



YELM PLANNING COMMISSION AGENDA

MONDAY, AUGUST 19TH, 2024 4:00PM

THIS MEETING CAN BE ATTENDED IN PERSON OR VIA ZOOM.

In person: Yelm City Hall, 106 2nd Street SE, Yelm, WA 98597

Via Zoom: [Click here to join Zoom Meeting](#)

Or Dial in: 253-215-8782 Meeting ID: 870-3193-3305 Passcode: 564018

1. CALL TO ORDER

2. ROLL CALL

Chair, Carlos Perez

Vice Chair, Robert Howard

Richard Lomsdale

David Johnstone

Austin Walker

Anne Wahrmund

John Graver

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

- a. Minutes from meeting held on July 15, 2024 are attached.

5. CITY STAFF COMMUNICATIONS

- a. Department update.

6. PUBLIC COMMENTS

- a. The public comment portion of the agenda is an opportunity for the public to address the Commission regarding matters that are not on the agenda. Comments are limited to three minutes and five speakers. Comment on matters listed on the agenda are welcomed.

7. UNFINISHED BUSINESS

None.

8. NEW BUSINESS

- a. Updates to the Unified Development Code regarding the following:
 1. Allow residential development in existing residential areas of the CBD.
 2. Eliminate the maximum density requirement for mixed use developments in the Central Business, Commercial, and Industrial Districts.
 3. Establish bicycle parking requirements.
 4. Establish off-street parking requirements.

5. Allow entertainment and recreation venues in the CBD, C1, C2, C3, and Industrial Zones
6. Include definitions to establish consistency with code language
7. Include hyperlinks to make the Unified Development Code more comprehensive.

9. PUBLIC HEARINGS

- a. Public hearing for updates to the Unified Development Code referenced in Agenda Item 8 listed above.

10. SUBCOMMITTEE REPORTS

11. ADJOURNMENT

MEETING INFORMATION

All regular meetings are recorded and may be viewed at www.yelmwa.gov.

It is the City of Yelm’s policy to provide reasonable accommodations for people with disabilities. If you require reasonable accommodations to participate at a meeting, please contact the City Clerk’s office at 360-458-8816 at least five (5) working days prior to meeting. Information on the Americans with Disabilities Act and the Title VI Statement is available at https://www.yelmwa.gov/connect/departments/human_resources/index.php.

DISCLAIMER

**AGENDA ITEMS MAY BE TAKEN OUT OF ORDER.
THIS AGENDA MAY BE SUBJECT TO CHANGE UP TO 24 HOURS PRIOR TO MEETING. PLEASE SEE WWW.YELMWA.GOV FOR CURRENT AGENDA.**

Next Planning Commission Meeting
Monday, September 16th, 2024 at 4:00 PM

YELM PLANNING COMMISSION MINUTES

July 15, 2024 – 4:00 PM

YELM CITY HALL

Carlos Perez called the meeting to order at 4:00 pm.

Members present: Carlos Perez, Bob Howard, John Graver, Anne Wahrmund, David Johnstone, and Austin Walker.

Members Absent: Richard Lomsdale.

Staff: Andrew Kollar, Chris Vaccaro, and Hazel Hooker.

Approval of Minutes: MOTION BY BOB HOWARD, SECONDED BY ANNE WAHRMUND, TO APPROVE THE JUNE 17, 2024 MINUTES. ALL WERE IN FAVOR.

City Staff Communications: None.

Public Comment: None.

Unfinished Business: None.

New Business: Drew Kollar, Assistant Planner, presented a second reading on the proposed code updates on several sections of Chapter 18 “Unified Development Code”. The updates would increase flexibility for residential and mixed-use developments in the Central Business, Commercial and Industrial Districts, establish bicycle parking and off-street parking maintenance requirements, provide drive through design standards, and include definitions to establish consistency with the new code language. He highlighted the changes made since the initial reading. This was followed by discussion between board members and staff.

Public Hearing: No public hearing held.

Carlos Perez, brought up concerns with traffic, further discussion occurred between staff members and board.

Subcommittee Reports: Anne Wahrmund, on behalf of the Parks Advisory Committee, provided an update on several topics: Prairie Line Trail Phase 2B, a potential recreation facility, Prairie Days, BBQ Fest, and Jazz Fest in the park.

Chris Vaccaro, on behalf of the Tree Advisory Board, gave an update that meetings will resume in September.

Adjournment: BOB HOWARD MOVED TO ADJOURN THE MEETING, SECONDED BY AUSTIN WALKER. ALL WERE IN FAVOR. THE MEETING WAS ADJOURNED AT 4:52 PM.

Respectfully submitted, Hazel Hooker, Public Services Administrative Assistant



August 19, 2024

STAFF REPORT

TO: City of Yelm Planning Commission

SUBJECT: Updates to Title 18 Unified Development Code

FROM: Andrew Kollar, Assistant Planner

RECOMMENDATION

Approve proposed staff changes as depicted in Attachment A of the Staff Report

BACKGROUND

Frequently staff will recognize the need to make amendments or additions to the Yelm Municipal Code for a variety of reasons. Changes in state law, vague or confusing language in existing code, or gaps in the code, are all reasons to revise or augment it. The amendments will increase flexibility for residential and mixed-use developments in the Central Business, Commercial, and Industrial Districts, establish bicycle parking minimums and off-street parking maintenance requirements, increase entertainment and recreation opportunities, and include definitions to establish consistency with the new code language. The updates also include hyperlinks and references to other chapters to make the Unified Development Code more comprehensive.

The proposed code amendments were first shared with the Planning Commission June 17, 2024 and a second reading was held July 15, 2024. The amendments were reviewed for environmental impacts in accordance with the State Environmental Policy Act and a Determination of Non-significance was issued on July 17, 2024. The Amendments were sent to the Department of Commerce on July 22, 2024 and determined to have met the noticing requirements in RCW 36.70A.106 on August 12, 2024. No comments were received. The Notice of Public Hearing was posted in all City buildings, the City of Yelm Website, and published in the Nisqually Valley News on July 25, 2024.

- 18.35 Central Business District
 - Include recreation and entertainment venues, parking facilities and allow live-work structures.
 - Include small residential developments, including duplexes, multifamily units, and townhomes in areas of the Central Business District that are currently residential and likely to remain residential — These include lots that are at least 160 feet from an arterial or collector, measured from the nearest parcel boundary to the centerline, and may only be located on lots 0.2 acres or smaller in size.
 - Require new structures to provide an entrance on Yelm Avenue if the building fronts Yelm Avenue.
 - Remove cemeteries as a special use
 - Reduce minimum density from 20 units per acre to 16 to be consistent with mixed use development requirements in the commercial district and remove maximum density for mixed use developments.
 - Remove maximum and minimum density requirements for duplexes, townhomes, or single family residence .

- 18.36-38 Commercial Districts (C-1, C-2, C-3)
 - Include Recreation and Entertainment Venues
 - Include Live-Work Structures
 - Include Parking Facilities
 - Require Bicycle Parking facilities

- 18.39 Industrial District
 - Include Recreation and Entertainment Venues
 - Include Live-Work Structures

- 18.64.010 Zoning Overlays
 - Remove Maximum Density of 32 units per acre
 - Reduce minimum density requirement of 20 units per acre in Central Business District to 16 units per acre and eliminate the maximum density requirement.

- 18.54.010 Parking
 - Include on-site bicycle parking requirements for several different use types.
 - Include parking lot maintenance requirement with reference to Title 8 “Health and Safety.”
 - Allow Angled parking on local access and collector streets within Central Business District.
 - Establish Drive- Through Standards.

- 18.02.040 “Specific Definitions”
 - Includes definitions to establish consistency with the new code language

Exhibits:

- Exhibit A – Proposed Code Updates
- Exhibit B – Expedited Review Acknowledgement
- Exhibit C – SEPA Determination of Non-Significance
- Exhibit D – Notice of Public Hearing
- Exhibit E – Ordinance for Off-Street Parking Nuisances

NEXT STEPS

1. If the Planning Commission recommends adoption of the proposed code changes, the code amendments will be brought to the Yelm City Council for final adoption at the August 27, 2024 City Council Meeting.

Central Business District

18.35

18.35.010 Intent.

The purpose of the central business district is to promote the special characteristics of the existing downtown Yelm area, to provide a pedestrian shopping atmosphere and to promote the rehabilitation of existing structures and the most desirable uses of land. (Ord. 1095 § 1 (Exh. A), 2023; Ord. 1090 § 1 (Exh. A), 2022; Ord. 1086 § 1 (Exh. A), 2022; Ord. 1080 § 1 (Exh. A), 2021; Ord. 995 § 12 (Exh. A), 2015).

18.35.020 Permitted uses.

A. Retail establishments;

B. Service oriented establishments;

C. Mixed use developments; [\(Reference 18.64.040\)](#)

D. Public safety and emergency response facilities, including police and fire stations, emergency medical centers, and hospitals;

E. Attached and co-located wireless communication facilities;

[F. Recreation and Entertainment Venues](#)

[G. Duplexes \(Reference 18.35.040 Section P\)](#)

[H. Townhomes \(Reference 18.35.040 Section P\)](#)

[I. Multifamily Dwellings \(Reference 18.35.040 Section P\)](#)

[J. Live-Work Structures](#)

[FK.](#) Essential public facilities. (Ord. 1095 § 1 (Exh. A), 2023; Ord. 1090 § 1 (Exh. A), 2022; Ord. 1089 § 1 (Exh. A), 2022; Ord. 1086 § 1 (Exh. A), 2022; Ord. 1080 § 1 (Exh. A), 2021; Ord. 995 § 12 (Exh. A), 2015).

[L. Parking Facilities](#)

[Single Family Residential Units \(Reference 18.35.040 Section P\)](#)

18.35.030 Special uses.

- A. Child day-care centers and nurseries;
- B. Preschools;
- C. ~~Cemeteries~~;
- D. Funeral homes;
- E. Convalescent care facilities;
- F. Assisted living facilities;
- G. Congregate care facilities;
- H. Senior centers;
- I. Freestanding wireless communication facilities;
- J. Churches and places of worship;
- K. Emergency housing and emergency shelters (see also Chapter 18.71 YMC). (Ord. 1095 § 1 (Exh. A), 2023; Ord. 1090 § 1 (Exh. A), 2022; Ord. 1089 § 1 (Exh. A), 2022; Ord. 1086 § 1 (Exh. A), 2022; Ord. 1080 § 1 (Exh. A), 2021; Ord. 1022 § 7, 2017; Ord. 995 § 12 (Exh. A), 2015).

18.35.040 Standards specific to the CBD district.

- A. Drive-through food establishments are prohibited.
- B. Drive-through establishments other than food service are allowed if drive-through lane exits on to a street other than Yelm Avenue (SR510 or SR507) or First Street.
- C. Minimum Lot Area. There is no minimum lot area.
- D. Minimum Front Yard Setback.
 - 1. Single-Family 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: five feet side yard and 15 feet flanking yard.

2. Multifamily residential: 10 feet side yard and 20 feet from any flanking street.

3. 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: five feet.

3. 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: 60 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.

~~K. 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.~~

L. 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.

9. If building fronts Yelm Avenue, the building must provide at least one entrance that fronts Yelm Avenue.

M. 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.

N. 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 decks 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.

O. 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.

P. Residential Restrictions. Duplexes, Townhomes, and multifamily that are not mixed-use developments may be located on lots that are at least 160 feet from an arterial or collector, measured from the nearest parcel boundary to the centerline, and may only be located on lots 0.2 acres or smaller in size.

Q. Service Oriented, Retail, and Mixed-Use Developments must include bicycle parking.

- 1. Service Oriented and Retail must provide short term bicycle parking (18.54.030).

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2. Mixed-Use Developments must provide long term bicycle parking (18.54.030).

R. Density. Mixed Use developments shall have a minimum average density of 16 units per acre. There is no minimum or maximum density requirements for duplexes, townhomes, or single family.

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. (Ord. 1095 § 1 (Exh. A), 2023; Ord. 1090 § 1 (Exh. A), 2022; Ord. 1086 § 1 (Exh. A), 2022; Ord. 1080 § 1 (Exh. A), 2021; Ord. 1057 § 7, 2019; Ord. 995 § 12 (Exh. A), 2015).

C-1

18.36.010 Intent.

The commercial zone is intended to provide for the location of business centers to serve the needs of the community for convenience goods and services such as food, drugs, household supplies, automobile servicing, recreation, entertainment and other uses related to, but lesser in scope than, downtown core area uses. (Ord. 1095 § 1 (Exh. A), 2023; Ord. 1086 § 1 (Exh. A), 2022; Ord. 1080 § 1 (Exh. A), 2021; Ord. 995 § 12 (Exh. A), 2015).

18.36.020 Permitted uses.

- A. Retail establishments;
- B. Service oriented establishments;
- C. Mixed use developments; ([Reference 18.64.040](#))
- D. *Repealed by Ord. 1086;*
- E. Child day-care centers and nurseries;
- F. Preschools and private instruction;
- G. Public safety and emergency response facilities, including police and fire stations, emergency medical centers, and hospitals;
- H. Attached and co-located wireless communication facilities;
- I. Essential public facilities. (Ord. 1095 § 1 (Exh. A), 2023; Ord. 1089 § 1 (Exh. A), 2022; Ord. 1086 § 1 (Exh. A), 2022; Ord. 1080 § 1 (Exh. A), 2021; Ord. 995 § 12 (Exh. A), 2015).
- J. [Live-Work Structures](#)
- K. [Recreation and Entertainment Venues](#)

18.36.030 Special uses.

- A. Cemeteries;
- B. Funeral homes;
- C. Convalescent care facilities;

D. Assisted living facilities;

E. Congregate care facilities;

F. Senior centers;

G. *Repealed by Ord. 1089;*

H. Freestanding wireless communication facilities;

I. Churches and places of worship;

J. Emergency housing and emergency shelters (see also Chapter 18.71 YMC). (Ord. 1095 § 1 (Exh. A), 2023; Ord. 1089 § 1 (Exh. A), 2022; Ord. 1086 § 1 (Exh. A), 2022; Ord. 1080 § 1 (Exh. A), 2021; Ord. 1022 § 8, 2017; Ord. 995 § 12 (Exh. A), 2015).

K. Parking Facilities

18.36.040 Standards specific to the C-1 district.

A. Minimum lot area: 5,000 square feet.

B. Minimum front yard setback: 15 feet.

C. Minimum side yard setback: 10 feet.

D. Minimum rear yard setback: 20 feet.

E. Minimum driveway approach: 20 feet.

F. Maximum building heights: 60 feet.

G. Building Location. Twenty-five percent of the floor area of a building with single-story gross floor area in excess of 40,000 square feet shall be sited within 1,000 linear feet of a double arterial.

H. 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.

I. 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.

J. 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. (Ord. 1095 § 1 (Exh. A), 2023; Ord. 1086 § 1 (Exh. A), 2022; Ord. 1080 § 1 (Exh. A), 2021; Ord. 995 § 12 (Exh. A), 2015).

[K. Service Oriented, Retail, and Mixed-Use Developments must include bicycle parking \(Reference 18.54.030\).](#)

[1. Service Oriented and Retail must provide short term bicycle parking \(Reference 18.54.030\).](#)

[2. Mixed-Use Developments must provide long term bicycle parking \(Reference 18.54.030\).](#)

C-2

18.37.010 Intent.

It is the intent of this chapter to permit commercial uses and activities which depend more heavily on convenient vehicular access or which may be inappropriate in other commercial districts and to limit location of heavy commercial areas to sites having safe and efficient access to major transportation routes. (Ord. 1095 § 1 (Exh. A), 2023; Ord. 1086 § 1 (Exh. A), 2022; Ord. 1080 § 1 (Exh. A), 2021; Ord. 995 § 12 (Exh. A), 2015).

18.37.020 Permitted uses.

- A. Retail establishments;
- B. Service oriented establishments;
- C. Mixed use developments; ([Reference 18.64.040](#))
- D. *Repealed by Ord. 1086*
- E. Child day-care centers and nurseries;
- F. Schools, preschools and private instruction;
- G. Public safety and emergency response facilities, including police and fire stations, emergency medical centers, and hospitals;
- H. Manufactured homes as an accessory use for security or maintenance personnel;
- I. Mini-storage facilities;
- J. Recreational vehicle storage;
- K. Recreational vehicle parks;
- L. Sales and servicing of automobiles, boats, recreational vehicles, modular homes and farm equipment;
- M. Recycling centers;
- N. Mail order warehouse;

O. On-site hazardous waste treatment and storage facilities as an accessory use to an activity generating hazardous waste;

P. Attached, co-located and freestanding wireless communication facilities;

Q. Essential public facilities. (Ord. 1095 § 1 (Exh. A), 2023; Ord. 1089 § 1 (Exh. A), 2022; Ord. 1086 § 1 (Exh. A), 2022; Ord. 1080 § 1 (Exh. A), 2021; Ord. 995 § 12 (Exh. A), 2015).

[R. Live-Work Structures](#)

[S. Recreation and Entertainment Venues](#)

18.37.030 Special uses.

A. Cemeteries;

B. Funeral homes;

C. Convalescent care facilities;

D. Assisted living facilities;

E. Congregate care facilities;

F. Senior centers;

G. *Repealed by Ord. 1089;*

H. Adult entertainment business (excluding live entertainment);

I. Churches and places of worship;

J. Emergency housing and emergency shelters (see also Chapter 18.71 YMC). (Ord. 1095 § 1 (Exh. A), 2023; Ord. 1089 § 1 (Exh. A), 2022; Ord. 1086 § 1 (Exh. A), 2022; Ord. 1080 § 1 (Exh. A), 2021; Ord. 1022 § 9, 2017; Ord. 995 § 12 (Exh. A), 2015).

18.37.040 Standards specific to the C-2 district.

A. Minimum lot area: 5,000 square feet.

B. Minimum front yard setback: 15 feet.

C. Minimum side yard setback: 10 feet.

- D. Minimum rear yard setback: 20 feet.
- E. Minimum driveway approach: 20 feet.
- F. Maximum building heights: 60 feet.
- G. Provide a paved pedestrian walkway from the street corner to the building entrance.
- H. Provide pedestrian oriented open space at key locations.
- I. Architecturally accentuate building corners at street intersections.
- J. Mini-storage facilities and recreational vehicle storage must be located more than 500 feet from an urban arterial.
- K. Recycling centers for the collection and temporary storage of materials shall be conducted within an enclosed building with a maximum gross floor area of 4,000 square feet.
- L. Recreational vehicle parks shall have:

- 1. No structure or recreational vehicle site shall be closer than 25 feet to any property line, and the area created by such setback shall be used for landscaping to screen the recreational vehicles from adjoining properties.

- 2. Permitted improvements include restroom facilities; picnicking areas; boating; fishing; swimming; outdoor games and activities, including miniature golf courses or any mechanical amusement device; and other uses customarily incidental to the operation of the park. (Ord. 1095 § 1 (Exh. A), 2023; Ord. 1086 § 1 (Exh. A), 2022; Ord. 1080 § 1 (Exh. A), 2021; Ord. 995 § 12 (Exh. A), 2015).

[M. Service Oriented, Retail, and Mixed-Use Developments must include bicycle parking \(Reference 18.54.030\).](#)

- [1. Service Oriented and Retail must provide short term bicycle parking \(Reference 18.54.030\).](#)

- [2. Mixed-Use Developments must provide long term bicycle parking \(Reference 18.54.030\).](#)

18.38.010 Intent.

It is the intent of this chapter to provide for the location of facilities and services needed by the traveling public and which depend more heavily on convenient vehicular access than pedestrian access. Limit location to sites having safe and efficient access to major transportation routes and identify the types of commercial uses appropriate or acceptable in the large lot commercial zone. (Ord. 1095 § 1 (Exh. A), 2023; Ord. 1090 § 1 (Exh. A), 2022; Ord. 1080 § 1 (Exh. A), 2021; Ord. 995 § 12 (Exh. A), 2015).

18.38.020 Permitted uses.

- A. Retail establishments;
- B. Service oriented establishments;
- C. Mixed use developments; [\(Reference 18.64.040\)](#)
- D. Child day-care centers and nurseries;
- E. Schools, preschools and private instruction;
- F. Public safety and emergency response facilities, including police and fire stations, emergency medical centers, and hospitals;
- G. Mini-storage facilities;
- H. Recreational vehicle parks;
- I. Sales and servicing of automobiles, boats, recreational vehicles, modular homes and farm equipment;
- J. Recycling centers;
- K. Mail order warehouse;
- L. On-site hazardous waste treatment and storage facilities as an accessory use to an activity generating hazardous waste;
- M. Attached, co-located and freestanding wireless communication facilities;

N. Essential public facilities. (Ord. 1095 § 1 (Exh. A), 2023; Ord. 1090 § 1 (Exh. A), 2022; Ord. 1089 § 1 (Exh. A), 2022; Ord. 1080 § 1 (Exh. A), 2021; Ord. 995 § 12 (Exh. A), 2015).

[O. Live-Work Structures](#)

[P. Recreation and Entertainment Venues](#)

18.38.030 Special uses.

- A. Cemeteries;
- B. Funeral homes;
- C. Convalescent care facilities;
- D. Assisted living facilities;
- E. Congregate care facilities;
- F. Senior centers;
- G. Adult entertainment business (excluding live entertainment);
- H. Churches and places of worship;
- I. Emergency housing and emergency shelters (see also Chapter 18.71 YMC). (Ord. 1095 § 1 (Exh. A), 2023; Ord. 1090 § 1 (Exh. A), 2022; Ord. 1089 § 1 (Exh. A), 2022; Ord. 1080 § 1 (Exh. A), 2021; Ord. 1022 § 10, 2017; Ord. 995 § 12 (Exh. A), 2015).

18.38.040 Standards specific to the C-3 district.

- A. Minimum lot area: 70 percent of the original tract must be kept in a single lot. No minimum lot area on lots outside the large lot tract.
- B. Minimum front yard setback: 15 feet.
- C. Minimum side yard setback: 15 feet.
- D. Minimum rear yard setback: 15 feet.
- E. Minimum driveway approach: 20 feet.
- F. Maximum building heights: 60 feet.

G. Building Location. Twenty-five percent of the floor area of a building with single-story gross floor area in excess of 40,000 square feet shall be sited within 1,000 linear feet of a double arterial.

H. Ingress and egress at the site shall be limited to one driveway for each 200 feet of frontage. Where only one driveway serves a site, the driveway shall not be less than 25 feet nor more than 36 feet wide. All driveways shall be not less than 150 feet from intersecting right-of-way lines, measured from the centerline of the driveway. Curbs and gutters or permanently fixed bollards shall be provided to limit other vehicular access to the site.

I. Mini-storage facilities and recreational vehicle storage must be located more than 500 feet from an urban arterial.

J. Recycling centers for the collection and temporary storage of materials shall be conducted within an enclosed building with a maximum gross floor area of 4,000 square feet.

K. Recreational vehicle parks shall have:

1. Property line setbacks to any structure or recreational vehicle sites shall be a minimum of 25 feet. This area shall be used for landscaping to screen the park from adjoining properties.

2. Permitted improvements include restroom facilities; picnicking areas; boating; fishing; swimming; outdoor games and activities, including miniature golf courses or any mechanical amusement device; and other uses customarily incidental to the operation of the park. (Ord. 1095 § 1 (Exh. A), 2023; Ord. 1090 § 1 (Exh. A), 2022; Ord. 1080 § 1 (Exh. A), 2021; Ord. 995 § 12 (Exh. A), 2015).

L. Service Oriented, Retail, and Mixed-Use Developments must include bicycle parking

1. Service Oriented and Retail must provide short term bicycle parking, set forth in 18.54.030

2. Mixed-Use Developments must provide long term bicycle parking, set forth in 18.54.030

Industrial Zone

18.39.010 Intent.

It is the intent of this chapter to provide for the areas in which certain types of industrial activities may be located, to protect industrial areas from other uses which may interfere with the purpose and efficient functioning of industrial uses and protect adjacent areas from adverse or damaging impact resulting from activities in the industrial areas. (Ord. 995 § 12 (Exh. A), 2015).

18.39.020 Permitted uses.

A. Manufacture, assembly, repair, servicing of goods or products such as mechanical, automotive, marine and contractors' or builders' equipment and supplies, concrete, cement, asphalt, building materials and supplies, and electrical and electronic equipment or products.

B. Assembly of manufactured products, remanufacturing/recycling and processing of materials such as wood products, including furniture, metal, cans, cable and pipe, plastics and synthetic materials, concrete products, cloth, paper, commercial bakery goods, cosmetics, agricultural or dairy products, scientific, medical and precision instruments and equipment, livestock rendering facility, and auto wrecking yards.

C. Warehousing and storage of equipment, commodities and products.

D. Commercial greenhouse.

E. Accessory uses clearly subordinate to, and an integral part of, the primary use of the property (e.g., plant cafeteria, recreation area).

F. Manufactured home as an accessory use for security or maintenance personnel.

G. Commercial uses which are clearly subordinate to a permitted use such as service stations or hardware stores.

H. Public buildings, public safety and emergency response facilities, including police and fire stations.

I. Living or residential quarters as an accessory use such as guards' quarters in large establishments

where such quarters are customarily provided for security and/or insurability of the premises.

J. On-site and off-site hazardous waste treatment and storage facilities as an accessory use to any activity lawfully allowed in this zone; provided, that such facilities meet the state siting criteria adopted pursuant to the requirements of RCW [70.105.210](#).

K. Attached, co-located and freestanding wireless communication facilities;

L. Essential public facilities. (Ord. 1089 § 1 (Exh. A), 2022; Ord. 1022 § 11, 2017; Ord. 995 § 12 (Exh. A), 2015).

[M. Live Work Structures](#)

[N. Recreation and Entertainment Venues](#)

18.39.030 Special uses.

A. Cemeteries;

B. Funeral homes;

C. Convalescent care facilities;

D. Assisted living facilities;

E. Congregate care facilities;

F. Senior centers;

G. *Repealed by Ord. 1089;*

H. Secure community transition facilities;

I. Senior 55 years and older rental housing communities;

J. Adult entertainment business. (Ord. 1104 § 1, 2023; Ord. 1089 § 1 (Exh. A), 2022; Ord. 995 § 12 (Exh. A), 2015).

18.39.040 Standards specific to the industrial district.

A. Minimum lot area: 10,000 square feet.

B. Minimum lot width: 100 feet.

C. Minimum front yard setback: 15 feet.

D. Minimum side yard setback: 15 feet unless the property abuts residentially zoned property, in which case the side yard setback shall be 25 feet.

E. Minimum rear yard setback: 15 feet unless the property abuts residentially zoned property, in which case the side yard setback shall be 25 feet.

F. Maximum building heights: 40 feet.

G. Building location: 25 percent of the floor area of a building with single-story gross floor area in excess of 40,000 square feet shall be sited within 1,000 linear feet of a double arterial.

H. Landscaping. In addition to standard landscaping requirements, parcels which share a common boundary with properties in a residential or open space/institutional district shall provide a 10-foot landscape strip, in addition to the rear or side setbacks required. (Ord. 1022 § 12, 2017; Ord. 995 § 12 (Exh. A), 2015).

Chapter 18.64 Zoning Overlays

18.64.010 Intent.

It is the intent of this chapter to provide opportunity for greater flexibility in zoning and design requirements, encourage a variety of housing types, encourage infilling of skipped-over parcels in developed areas of the city and to provide for maximum efficiency in the layout of streets, utility networks and other public improvements. (Ord. 1095 § 1 (Exh. A), 2023; Ord. 995 § 12 (Exh. A), 2015).

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, 15 percent, rounded to the nearest whole number.
2. In the moderate-density district, 20 percent, rounded to the nearest whole number.
3. In the high-density district, 25 percent, rounded to the nearest whole number.

B. 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.

C. 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.

D. 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.

E. 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. (Ord. 1095 § 1 (Exh. A), 2023; Ord. 1057 § 9, 2019; Ord. 995 § 12 (Exh. A), 2015).

[F. Additional Requirements are required for Planned Residential Developments. Reference 18.16 and 18.10.120 Section G.](#)

18.64.040 Mixed use development.

A mixed use development encourages imaginative design and the creation of open space in development by preserving or creating environmental amenities superior to those generally found in conventional developments and preserves to the greatest possible extent the natural characteristics of the land, encourages development of affordable housing, and establishes a method for utilizing potential zoned properties.

A. Standards.

1. Uses shall be allowed as indicated under Chapters 18.35, 18.36, 18.37, and 18.38 YMC, except that automobile service stations and drive-through facilities shall be prohibited.
2. At least 20 percent of the combined gross floor area of the buildings proposed on the site shall be devoted to residential uses, and at least 20 percent to nonresidential uses. Parking garages or portions of garages devoted to residential or nonresidential uses may be counted towards this requirement, but surface parking may not.

3. Land uses in mixed use sites shall be selected and designed to encourage interaction among uses. Examples include but are not limited to commercial developments which are significantly used for shopping by on-site or adjacent residents or office workers.

4. At least 30 percent of the commercial component must be constructed prior to completion of the residential component, providing that adequate infrastructure is constructed for the remaining commercial component.

5. The residential component of the mixed use development shall be composed of multifamily units.

B. Density Standards.

1. A minimum average density of 16 dwelling units per acre is required.

~~2. There is no maximum density.~~

~~2. A maximum average density of 32 dwelling units per acre is allowed.~~

~~3. In the CBD only, density will range from 20 to 32 dwelling units per acre.~~

C. Mixed Use Site Area.

1. Lots may contain more than one use and will be a shape, size and design appropriate to the zone and intended uses as determined by the city.

2. A minimum of 50 percent of the lineal street front of the ground floor of mixed use buildings along arterial or collector streets shall be devoted to commercial or office uses. Parking garages devoted in whole or part to commercial or office uses may be counted towards this requirement, but surface parking may not. Mixed use buildings along lesser classification streets shall not face this requirement.

D. Exemptions From Certain Provisions. A mixed use development shall be exempt from the specific design requirements of a standard subdivision, except that when any parcel of land in a mixed use 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.

E. Relationship to Adjacent Areas.

1. The design of the mixed use development shall take into account the relationship of the site to the surrounding areas. The perimeter of the mixed use development shall be so designed as to minimize undesirable impact of the mixed use development on adjacent

properties and, conversely, to minimize undesirable impact of adjacent land use and development characteristics of the mixed use development.

2. Setbacks from the property line of the mixed use development area shall be comparable to or compatible with those of the existing development of adjacent properties or if adjacent properties are undeveloped, the type of development which may reasonably be expected on such properties given the existing zoning of such properties and the land use component of the comprehensive plan. (Ord. 1095 § 1 (Exh. A), 2023; Ord. 995 § 12 (Exh. A), 2015).

[F. Additional Requirements are required for Mixed-Use Developments per 18.16 and 18.10.120 Section G.](#)

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, 15 percent, rounded to the nearest whole number.
- b. In the moderate-density district, 20 percent, rounded to the nearest whole number.
- c. In the high-density district, 25 percent, rounded to the nearest whole number.

2. 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.

3. 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.

4. Every lot containing a townhouse must provide each unit private space of at least 200 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.

5. 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.

6. 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.

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

8. Conversion of existing structures to a townhouse project will be permitted provided all townhouse development standards as outlined in this section can be satisfied. (Ord. 1057 § 10, 2019; Ord. 995 § 12 (Exh. A), 2015).

18.64.060 Manufactured homes.

It is the intent of this section to permit the location of manufactured homes as a permanent form of dwelling unit, to provide standards for the development and use of manufactured homes, and to make a distinction between manufactured home communities and manufactured home subdivisions and their characteristics.

A. Manufactured housing units shall comply with the following requirements:

1. Homes shall be set below grade on ribbon-footings and a permanent foundation shall be constructed around the perimeter. No more than 12 inches of the perimeter foundation shall be visible or above the finish grade of the lot.

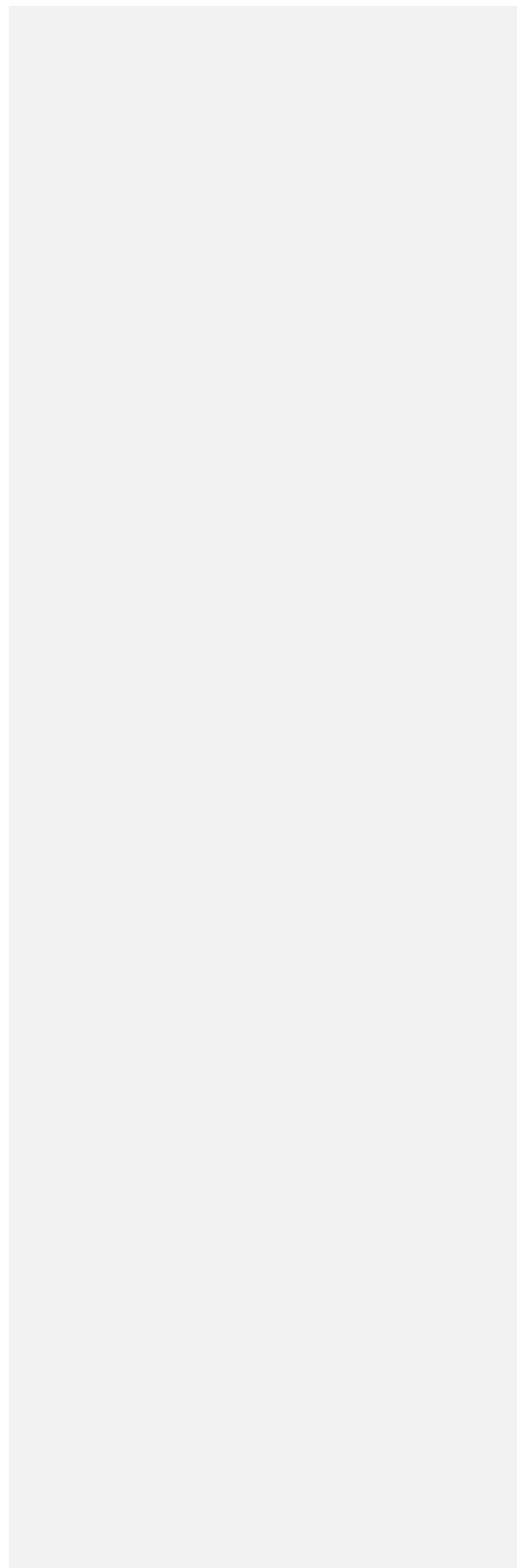
2. Manufactured housing shall be comparable to site-built housing in the neighborhood within the same zoning district. In general, manufactured homes shall be comprised of at least two fully enclosed parallel sections with a total width of at least 24 feet and a length of at least 36 feet.

3. The age of a manufactured home, as reflected on the title, shall not exceed a maximum of five years at the time of installation.

B. Manufactured housing communities shall comply with the following requirements:

1. The minimum lot size for a manufactured housing community shall not be less than three acres, nor more than 15 acres.
2. Yard setbacks along the perimeter of the property shall be 15 feet from the required buffer.
3. The minimum lot size and width shall be 4,000 square foot lot size average, a minimum 40 feet wide and 80 feet deep.
4. A 10-foot dense sight barrier landscape buffer and six-foot solid wood fence shall be required around the perimeter of the site. The buffer shall be placed along the perimeter property line and the six-foot solid wood fence shall be placed 10 feet inside the perimeter property line.
5. Each manufactured home site shall have access from an interior drive or roadway only.
6. Access to the manufactured housing community shall be limited to not more than one driveway from a public street or road for each 200 feet of frontage.
7. In addition to the parking requirements of Chapter 18.53 YMC, a minimum seven-foot parking on each side of the street or minimum seven-foot parking on one side of the street and a parking area for guests of at least one space for each five homes. Parking areas shall be located in a centralized location(s).
8. No manufactured housing community shall be constructed to block connecting streets shown or proposed as part of the Yelm comprehensive plan.
9. All interior private streets of the community shall have minimum 11-foot drive lanes.
10. Manufactured home communities shall connect with traffic and pedestrian ways on all abutting or connecting streets.
11. All streets, roads and driveways shall be paved to a standard of construction acceptable to the public works department. Interior pedestrian walkways, carports and parking areas shall be paved.
12. A minimum four-foot internal walkway shall connect each space with common areas, internal roads, public streets and parking areas. All walkways must be separated, raised, or protected from vehicular traffic and provide access for handicapped persons.
13. Accessory buildings or structures accessory to the manufactured housing community as a whole, and intended for the use of all manufactured home occupants are permitted, provided the building area not exceed one-fourth of the common open space area. (Ord. 995 § 12 (Exh. A), 2015).

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Off-Street Parking

18.54.010 Intent.

It is the intent of this chapter to:

- A. Assure that space is provided for the parking, loading and unloading of motor vehicles and bicycles on the site of premises or uses which attract said motor vehicles and bicycles;
- B. Provide minimum standards of space and parking arrangements, and for the movement of motor vehicles and bicycles into and out of such spaces;
- C. Avoid or reduce traffic congestion on public streets by:
 - 1. Keeping the need for on-street parking to a minimum, and
 - 2. Controlling access to sites;
- D. Enhance safety for pedestrians and motor vehicle operators; and
- E. Encourage the creation of an aesthetically pleasing and functionally adequate system of off-street parking and loading facilities. (Ord. 995 § 12 (Exh. A), 2015).

F. Increase bicycle parking facilities on site to decrease the need for motor vehicle parking.

18.54.020 General requirements.

- A. Off-street parking spaces and driveways shall not be used at any time for purposes other than their intended use, i.e., the temporary storage of motor vehicles used by persons visiting or having business to conduct on the premises for which the parking is provided.
- B. Minimum parking space required and intended for use by occupants or users of specific premises shall not be leased or rented to others, nor shall such space be made unavailable through other means to the users for whom the parking spaces are intended. This, however, does not preclude shared parking arrangements.
- C. Whenever a building or a piece of land is put to a use different from the immediately preceding use, or when a building is remodeled, reconstructed or expanded, adequate off-street parking shall be provided consistent with the new use, reconstruction or expansion of the premises.
- D. Consideration from the site plan review committee should be given as to the requirements and standards for off-street parking as they pertain to the central business district.

E. Off-street parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building that such facility is required to serve.

F. For a single-family dwelling or multifamily dwellings, the parking facilities shall be located on the same lot or building site as the building they are required to serve.

G. For churches located in any zones, parking facilities shall be located on the site; consideration may be given to parking facilities located not farther than 150 feet from the building.

H. For hospitals, sanitariums, homes for the aged, asylums, orphanages, rooming houses, lodging houses, nursing and convalescent homes, community clubs and club rooms, parking facilities shall be located not farther than 150 feet from the facility.

I. For uses other than those specified, parking facilities shall be located not farther than 300 feet from the facility.

J. Handicapped parking shall meet the guidelines of the International Building Code as adopted in Chapter 18.23 YMC.

K. Exceptions or modifications to the provisions of this chapter shall be processed as a variance application. (Ord. 995 § 12 (Exh. A), 2015).

L. The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash and other debris. Failure to perform such maintenance will be declared a nuisance as adopted in Title 8 Health and Safety.

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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.

Type of Use	Minimum Vehicle Parking Requirements	Minimum Bicycle Parking Requirements
Single-family	Two per dwelling unit	None
Accessory dwelling unit	One per dwelling unit.	None
Duplexes and multifamily units up to 4 units	Two per dwelling unit	None
Multifamily over four units	One space for studio apartments	1 per 10 Units. Minimum 2 per building
	One and one-half spaces per 1 – 2 bedroom dwelling unit	
	Two spaces per 3+ bedroom dwelling units	
	Plus one guest space for every 10 units	
Multifamily constructed along major transit routes	One space for studio and 1 bedroom apartments	1 per 10 Units. Minimum 2 per building
	One and one-half spaces per 2+ bedroom dwelling units	

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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 Vehicle Parking Requirements	Minimum Short Term Bicycle Parking Spaces	Minimum Long Term Bicycle Parking Sp
Banks, saving and loan associations, business and professional offices	One per 300 sq. ft. of GFA.	1 per 10,000 sq. ft. of GFA. Minimum of 1.	None

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Type of Use	Minimum Vehicle Parking Requirements	Minimum Short Term Bicycle Parking Spaces	Minimum Long Term Bicycle Parking Sp
Retail establishments, including grocery stores	One per 250 sq. ft. of GFA.	1 per 3,000 sq. ft. of GFA. Minimum of 2, Maximum of 10.	1 per 6,000 sq. ft. of GFA. Minimum of 2, Maximum of 10.
Establishments for the sale and consumption of food and beverages, including fraternal and social clubs	One per 200 sq. ft. of GFA.	1 per 1,000 sq. ft. of GFA. Minimum 1.	1 per 2,000 sq. ft. of GFA. Minimum 1.
Boarding, lodging or rooming houses	One and one-half for each sleeping room.	1 per 10 rooms.	1 per 10 rooms
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.	None	None
Churches, mortuaries or funeral homes	One for six seats in the principal place of assembly or worship, including balconies and choir loft.	None	None
Hospitals	One for each bed, plus one per employee based on the greatest number of employees on a single shift.	1 per 30 beds, plus 1 per 30 employees on largest shift. Minimum of 2.	1 per 30 beds, plus 1 per 30 employees on largest shift. Minimum of 2.
Libraries and museums	One for each eight occupants, based on maximum occupants per the International Building Code.	1 per 1,500 square feet of public floor area. Minimum of 4.	1 per 6,000 square feet of public floor area. Minimum of
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.	1 per 10,000 square feet, minimum of 2.	1 per 10,000 square feet, minimum of 2.
Motels, hotels	One for each unit, plus one per employee based on the greatest number of employees on a single shift.	1 per 10 rooms. Minimum of 2.	1 per 20 rooms.
Motor vehicle or machinery sales, wholesale stores, furniture stores	One for each 400 sq. ft. of GFA.	None	None
Schools:			

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Type of Use	Minimum Vehicle Parking Requirements	Minimum Short Term Bicycle Parking Spaces	Minimum Long Term Bicycle Parking Sp
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.	1 per 5 Classrooms. Minimum of 4	1 per 5 Classrooms. Minimum of 4
Elementary and junior high schools	One for each 10 students of design capacity.	1 per classroom	1 per 3 classrooms
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.	1 per 75 permitted occupants. Minimum of 4.	1 per 300 permitted occupants. Minimum of 1
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.	1 per 75 permitted occupants. Minimum of 4.	1 per 300 permitted occupants. Minimum of 1
Theaters	One for each six seats.	1 per 75 permitted occupants. Minimum 4.	1 per 300 permitted occupants. Minimum of 1

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C. General Industrial Uses.

1. One vehicle 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.

E. Minimum off-street 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.

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. (Ord. 1057 § 8, 2019; Ord. 995 § 12 (Exh. A), 2015).

18.54.040 Mixed occupancies.

In the case of two or more uses in the same building, the total requirements for off-street parking facilities shall be the sum of the requirements for the several uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as hereafter specified in incentives for reducing the number of parking stalls, YMC 18.54.060. (Ord. 995 § 12 (Exh. A), 2015).

18.54.050 Off-street loading.

Off-street loading shall be required for all commercial establishments which are engaged in the retailing or wholesaling of merchandise requiring regular delivery such as food retailers, lumber yards, hardware stores, department stores and the like.

Total Gross Floor Area of Building(s)	Space Required
Less than 5,000 sq. ft.	One
5,000 sq. ft. to 25,000 sq. ft.	Two
25,000 sq. ft. to 50,000 sq. ft.	Three
Each additional 50,000 sq. ft. or fraction thereof in excess of 25,000 sq. ft.	One additional

All off-street loading and unloading spaces shall be of adequate size and with adequate access thereto to accommodate a vehicle 45 feet in length, 12 feet in width and 14 feet in height. Each loading space shall be surfaced with an asphalt, concrete or similar pavement so as to provide a surface that is durable and dust-free and shall be so graded and drained as to properly dispose of all surface water, and shall, moreover, comply with Yelm Engineering Specifications and Standard Details.

Any floor area provided by additions to or structural alterations to a building shall be provided with loading space or spaces as set forth herein whether or not loading spaces have been provided for the original floor space. (Ord. 995 § 12 (Exh. A), 2015).

18.54.060 Incentives for reducing the number of parking stalls.

The city may allow the overall parking ratio (stalls/floor area, people or employees) to be reduced for buildings of 5,000 square feet or more, provided such reductions are consistent with the intent of this chapter. Reduction in parking areas may include any combination of incentives; provided, that the overall reduction does not exceed 25 percent of the minimum area required by YMC 18.54.030. Reductions in parking requirements may occur pursuant to, but are not limited to, the following guidelines:

A. A reduction of the required parking is possible with coordinated design and shared access to consolidated parking areas linked by pedestrian walkways.

B. Multiple parcels, under separate ownership, shall be treated as a single development site if all owners agree. Where adjoining parking facilities of two or more ownerships are developed and designed as one parking facility, a reduction of up to 15 percent of the total combined required parking spaces may be permitted.

C. In a mixed use development a reduction of the required parking is possible if, through a quantified parking demand analysis, it can be demonstrated that parking requirements for the highest and best uses occur at offsetting peak times.

D. Primary night-time uses such as theaters and bowling alleys may receive up to a 50 percent reduction in providing the required number of parking stalls if:

1. A lease for the equivalent parking stall reduction is obtained from a primary day-time user such as a bank, office or retail store;

2. Leased parking is within 300 feet of the associated use, as long as a pedestrian walkway exists or is provided between parking area and use.

E. Two or more uses may share a parking area or garage if:

1. The continuation of joint or shared facilities shall be assured by a sufficient legal document such as a covenant or reciprocal easement agreement or recorded covenant on the approved site plan or by participation in a local improvement district.

2. Off-site leasing of parking areas may be utilized to meet the required ratio of parking for the proposed use; provided, that the leased parking is within 300 feet of the proposed use, as long as a pedestrian walkway exists or is provided between parking area and use.

F. Alternative programs that may be considered by the site plan review committee under this section include, but are not limited to the following:

1. Private vanpool operation;

2. Transit/vanpool fare subsidy;
3. Imposition and maintenance of a charge for parking;
4. Provision of subscription bus services;
5. Flexible work hour schedule;
6. Capital improvements for transit services;
7. Preferential parking for carpools/vanpools;
8. Participation in the ride-matching program;
9. Reduction of parking fees for carpools and vanpools;
10. Establishment of a transportation coordinator position to implement carpool, vanpool and transit programs;
11. Bicycle parking facilities. (Ord. 995 § 12 (Exh. A), 2015).

18.54.070 Development standards.

Parking area design shall include:

- A. Internal circulation of the lot shall be so designed as to minimize in-and-out driving time, idling time, time spent looking for a parking space without reentering adjoining public streets.
- B. Off-street parking areas shall be designed to provide for the safe and convenient circulation of pedestrians and vehicle traffic within the parking area and between the parking area and adjacent streets.
- C. Provide access roads through large lots with more than one street frontage.
- D. Provide shared parking facilities between adjacent compatible land uses.
- E. Convenient, marked pedestrian access shall be provided from parking areas to pedestrian linkage systems and from parking areas to principal uses.
- F. Except as approved by the site plan review committee in specified locations within the central business district, in all commercial and industrial developments, and in all residential buildings containing five or more dwelling units, parking areas shall be so arranged as to make it unnecessary for a vehicle to back out into any street or public right-of-way.

G. Adequate provision shall be made for individual ingress and egress by vehicles to all parking stalls at all times by means of unobstructed maneuvering aisles. Maneuvering aisles, parking stall dimensions and requirements shall be as shown in the Yelm Engineering Specifications and Standard Details.

H. In all parking facilities containing 25 or more parking spaces, a maximum of 25 percent of the required parking spaces may be reduced in size for the use of small cars, provided these spaces shall be clearly identified with a sign permanently affixed immediately in front of each space containing the notation "Compacts Only." Spaces designed for small cars may be reduced in size as listed in the Yelm Engineering Specifications and Standard Details for minimum parking dimensions. Where feasible, all small car spaces shall be located in one or more contiguous areas and/or adjacent to ingress/egress points within parking facilities. Location of compact car parking spaces shall not create traffic congestion or impede traffic flows.

I. When off-street parking is provided in the rear of a building and a driveway or lane alongside the building provides access to the rear parking area, such driveway or lane shall be a minimum width of 20 feet with a sidewalk meeting ADA requirements adjoining the building and curbed or raised six inches above the driveway surface.

J. An owner/developer may install the required parking spaces in phases if a phased schedule has been approved by the site plan review committee. This schedule must specifically indicate when the minimum parking requirements of YMC 18.54.030 will be provided. The site plan review committee may permit the use of temporary parking areas with appropriate screening as part of a phasing schedule. In addition, the site plan review committee may require a performance assurance device to ensure conformance with the requirements and intent of Chapter 18.53 YMC.

K. Parking angles may be varied on different aisles within a single parking area to permit more efficient space utilization.

L. Dead-end aisles shall be considered as two-way aisles.

M. Turnaround areas will be required when necessary.

N. All parking areas and driveways must be surrounded by a six-inch-high vertical concrete curb if the lot is visible from the street.

O. All landscaped and pedestrian areas shall be protected from encroachment by parked cars. (Ord. 995 § 12 (Exh. A), 2015).

18.54.80 Drive Through Standards.

These standards ensure that there are adequate on-site maneuvering and circulation areas, ensure that stacking vehicles do not impede traffic on abutting streets.

- A. The design of drive-through facilities shall provide safe and efficient pedestrian and vehicular access through the site.**
- B. Stacking lanes shall not interfere with parking spaces, parking aisles, loading spaces, internal site circulation, or points of ingress and egress for vehicles or pedestrians, and shall not stack into any right-of-way or adjacent streets.**
- C. Each stacking space shall be a minimum of 20 feet long and 10 feet wide on straight segments and a minimum of 12 feet wide on curved segments.**

Type	Minimum Stacking Space Requirements
<u>Fast Food Restaurant and Coffee Shops</u>	<u>12 with a minimum of 3 spaces before the ordering board or window</u>
<u>Financial Institution</u>	<u>4</u>
<u>Pharmacy</u>	<u>6</u>
<u>Automatic Car Wash</u>	<u>6</u>

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Definitions 18.02

18.02.010 Intent.

It is the intent of this chapter to promote consistency and precision in the interpretation of this title and to define (and illustrate, where necessary) certain words, terms and phrases in the interest of reducing to a minimum the misunderstanding which may occur in the absence of such definition. (Ord. 995 § 12 (Exh. A), 2015).

18.02.040 Specific definitions.

“Live-Work Structures” means a building that contains commercial business and residential use for the business operator, owner, or employee. Allowed occupancies for live-work structures include assembly, office/café/business, retail, and manufacturing of nonhazardous materials. Subject to limitations set by the currently adopted International Building Code.

“Long Term Bicycle Parking” means bicycle parking designed for bicycles parked for more than 4 hours, such as bicycle lockers, cages, or rooms, providing additional security to ensure bikes are safe from theft, vandalism, and sheltered from weather over prolonged periods of time.

“Short Term Bicycle Parking” means bicycle parking meant for bikes parked less than four hours, such as bike racks or corals, in locations that are easily accessible, such as sidewalks, parks, private property for visitors, customers, and residents.

“Townhouse” means a multi-story house in a modern housing development which is attached to one or more similar houses by shared walls.

“Condominium” means a building or complex of buildings containing individually owned residential units.

“Triplex” means a single residential structure containing three-units.

“Rowhouse” is a single-family home set at the same point on the property line as its neighboring units, sharing a common wall, roofline and, generally, a consistent exterior design.

“Tiny House” is a dwelling that may be built on wheels and is no larger than 400 square feet, including a kitchen, bathroom, and sleeping/living area, and must be built to the Washington State Building Code.

“Cottage Housing” means a detached, single-family dwelling unit containing 1,500 square feet or less of gross floor area.

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“Recreation and Entertainment Venue” is a commercial establishment (indoors or outdoors) where patrons can actively participate in sports, live or cinematic entertainment, and other recreational activities.

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Chapter 18.68 Mobile Food Vending

18.68.030 General Requirements

D. Restroom facilities to be used by the mobile food employees shall be contained within the unit or located within 200 feet of the unit, consistent with the regulations set by the Washington Department of Health. If tables and chairs are provided for customer use, customer restroom facilities must be provided as required by the Thurston County health department. Written approval from the property owner of the restroom facility must be provided before approval of the mobile food vending application.

08/12/2024

Exhibit B - Expedited Review
Acknowledgement

Mail To: AndrewK@Yelmwa.gov

Subject: City of Yelm - Expedited Review Request Granted for Submittal ID: 2024-S-7268

Dear Mr. Kollar,

Your request for an Expedited Review has been granted for: The City of Yelm is proposing to update several sections of Chapter 18 Unified Development Code to increase flexibility for residential and mixed-use developments in the Central Business and Commercial Districts, establish bicycle parking requirements, and include definitions to establish consistency with the new code language. The updates also include hyperlinks and references to other chapters

As of receipt of this email, you have met the Growth Management notice to state agency requirements in RCW36.70A.106 for this submittal. Please keep this email as confirmation.

If you have any questions, please contact Nathan Pate at (360) 725-2846 or by email at nathan.pate@commerce.wa.gov.

Sincerely,

Review Team
Growth Management Services

~~~~ ONLINE TRACKING SYSTEM AVAILABLE ~~~~

Log into our new PlanView system at <https://secureaccess.wa.gov/com/planview> where you can keep up with this submittal status, reprint communications and update your contact information.

Don't have a user account? Reply to this email to request one and attach a completed PlanView User Request Form.

Have questions about using PlanView? Use the PlanView User Manual for assistance at <https://www.commerce.wa.gov/serving-communities/growth-management/washington-department-of-commerce-growth-management-submitting-materials/>.



**City of Yelm**  
EST. 1924  
**WASHINGTON**

**Building and Planning Department**  
360.400.8410  
Planning@yelmwa.gov

**Notice of Determination of Nonsignificance (DNS)**  
City of Yelm Unified Development Code Amendments

**Description of Proposal:** This non-project action included a revision of the Yelm Unified Development Code to identify regulations that prevent development within the City's commercial districts. This revision also establishes bicycle parking requirements, creates specifications for drive through establishments, and reorganizes the Development Code to ensure it is easily navigable, clear, and objective.

**Proponent:** City of Yelm, Building & Planning Department, Gary Cooper, Building and Planning Department

**Lead Agency:** City of Yelm, Building and Planning Department, Andrew Kollar, Planner

**SEPA Determination:** City of Yelm, Building & Planning Department has determined that this proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the City. This information is available to the public on request.

This will be the only comment period for this DNS. As per WAC 197-11-340(2); this agency will not act on this proposal for 15 days from the Date of Publication date below. Comments on the code revisions may also be submitted at the Planning Commission public hearing at the date and location below.

**Date Issued:** July 18, 2024

**Date of Publication:** July 25, 2024

**Planning Commission Public Hearing:** 8/19/2024, 4:00 pm, City Hall Council Chambers, 106 2<sup>nd</sup> St. SE, Yelm, WA 98597



**City of Yelm**  
EST. 1924  
**WASHINGTON**

## **Notice of Public Hearing**

4:00 PM Monday, August 19, 2024, at Yelm City Hall, 106 Second St. SE

### **Amendment to City of Yelm Unified Development Code**

The Yelm Planning Commission has scheduled a public hearing to receive public comment on proposed amendments to the City of Yelm Unified Development Code.

The Public Hearing will begin at 4:00 PM Monday, August 19, 2024 at Yelm City Hall, 106 Second St. SE. and can be attended in person or via Zoom through the link below:

**Via Zoom:** [Click here to join Zoom Meeting](#)

Or Dial In: 253-215-8782 Meeting ID: 870-3193-3305 Passcode: 564018

The proposed amendments to the Unified Development Code include the following:

- Allow residential units in certain areas of the Central Business District, including live-work units in all commercial and industrial zones
- Include Recreation and Entertainment Venues in all Commercial and Industrial Districts
- Eliminate the maximum density requirement for mixed-use developments in the Central Business, Commercial and Industrial Districts,
- Establish bicycle parking requirements in all zones
- Establish parking lot maintenance requirements
- Establish definitions for terms not previously referenced in Chapter 18.

The proposed amendments can be viewed at the City of Yelm Public Services department or emailed by request. For additional information, please contact Andrew Kollar at [andrewk@yelmwa.gov](mailto:andrewk@yelmwa.gov) or 360.400.5001. Written comments will be received up to and at the public hearing.

It is the City of Yelm's policy to provide reasonable accommodations for people with disabilities. If you are a person in need of accommodations to conduct business or to participate in government processes or activities, please contact Kathy Linnemeyer, at 360-458- 8816 at least five working days prior to the scheduled event.

**CITY OF YELM  
ORDINANCE NUMBER \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF YELM, WASHINGTON, CREATING A NEW  
CHAPTER OF THE YELM MUNICIPAL CODE, TO BE KNOWN AS CHAPTER 8.32,  
DECLARING POTHOLES A PUBLIC NUISANCE SUBJECT TO ABATEMENT**

**WHEREAS**, the City of Yelm declares potholes endanger the safety and wellbeing of its citizens; and,

**WHEREAS**, the City of Yelm has a duty to protect the safety and wellbeing of its citizens; and

**WHEREAS**, the Yelm City Council has determined that declaring potholes a public nuisance is in the best interest of the residents of the City of Yelm and will promote the general health, safety, and welfare; and

**WHEREAS**, the Yelm City Council hereby adds this ordinance 8.32 to the Yelm Municipal Code:

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

**Section 1.** Chapter 8.32 of the Yelm Municipal Code is hereby added to read as follows:

**SECTION 8.32.010 Definitions.**

For purposes of this chapter, the following terms shall have the following meanings:

- A. "Abate" or "abatement" means to repair, replace, remove, destroy or otherwise remedy a condition which constitutes a nuisance under this chapter or under any chapter of the county code by such means, in such a manner, and to such an extent as the director determines is necessary in the interest of the general health, safety and welfare of the community.
- B. "Pothole" means a depression or hollow in a road surface.
- C. "Pit" means a large hole in the ground.
- D. "Hole" means a hollow place in a solid body or surface.

**SECTION 8.32.020. Nuisance declared.**

All parking areas, loading areas, aisles, and turnarounds, paved with concrete, asphaltic, or comparable surfacing, constructed for off-street vehicle areas, shall be maintained in good condition without pits, potholes, or holes. The existence of any pits, potholes, or holes on areas constructed for off-street vehicle areas, are now or hereafter shall become, in the judgment of the council of the city, dangerous to the lives and safety of persons or property or unsafe for the purpose or purposes for which they are being used, are declared to be public nuisances.

**SECTION 8.32.030. Abatement procedure.**

A. Upon receipt of information or upon personal observation that a nuisance exists as defined in this Chapter 8.32, the enforcement officer shall cause an investigation of the matter and premises involved. If the enforcement officer determines that a nuisance exists he or she shall file a written finding to that effect with the city clerk/treasurer.

B. After having filed a finding that a nuisance exists, the enforcement officer shall require the owner of the premises involved to abate the nuisance at his or her own cost and expense, in whole or in part. The enforcement officer shall give written notice to the owner as prescribed in this section, describing the property involved, the condition to be corrected, and a specified reasonable time within which the owner must correct the condition, which shall be not less than five days, or ten days from the date of service by mail as evidenced by the postmark on the notice. The notice must further specify that:

1. If the owner fails to abate the nuisance within the specified period of time, the city shall cause the work to be performed and shall assess all or any portion of the cost thereof against the owner;
2. The owner may be liable for civil penalties for each day or part of day that the condition continues to exist following the notice;
3. The owner alternatively may be liable to criminal prosecution, as provided in this chapter; and
4. The owner has a right to appeal the notice as provided in subsection E of this section.

The required notice shall be in substantially the following form:

NOTICE TO ABATE UNSAFE OR UNLAWFUL CONDITION (NUISANCE)

(Name and address of person notified)

As owner, agent, lessee or other person occupying or having charge or control of the building, lot or premises at \_\_\_\_\_, you are hereby notified that the enforcement officer of the city of Yelm has determined, pursuant to Chapter 8.32 of the Yelm Municipal Code, that there exists upon or adjoining said premises the following condition contrary to the provisions of Chapter 8.32 of the Yelm Municipal Code.

You are hereby further notified to abate that condition to the satisfaction of the city within \_\_\_\_ days of the date of this notice. If you do not abate the condition within \_\_\_\_ days the city will abate the condition at your expense. In addition, your failure to abate the condition will be considered a violation for which you may incur monetary penalties as provided in Sections 8.32.050, Yelm Municipal Code, for each day or part of day that the condition continues to exist.

You have the right to appeal this notice within five days as provided in Section 8.32.030(E), Yelm Municipal Code, or within ten days from the date of service by mail, as evidenced by the postmark on the notice.

Thank you for your immediate attention to this matter.

\_\_\_\_\_  
Enforcement Officer

\_\_\_\_\_  
Date



C. The notice given by the enforcement officer to the owner shall be deposited in the United States mail with a return receipt requested or shall be personally served by delivering a copy thereof to the owner or by leaving the same with a person of suitable age and discretion at the owner's place of residence. If the owner is not a resident of city, the notice shall be served by leaving the same with the tenant in possession of the property or, if there is no such tenant, by posting a copy of the notice in a conspicuous place on the property involved and by mailing a copy thereof to the owner at his or her last known address if any. Service by mail will be deemed complete at the end of the third full day following its deposit in the U.S. mail, postage prepaid.

D. Upon serving the notice prescribed in this chapter, the enforcement officer shall file with the city clerk/treasurer a certificate of service, in the following form:

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the attached Notice to Abate Unsafe or Unlawful Condition was served upon the person (or persons) to whom it was addressed by (check one or more of the following):

- Delivering the copy to each of the addressees personally;
- Leaving the city at the owner's place of residence with a person of suitable age and discretion; or
- Leaving the copy with the tenant in possession of the property; or
- Mailing a copy, certified mail with return receipt requested, to the owner at his (her) last known address, postage prepaid; or
- Leaving a copy posted on the vacant premises and mailing a copy, certified mail with return receipt requested, to the owner (who is not a city resident) at his (her) last known residence, postage prepaid.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

E. A person to whom a notice of abatement has been issued may appeal the issuance of the notice by filing a written notice of appeal with the hearing board within five calendar days from the date of service of the notice by mail, as evidenced by the postmark on the notice. The notice of appeal need not be in a particular form but must clearly state that the person identified in the notice of appeal is the person to whom a notice of abatement was given, the date of the notice of abatement and the notice of appeal, and the reason or reasons why the person believes the notice to be in error. The board shall review the appeal and shall make a determination, after considering all pertinent facts, within ten days. The procedure for review by the board including rules of evidence shall follow the rules prescribed for hearings before that board, insofar as is reasonably possible and appropriate. If no such rules exist, the board shall formally adopt as its rules, insofar as appropriate, the hearing procedures of the Yelm civil service commission relating to contested cases. The board's decision shall be in writing, and shall be filed with the city clerk/treasurer. A copy of the decision shall be mailed promptly to the property owner, and, if the decision finds that the nuisance exists, the decision shall notify the property owner of the amount of time within which the nuisance must be abated.

F. If the notice is not timely or correctly appealed or if the appeal fails, and if the nuisance has not been abated within the time prescribed in the notice, the city shall cause the nuisance to be abated and shall charge the cost thereof against the property owner. The charges shall be considered as a personal obligation of the owner to the city, and shall be enforceable by the city in the same manner as other monetary claims.

G. The costs of abatement, when borne by the city, may be assessed against the real property upon which the costs were incurred unless paid. The enforcement officer shall forward such costs to the city treasurer, who shall certify them to the county treasurer for assessment on the tax rolls.

**SECTION 8.32.040. Liability for continuing nuisance.**

Every successive owner or occupant of property who neglects to abate a continuing nuisance upon or in the use of such property caused by former owner, is liable in the same manner as the owner who created it.

**SECTION 8.32.050. Civil penalties.**

A. Violation as Civil Infractions. A violation of Chapter 8.32 YMC is a civil infraction for which civil penalties may be assessed for each day or part of day that the violation continues.

B. Notice of Civil Infraction. In addition to other civil remedies, the enforcement officer may issue a notice of civil infraction to an owner who fails to abate the nuisance within the amount of time specified in the notice of abatement. The notice shall be filed with the city clerk/treasurer and served in the same manner as that provided in this chapter for the service of a notice of abatement. The notice shall state that a civil infraction was directed and shall accrue for each and every day or portion thereof during which the violation of the notice of abatement continues, and shall notify the person of a right to appeal. The amount of the penalty shall be measured daily for each violation as specified in subsection C of this section.

The notice shall be in substantially the following form:

NOTICE OF CIVIL INFRACTION FOR FAILURE TO ABATE NUISANCE

(Name and address of person notified)

You are hereby notified that your failure to comply with the Notice to Abate Unsafe or Unlawful Condition (Nuisance) is a violation of Section 8.32.020 of the Yelm Municipal Code, and constitutes a civil infraction. As provided in Section 8.32.050 of the Yelm Municipal Code, a civil penalty has been assessed against you in the amount of \_\_\_\_\_, and a separate civil penalty in that amount may be assessed against you for each day or part of day that this violation continues, commencing \_\_\_\_\_, and until the condition specified in the said notice has been corrected to the city's satisfaction.

Civil penalties must be paid within thirty days after they have been incurred. Your failure to pay the assessed penalties when due may result in a civil suit against you for the amount of those penalties in addition to court costs and abatement costs incurred by the city in correcting the condition in question.

You have the right to appeal this notice to the Yelm Municipal Court as provided in Section 8.32.050(D), Yelm Municipal Code, within ten (10) days, or within thirteen (13) days if served by mail, as evidenced by the postmark on said notice.

Thank you for your immediate attention to this matter.

\_\_\_\_\_  
Enforcement Officer

\_\_\_\_\_  
Date

C. Civil Penalties Assessed. The amount of civil penalty that is assessed for each violation per day or portion of day is as follows:

1. First violation: \$150.00;
2. Second violation: \$250.00;
3. Third violation: \$350.00;
4. Additional violations in excess of three: \$500.00.

D. Appeal. A person to whom a notice of civil infraction has been directed may file an appeal with the Yelm municipal court to contest the issuance of such notice or the amount of any civil penalty imposed, not later than ten days following the service of the notice or 13 days following date of service by mail as evidenced by the postmark on the notice.

E. Accrual of Penalty Pending Appeal. The civil penalty for a continuing violation does not accrue during the pendency of a timely appeal; however, the enforcement officer may impose a daily civil penalty from the date of service of the notice of civil infraction if he or she finds that the appeal is frivolous or is solely intended to delay compliance, or if the appeal is not timely.

F. Continuing Duty to Correct. Payment of a civil penalty pursuant to this chapter does not relieve a person of the duty to abate a nuisance that was ordered by the enforcement officer.

G. Collection of Civil Penalty.

1. The civil penalty constitutes a personal obligation of the person to whom the notice of civil infraction is directed. Any civil penalty assessed must be paid to the city treasurer within seven calendar days from the date of service of notice of civil infraction or, if an appeal was filed pursuant to subsection D of this section, within seven calendar days of the decision of the municipal court.
2. The city attorney, on behalf of the city, is authorized to collect the civil penalty by using appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate the accrual of additional per diem civil penalties as long as the violation continues.

H. Other Remedies Preserved.

1. The provisions of this chapter are not exclusive of other rights and remedies of the city under other provisions of this code.
2. In addition to the city's right to assess costs and penalties against owners as provided in its ordinances, the city shall retain all rights of lien and other rights against the property in question for costs that remain unpaid, in the manner and form provided by state law and city ordinances.

**SECTION 8.32.060. Conviction of maintaining nuisance.**

All money collected for abatement purposes as provided in this chapter shall be paid to the city treasurer, shall be separately stated and itemized by the treasurer, and shall be credited by the treasurer to the departments or divisions of the city government which have incurred the abatement costs.

**SECTION 8.32.070. Safeguards.**

In any case where a nuisance is abated, the enforcement officer or other officer, agent or employee shall proceed with due care and without unnecessary destruction of property. In all cases the enforcement officer shall be authorized to employ such assistance and adopt such means as may be necessary to effect the entire abatement of the nuisance.

Passed by the City Council of Yelm this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Joe DePinto, Mayor

Authenticated:

\_\_\_\_\_  
Kathy Linnemeyer, City Clerk/Community  
Services Manager

PUBLISHED:  
EFFECTIVE DATE: