

ORDINANCE #515

AN ORDINANCE AMENDING ZONING ORDINANCE #371 TO ALLOW UTILITY SUBSTATION FACILITIES (INCLUDING TRANSMISSION TOWERS AND ACCESSORY EQUIPMENT TO PROVIDE CELLULAR COMMUNICATIONS SERVICES) AS A CONDITIONAL USE IN ALL ZONING DISTRICTS CLASSIFIED BY ORDINANCE #371.

Whereas, the Town Council of Yacolt, Washington, is in regular session this 20th day of January, 2014;

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

Whereas, the Town Council recognizes that the Town of Yacolt has a legal obligation pursuant to the Telecommunications Act of 1996 and other laws to accommodate certain Utility Substation Facilities, including cellular communications facilities, within its boundaries and subject to the Town's reasonable standards and compliance with the Town's comprehensive plan and Zoning Ordinance #371;

Whereas, on December 2, 2013, the Town Council adopted Ordinance #514 which amended Ordinance #371 to allow Utility Substation Facilities as a conditional use in R1-12.5 and R1-10 Single-Family Residential Zoning Districts;

Whereas, the Town Council recognizes that changing technology continues to expand the variety of available cellular communications facilities, and that until such time that the Town adopts a comprehensive policy for the development and siting of cellular transmission towers and accessory equipment to provide cellular communications services, the most efficient and economical manner of processing development applications for such Utility Substation Facilities is to make Utility Substation Facilities an approved conditional use in all Zoning Districts classified by the Town in its Ordinance #371;

Whereas, the Town Council desires to make its intentions and policies clear and easily understood by adopting a single ordinance that allows Utility Substation Facilities as a conditional use in all Zoning Districts classified by the Town in Ordinance #371, and therefore desires to repeal Ordinance #514 to reduce the number of active ordinances that describe amendments to the Town's Zoning Ordinance #371;

Whereas, The Town Council has determined that the public health, safety and general welfare require the amendments described in this Ordinance; and,

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

NOW THEREFORE, be it ordained by the Town Council of Yacolt, Washington:

Section 1 - Repeal of Ordinance #514.

Ordinance #514 of the Town of Yacolt, adopted December 2, 2013, entitled “An Ordinance Amending Section 4A3 of Zoning Ordinance #371 to Allow Utility Substation Facilities (Including Transmission Towers and Accessory Equipment to Provide Cellular Communications Services) to be a Conditional Use in R1-12.5 and R1-10 Single Family Residential Zoning Districts” is hereby repealed.

Section 2 – Amendment of Ordinance #371.

- a). Section 4A3 of Ordinance #371, adopted February 3, 1997, (Conditional Uses for Single-Family Residential R1-12.5, R1-10), is hereby amended by adding a new sub-section “l” to follow existing sub-section “k” which shall read as follows:

l. Utility Substation Facilities.

- b). Section 4B2 of Ordinance #371, adopted February 3, 1997, (Conditional Uses for Single-Family Residential R6, R-5), is hereby amended by adding a new sub-section “m” to follow existing sub-section “l” which shall read as follows:

m. Utility Substation Facilities.

- c). Item T of Table 5A of Section 5 of Ordinance #371, adopted February 3, 1997, (Uses for Commercial Zone Districts - Public Services and Facilities), is hereby amended by adding a new sub-section “5” to follow existing sub-section “4” which shall read as follows:

5. Utility Substation Facilities.

C1 C2
C C

- d). Item F of Table 6A of Section 6 of Ordinance #371, adopted February 3, 1997, (Uses for Manufacturing Districts (ML, MH) - Public Services and Facilities)), is hereby amended by adding a new sub-section “6” to follow existing sub-section “5” which shall read as follows:

6. Utility Substation Facilities.

ML MH
C C

Section 3 - Savings Clauses.

- a). All terms of Ordinance #371, as amended, shall remain in full force and effect until the effective date of this Ordinance #515. As of and following the effective

date of this Ordinance #515, the remaining terms of Ordinance #371, as amended, shall remain in full force and effect as amended hereby.

- b). All terms of Ordinance #514 shall remain in full force and effect until the effective date of this Ordinance #515.

Section 4 – 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 5 - Effective Date.

This Ordinance shall take effect on January 29, 2014, following publication of the following summary, according to law.

Town of Yacolt - Summary of Ordinance #515

The Town Council of the Town of Yacolt adopted Ordinance #515 at its regularly scheduled Town Council meeting held on January 20, 2014. The content of the Ordinance is summarized in its title as follows:

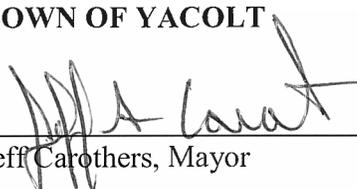
AN ORDINANCE AMENDING ZONING ORDINANCE #371 TO ALLOW UTILITY SUBSTATION FACILITIES (INCLUDING TRANSMISSION TOWERS AND ACCESSORY EQUIPMENT TO PROVIDE CELLULAR COMMUNICATIONS SERVICES) AS A CONDITIONAL USE IN ALL ZONING DISTRICTS CLASSIFIED BY ORDINANCE #371. The effective date of the Ordinance is January 29, 2014.

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 29th day of January, 2014.
Cindy Marbut, Town Clerk/Treasurer

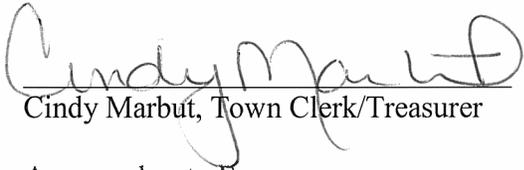
PASSED by the Town Council of the Town of Yacolt, Washington, at a regular meeting thereof this 20th day of January, 2014.

TOWN OF YACOLT



Jeff Carothers, Mayor

Attest:


Cindy Marbut, Town Clerk/Treasurer

Approved as to Form:

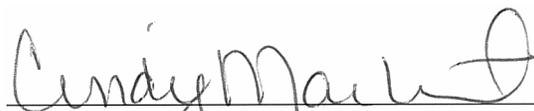
David W. Ridenour, Town Attorney

Ayes:	<u>Hancock, Myers, Ullias, Gerhardt, Karl</u>
Nays:	<u>Ø</u>
Absent:	<u>Ø</u>
Abstain:	<u>Ø</u>

TOWN CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance is a true and correct copy of Ordinance #515 of the Town of Yacolt, Washington, entitled "AN ORDINANCE AMENDING ZONING ORDINANCE #371 TO ALLOW UTILITY SUBSTATION FACILITIES (INCLUDING TRANSMISSION TOWERS AND ACCESSORY EQUIPMENT TO PROVIDE CELLULAR COMMUNICATIONS SERVICES) AS A CONDITIONAL USE IN ALL ZONING DISTRICTS CLASSIFIED BY ORDINANCE #371" 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: 1-29-14
Effective Date: 2-5-14
Ordinance Number: 515

