transmission or reception functions or cause similar disturbances.

G. Adjacent residential uses. WCFs in the right-of-way shall be sited in a manner that evaluates the proximity of the facility to residential property. When placed near residential property, a stand-alone WCF (e.g. a new pole) shall be placed adjacent to the common side yard property line between adjoining residential properties, such that the WCF minimized visual impacts equitable among adjacent properties and minimized impacts existing trees within or next to the right-of-way. In the case of a corner lot, the WCF may be placed adjacent to the common side yard property line between adjoining residential properties, or on the corner formed by two intersecting rights-of-way. If these requirements are not feasible from a construction, engineering, or design perspective, the director may, in his/her sole discretion exempt the WCF from these requirements, through the variance process described in Title 18.

Section 17. The Unified Development Code Section 18.70.110 is hereby amended as follows:

18.70.110 Radio frequency standards.

Federal law provides that the federal government has sole jurisdiction to regulate in the field of radio frequency (RF) emissions.

A. WCF's shall not be conditioned nor denied based on RF impacts. The applicant shall comply with federal standards for radio frequency emissions. Within six months after the issuance of its operational permit, the applicant shall submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site and compare the results with established federal standards. Said report shall be subject to review and approval by the city council for consistency with federal standards. If on review, the city council finds that the WCF does not meet federal standards, the report shall include a recommendation as to whether or not the city council should revoke or modify the site plan review or special use permit, subject to appeal as provided Chapter 18.14 YMC as may be applicable.

B. Applicants for WCF permits shall be required to provide information as required in the application certifying compliance with federal standards. The applicant shall ensure that the WCF will not cause localized interference with the reception of area television or radio broadcasts. If on review the city finds that the WCF interferes with such reception, and if such interference is not eured within 60 days, the city may revoke or modify the site plan review or special use permit.

Section 18. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application to other persons or circumstances is not affected.

Section 19. This Ordinance shall be in full force and effect after its passage, approval, and publication as provided by law.

Passed by the City Council of Yelm this 10th day of December, 2019.



JW Foster, Mayor

Authenticated:



Lori Lucas, City Clerk

PUBLISHED: December 19, 2019

Effective Date: December 24, 2019