

ORDINANCE 1059

AN ORDINANCE OF THE CITY OF ROSLYN REPEALING THE CITY'S DEVELOPMENT REGULATIONS AND OFFICIAL ZONING MAP; ADOPTING UPDATED DEVELOPMENT REGULATIONS AND OFFICIAL ZONING MAP; AUTHORIZING THE CITY STAFF TO PREPARE A NEW FUTURE LAND USE MAP FOR INCLUSION IN THE COMPREHNSIVE PLAN AND APPROVING THE SAME; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Roslyn undertook a multi-year process to review and update its Comprehensive Plan and Development Regulations in accordance with the provisions of the Washington State Growth Management Act; and,

WHEREAS, as a part of this comprehensive planning process the City chose to consolidate, streamline, and update many frequently used land use planning regulations into a single user friendly Chapter of the Roslyn Municipal Code; and,

WHEREAS, the City split the process into three phases; and

WHEREAS, the first phase of the process involved reformatting existing sections of the Roslyn Municipal Code into a single consolidated chapter; and,

WHEREAS, the second phase involved revisions to clarify existing code provisions, to remove redundant and outdated sections, and to provide for established and uniform land use process and procedures; and,

WHEREAS, the third phase involved the preparation of more substantive revisions to the City's Development Regulations consistent with the provisions of the City Comprehensive Plan as amended, with a particular emphasis on revisions necessary to preserve the historic character of the community and to more effectively integrate the design review process into the City's development review procedures; and

WHEREAS, the third phase of the process was structured to include extensive opportunities for public review and comment on the interim regulations and in the formulation of any substantive revisions to the proposed new Development Revisions; and

WHEREAS, the City Council adopted Interim Zoning Controls and a moratorium on the siting of mobile homes on September 11, 2007 and conducted a public hearings on October 9, 2007, to receive public comments on the interim zoning controls and moratorium; and

WHEREAS, the City Council held a public hearing and repealed and replaced the September 11, 2007 interim regulations and zoning controls and adopt new interim zoning controls and a moratorium to streamline the development process under the then existing interim zoning controls on April 22, 2008; and

WHEREAS, the April 22, 2008 interim regulations were extended on October 30, 2008 and again on April 28, 2009 in order to allow further hearing and workshops on the new interim zoning controls and regulations by the Planning and Historical Preservation Commission; and

WHEREAS, on July 6, 2009, the proposal was submitted to the Washington State Department of Community, Trade and Economic Development (now the Department of Commerce) and other state agencies for review; and

WHEREAS, the Planning and Historical Preservation Commission have conducted nine (9) meetings and have recommended modifications to the April 22, 2008 since the extension of the interim regulations on April 28, 2009; and

WHEREAS, the City Council conducted a work session with the Planning and Historical Preservation Commission to review the recommended Development Regulations from the Commission on July 28, 2009 as the new Development Regulations of the City of Roslyn; and

WHEREAS, adequate public notice was given of City Council consideration of the proposed Development Regulations and a Public Hearing was held on August 11 2009 to take additional public comment on the proposed new Title 12 Development Regulations; and

WHEREAS, Ordinance 1051 was approved by the Roslyn City Council on August 25, 2009 to implement the Washington State Growth Management Act, Chapter 36.70A RCW and is consistent with the City's Comprehensive Plan; and

WHEREAS, following the adoption of Ordinance 1051 the Planning and Historic Preservation Commission continued to review Chapters of the Development Regulations and related planning documents with an emphasis on the zoning districts, the Table of Permitted Uses, parking standards, and regulations to govern vacation rentals; and

WHEREAS, the Planning and Historic Preservation Commission conducted at least seven open public meetings to discuss potential amendments to the City's Development Regulations , Official Zoning Map, and Future Land Use Map; and

WHEREAS, the Planning and Historic Preservation Commission conducted a public hearing on proposed amendments on March 11, 2010; and

WHEREAS, the Planning and Historic Preservation Commission presented their recommended amendments to the City Council at a Joint Study Session on April 8, 2010; and

WHEREAS, the Joint Study Session was taped and broadcast on the local cable TV network; and

WHEREAS, the City has conducted an integrated SEPA/GMA review of the proposed amendments; and

WHEREAS, all other legal requirements for the consideration of the adoption of the Development Regulations and Official Zoning Map have been met;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ROSLYN, WASHINGTON, DO ORDAIN AS FOLLOWS:

- 1. Development Regulations Repealed.** The Roslyn Development Regulations approved by Ordinance 1051 on August 25, 2010 and as subsequently amended and Title 12 of the Roslyn Municipal Code (RMC) is hereby repealed on the effective date of this Ordinance.
- 2. Revised Development Regulations Adopted.** The Development Regulations dated June 23, 2010 and attached Exhibit "A" is hereby adopted as the Roslyn Development Regulations. The City Clerk is directed to codify Exhibit "A," in substantially the same form as the attached and by reference incorporated herein, but to change all references of RMC Title 12 and Chapter 12 to RMC Title 18 and Chapter 18 respectively throughout the Ordinance and to codify the same as Title 18, Development Regulations.
- 3. Zoning Maps Repealed.** All versions of the Roslyn Zoning Map dated prior to the effective date of this Ordinance are hereby repealed.
- 4. Revised Official Zoning Map Adopted.** The map dated June 24, 2010 and substantially in the form as the attached Exhibit "B" is hereby adopted as the Official Zoning Map of the City of Roslyn.
- 5. Future Land Use Map.** City staff is directed to prepare the proposed Future Land Use Map dated xx and substantially in the form as the Attached Exhibit "C" for inclusion in the Roslyn Comprehensive Plan during the next annual update process.
- 6. Severability.** If any provision of this Ordinance or its application to any person or circumstances is held to be invalid the remainder of this Ordinance or the application of the provisions to other persons or circumstances, shall not be affected.
- 7. Effective Date.** This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

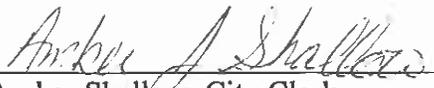
ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 27th DAY OF JULY, 2010.

CITY OF ROSLYN



Cordy Cooke, Mayor Pro-Tem

ATTEST/AUTHENTICATED:


Amber Shallow, City Clerk

Approved as to form:


Margaret King, City Attorney

Filed with the City Clerk: July 27, 2010
Passed by the City Council: July 27, 2010
Date of Publication: July 30, 2010
Effective Date: August 4, 2010

EXHIBIT A

**City of Roslyn, Washington
Development Regulations
With PHPC recommended amendments
and amendments based on comments from the Planning and Community
Services Committee of the City Council
and potential amendments from the Mayor and City Council
July 23, 2010**

At the request of the Roslyn City Council, the Roslyn Planning and Historic Preservation Commission (PHPC) has initiated a multi-year process to review and revise the City's Development Regulations so that they more closely align with the City's Comprehensive Plan and the provisions of the Washington State Growth Management Act. The following document highlights in underline and strikeout format proposed amendments to the August 25, 2009 version adopted by the City Council. The Commission has conducted a public hearing on these proposed amendments and the recommended amendments were presented to the City Council at a joint study session on April 8, 2010. This study session was recorded and broadcast on the local cable TV network.

An integrated SEPA/GMA review has been conducted on the proposed amendments and the document is now ready for final review and action by the Roslyn City Council. In addition to the recommended amendments from the PHPC, the document contains amendments proposed by the Community Development Committee of the City Council and amendments proposed by the Mayor and members of the City Council.

For more information about the schedule for City Council review and action or questions about this document, please contact Lisa Haley at 509-649-3105.

**City of Roslyn Planning and Development Regulations
Interim Title 12 Table of Contents**

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Chapter 12.10 General Provisions

Sections:

- 12.10.010 Introduction.**
- 12.10.020 Purpose and Intent.**
- 12.10.030 Administration.**
- 12.10.040 Interpretation.**
- 12.10.050 Liability.**
- 12.10.060 Severability.**

12.10.010 Introduction. The Roslyn Municipal Code has been revised to integrate the most frequently used land use planning code provisions into a single streamlined and user friendly chapter utilizing a common set of definitions and procedures. Subsequent revisions will be made as the City's Development Standards are updated in accordance with the provisions of the City's Comprehensive Plan.

12.10.020 Purpose and Intent. The general purposes of this Title are to:

- A. Further the goals and objectives of the City Comprehensive Plan;
- B. Protect the public health, safety and general welfare;
- C. Preserve the historic character and development pattern of the community;
- D. Provide an efficient and effective means of processing land use applications;
- E. Regulate the subdivision of land and promote compatible land uses;
- F. Promote safe and convenient travel by the public on streets and highways;
- G. Facilitate adequate provision for water, sewage, drainage, parks and recreation areas, sites for schools and school grounds, and other public requirements;
- H. Ensure that the general taxpaying public is not burdened with development costs which are more appropriately borne by developers; and
- I. Regulate the development of lands containing critical areas and minimize the adverse environmental impacts of development.

12.10.030 Administration. The Mayor may designate a Planning Official(s), a Building Official(s), and a Code Enforcement Official(s) who shall be responsible for the administration of this Title and related City planning provisions.

- A. The authority, responsibilities, and duties of the Planning Official(s) may include, but is not limited to:

1. Serving as the lead staff person for the administration of this Title and related City planning provisions.
 2. Establishing and maintaining such application forms and procedures as may be necessary to implement this Title;
 3. Interpreting City requirements and determining the applicability of this Title to proposed projects and development activities;
 4. Establishing and maintaining a fee schedule for all land use and building permit activities in accordance with the approved City budget and any fee resolutions that may be approved by the City Council;
 5. Establish, maintain, and/or implement standards for the design and construction of any public works or improvements that may be required as a condition of approval for any land use or building permit activity;
 6. Serving as the SEPA Responsible Official;
 7. The review and approval of land use applications and the issuance or processing of land use planning, building, and related permits;
 8. Inspecting and examining structures or tracts of land, and to order in writing, remedies for any condition found to be in violation of the Roslyn Municipal Code and City ordinances;
 9. The enforcement of City Development Regulations, the approval of compliance plans, the imposition and collection of fines for violations, issuance of Stop Work Orders, and/or the imposition of penalties; and
 10. Coordinating the activities of City Staff and Consultants involved in land use planning activities.
 11. Serving as the staff liaison to the Planning and Historic Preservation Commission.
- B. The authority, responsibilities, and duties of the Building Official(s) may be performed by a staff person(s) or a firm(s) providing contractual services to the City, and may include, but is not limited to:
1. Interpreting the provisions of the International Building Codes as adopted by the City;
 2. Enforcing of the International Building Code as adopted by the City and the provisions of the Roslyn Municipal Code;
 3. Reviewing building plans for compliance with the provisions of the International Building Code as adopted by the City.

4. Inspecting new construction and the renovation, repairs, and modifications to buildings for compliance with approved plans; and
 5. Taking actions necessary for the abatement of nuisances, dangerous or abandoned buildings, or threats to the public health and safety.
- C. The authority, responsibilities, and duties of the Code Enforcement Official(s) may be performed by a staff person(s) or a firm(s) providing contractual services to the City, and may include, but is not limited to:
1. Interpreting the provisions of the International Building Codes as adopted by the City;
 2. Enforcing of the International Building Code as adopted by the City and the provisions of the Roslyn Municipal Code; and
 3. Taking actions necessary for the abatement of nuisances, dangerous or abandoned buildings, or threats to the public health and safety.

12.10.040 Interpretation. Wherever the requirements of this Title are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants to which the City is a party, the most restrictive or those imposing the higher standards as determined by the Planning Official shall govern, provided that:

- A. The Mayor or his/her designee is authorized to make such interpretations of this Title as may be necessary to promote the streamlined implementation of the Comprehensive Plan, provide efficient development reviews, remove inequities between property and business owners, resolve conflicting requirements, clarify provisions, correct cross references, and/or to avoid unnecessary hardship; and
- B. Any person may request a formal interpretation of the provisions of this Title or those municipal codes referenced in this Title. The request shall be in writing, shall reference specific titles, chapters, or code sections that pertain to the desired interpretation.

12.10.050 Reasonable Use Exception. If the application of the regulations in this Title would deny all reasonable economic use of the subject property, the property owner may apply for an exception pursuant to this Section.

- A. Applications for a reasonable use exception shall be processed as a Class 1 Permit provided that the Planning Official may refer selected applications to the Planning and Historic Preservation Commission for processing as a Class 2 Permit.
- B. Criteria for review and approval of reasonable use exceptions follow:
 1. The application of the standards and provisions of this Title would deny all reasonable economic use of the property;

- a. There are no other practical alternatives to the proposed action that would have less impact.
 - b. The inability to derive reasonable economic use of the property is not the result of subdivision or other actions by the Applicant;
2. No other reasonable economic use has less adverse impact(s).
 3. The proposal protects and mitigates impacts to the functions and values of critical areas to the greatest extent feasible, consistent with the best available science, allowing for reductions of up to fifty (50) percent in critical area buffers and setbacks, with mitigation;
 4. The proposal does not pose a threat to the public health, safety, or welfare on or off the development proposal site; and
 5. The proposal is consistent with other applicable regulations and standards.
- C. **Burden of Proof.** The burden of proof shall be on the Applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

12.10.060 Liability. The granting or approval of any structure or use shall not constitute a representation, guarantee or warranty of any kind or nature by the City or any official or employee thereof on the practicality or safety of any structure or use proposed and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result there from.

12.10.070 Severability. If any provision of this Title or its application to any person or legal entity is held to be invalid, the remainder of this Title, or the application of this Title or the application of the provision to other persons or entities or circumstances shall not be affected.

Chapter 12.20 Definitions

Sections:

12.20.010 Introduction.

12.20.020 Definitions.

12.20.010 Introduction. For the purposes of this Title, words used in the present tense also include the future; words or phrases used in the singular also include the plural; and words in the plural also include the singular. The word “shall” is mandatory and not permissive; and “may” authorizes the exercise of discretion. The words “used” or “occupied” include within their meanings “intended,” “arranged,” or “designed to be used or occupied.” The word “person” includes a corporation, partnership, or other entity.

12.20.020 Definitions.

- A. Any word not specifically defined in this Chapter shall have the meaning as defined by:
1. The North American Industry Classification System (NAICS) Manual--United States, 2007, or subsequent editions, and if not defined therein then;
 2. The most recent edition of Webster’s online dictionary available through the City Clerk-Treasurer.
- B. If there is any question about the meaning or interpretation of any word or phrase in this document, the Planning Official, in consultation with the Mayor and City Attorney, is authorized to make an official interpretation or clarification.
- C. In an effort to aid readers of this Title, words with special definitions or meanings have been highlighted in bold, italicized print. If a word with a special meaning has not been italicized, this shall be considered an editorial oversight, and the word shall retain the special meaning as defined in this Chapter. Your assistance in identifying editorial or typographical errors, or provisions that can be clarified is greatly appreciated.
- D. The following definitions shall apply to this Title:
1. “***Accessory building***” or “***accessory structure***” means a ***building*** or ***structure*** which is subordinate and incidental to, the primary ***building*** or ***structure***, on the same ***lot***, such as a detached garage, detached carport, shed, workshop, etc.
 2. “***Accessory use***” means the ***use*** of a ***building*** or ***structure***, or part of a ***building*** or ***structure***, which is subordinate or incidental to the primary ***use***, of the primary ***building***, ***structure***, or ***use***.
 3. “***Accessory dwelling unit***” or “***ADU***” is a habitable living unit added to, created

within, or detached from a single-family dwelling unit, which is designed, arranged occupied, or intended to be occupied by not more than one (1) household as a living accommodation independent from any other household. It must include permanent provisions for living, sleeping, eating, cooking, and sanitation.

4. “**Adult group home**” means....
5. “**Base flood elevation**” means that elevation, expressed in feet above adjacent grade, determined by the Federal Emergency Management Agency to which floodwater can be expected to rise on a frequency of once in every one hundred years.
6. “**Bed and breakfast inn**”, “**bed & breakfast**”, or “**B&B**” and related terms means a transient lodging establishment used to provide overnight guest lodging for compensation which provides a morning meal on premises as part of the room rate structure that has the owner or a manager living on or adjoining the premises.
7. “**Best available science**” means current scientific information used in the process to designate, protect, or restore **critical area**, that is derived from a valid, peer-reviewed scientific process as defined by WAC 365-195-900 through 925. Examples of **best available science** are included in *Citations of Recommended Sources of Best Available Science for Designating and Protecting Critical Areas* published by the Washington State Department of Community, Trade and Economic Development.
8. “**Best management practices (BMPs)**” means conservation practices or systems of practices and management measures that:
 - a. Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, or sediment;
 - b. Minimize adverse impacts to surface water and ground water flow and circulation patterns and to the chemical, physical, and biological characteristics of **wetlands**;
 - c. Protect trees, vegetation and soils designated to be retained during and following site construction and use native plant species appropriate to the site for re-vegetation of disturbed areas; and
 - d. Provide standards for proper use of chemical herbicides within **critical areas**.
9. “**Boarding house**” means a residential structure for long term stays without individual cooking facilities.
10. “**Buffer**” or “**buffer zone**” means an area that is contiguous to and protects a critical area, which is required for the continued maintenance, functioning, and/or structural stability of a critical area.
11. “**Building**” or “**structure**” means anything constructed or erected which requires

location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences less than six feet in height.

12. "**Building Code**" means the Uniform and/or International Building Code and related codes as amended and adopted by the City of Roslyn.
13. "**Building dripline**" means a vertical plane defined by the eave, roof overhang, cornice or other permanent ornamental feature extending furthest from the *building*.
14. "**Building footprint**" or "**footprint**" means the area of the *lot* that is covered by the total horizontal surface area of the foundation of the *building* or *structure* excluding eaves, overhangs, chimneys, bay windows, and covered stairs or decks.
15. "**Caretaker dwelling**" means a single-family *dwelling unit* accessory to an agricultural, professional, commercial or industrial *use* for *occupancy* by the owner/caretaker.
16. "**Certificate of Appropriateness**" means the City has reviewed proposed changes to a property listed on the *Roslyn Register of Historic Places* and certified that the changes will not adversely affecting the historic characteristics of the property which contribute to its designation.
17. "**Certified Local Government**" or "**CLG**" means the City of Roslyn has been certified by the Washington State Historic Preservation Officer as having a local historic preservation program meeting Federal and State standards.
18. "**Child day care center**" means an agency that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours that do not meet the definition of a "family day care provider".
19. "**Clearing**" means the pruning, trimming, topping, limbing, cutting or removal of vegetation or other organic matter by physical, mechanical, chemical or other means.
20. "**Co-location**" means the placement and arrangement of multiple *wireless communication* providers' antennae and equipment on a single support structure or equipment pad area.
21. "**Critical areas**" means any of the following areas or ecosystems: critical aquifer recharge areas, fish and wildlife habitat conservation areas, geologically hazardous areas, and *wetlands*, as defined in RCW 36.70A and this Title.
22. "**Dangerous building**" shall be defined as any *building* or *structure* which:
 - a. Has been damaged by fire, flood, wind, or other disaster, to such an extent that the structural strength or stability thereof is less than the minimum requirements of the *building code* for new *buildings* of similar structure,

- purpose or location, and which poses a danger to life, health, property or safety of others; or
- b. Has suffered deterioration or decay due to faulty construction, removal of a portion of the **building** or **structure**, or faulty maintenance and age, which poses a danger to life, health, property or safety of the public; or
 - c. Has inadequate sanitation facilities and filth tendering it unfit for human habitation or which is likely to cause a sickness or disease thereby posing a danger to life, health, property or the safety of the public; or
 - d. Has any other condition so as to constitute a public **nuisance** as known by the common law.
- 21.
23. “**Development**” or “**development activity**” means any man made change to improved or unimproved land, including, but not limited to, **buildings** or other **structures**, mining, dredging, **clearing**, filling, **grading**, paving, excavating or drilling operations.
24. “**Domestic animal/pet**” means dogs, cats, birds, snakes, small rodents, and rabbits, which can be and are continually kept or raised in a home or on a **lot**. Animals not considered being **domestic animals** include, but are not limited to, **livestock** and any endangered or exotic species of animals.
- 25.
25. “**Dwelling unit – multi-family**” or “**multi-family**” means a **structure(s)** designed exclusively for **occupancy** by two or more families living independently of each other, and containing three or more **dwelling units**. Such definition may also include the terms “duplex”, “triplex”, “apartments” etc.
26. “**Dwelling unit - single family**” or “single family residence” means a single unit providing complete, independent living facilities for not more than one family and permitted roomers and boarders including permanent provisions for living, sleeping, eating, cooking and sanitation. A manufactured **home**, apartment, condominium, townhouse, single-family attached or detached house, or an **accessory dwelling unit** are considered to be a **dwelling unit**.
27. “**Electromagnetic field (EMF)**” means the field produced by the operation of wireless communication equipment used in transmitting and receiving radio frequency signals.
28. “**Equipment shelter**” means the **structure** associated with a **wireless communication facility** that is used to house electronic switching equipment, cooling systems, and back-up power systems.

29. "**Essential public facility**" means a facility, conveyance, or site whose services are provided by a governmental agency, a private or nonprofit organization under contract to or with substantial funding from government agencies, or a private organization subject to public service obligations, which is necessary to adequately provide a public service and which is typically hard to site.
30. "**Exotic pets**" means any animal not native to or not usually found as **domestic pets** in the United States, including but not limited to lions, tigers, bears, gorillas, chimpanzees, lynx, cougars, jaguars, venomous snakes, and including "wild animals" such as, but not limited to wolves, raccoons, skunks, foxes, coyotes, and hybrid wolves and coyotes.
31. "**Family day care provider**" means a child day care provider who regularly provides child day care and early learning services for not more than twelve children in the provider's home in the family living quarters.
32. "**Foster homes**" means a **dwelling unit** in which foster care is provided for unrelated children as part of the family where the total number of children, eighteen years of age or less, does not exceed six, the total number of people residing on the premises does not exceed eight, and the **dwelling unit** is governed by the state foster care home licensing provisions and conducted in accordance with state requirements.
33. "**Freestanding support structure**", or "**support structure**", or "**freestanding wireless communication facility (WCF)**" means any built structure, including any guy wires and anchors, to which antenna and other necessary associated hardware is mounted.
34. "**Frequently flooded areas**" means lands in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year, as designated by the Federal Emergency Management Agency and the National Flood Insurance Program.
35. "**Functions and values**" means the beneficial roles served by **critical areas** including, but not limited to, water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage, conveyance and attenuation; ground water recharge and discharge; erosion control; wave attenuation; protection from hazards; historical, archaeological, and aesthetic value protection; educational opportunities; and recreation.
36. "**Grading**" means any action which changes the elevation of the ground surface; grading includes, but is not necessarily limited to: dredging, landfills, excavations, filling, earth work, embankments, etc.
37. "**Halfway house**" means a home for juvenile delinquents, adult offenders, those leaving correctional and/or mental institutions, or a rehabilitation center for alcohol and/or drug users, providing residentially oriented facilities which allow rehabilitation or social adjustment for persons who are in need of supervision or assistance in becoming socially reoriented, but not in need of residence into a

normal community life by providing a stable living situation rather than incarceration or a reintroduction without home, job or social reinforcement.

38. "**Hazardous substances**" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical, or biological properties described in the Washington Administrative Code.
39. "**Hazardous tree**" means any tree receiving an 11 or 12 rating under the Pacific Northwest Chapter of the International Society of Arboriculture Tree Risk Assessor rating method set forth in "Tree Risk Assessment in Urban Areas and the Urban/Rural Interface," which is hereby adopted by reference as Exhibit A, or any tree receiving a 9 or 10 rating under this method at the discretion of the town.
40. "**Height**" or "**building height**" means the vertical distance between the average mid-point elevation of the **building footprint** to the highest point of the roof excluding chimneys and antennae. For calculation of average elevation, existing predevelopment grades shall be used.
41. "**Home business**", "**home occupation**", "**cottage industry**" or related terms means the **accessory use** of the residence (home) for a business conducted only by residents of the dwelling.
42. "**Hostels**" means....
43. "**Hotel**" means a facility providing lodging and related services for a charge, typically for a period of one month or less. "Hotel" or "motel" shall include residence or extended stay hotels, other similar facilities, and all businesses subject to collection and payment of the tax levied by Chapter 67.28 RCW or City code.
44. "**Impervious surface**" means a hard surface area that either prevents or retards the entry of water into the soil mantle, as under natural conditions prior to **development** or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to **development**. Common **impervious surfaces** include, but are not limited to, **building footprints**, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads or driveways, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of storm water.
45. "**In-kind compensation**" means to replace **critical areas** with substitute areas whose characteristics and functions closely approximate those destroyed or degraded by a regulated activity.
46. "**Irrigation and/or drainage facilities**" means all irrigation and/or drainage structures, including, but not limited to, standpipes, weir boxes, pipelines, ditches, pumphouses, culverts, etc.

47. “**Isolated wetlands**” means those **wetlands** that are outside of and not contiguous to any 100-year floodplain of a lake, river, or **stream** and have no contiguous hydric soil or hydrophytic vegetation between the **wetland** and any surface water, including other **wetlands**.
48. “**Livestock**” means animals not meeting the definition of **domestic animal/pet** kept either in open fields or **structures** for training, boarding, home use, sales, or breeding and production use or profit, including horses, mules, donkeys, ponies, cattle, llamas, emus, goats, pygmy goats, sheep, or other animals as determined by the City to be similar in nature and size.
49. “**Lot**” means an area of land established by plat, subdivision or as otherwise permitted by law to be used, developed or built upon in accordance with the provisions of the Zoning Code.
50. “**Manufactured home**” means a residential unit which is at least forty feet in length and eight feet in width, having been transported to the site location on wheels or by truck, and designated to be used with an approved foundation in accordance with U.S. Department of Housing and Urban Development (HUD) standards as a **dwelling unit** on a year-round basis, which bears an insignia issued by a state or federal regulatory agency indicating that the home complies with all applicable construction standards.. In the absence of the insignia, certification must be received from the State Department of Labor and Industries that the **manufactured home** is in compliance with Federal Manufactured Housing Standards.
51. “**Mine hazard areas**” means those areas underlain by or affected by current or historic mine workings such as adits, gangways, tunnels, drifts, or airshafts, and those areas of probable sink holes, gas releases, or subsidence due to current or historic mine workings. Factors that should be considered in evaluating the hazard include: proximity to **development**, depth from ground surface to the mine working, and geologic material.
52. “**Mitigation**” means avoiding, minimizing, or compensating for adverse **critical areas** impacts. **Mitigation** shall occur in the following sequential order of preference, and may include a combination of the following measures:
- a. Avoiding the impact altogether by not taking a certain action or parts of an action;
 - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
 - c. Rectifying the impact to **wetlands**, critical aquifer recharge areas, and habitat conservation areas by repairing, rehabilitating, or restoring the affected

- environment to the conditions existing at the time of the initiation of the project;
- d. Minimizing or eliminating a hazard by restoring or stabilizing the hazard area through engineered or other methods;
 - e. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
 - f. Compensating for the impact to *wetlands*, critical aquifer recharge areas, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and
 - g. Monitoring the hazard or other required *mitigation* and taking remedial action when necessary.
53. "**Mobile home**" means a factory assembled *dwelling unit* with the necessary service connections and made so as to be readily mobile on its own running gear. A mobile home does not meet applicable HUD manufactured housing standards of June 15, 1976. This definition does not include *modular homes, manufactured homes*, commercial coach, recreational vehicles or motor homes. *Mobile homes* have not been built since the introduction of the United States Department of Housing and Urban Development Manufactured Home Construction and Safety Act.
54. "**Modular home**" means a residential *structure* which meets the requirements of the International Building Code as adopted by the City of Roslyn and is constructed off site and transported to the *building* site.
55. "**Motel**" means a facility providing lodging and related services for a charge, typically for a period of one month or less. "Hotel" or "motel" shall include residence or extended stay hotels, other similar facilities, and all businesses subject to collection and payment of the tax levied by Chapter 67.28 RCW or City code.
56. "**Native vegetation**" means plant species that are indigenous to the area in question.
57. "**Non-conforming lot**" means a *lot* or tract of land that existed prior to the effective date of the provisions of the ordinance codified in this Title or amendments thereto, but which, because of the application of this Title to it, no longer conforms to *lot* area or width requirements prescribed in this Title for the *use* district in which it is situated. A "**legal non-conforming lot**" means a *lot* that was established lawfully in full compliance with the laws in effect at the time it was created.
58. "**Non-conforming structure**" means a *building* or *structure* that existed prior to the effective date of the provisions of the ordinance codified in this Title, but which, because of the application of this Title to it, no longer conforms to the

setback, maximum lot coverage or other regulations prescribed in this Title for the district in which it is situated. A “**legal non-conforming structure**” means a **structure** that was lawfully established in full compliance with the laws in effect at the time it was created.

59. “**Non-conforming use**” means a the **use** of a **building, structure** or **lot** that existed prior to the effective date of the provisions of the ordinance codified in this Title, but which, because of the application of this Title to it, no longer conforms to the **use** regulations prescribed in this Title for the district in which it is situated. A “**legal non-conforming use**” means a **use** that was lawfully established in full compliance with the laws in effect at the time it was created.
60. “**Nuisance**” means in addition to those definitions contained in Chapters 7.48 and 9.66 RCW, any **use**, activity or **structure** that fails to conform to the provisions, intent, or standards of the district in which the **use**, activity or **structure** occurs.
61. “**Occupancy**” means the purpose for which a **structure**, portion of a **structure**, or **lot** is used or intended to be used. For purposes of this Title, a change of **occupancy** is not intended to include a change of tenants or proprietors, but is intended to indicate a change in the type of **uses**.
62. “**Open space**” means that portion of a site which is left in its natural state or specifically designated to be used for recreation, resource protection, agriculture, greenbelt or amenity and is not covered with **structures**, roads or parking areas. **Open space** does not include land occupied by roads, road rights-of-way, public sidewalks or parking areas. **Open space** does not include the yards, courtyards or individual **lots** of residential units. **Open space** recreational uses may contain **impervious surfaces**. Such **impervious surfaces** shall be included as **impervious surfaces** in the calculation of the **impervious/pervious** surface ratio.
63. “**Open space, common**” means **open space** within or related to a **development**, not in individually owned **lots** or not dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the **development**.
64. “**Open space, common usable**” means **common usable open space** includes those areas not on individually owned **lots** that are accessible for a variety of recreation uses, including, but not limited to, trails, picnic areas and other recreation. Pervious surfaces, which are **critical areas** and their associated **buffers**, are not defined as “**common usable open space**.”
65. “**Outdoor advertising**” means any **structure** or portion thereof, recognized as a billboard, used to advertise goods or services not generally available on the premises on which the display is located.
66. “**Party of Record**” means a person who has provided verbal or written testimony in or regarding a public hearing on a land use action.

67. "**Plat or regular plat**" is a map or representation of a division, showing thereon the division of a tract or parcel of land into **lots**, blocks, streets, alleys or other division and dedications.
68. "**Porous soil types**" means soils, as identified by the National Resources Conservation Service, U.S. Department of Agriculture, that contain voids, pores, interstices, or other openings which allow the passing of water. High permeable soils in Roslyn include: Varelum Loam, Roslyn-Racker Complex, Varelum Variant Sandy Loam and Nard Loam. Moderate permeable soils include Quicksell Loam.
69. "**Preliminary plat**" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, **lots**, blocks and other intents of a subdivision consistent with the requirements of this Title. The **preliminary plat** will serve as the basis for the approval or disapproval of the general layout of a subdivision.
70. "**Primary association area**" means the area used on a regular basis by, that is in close association with, or is necessary for the proper functioning of the habitat of a species protected under the critical area regulation of this Chapter. Regular basis means that the habitat area is normally, or usually, known to contain the species, or it is likely to contain the species based on its known habitat requirements. Regular basis is species and population dependent. Species that exist in low numbers may be present infrequently yet rely on certain habitat types.
71. "**Priority habitat**" means habitat type or elements with unique or significant value to one or more species as classified by the state Department of Fish and Wildlife. A **priority habitat** may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element, as identified in WAC 173-26-020.
72. "**Project Sponsor**" means the owner of property and/or a partner, agent, or assignee authorized in writing to act on behalf of the property owner, and/or who is legally responsible for a proposed **use** or **development** activity.
73. "**Qualified professional**" means a person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905. A **qualified professional** must have obtained a B.S. or B.A. or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology, or related field, and have at least five years of related work experience.
- a. A **qualified professional for wetlands** must be a professional wetland scientist with at least two years of full-time work experience as a wetlands professional, including delineating **wetlands** using the state or federal manuals, preparing **wetlands** reports, conducting function assessments, and developing and implementing **mitigation** plans.

- b. A **qualified professional** for habitat must have a degree in biology or a related degree and professional experience related to the subject species.
 - c. A **qualified professional** for a geological hazard must be a professional engineer or geologist, licensed in the state of Washington.
 - d. A **qualified professional** for critical aquifer recharge areas means a hydrogeologist, geologist, engineer, or other scientist with experience in preparing hydrogeologic assessments.
74. "**Reasonable use**" means the minimum use to which a property owner is entitled under applicable State and Federal constitutional provision, including takings and substantive due process.
75. "**Restoration**" means measures taken to restore an altered or damaged natural feature including:
- a. Active steps taken to restore damaged **wetlands, streams**, protected habitat, or their **buffers** to the functioning condition that existed prior to an unauthorized alteration; and
 - b. Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events.
76. "**Retirement home**" means an establishment operated for the purpose of providing domiciliary care for a group of persons who by reason of age are unable or choose not to provide such care for themselves and who are not in need of medical or nursing treatment except in the case of temporary care. Convalescent or rest homes, hospitals and sanitariums shall not be construed to be included in this definition.
77. "**Riparian habitat**" means areas adjacent to aquatic systems that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other.
78. "**Root protection zone**" means an area extending 5 feet beyond or outside of the dripline of a tree.
79. "**Roslyn Historic Inventory**" or "**Inventory**" means properties approved by the City Council as being suitable for nomination to the **Roslyn Register of Historic Places**.
80. "**Roslyn Register of Historic Places**" refers to the local register of historic properties approved by the Roslyn City Council.
81. "**Salmonids**" means a member of the Salmonidae family of fishes, including regionally important species such as salmon, steelhead, and trout.
82. "**Satellite dish T.V. antennas**" or means a type of antenna(s) and supporting structure consisting of a solid, open mesh, or bar configured reflective surface

used to receive and/or transmit radio frequency communication signals. Such an apparatus is typically in the shape of a shallow dish, cone, horn or cornucopia.

83. “**Secure community transition facility**” or **SCTF** in accordance with the requirements and limitations of state law, shall mean a residential facility for persons civilly committed and conditionally released to a less restrictive alternative. A SCTF has supervision and security, and either provides or ensures the provision of sex offender treatment services. SCTF shall be considered an essential public facility and include, but are not limited to facilities established pursuant to State Law, and any community based facilities established under State Law and operated by or under contract with the Secretary of the Department of Social and Health Services.
84. “**Seismic Hazard Areas**” means areas that have severe risk of liquefaction due to soil type and/or location or seismically induced ground disturbance such as surface rupture, fissuring, and lateral spreading.
85. “**Setback**” means the minimum horizontal distance required between the property line and the **building footprint**.
86. “**Short subdivision**” or “**short plat**” is the division or re-division of land into four (4) or fewer **lots**, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.
87. “**Short term rental**” please see “**vacation rental**.”
88. “**Sign**” means any medium intended to be viewed from the **building** exterior which is used to attract attention by visual means to any activity, service, place, subject, person, business, public performance, article, machine or merchandise whatsoever, and includes, without limitation, advertising structure or displays on which letters, numerals or graphic arts are placed.
 - a. “**Non-conforming sign**” means a sign which does not meet or conform to the requirements of this Title.
 - b. “**Pole sign**” means a sign wholly supported by a sign structure in the ground.
 - c. “**Reader board sign**” means a sign or part of a sign on which the letters are readily changeable such that the copy can be changed from time to time at will.
 - d. “**Off-premise sign**” means a sign calling attention to a business, product, or activity, which is not located on the property on which the sign is situated.
 - e. “**On-premise sign**” means a sign incidental to a lawful use of the premises on which it is located.
 - f. “**Premise**” means the unit of real estate on which the activity or business is

located.

- g. "**Commercial sign**" means any permanent or temporary sign erected for the purpose of advertising or identifying any establishment, product, goods or service.
 - h. "**Neon sign**" means a sign which is illuminated by the electrification of neon gas.
 - i. "**Temporary sign**" means any sign, banner, pendant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard or other light materials, intended to be displayed for a limited period of time only.
 - j. "**Government sign**" means any temporary or permanent sign erected and maintained by the City, County, or State or Federal government or apparent designee, *e.g.*, signs for traffic direction or for designation of or direction to a state-licensed or public school, hospital, historic site, or public service, property, or facility.
 - k. "**Political sign**" means a temporary sign used in connection with a local, state, or national election or referendum.
 - l. "**Back-lit**" sign means a sign with an artificial light source incorporated internally for the purpose of illuminating the sign;
 - m. "**Historic sign**" or "**historic marker**" means a sign that is culturally significant due to its relation to the history of the **building** or is historically significant in its own right.
89. "**Significant portion of its range**" means that portion of a species range likely to be essential to the long-term survival of the population in Washington.
90. "**Significant tree**" means any tree that meets the following specifications:
- a. The following native type species: *Abies grandis* (Grand Fir), *Pseudotsuga menziesii* (Douglas Fir) and *Pinus ponderosa* (Ponderosa Pine), which have a diameter of twenty inches or more measured at four and one-half feet above the adjacent ground level
 - b. Other native and non-native species, including black cottonwood and quaking aspen, which have a diameter of ten inches or more measured at four and one-half feet above the adjacent ground level.
91. "**Soil survey**" means the most recent soil survey for the local area by the National Resources Conservation Service, U.S. Department of Agriculture.
92. "**Special valuation for historic properties**" or "**special valuation**" means the local option program which when implemented makes available to property owners a special tax valuation for rehabilitation of historic properties under which the

assessed value of an eligible historic property is determined at a rate that excludes, for up to ten years, the actual cost of the rehabilitation.

93. “**Species, Endangered**” means any fish or wildlife species that is threatened with extinction throughout all or a **significant portion of its range** and is listed by the state or federal government as an **endangered species**.
94. “**Species of Local Importance**” means those species of local concern designated by the City of Roslyn in RMC 12.90.210(3) due to their population status or their sensitivity to habitat manipulation.
95. “**Species, Priority**” means any fish or wildlife species requiring protective measures and/or management guidelines to ensure their persistence at genetically viable population levels as classified by the Washington Department of Fish and Wildlife, including endangered, threatened, sensitive, candidate and monitor species, and those of recreational, commercial, or tribal importance.
96. “**Species, Threatened**” means any fish or wildlife species that is likely to become an endangered species within the foreseeable future throughout a **significant portion of its range** without cooperative management or removal of threats, and is listed by the state or federal government as a **threatened species**.
97. “**Steep slope**” means an area that is equal to or in excess of forty (40) percent slope, meaning that it rises ten (10) feet or more for every twenty-five (25) feet horizontal, with a total vertical relief greater than ten (10) feet. A slope is delineated by establishing its toe and top.
98. “**Stream**” means an area where open surface water produces a defined channel or bed, not including **irrigation ditches**, canals, storm or surface water runoff devices or other entirely artificial watercourses, unless they are used by **salmonids** or are used to convey a watercourse naturally occurring prior to construction. A channel or bed need not contain water year-round, provided there is evidence of at least intermittent flow during years of normal rainfall.
99. “**Structural alterations**” means any change in the supporting members of a **building** such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in the roof or exterior lines if such changes result in any enlargement of the **building**.
100. “**Structure**” or “**building**” means anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences less than six feet in height.
101. “**Subdivision**” or “**long plat**” is the division or re-division of land into five or more **lots**, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.
102. “**Travel trailer**” means a trailer or other vehicular portable structure designed as

a temporary dwelling for travel, recreational or vacation uses to be used upon the public streets and highways and which is forty-five feet or less in length and eight feet in width.

103. "**Unstable slope**" means a naturally occurring slope with a gradient between fifteen (15) and thirty-nine (39) percent (dividing the vertical rise by the horizontal extent), with a total vertical relief greater than ten (10) feet, where springs or groundwater seepage is present on the slope or the Planning Official has determined is unstable for other reasons. Existing slopes modified with engineering oversight or in accordance with standard construction industry techniques are not by themselves considered **unstable slopes**. For slopes with gradient of forty (40) percent or more, see "**Steep Slopes**".
104. "**Use**" shall mean the nature of **occupancy**, type of activity or character and form of improvements to which land or **building** is devoted.
105. "**Vacation rental**" or "**short term rental**" means the rental or lease of any residential unit or **structure** for overnight accommodations for a period of not more than thirty (30) days.
106. "**Waiver of Certificate of Appropriateness**" or "**Waiver**" means the City has reviewed the proposed whole or partial demolition of a property listed on the **Roslyn Register of Historic Places** and failing to find alternatives to demolition has authorized the Building or Planning Official to issue a permit for demolition.
107. "**Waste**" means for purposes of administering the Hazardous Waste Management Act the following:
 - a. "**Hazardous waste**" means all dangerous and extremely hazardous waste as defined in RCW Section 70.105.010 (15).
 - b. "**Hazardous waste generator**" means any person or site whose act first causes a dangerous waste to become subject to regulation under the state dangerous waste regulations.
 - c. "**Hazardous waste storage**" means the holding of **hazardous waste** for a temporary period, as regulated by the state dangerous waste regulations.
 - d. "**Hazardous waste treatment**" means the physical, chemical, or biological processing of **hazardous waste** for the purpose of rendering these wastes, non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, as regulated by the state dangerous waste regulations.
 - e. "**Off-site hazardous waste treatment and storage**" means **hazardous waste treatment** and storage facilities that treat and store waste from generators on properties other than those on which the off-site facility is located.

- f. **“On-site hazardous waste treatment and storage”** means ***hazardous waste treatment*** and storage facilities that treat and store wastes generated on the same property.
 - g. **“State siting criteria”** means criteria for the siting of ***hazardous waste treatment*** and storage facilities adopted pursuant to the requirements of RCW Section 70.105.210.
108. **“Wetlands”** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. ***Wetlands*** generally include swamps, marshes, bogs, and similar areas. ***Wetlands*** do not include those artificial ***wetlands*** intentionally created from non-wetland sites, including, but not limited to, ***irrigation and drainage ditches***, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. ***Wetlands*** may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of ***wetlands***.
109. **“Wetland mosaic”** means an area with a concentration of multiple small ***wetlands***, in which each patch of ***wetland*** is less than one acre; on average, patches are less than one hundred (100) feet from each other; and areas delineated as vegetated ***wetland*** are more than fifty (50) percent of the total area of the entire mosaic, including uplands and open water.
110. **“Wireless communication facility - major”** or **“major wireless communication facility”** means a wireless communication facility regulated by the FCC that requires a free standing support structure or that otherwise exceeds the standards for a ***minor wireless communication facility***.
111. **“Wireless communication facility - minor”** or **“minor wireless communication facility”** means a wireless communication facility consisting of up to three antennae, each of which is either:
- a. A panel antenna four feet in height and with an area of not more than five-hundred eighty square inches;
 - b. A whip antenna, no more than four inches in diameter and no more than six feet in length;
 - c. A tubular antenna no more than eighteen inches in diameter and six feet in height; and an associated equipment cabinet that is six feet or less in height and no more than forty-eight square feet in floor area; or
 - d. Non-residential dish antennas designed to send and/or receive signals to/from satellites if the power output of the associated transceiver does not exceed two

watts of power and the dish is six feet in diameter or less. The signal intensity must be maintained below applicable ANSI standards.

Slight size, type, and dimensional variances may be allowed by the City as technology changes occur. A *minor facility* does not include the construction or erection of a new freestanding support structure.

112. “*Wireless communication facility - personal*” or “*personal wireless communication facility*” means a wireless communication facility for the transmission and/or reception of radio, television, or internet frequency signals for personal use and which may include antennas, equipment shelter or cabinet, transmission cables, a support structure to achieve the necessary elevation, and reception and transmission devices and antennas.
113. “*Yard*” shall mean any open area on the *lot* with a *building* or a *structure*, which *open space* is unoccupied and unobstructed from the ground upward, except as specified elsewhere in this Title.
- a. Yard - front* shall mean an open area extending the full width of the *lot* between a *building* and the front lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this Title.
- b. Yard – rear* shall mean an open area extending the full width of the *lot* between a *building* and the rear lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this Title.
- c. Yard – side* shall mean an open area extending from the *front yard* to the *rear yard* between a *building* and the nearest side lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this Title.

Chapter 12.30 Processing Procedures

Sections:

- 12.30.010 Purpose.
- 12.30.020 Project Review Classifications.
- 12.30.030 Procedures for Class 1 and 1A Review.
- 12.30.040 Procedures for Class 2 Review.
- 12.30.050 Procedures for Class 3 Review.
- 12.30.060 Procedures for Class 4 Review.
- 12.30.070 Consolidated Permit Processing.
- 12.30.080 Completeness Review.
- 12.30.090 Notice of Application.
- 12.30.100 Preliminary SEPA Determination.
- 12.30.110 SEPA Threshold Determination.
- 12.30.120 Notice of Public Hearing.
- 12.30.130 Determination of Consistency.
- 12.30.140 Notice of Decision.
- 12.30.150 Appeals.

12.30.010 Purpose. The purpose of this Chapter is to provide for effective and efficient administrative review of land use and *development* applications with consistent procedures for similar projects, and to combine procedural and substantive environmental reviews with the review of project permit applications under other applicable requirements. This Chapter is intended to provide a framework within which the consistency of project permit applications with the Comprehensive Plan and development regulations shall be determined.

A. The following is a brief summary of key land use decision-making roles:

1. The City Council is the legal legislative body of the City and is the only body which can adopt or amend an ordinance. The City Council shall make the final decisions on Class 3 and Class 4 applications and may hear or may delegate to a professional hearing examiner appeals of decisions on Class 1, 1A, and Class 2 applications. The Council shall also ratify the Mayor's appointments to the Planning and Historic Preservation Commission;
2. The Mayor is the Chief Administrative Officer of the City, presides over City Council meetings, appoints members to the Planning and Historic Preservation Commission, and in limited circumstances votes on matters before the City Council. The Mayor is also authorized to designate a Planning Official(s) and a Building Official(s), who shall be responsible for the administration of this Title;
3. The City Administrator is responsible for the supervision and administration of City personnel and for the implementation, administration and enforcement of City ordinances and resolutions, and policies and directives of the City Council, which is the legislative and policy-making body of the City. The City Administrator, under the direction of the Mayor, shall have the authority to draft,

revise, and enforce by whatever means necessary and lawful a set of administrative rules and procedures that will ensure the efficient and proper operation of the City government.

4. It shall be the duty of the Planning Official(s) to administer the provisions of this Title and to coordinate the implementation of all planning requirements and activities in the City, and to interpret the provisions of this Code. The Planning Official(s) and all authorized City representatives are hereby empowered to cause any *structure* or tract of land to be inspected and examined, and to order, in writing, the remedying of any condition found to exist in violation of any provision of the Roslyn Municipal Code or City ordinances;
5. It shall be the duty of the Building Official(s) to administer the provisions of this Title relating to the implementation of the International Building Codes and to enforce the provisions of this Title. The Building Official(s) and all authorized City representatives are hereby empowered to cause any structure or tract of land to be inspected and examined, and to order, in writing, the remedying of any condition found to exist in violation of any provision of the Roslyn Municipal Code or City ordinances;
5. It shall be the duty of the Code Enforcement Official(s) to administer the provisions of this Title relating to the implementation of the International Building Codes and to enforce all provisions of the Roslyn Municipal Code. The Code Enforcement Official(s) and all authorized City representatives are hereby empowered to cause any structure or tract of land to be inspected and examined, and to order, in writing, the remedying of any condition found to exist in violation of any provision of the Roslyn Municipal Code or City ordinances;
6. The City Attorney shall advise the, City Council, Mayor, and City Staff as well as the Planning and Historic Preservation Commission on matters regarding the legal interpretations, applications, and the enforcement of this Title;
7. The Planning and Historic Preservation Commission shall in accordance with the provisions of this Title, make decisions on Class 1A and Class 2 applications unless the proposed activity is specifically exempted. The Planning and Historic Preservation Commission may make recommendations to the City Council on Class 3 and 4 applications and on matters referred by the City Council. The Planning and Historic Preservation Commission shall also conduct such public meetings and discussions as may be necessary to prepare recommendations to the City Council on proposed Master Planned Resorts in accordance with the provisions of this Title. In addition, the Planning and Historic Preservation Commission shall conduct Architectural Design Reviews, conduct Historic Register Design Reviews of development proposals involving properties listed on the Roslyn Register of Historic Places, and to approve Special Property Tax Valuation Agreements for properties listed on the Roslyn Register of Historic Places; and
8. The City Council may appoint a professional Hearing Examiner to hear appeals of

Class 1, 1A, and Class 2 decisions and to perform other duties as may be assigned.

12.30.020 Project Review Classifications. Four classes of review are established for the purposes of administering this Title, Class 1 which includes Class 1A; Class 2; Class 3; and Class 4. These classes, their appropriate decision-maker, hearing body, appellate body, and the types of permits included in each class are contained in the following Table.

- A. In addition to the requirements of this Chapter, all proposed development activities and associated permits are subject to Environmental Review, Architectural or Historic Register Design Review, and Transportation Concurrency Review unless specifically exempted by the City.
- B. Proposed development activities that may be determined by the City to be exempt from certain provisions of this Title, such as SEPA requirements or Architectural Design review, must still comply with all other applicable provisions of this Title and must obtain all other required permits and approvals.

Class Review	Permit/Actions	Decision Maker	Hearing Body	Appellate Body
Class 1	<ul style="list-style-type: none"> -Accessory Dwelling Unit Permit -Binding Site Plan (Final approval) -Building Permit (1) -Business License (5) -Certificate of Occupancy -Certificate of Zoning Compliance -Clearing and Grading Permits (3) -Code Enforcement Actions -Code Interpretations -Completeness Determination -Deck and Fence Permit -Demolition Permit (3) -Determination of Consistency -Determination of Exempt Activity -Home Businesses -Lot Line Adjustment -Public Agency Utility Exception -Reasonable Use Exceptions (7) -Right of Way Use Permit -SEPA Actions -Sign Permit -Significant Tree Removal Permit -Special Use Permit (6) -Unclassified Permits -Wireless Communication Facility- Personal 	Planning or Building Official	None	City Council (9)
Class 1A	<ul style="list-style-type: none"> -Architectural Design Review -Historic Register Design Review -Special Property Tax Valuation Agreement (4) 	Planning and Historic Preservation Commission	None	City Council (9)
Class 2	<ul style="list-style-type: none"> - Conditional Use Permit -Reasonable Use Exception (Referrals) -Short Plat Approvals (Less than 5 lots) -Variance -Wireless Communication Facility- Minor 	Planning and Historic Preservation Commission	Planning and Historic Preservation Commission	City Council (9)

Class 3	-Binding Site Plan (Prelim. Approval) -Essential Public Facility Permit -Subdivision Approvals (5+ lots) -Master Planned Development (8) -Street and Alley Vacation	City Council	City Council (2)	Superior Court
Class 4	-Comprehensive Plan Amendment -Rezone or Code Amendment -Future Land Use or Official Zoning Map amendment	City Council	City Council (2)	Superior Court

Footnotes:

- (1) Required Architectural or Historic Register Review must be completed before a building permit may be issued. Appeals of building permit decisions shall be heard by the Mayor and/or his/her designee in accordance with the provisions of this Title.
- (2) The City Council may request that the Planning and Historic Preservation Commission or a professional hearing examiner conduct the required public hearing and make a recommendation.
- (3) Must be processed concurrent with all associated permits and approvals.
- (4) Appeals of decisions of the Planning and Historic Preservation Commission on Special Property Tax Valuation shall be made in Kittitas County Superior Court.
- (5) Business licenses shall be processed by the Clerk Treasurer unless otherwise designated by the Mayor. New businesses must apply for, receive, and maintain in good standing at all times a City Business License which shall include a Certificate of Zoning Compliance.
- (6) Special Use Permits shall be processed by the Clerk Treasurer unless otherwise designated by the Mayor. Special Use Permits may be referred to the Planning and Historic Preservation Commission as a Class 1A or Class 2 permit.
- (7) Reasonable Use Exceptions may be referred by the Planning Official to the Planning and Historic Preservation Commission for processing as a Class 2 permit.
- (8) The Planning and Historic Preservation Commission shall conduct such public meetings and discussions as may be necessary to make a recommendation on proposed Master Planned Developments in accordance with the provisions of this Title.
- (9) The City Council may delegate appeals of Class 1 decisions to the Planning and Historic Preservation Commission or a professional hearing examiner, and may delegate appeals of Class 1A, 2 decisions to a professional hearing examiner.

12.30.030 Procedures for Class 1 and Class 1A Review. Class 1 and Class 1A permit applications involve administrative action by the Planning Official(s), Building Official(s), or Planning and Historic Preservation Commission without a prior open record public hearing. The City Council or a professional hearing examiner shall conduct an open record public hearing for appeals of decisions on Class 1, and Class 1A, permits unless otherwise noted in this Title.

- A. Applications for Class 1 and Class 1A permits shall be processed by the City in accordance with the following general procedures, unless the Applicant is notified in writing by the Planning Official:
1. Completeness review and issuance of a Determination of Completeness;
 2. Determination of Consistency;
 3. Architectural or Historic Register Design Review in accordance with the provisions of Chapter 12.50 and Chapter 12.60, if required, provided that:
 - a. Required Architectural or Historic Register Design Review shall be completed before final action is taken on associated permits; and
 4. Notification to the Applicant of approval or denial of the application.

12.30.040 Procedures for Class 2 Review. The Planning and Historic Preservation Commission shall conduct an open record public hearing before making a decision on Class 2 permit applications. The decision of the Planning and Historic Preservation Commission is subject to a closed record appeal hearing before the City Council or professional hearing examiner, provided that:

- A. Applications for Class 2 permits shall be processed by the City in accordance with the following general procedures, unless the Applicant is notified in writing by the Planning Official:
1. Completeness review and issuance of a Determination of Completeness;
 2. Distribution of a Notice of Application;
 3. Architectural or Historic Register Design Review in accordance with the provisions of Chapter 12.50 and Chapter 12.60, if required;
 4. Issuance of a SEPA Threshold Determination, if required;
 5. Preparation of a preliminary staff report on the application and a Determination of Consistency with the Roslyn Municipal Codes. This report may also include a staff recommendation and shall be distributed to the hearing body before the open record public hearing;
 6. An open record public hearing shall be conducted by the Planning and Historic

Preservation Commission, during which the Applicant shall be given the opportunity to present the proposed project and interested parties shall be allowed to make comments and submit written testimony; and

7. Planning and Historic Preservation Commission review and issuance of a Notice of Decision.

12.30.050 Procedures for Class 3 Review. Decisions on all Class 3 permit applications shall be made by the City Council following an open record public hearing conducted by the City Council or at the request of the City Council by the Planning and Historic Preservation Commission or a professional hearing examiner.

- A. Applications for Class 3 permits shall be processed by the City in accordance with the following general procedures, unless the Applicant is notified in writing by the Planning Official:
 1. Completeness review and issuance of a Determination of Completeness;
 2. Distribution of a Notice of Application;
 3. Architectural or Historic Register Design Review in accordance with the provisions of Chapter 12.50 and Chapter 12.60, if required;
 4. Issuance of a SEPA Threshold Determination, if required;
 5. Preparation of a preliminary staff report on the application and a Determination of Consistency with the Roslyn Municipal Codes. This report may also include a staff recommendation and shall be distributed to the hearing body before the open record public hearing;
 6. An open record public hearing shall be conducted by the Planning and Historic Preservation Commission, during which the Applicant shall be given the opportunity to present the proposed project and interested parties shall be allowed to make comments and submit written testimony;
 7. The recommendation of the Planning and Historic Preservation Commission along with a complete copy of the record shall be provided to the City Council for review prior to their decision; and
 8. City Council action and issuance of a Notice of Decision.

12.30.060 Procedures for Class 4 Review. Decisions on all Class 4 permit applications shall be made by the City Council following an open record public hearing conducted by the City Council or at the request of the City Council by the Planning and Historic Preservation Commission.

- A. The Planning Official shall prepare and publish an annual schedule for the acceptance of applications from the public to amend the City Comprehensive Plan.

1. The proposed amendments or revisions to the Comprehensive Plan shall be docketed and considered by the City no more frequently than once every year except that amendments may be considered more frequently under the following circumstances:
 - a. The initial adoption of a sub-area plan; and
 - b. The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a City budget.
2. The City Council, upon review of a recommendation from City Staff and the Planning and Historic Preservation Commission, may accept a proposed amendment for processing, hold a proposed amendment the docket list for future consideration, or notify the Applicant that the proposed amendment has not been accepted for processing.
 - a. The City Council's decision as to the disposition of proposed Comprehensive plan amendments shall be final and is not appealable.
 - b. Amendment proposals shall be considered by the City concurrently so the cumulative effect of the various proposals can be ascertained. However, the City may adopt amendments or revisions to its Comprehensive Plan that conform with RCW Chapter 36.70A whenever an emergency exists or to resolve an appeal of a Comprehensive Plan filed with the Growth Management Hearings Board or in a court with jurisdiction.
 - c. In proposing any changes to its Comprehensive Plan, the City shall notify the appropriate State Agency(s) of its intent to adopt such amendments at least 60 days prior to final adoption. The City shall transmit a complete and accurate copy of its Comprehensive Plan to the State Agency(s) in accordance with State law.
- B. The Planning Official shall prepare and publish an annual schedule for the acceptance of applications from the public to amend the City Development Regulations, and the Official Zoning Map.
- C. Nothing in this Chapter shall preclude the City from initiating a public process to prepare potential revisions to the City Comprehensive Plan, the City Development Regulations, and the Official City Zoning Map at any time in accordance with the provisions of the Washington State Growth Management Act.
- D. All Class 4 Applications shall be subject to environmental review in accordance with the provisions of this Title, provided that the City may establish procedures to integrate or consolidate the environmental review process with the substantive review and Growth Management Act review.

12.30. 070 Consolidated Permit Processing. It is the goal of the City to consolidate the

permit processing for projects or *development activities* that require two or more permits or approvals. The Planning Official, in consultation with City Planning Consultants and/or the City Attorney as appropriate, shall determine the appropriate means of consolidating the processing of all permits and shall assign the highest-class review classification of the individual permits being sought to the consolidated permit application (with Class 4 being the highest followed by Class 3, Class 2, and Class 1). This consolidation may include integrating public meetings or hearings, establishing unified comment periods, and/or concurrent reviews. The Planning Official is authorized to make modifications to the procedural requirements of this Title in order to effectively consolidate project reviews.

12.30.080 Completeness Review. All applications for Class 1, Class 1A, 2, 3, or Class 4 permits or approvals shall be submitted on such forms and in accordance with such procedures as may be prescribed by the City, provided that:

- A. All applications shall be signed by the property owner or show owner consent of the application by the agent acting on the owner's behalf;
- B. All applicable fees shall be submitted at the time of application unless otherwise specified;
- C. For all Class 2, 3, and 4 applications, the Applicant shall hand deliver to the property owners or provide, at no cost to the City, mailing labels and postage for all property owners within 300' of the proposed site, provided that:
 - 1. For variances notice shall be provided to all property owners within 200' of the proposed site.
- D. The City may require an Applicant for any permit to submit a survey if the proposed activity raises questions that may involve property boundaries, questions of ownership, property rights, and/or have a bearing on the property rights of others, as determined by the City.
- E. Proposed development activities that may be determined by the City to be exempt from certain provisions of this Title, such as SEPA requirements or Architectural Design review, must still comply with all other applicable provisions of this Title and must obtain all other required permits and approvals.
- F. Prospective applicants of Class 2 and Class 3 permits shall schedule and participate in a pre-application conference with the Planning Official and other staff as appropriate prior to submitting an application. The purpose of this pre-application review, is to provide the City and other agency staff with a sufficient level of detail about the proposed development to enable staff to advise the prospective applicant on application requirements and applicable regulations that may have a bearing on the project design or the timely review and approval, provided that:
 - 1. Applications submitted without participation in the required pre-application meeting may not be accepted by the City.

2. At least ten days prior to scheduling an appointment for a pre-application meeting, the Applicant shall provide five copies of all relevant project information in a format prescribed by the City.
3. The Planning Official shall coordinate the involvement of agency staff responsible for development review in the pre-application review process. Relevant staff shall attend the pre-application conference or shall take other steps to fulfill the purposes of pre-application review.
4. The Applicant shall be responsible for reimbursement of staff time if the Applicant or Applicant's representative does not attend the conference when scheduled without providing twenty-four hours notice.
5. Within ten working days after the date of the pre-application conference, the Planning Official shall mail to the applicant and other interested parties a written summary of the pre-application review. The written summary generally shall do the following to the extent possible given the information provided by the applicant:
 - a. Summarize the proposed application(s);
 - b. Identify the review authority, relevant approval criteria;
 - c. Development standards and adjustments or other variations from applicable criteria or standards that may be necessary;
 - d. Evaluate information the Applicant offered to comply with the relevant criteria and standards, and identify specific additional information needed to respond to relevant criteria, standards or other issues;
 - e. Identify application fees in effect at the time, with a disclaimer that the fees may change;
 - f. Identify information relevant to the application in the possession of the City or other agencies of which the City is aware, such as:
 - i. Comprehensive Plan map designation and zoning;
 - ii. Physical development limitations, such as steep or unstable slopes, wetlands, well head protection areas, or water bodies;
 - iii. Public facilities that will serve the subject property including water, sewer, roads, storm drainage, parks and schools, fire and relevant service considerations, such as minimum access and fire flow requirements or other minimum service levels and impact fees; and
 - iv. Other applications that have been approved or are being considered for land in the vicinity of the property subject to the proposed application that

may affect or be affected by the proposed application.

6. A prospective applicant may submit a written request for a second pre-application conference within one calendar year after an initial pre-application conference. There is no fee for a second pre-application conference if the proposed development is substantially similar to the one reviewed in the first pre-application conference or if it reflects changes based on information received at the first pre-application conference. A request for a second pre-application conference shall be subject to the same procedure as the request for the initial pre-application conference.
 7. A new request for or waiver of a pre-application review for a given development shall be filed unless the applicant submits a counter complete application that the applicable official finds is substantially similar to the subject of a pre-application review within one calendar year after the last pre-application conference or after approval of waiver of pre-application review.
- G. A completed SEPA checklist shall be filed at the same time as an application for all permits, except when:
1. The City has determined the activity to be Categorically Exempt from the requirements of SEPA;
 2. The City and Applicant agree that an EIS is required;
 3. SEPA compliance for the proposed project has already been completed; or
 4. SEPA compliance has been initiated by another agency.
- H. Within 28 days of submittal, the City shall conduct a review of all application materials to determine if the application is complete and ready for processing. The City shall then make a Determination of Completeness and shall provide the Applicant with written notification which states:
1. The application is complete and ready for processing, or that the application is incomplete and what is necessary to make the application complete; and
 2. The extent known by the City, other agencies with jurisdiction over the application and/or other permits that may be required for the proposed project.
- I. Nothing in this Title shall limit the Planning Official from incorporating the Notice of Application and Determination of Completeness into one document.
- J. The issuance of a Determination of Completeness shall not preclude the City from requesting additional information from the Applicant in order to complete the processing of an application.
- K. If the City determines an application is not complete, or that additional information is

necessary to complete the review of the application, and the Applicant fails to respond to the request from the City in the established time frames, the City shall notify the Applicant in writing that the application has lapsed and become void.

12.30.090 Notice of Application. Following the issuance of a Determination of Completeness, the City shall issue a Notice of Application for all Class 2 and Class 3 project permit applications.

- A. Notices of Application shall include:
1. A description of the proposed action;
 2. Identification of the permits and approvals that may be required and opportunities for public review and comment; and
 3. SEPA actions taken or Preliminary SEPA Threshold Determinations, if any.

12.30.100 Preliminary SEPA Determination. A preliminary SEPA Threshold Determination or Preliminary SEPA action may be included with Notice of Application if such preliminary actions have been made at the time the Notice of Application is issued. A preliminary SEPA Threshold Determination, or preliminary SEPA action, does not substitute, or in any way circumvent, the process for making a final SEPA Threshold Determination or in taking a SEPA action. Preliminary SEPA determinations are intended to encourage early public comment on project applications.

12.30.110 SEPA Threshold Determinations. Within ninety days from the date that an application is deemed complete a Threshold Determination is required for any proposal that is not categorically exempt. All Threshold Determinations shall result in a Determination of Non-significance (DNS), or a Determination of Significance (DS), provided that the City may also issue a Mitigated Determination of Non-Significance (MDNS) based on conditions attached to the proposal, or on changes to, or clarifications of, the proposal made by the Applicant:

- A. After submission of an environmental checklist and prior to a Threshold Determination, an Applicant may ask whether the City is considering issuing a DS. If so, the Applicant may clarify or change features of the proposal to mitigate the impacts which make the DS likely. If a proposal continues to have a probable significant adverse environmental impact, even with the mitigating measures, an EIS shall be prepared.
- B. If a preliminary SEPA Threshold Determination was not made in conjunction with a Notice of Application, and no probable significant adverse impacts are anticipated, a Determination of Non-Significance shall be issued and a 14-day comment period may be required (WAC 197-11-340 (2)(a)).
- C. If a pre-decision open record public hearing is required; the SEPA Threshold Determination must be issued at least fourteen (14) days before the hearing.
- D. Except for a Determination of Significance (DS), the City may not issue a decision on

a project application until the expiration of the public comment period on the Notice of Application.

- E. If the City makes a SEPA Determination of Significance (DS) concurrently with the Notice of Application, the Notice of Application shall be combined with the Determination of Significance and Scoping Notice.
- F. Whenever the City makes a Threshold Determination, it shall seek to include the public notice for this SEPA action with the Notice of Application or Notice of Decision for any associated land use application(s) or permits.
 - 1. If no public notice is required for the permit or approval, the City shall give notice of the DNS or DS by publishing a notice in the City's Newspaper of Record.
 - 2. Whenever the City issues a DS, all public notices shall state the scoping procedure for the required EIS.
 - 3. Whenever the City issues a DEIS, or SEIS, notice of the availability of those documents shall be given by:
 - a. Indicating the availability of the DEIS or SEIS in any public notice required for an associated land use application or permit;
 - b. Posting the property, for site-specific proposals;
 - c. Publishing notice in the City's Newspaper of Record;
 - d. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
 - e. Notifying the news media; and/or
 - f. Publishing notice in agency newsletters and/or sending notice to agency mailing lists.
- G. **Mitigation** measures incorporated in the MDNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the City.

12.30.120 Determination of Consistency. As part of all Class 1, Class 1A, 2, and 3 application reviews, the City shall determine if a proposed project or development activity is consistent with applicable City Development Regulations, and the Goals and Policies of the adopted Comprehensive Plan:

- A. Nothing in this section shall limit the authority of the City in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by Chapter 43.21C RCW; and

- B. The City may determine that adopted comprehensive plans, sub-area plan elements of a comprehensive plan, development regulations, or other local, state or federal rules or laws provide adequate environmental analysis and *mitigation* of some or all specific probable adverse environmental impacts of a proposed action.
- C. Proposed development activities that may be determined by the City to be exempt from certain provisions of this Title, such as SEPA requirements or Architectural Design review, must still comply with all other applicable provisions of this Title and must obtain all other required permits and approvals.

12.30.130 Notice of Decision. A Notice of Decision shall be issued for all Class 2 and Class 3 applications. A Notice of Decision may not be issued until the expiration of the comment period on the Notice of Application.

- A. Notices of Decision shall include:
 - 1. A description of the decision or actions taken;
 - 2. Any *mitigation* or conditions of approval required under applicable development regulations or under SEPA;
 - 3. If a SEPA threshold determination has not been issued previously, the Notice of Decision shall state this determination; and
 - 4. A description of applicable appeal procedures.

12.30.140 Public Notice Requirements. For all Class 2, 3, and 4 permits the following provisions shall apply:

- A. These public notice requirements shall apply to:
 - 1. Notices of Application;
 - 2. Notices of Decisions;
 - 3. Public Hearing notices;
 - 4. SEPA Threshold Determinations; and
 - 5. Notices of Appeals.
- B. All public notices will be mailed at least fourteen (14) days prior to the date of any required public hearing and/or comment period to the:
 - 1. Applicant;
 - 2. All property owners within 300 feet of the proposed site, provided that:
 - a. For variances all property owners within 200' shall be notified.
 - 3. Agencies with jurisdiction;
 - 4. Parties who have provided oral or written testimony on the permit;
 - 5. Parties who have submitted written requests to receive notice; and
 - 6. Parties of Record.
- C. Public notices shall be published in the general newspaper of record at least fourteen (14) days prior to the date of any public hearing and/or any public comment periods.
- D. Copies of public notices shall also be posted or available for review at the Old City Hall, the City Administrative Offices, the Roslyn Library, and the Roslyn Post Office.
- E. The City may also post public notices and information regarding applications for review on the internet.
- F. Following the adoption of appropriate administrative procedures, the City may require that a sign board be posted and maintained on the site.

12.30.150 Appeals. All appeals of interpretations or actions based on the provisions of this Title shall be filed in a format prescribed by the City along with the required fee, within 14 days of the date of the interpretation or action. If the deadline to file an appeal falls on a weekend or on a City Holiday, the deadline shall become the next business day. The City shall mail written notice to all parties of record to apprise them of all open and closed record public appeal hearings and shall place a public notice in the City's Newspaper of Record at least fourteen days before an open record appeal hearing.

- A. The following provisions shall apply to all appeals unless otherwise noted:
1. The decisions of the City Council on all Class 3 permits are subject to a request for reconsideration by any of the Parties of Record. The City Council may refuse to accept requests for reconsideration, and if accepted, may affirm, reverse, or modify their previous decision.
 2. The Notice of Appeal shall specify the claimed error(s) and issue(s) which the Appellate Body is asked to consider, and shall specifically state all grounds for such appeal. Issues or grounds of appeal which are not so identified need not be considered by the Appellate Body;
 3. The Appellants and any Respondents to the Notice of Appeal shall have the opportunity to present oral and written arguments during open record appeal hearings. For all closed record appeals, the record shall be limited to information presented during the preceding open record hearing. Oral argument shall be confined to the established record and to any alleged errors in the decision;
 4. Following an appeal hearing the Appellate Body may affirm, reverse or modify the decision of record and shall adopt its own written findings and conclusions in support of its decision; and
 5. The City may require an Applicant and/or the Appellant to reimburse the City for the cost of preparing materials to be used during open or closed record hearings including but not limited to the cost of copying, taping, and/or transcribing a certified record of the proceedings.
- B. Appeals of SEPA threshold Determinations or SEPA actions shall be combined with any appeals of associated applications or permits.
- C. Except for the appeal of a SEPA Determination of Significance, no more than one open public record hearing and no more than one closed record appeal may occur on a single permit application or master application:
1. A public meeting(s) may be held prior to the open record hearing. A public meeting may include, but is not limited to: a scoping meeting for the preparation of a draft environmental impact statement or presentation of a final Environmental Impact Statement, informational meetings, meetings integral to the Historic Register Design Review process or Architectural Design Review process,

and/or or neighborhood meeting. The proceedings at a public meeting may be recorded and a report, meeting summary, and/or recommendations may be included in the application file.

Chapter 12.40 Environmental Review

Sections:

- 12.40.010 Purpose.
- 12.40.020 Substantive Authority.
- 12.40.030 Categorical Exemptions.
- 12.40.040 Preparation of EIS.

12.40.010 Purpose. The purpose of this Chapter is to highlight the environmental review requirements of the City and to integrate the provisions of the Washington State Growth Management Act and the Washington State Environmental Policy Act.

12.40.020 Substantive Authority. The City adopts Chapter 197-11 of the Washington Administrative Code (WAC) by reference unless otherwise noted or modified by the provisions of this Title.

- A. The City may attach written conditions to a permit or the approval of a proposed development activity, provided that:
 - 1. Such conditions are necessary to mitigate specific probable adverse environmental documents prepared pursuant to this Chapter;
 - 2. The *mitigation* measures included in such conditions are reasonable and capable of being accomplished;
 - 3. The City has considered whether other local, state or federal *mitigation* measures applied to the proposal are sufficient to mitigate the identified impacts; and
 - 4. Such conditions are based on one or more policies in this Title and/or the City Comprehensive Plan, and are cited in the permit or other decision document.
- B. The City may deny a permit or approval for a proposal on the basis of a SEPA review so long as:
 - 1. A finding is made that approving the proposals would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this Chapter;
 - 2. A finding is made that there are no reasonable *mitigation* measures capable of being accomplished that are sufficient to mitigate the identified impact; or
 - 3. The denial is based on one or more policies identified in this Title and/or the City comprehensive plan, and are identified in writing in the decision document.
- C. The City designates and adopts by reference the following Goals, Policies, Plans,

Rules, and Regulations, as amended, as the basis for the City's exercise of authority pursuant to this Chapter:

1. The Goals and Policies in the Roslyn Comprehensive Plan;
2. The provisions of the Roslyn Municipal Code;
3. The City of Roslyn Municipal Water and Sewer Plans;
4. The City of Roslyn Six-Year Street Plan;
5. The City of Roslyn Storm Water Plan;
6. The Coal Miners Trail Plan;
7. The City of Roslyn Parks and Recreation Plan;
8. Plans relevant to the stewardship, maintenance, and use of the Urban Forest;
9. City of Roslyn Watershed Protection Plans;
10. Washington State Storm Water Manual for Eastern Washington as adopted by the City of Roslyn;
11. City of Roslyn Standards and Guidelines for Preservation, Rehabilitation, Restoration, and Reconstruction of Historic Properties;
12. City of Roslyn applications and approvals as a National Historic District and ***Certified Local Government***.
13. Kittitas County County-wide Planning Policies;
14. Other plans and policy documents approved by the Roslyn City Council; and/or
15. The document known as the Ridge/Trendwest agreement regarding the Suncadia Master Planned Development.

12.40.030 Categorical Exemptions. All proposed projects or development activities are subject to the provisions of this Chapter and WAC 197-11 except those activities that are identified in WAC 197-11-800 as being categorically exempt from SEPA, provided that:

- A. The following new construction activities may be determined by the City to be exempt from the provisions of this Chapter and WAC 197-11 unless the site contains ***critical areas***:
 1. The construction or location of up to four (4) ***dwelling units***;
 2. The construction of a barn, loafing shed, farm equipment storage building,

produce storage, or packing structure, or similar agricultural structure, covering up to 10,000 square feet, provided that said structure complies with all other provisions of the City code and is to be used by the property owner or his or her agent in the conduct of permitted farming of the property;

3. The construction of an office, school, commercial, recreational, service, or storage building with up to 4,000 square feet and associated parking facilities designed for no more than 20 automobiles;
 4. The construction of a parking lot designed for up to twenty (20) automobiles; or
 5. Any landfill or excavation of 100 cubic yards throughout the total lifetime of the fill or excavation.
- B. The City's determination that a proposal is exempt from SEPA shall be final and not subject to appeal. If a proposal is determined by the City to be exempt, none of the procedural requirements of this Chapter shall apply to the proposal.
1. Proposed development activities that may be determined by the City to be exempt from certain provisions of this Chapter, must still comply with all other applicable provisions of this Title and must obtain all other required permits and approvals.
 2. If a proposed development activity includes both exempt and nonexempt actions, the whole development activity shall be subject to environmental review. No work may be initiated on exempt activities until authorized in writing by the City.
 - a. In particular, exempt and non-exempt *clearing* and *grading* activities, shall not be initiated until all associated permits and approvals have been issued.

12.40.040 Preparation of EIS. Preparation and issuance of a draft and final EIS (DEIS and FEIS) or a draft and final supplemental EIS (SEIS) is the responsibility of the City, provided that certain environmental documents may be prepared by a consultant(s) selected by the City. All costs associated with the preparation and issuance of an EIS document shall be the responsibility of the *Project Sponsor* in accordance with the provisions of the City fee schedule and/or voluntary cost sharing agreement.

Chapter 12.50 Architectural Design Review

Sections:

12.50.010 Purpose.

12.50.020 Applicability.

12.50.030 Architectural Design Review Standards.

12.50.010 Purpose. This Chapter sets forth specific standards for historic preservation and compliance with the City's designation as a National Historic District.

A. These regulations are intended to implement the Roslyn Comprehensive Plan and further the City of Roslyn National Historic District designation and are adopted for the following purposes:

1. To create an awareness of the existing original homes, buildings and places of business which reflect the City's historical heritage and origins.
2. To recognize, preserve and enhance the historical significance and unique quality of the architectural styles exhibited by the structures in Roslyn.
3. To promote orderly community growth, protect and enhance property values, preserve the natural beauty, and provide for the comfort and prosperity of the community.
4. To promote and enhance construction and maintenance practices that will tend to promote architectural and scenic quality throughout Roslyn.
5. To recognize environmental and aesthetic design as an integral part of the planning process.
6. To discourage unsightly or inharmonious development, discordant or unsightly surroundings and inappropriate or poor quality design.

12.50.020 Applicability. Any proposed construction of a new building or structure; the siting of a *manufactured home*; or the modification, addition, alteration, moving or demolition of an existing *structure* or *dwelling unit*; the siting, construction, or modification of a storage *structure* or *accessory structures*; the construction, erection, repair or replacement of a *sign*, deck, or fence; installation of a personal or minor wireless communication facility, and all associated landscaping, and *clearing* and *grading* activities within the corporate City limits, shall be subject to Architectural Design Review unless specifically exempted.

A. It is the intent of the City to integrate the Architectural Design Review process with the process for reviewing associated permits and approvals. The Planning Official shall notify the *Project Sponsor* of the procedures and timing for the integration of the required Architectural Design Review, provided that:

1. Applicants must apply for and receive a building permit from the City within 180 days of the date of design review approval. Failure to comply with this provision shall result in the expiration of the Architectural Design Review approval and a new Architectural Design Review application must be submitted for City review and approval.
 - a. Notwithstanding the foregoing, if there have been no material changes, as determined by the City, to a previously approved Design Review Application or the City's Architectural Design Review Standards during this 180 day period, an Applicant may request prior to the initial 180 day expiration, subject to City approval, no more than one (1) 180 day extension.
 2. Once a building permit has been issued for a proposed development activity that has received Architectural Design Review approval, the Architectural Design Review approval shall remain in effect as long as the building permit remains in effect.
 - a. If the associated building permit is suspended, expires, or is terminated, then the Architectural Design Review approval shall be suspended or terminated by the City, and the Applicant must submit a new application for Architectural Design Review.
 - b. If an amendment or a change order to an approved building permit is required, then it shall be the sole discretion of the City as to whether a new Architectural Design Review shall be required.
 3. If there are any questions regarding the terms, conditions, or duration of Architectural Design Review approval, or the need to submit a new application, the Planning Official is authorized to make such code interpretations or administrative determinations as may be necessary to ensure compliance with the purpose of this Title and to protect the public health and welfare.
- B. The following activities may be determined by the City to be exempt from Architectural Design Review:
1. Repairs to or replacement of roofs, foundations, windows, sidewalks or legally permitted fences under six feet in height, etc. due to natural aging and deterioration in building condition, provided repairs or replacements do not change architectural integrity or existing design.
 2. *Accessory structures* with a *footprint* less than one hundred and twenty (120) square feet.
 3. Activities that involve properties listed on the *Roslyn Register of Historic Places*, provided that proposed activities must comply with the City's Historic Register Design Review process.

12.50.030 Architectural Design Review Standards. All proposed improvements shall

be compatible with the existing and planned character of the surrounding area. All elements of building design shall form an integrated statement, harmonious in scale, line and mass. In considering any application for approval, the City shall be guided by the following criteria:

A. All *lots* must conform to the following standards:

1. The minimum lot size in the Residential Zone shall be 6,500 sq. ft.
2. The maximum coverage of lots with *impervious surfaces*;
 - a. Shall be 60% in the Residential Zone; and
 - b. May be up to 100% in the Commercial and Light Industrial Zones.
3. All *buildings, building footprints, building driplines, and structures*, must be set back from property lines in accordance with the following standards:
 - a. The *front yard setback* for a *building* placed on a newly platted *lot* in the Residential Zone shall not be less than 15 feet in depth. A *building* placed on an existing *lot* in the Residential Zone shall be greater or equal to the average *front yard setbacks* of the *buildings* located on adjacent *lots*. If there are no adjacent *buildings*, the *front yard setback* shall be a minimum of 15 feet in depth. Stairs descending from porch fronts may extend into the front *setback* in accordance with the provisions of this Chapter.
 - b. The minimum side and rear *setback* in the Residential Zone shall be 5 feet, provided that in cases where a front *setback* is less than 15 feet on a corner *lot*, the sum of the street side *setback* and the front *setback* shall be no less than 20 feet.
 - c. New *buildings* and alterations to existing *buildings* in the Commercial Zone shall be in line with adjacent facades so as to present a contiguous streetscape, provided that:
 - i. Buildings* may be proposed, subject to City approval, to set back more than the minimum to accommodate site design and aesthetic considerations; and
 - ii.* The repair or replacement of single family residences and the construction of new single family residences in the Commercial Zone must conform to all residential standards as determined by the City.
 - d. No eaves, roof overhang, cornice or other permanent ornamental feature bay window, deck, or porch may extend into a setback or otherwise create a potentially unsafe condition as a result of the sloughing of snow.
4. Ingress, egress, traffic circulation, off-street parking facilities, loading and service areas and pedestrian ways shall be so designed as to promote safety and

convenience as determined by the City.

5. Garage doors and driveways shall be oriented toward the alley, unless the alley is not designated for plowing by the City or is determined by the City as not suitable for maintenance.

B. Building design:

1. The maximum **building footprint** in the Residential Zone shall not exceed 1,400 sq. ft.
2. The maximum residential **building height** is 35 feet.
3. The roof slope for new and modified residential **structures** and **accessory structures** will have a minimum 9:12 pitch and a maximum 12:12 pitch. On porches, shed dormers and other related additions as determined by the City, a minimum roof pitch of 4:12 shall be allowed so long as the total square footage of the **structure** with a roof pitch less than 9:12 does not exceed twenty five (25) percent of the **building footprint**. Gable dormers shall have a roof pitch that matches the roof pitch of the primary **structure**.
4. In the commercial and light industrial zones, mechanical equipment or other utility hardware should be screened from view with architecturally-compatible fences or landscaping and shall be oriented to maintain vehicular and pedestrian line-of-sight. Unobtrusive, flush mounted, rooftop solar panels are exempt from this requirement.
5. The front façade of any new residential construction shall have an open porch with an entry door that faces the public street. This shall be a dominant architectural feature of the front façade.
6. For new construction in the Commercial Central District, the front of the building shall be adjacent to the front sidewalk, the front wall shall have minimum 60% window space at the street level, the front wall shall contain a recessed entrance facing the sidewalk, and the building shall include a “false front” upper wall façade which conceals the building’s roofline when viewed from the front. New construction in the Commercial Central District shall incorporate design elements identified in the *City of Roslyn Standards and Guidelines for the Preservation, Rehabilitation, Restoration, and Reconstruction of Historic Properties*, especially pages 9-14, to blend and harmonize with Roslyn’s historic structures, including but not limited to the building’s front façade, windows, doors and exterior siding where visible.
7. The predominant exterior windows shall have a vertically oriented aspect ratio with more height than width, such as single-hung or double-hung windows. Exterior windows shall not be triangular or irregular trapezoids (non-rectangular). Exterior sliding-glass doors shall not be installed if the doors would be substantially visible from any public street or alley unless they have the

appearance of wood-framed French doors. If a series of new *buildings* are developed on multiple *lots* they may be similar but shall not appear identical in design.

8. Garage Doors shall have a design that replicates one of the following:
 - a. Barn Door- this door is, or looks like, two doors, hinged on the sides, consisting of horizontal or vertical planks with a diagonal brace.
 - b. Diagonal Wood Pattern- this door consists of one door with planks at a forty-five (45) degree angle.
 - c. Diagonal Wood Herringbone- this door has planks at a forty-five (45) degree angle, but the planks on the left half are at an opposite angle to the planks on the right half.
 - d. Carriage Door- this door is, or looks like, one or more smaller, vertical doors, hinged on the sides, each with two or more panels on the bottom portion and windows on the top.
9. Exterior siding shall not consist of sheet metal, corrugated material, concrete blocks, or stucco, log or log-shaped material. Exterior siding, roofing and window glass shall not have mirrored, mirror-like or bright metal reflective finish. The top layer of roofing shall not consist of corrugated fiberglass. Foundation areas exposed more than two (2) feet above grade shall be covered with siding. Corner, window door trim shall have a minimum width of three (3) inches and a minimum thickness of one-half (1/2) inch.
10. Exterior colors in the commercial and light industrial zones require design review in accordance with the *City of Roslyn Standards and Guidelines for the Preservation, Rehabilitation, Restoration, and Reconstruction of Historic Properties*, page 41.
11. Buildings or porches with posts shall conform to the following standards:
 - a. The following features shall be encouraged:
 - i. Square posts with either horizontal or vertical railings;
 - ii. Turned posts; or
 - iii. Turned posts with jigsaw trim.
 - b. The following features shall not be permitted:
 - i. Painted tubular steel or imitation wrought iron posts and railings;
 - ii. Logs;

- iii. Pyramidal-shaped posts;
- iv. River rock or stone facades; or
- v. Other materials or features not in keeping with the historic character of the community.

C. **Accessory Structures.** The following regulations and requirements shall apply to all **accessory buildings and structures**, regardless of whether a building permit is required or not:

- 1. The maximum **building footprint** of **accessory structures** including garages shall not exceed 800 square feet.
- 2. There shall be at least five feet of separation between the **footprint** of all **buildings** and **accessory buildings** on a **lot**.
- 3. The total square footage of **accessory building footprints** on a **lot** shall not exceed twenty five percent (25%) of the lot size.
- 4. **Accessory structures** including garages shall not exceed a **height** of twenty-five (25) feet.

D. **Personal wireless communication facilities** shall comply with the following requirements:

- a. Roof-mounted dish antennas are not permitted;
- b. Dish antennas shall meet the setback requirements for accessory structures;
- c. Dish antenna may not exceed one meter in diameter;
- d. Only one dish antenna is permitted on each lot; and
- e. The distribution of signals to more than one dwelling unit is permitted, provided the distribution is limited to the same parcel or same project as the antenna site.

E. Non-residential satellite TV and dish antenna must comply with the following standards.

- a. A dish antenna may be roof-mounted provided that it is screened from view and does not exceed the height of the ridgeline of the primary structure on said parcel.
- b. A dish antenna installed directly on the ground shall not be located within a required setback. The maximum attainable height of the dish shall not exceed the diameter of the dish plus three feet to a maximum of 15 feet.

F. Landscaping and site treatment:

1. Natural resources, such as stands of trees and habitat should be conserved.
2. Landscape treatment should provide shade for walkways and other pedestrian provisions, and should conserve and restore natural beauty and other natural resources.
3. Landscaping shall be maintained and noxious weeds shall be eliminated.
4. Residents are highly encouraged to cultivate heirloom variety gardens and plant native species vegetation.
5. In the Commercial Central zone, undeveloped areas in the front of a building shall be landscaped including trees, shrubbery, ground cover and other plantings, considering growth rates, size spread, and susceptibility to disease and their adaptability to the climate of the area.
6. Exterior lighting, when used and permitted under applicable laws, shall be shielded, downward facing, and restrained in design to avoid excessive brightness and brilliance to adjoining properties and streets. Industrial and commercial high-output fixtures, including mercury and sodium-vapor lamps, shall not be installed on the exterior of structures.
7. Garbage and household trash shall be contained in a refuse container with a secure fitting lid.
8. There shall be no inoperable machinery or defunct automobiles permitted to accumulate on residential properties within the City limits in accordance with the City regulations governing *nuisances* and to protect the public health and safety.
9. No storage containers such as those used in the shipping and trucking industry shall be permitted in any zone except when authorized through the issuance of a Special Use Permit.

G. Signage. *Signs* may be permitted through the issuance of a Class 1 Permit to advertise products and services, in all zones except residential districts, in accordance with the following standards:

1. The following types of signs are exempt from the requirements of this Chapter:
 - a. Temporary paper notices (8 ½" x 11") or smaller;
 - b. Temporary *political campaign signs* smaller than eight square feet in area;
 - c. Seasonal decorations such as Christmas and temporary festival decorations;

- d. Church signs not exceeding 24 square feet in area, unless they are ***pole signs*** or internally illuminated;
 - e. ***Temporary sign*** erected for less than four days;
 - f. Temporary on-site real estate signs;
 - g. Legal notices and official public notices; and
 - h. Flags of a governmental institution.
2. ***Off-site signs*** shall not be permitted.
 3. The advertising content of signs should be limited to the name and type of business printed in a readily legible type.
 4. Signs should provide for good aesthetic presentation of the sign message through careful consideration of color combination; illumination, sign placement, letter height, proportion and spacing, and by avoiding use of small and/or excessive lettering.
 5. Colors should be used harmoniously and with restraint. No specific color or combination of colors is specifically prohibited.
 6. All lighting shall be downward facing and shielded. Surface brightness or intensity of lighting should not be beyond that necessary for visibility and proper color rendition.
 7. Flashing lights are prohibited in new or replacement signs. ***Back-lit signs*** are prohibited.
 8. Freestanding signs must be located on the premises and should be integrated with the style, material and design of the associated ***building***.
 9. The size and location of wall signs shall be reviewed in terms of their relationship to the ***building*** entry, ***height of structure***, or size of wall where they are to be installed. Wall signs should be flush mounted to the ***structure***.
 10. Non-flashing ***neon signs*** are permitted up to eight (8) square feet total aggregate area in the Commercial Zone.
 11. No single sign shall exceed 32 square feet in area.
 12. The aggregate area of all signs of any one commercial ***building*** shall not exceed 32 square feet; regardless of the number of tenants or businesses in the ***building***, provided that a single commercial ***building*** having public customer entrances on two or more sides of the ***building*** may treat each side as a separate entity.

13. Interpretive signs erected for historical education purposes must comply with the requirements of this Chapter, but may be self-supporting and cannot exceed eight (8') feet in height.
 14. Legal *non-conforming signs* already in place on or before September 11, 2007 may be continued, subject to the following conditions and requirements:
 - a. *Non-conforming signs* may not be enlarged or changed.
 15. On-site signs that otherwise comply with the provisions of this Chapter may be permitted for legal, non-conforming commercial uses in existence as of August 12, 2009.
- H. Fences. In all zones fences, walls and hedges are subject to the following standards:
1. Height restrictions:
 - a. Residential Zone: *Front yard*- four feet (4') or less.
 - b. Residential Zone: *Side and back yard*- six feet (6') or less.
 - c. Commercial Zone: All sides eight feet (8') or less.
 2. Fences on corner *lots* shall not block intersection sight lines for traffic and pedestrians as determined by the City.
 3. Fence styles shall be in harmony with the general historic character of the City of Roslyn as depicted in the *City of Roslyn Standards and Guidelines for the Preservation, Rehabilitation, Restoration, and Reconstruction of Historic Properties*, page 43. Picket, wood and wire, post and rail, and wrought iron fencing are the recommended styles.
 - a. Wood framed fences filled with wire grid or mesh is acceptable.
 - b. The framing may be metal if the design matches existing historic fences in Roslyn and the following conditions are met: the framing is made of heavy rounded pipe at least two (2) inches in diameter and any joints in the framing are made of rounded connectors.
 - c. Decorative metal gates are allowed.

Chapter 12.60 Historic Register Design Review

Sections:

- 12.60.010 Purpose.**
- 12.60.020 Applicability.**
- 12.60.030 Historic Register Design Review Standards.**
- 12.60.040 Roslyn Register of Historic Places.**
- 12.60.050 Review and Monitoring of Properties for Special Valuation.**

12.60.010 Purpose. It is the intent of the City of Roslyn to encourage and support the designation of properties on the *Roslyn Register of Historic Places* and to assist property owners in their efforts to maintain historic properties. This Chapter sets forth specific standards for preservation of properties listed on the *Roslyn Register of Historic Places*.

- A. A complete list of properties listed on the *Roslyn Register* may be obtained by contacting the Roslyn City Administrative Offices.
- B. Properties may be added to the *Roslyn Register of Historic Places* in accordance with the provisions of this Chapter.

12.60.020 Applicability. Any proposed modification, addition, alteration, moving or demolition of a property listed on the *Roslyn Register of Historic Places* as well as the construction, erection, repair or replacement of a *sign*, deck, or fence; and all associated landscaping, and *clearing* and *grading* activities on a property listed on the *Roslyn Register of Historic Places*, shall be subject to Historic Register Design Review as specified, unless specifically exempted.

- A. ***Certificate of Appropriateness.*** All *development activities* involving properties listed on the *Roslyn Register of Historic Places* shall be subject to Historic Register Design Review, and must receive a *Certificate of Appropriateness* and all other City permits and approvals that may be required in accordance with the provisions of this Title, prior to initiating any construction related activities, unless specifically exempted or granted a Waiver.
 - 1. Applications for *Certificates of Appropriateness* or Waivers shall be processed as Class 1A Permits.
 - 2. Prospective Applicants for Historic Register Design Review shall schedule and participate in a pre-application conference in accordance with the provisions of this Title.
 - 3. It is the intent of the City to integrate the Historic Register Design Review process with the process for reviewing associated permits and approvals. The Planning Official shall notify the *Project Sponsor* of the procedures and timing for the integration of the required Historic Register Design Review.

4. The Planning Official shall notify Applicants of the Historic Register Design Review requirements and report any application for a permit to work on a property on the *Roslyn Register of Historic Places* to the Planning and Historic Preservation Commission.
 5. The City Staff, in consultation with the Planning and Historic Preservation Commission and City Consultants as appropriate, shall determine whether a proposed activity is exempt from the provisions of this Chapter.
 6. The City shall not issue any permits involving properties on the *Roslyn Register of Historic Places* until an Exemption Determination, a *Certificate of Appropriateness*, or a *Waiver of Certificate of Appropriateness* has been issued.
- B. Waiver of *Certificate of Appropriateness*. Proposed demolition activities involving properties listed on the *Roslyn Register of Historic Places* must receive a *Waiver* from the *Certificate of Appropriateness* from the Planning and Historic Preservation Commission before a demolition permit may be issued, provided that:
1. Requests for demolition must be submitted and considered in conjunction with all associated permits and approvals that may be required by the City.
- C. The following activities may be determined by the City to be exempt from Historic Register Design Review and following the issuance of a written Determination of Exemption would not require a *Certificate of Appropriateness* or review by the Planning and Historic Preservation Commission:
1. Ordinary repair and maintenance which includes painting and work for which a permit issued by the City of Roslyn is not required by law, and where the purpose and effect of such work is to correct any deterioration, or decay of or damage to the real property or *structure* appurtenance therein and to restore the same, as nearly as may be practical, to the condition prior to the occurrence of such deterioration, decay or damage.
 2. Emergency repairs to prevent destruction or dilapidation to listed properties immediately threatened or damaged by fire, flood, earthquake, or other disaster.

12.60.030 Historic Register Design Review Standards. All *development activities* involving properties listed on the *Roslyn Register of Historic Places* and proposals to construct historically accurate replicas shall comply with the document entitled *The City of Roslyn Standards and Guidelines for Preservation, Rehabilitation, Restoration, and Reconstruction of Historic Properties* as adopted or subsequently amended by the City Council.

- A. Properties designated to the *Roslyn Register of Historic Places* shall be subject to the provisions set forth in this Chapter herein, as well as the bulk, *use, setback*, and other controls of the zoning district in which they are located. Nothing contained herein shall be construed to be repealing, modifying, or waiving any zoning requirement, design standard, conditions of approval contained in an Agreement for Special Property Tax Valuation, or the provisions of this Title.

- B. The Planning and Historic Preservation Commission shall consider the following criteria when evaluating applications for Certificates of Compliance:
1. Compliance with approved City standards.
 2. Historic and architectural value and significance.
 3. Architectural Style.
 4. Location on the *lot*.
 5. Position of the *structure* in relation to a public way and visibility from a public place.
 6. General design, arrangement, texture, material, color, and size of the exterior architectural features and the relationship of a *building* to others in the immediate neighborhood.
 7. Relationship of a *structure*'s exterior architectural features to the recognized styles of early western architecture of the late 19th and early 20th centuries.
 8. Compliance with the terms and conditions of approval of Agreements for Special Property Tax Valuation, in accordance with the provisions of Chapter 12.60.50.

12.60.040 Roslyn Register of Historic Places.

- A. It is the intent of the City to encourage property owners and residents to nominate properties for inclusion on the *Roslyn Register of Historic Places*.
1. The Planning and Historic Preservation Commission shall conduct and maintain a comprehensive inventory of historic resources eligible for inclusion on the Roslyn Register of Historic Places, to be known as the *Roslyn Historic Inventory*.
- B. Designation Criteria. Any *building, structure*, site, object or sub-district may be designated for inclusion in the *Roslyn Register of Historic Places* if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the community; if it has integrity; if it is at least 50 years old, or is of lesser age and has exceptional importance; and if it falls in at least one of the following categories:
1. Is associated with events that have made a significant contribution to the broad patterns of national, state, or local history.
 2. Embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entry whose components may lack individual distinction.

3. Is an outstanding work of a designer, builder, or architect who has made a substantial contribution.
4. Exemplifies or reflects special elements of Roslyn's cultural, social, economic, political, aesthetic, engineering, or architectural history.
5. Is associated with the lives of persons significant in national, state or local history.
6. Has yielded or may be likely to yield important archaeological information related to history or prehistory.
7. Is a **building** or **structure** removed from its original location but which is significant primarily for architectural value, or which is the only surviving **structure** significantly associated with an historic person or event.
8. Is a birthplace or grave of an historical figure of outstanding importance and is the only surviving **structure** or site associated with the person.
9. Is a cemetery which derives its primary significance from age, from distinctive design features, or from association with historic events or cultural patterns.
10. Is a reconstructed **building** that has been executed in a historically accurate manner on the original site.
11. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories.

C. Designation Process.

1. **Buildings, structures**, sites, objects, or sub-districts may be nominated for inclusion in the **Roslyn Register of Historic Places** in a format prescribed by the City. This shall include, but is not limited to:
 - a. In the case of individual properties, the nomination shall include the description of all features - interior and exterior - and outbuildings which contribute to its designation.
 - b. In the case of sub-districts, the nomination shall include a description of the proposed boundaries of the sub-district; the characteristics of the sub-district which justifies its designation; and a list of all properties including features, **structures**, sites, and objects which contribute to the designation of the sub-district.
2. The Planning and Historic Preservation Commission shall consider the merits of the nomination, according to the criteria in this Chapter and according to the nomination review standards and procedures in this Title. If the Planning and Historic Preservation Commission finds that the nominated property is eligible for

the *Roslyn Register of Historic Places*, the Commission shall make recommendation to the City Council that the property be listed in the register with owner's consent. The public, property owner(s) and the authors of the nomination, if different, and lessees, if any, shall be notified of the listing.

3. Properties listed on the *Roslyn Register of Historic Places* shall:
 - a. Designated on official zoning records with an "HR" (for *Historic Register*) designation. This designation shall not change or modify the underlying zone classification;
 - b. Have a notice of the listing recorded on the title for the property; and
 - c. Have a notice of the listing recorded with the County Assessor's Office.

D. Effects of Listing on Register.

1. Listing on the *Roslyn Register of Historic Places* is an honorary designation denoting significant association with the historic, archaeological, engineering or cultural heritage of the community. Properties are listed individually or as contributing properties to a historic district.
 2. Prior to the commencement of any non-exempt activity on a register property, the *Project Sponsor* must request and receive a *Certificate of Appropriateness*. Violation of this rule may be grounds for the Planning and Historic Preservation Commission to review and recommend to the City Council that the property be removed from the *Roslyn Register of Historic Places*.
 3. Prior to whole or partial demolition of a register property, the owner must request and receive a *Waiver of a Certificate of Appropriateness*.
 4. Properties listed on the Register of Historic Places may be eligible for a special tax valuation on their rehabilitation.
- E. Removal of Properties from Register. In the event that any property is no longer deemed appropriate for designation to the *Roslyn Register of Historic Places*, the Planning and Historic Preservation Commission may recommend to the City Council removal from such designation by the same procedure as provided for in establishing the designation. A property may be removed from the City of *Roslyn Register* without the owner's consent.

12.60.50 Review and Monitoring of Properties for Special Valuation.

- A. Properties eligible for special property tax valuation in accordance with the provisions of Chapter 84.26 RCW shall be limited to properties listed on the *Roslyn Register of Historic Places*.
- B. Applications for special property tax valuation in connection with substantial

improvement of historic properties as defined in Chapter 84.26 RCW shall be processed as a Class 1A permit in accordance with the following procedures:

1. Applications must be submitted to the Kittitas County Assessor's Office no later than October 1 of the calendar year proceeding the first assessment year for which the *special valuation* is requested.
2. The County Assessor will forward applications for properties within the City of Roslyn to the City within ten (10) days of filing. The Planning and Historic Preservation Commission shall review applications for *special valuation* to determine if the property meets the following criteria and the requirements of Chapter 84.26 RCW:
 - a. The property is listed on the *Roslyn Register of Historic Places*;
 - b. The property has been rehabilitated in full compliance with the regulations of the City of Roslyn at a cost which meets the definition set forth in RCW 84.26.020(2) within twenty-four months prior to the application for *special valuation*; and
 - c. The property is protected by an agreement between the owner and the City in accordance with the provisions of RCW 84.26.050(2).
3. The Planning and Historic Preservation Commission is authorized to examine the records of the Applicant and is authorized to request additional information of the Applicant in order to complete its review.
4. The Planning and Historic Preservation Commission shall approve an application based on a finding that:
 - a. The application meets State and local requirements; and
 - b. The property has not been altered in a way which adversely affects those elements which contribute to its designation; and
 - c. The owner(s) is willing to enter into an agreement with the City which requires the owner(s) for the ten (10) year period of classification to:
 - i. Monitor the property for its continued qualification for *special valuation*.
 - ii. Comply with rehabilitation plans and minimum standards of maintenance as defined in the agreement.
 - iii. Make the historic aspects of the property accessible to public view one day a year, if the property is not visible from the public right-of-way.
 - iv. Apply to the City for approval or denial of any demolition or alteration.

- v. Comply with other provisions in the original agreement as may be appropriate.
5. The City shall notify the County Assessor whether an application has been approved or denied by the Planning and Historic Preservation Commission prior to December 31 of the calendar year in which the application was submitted, provided that:
 - a. Decisions of the Planning and Historic Preservation Commission may be appealed to Kittitas County Superior Court in accordance with the provisions of the Revised Codes of Washington.
6. Once an agreement between an owner and the City has become effective pursuant to Chapter 84.26 RCW, there shall be no changes in standards of maintenance, public access, alteration, or report requirements, or any other provisions of the agreement, during the period of the classification without the approval of all parties to the agreement.

Chapter 12.70 Transportation Concurrency Review

Sections:

12.70.010 Purpose.

12.70.020 Applicability.

12.70.030 Review Process.

12.70.040 Transportation Concurrency Mitigation Methods.

12.70.010 Purpose. This Chapter sets forth specific standards providing for City compliance with the concurrency requirements of the State Growth Management Act (GMA) and for consistency between City and County-wide planning policies under the GMA. The GMA requires that the City of Roslyn “must adopt and enforce ordinances which prohibit development approval if the proposed development causes the level-of-service on a City-owned transportation facility to decline below LOS D in accordance with the provisions of the Roslyn Comprehensive Plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.

12.70.020 Applicability. All proposed projects or development activities must be reviewed for transportation concurrency, provided that the City may establish an expedited concurrency review process for activities that do not meet SEPA Thresholds.

12.70.030 Review Process. The City shall utilize the following procedures for evaluating all projects or development activities for concurrency, unless the Applicant is otherwise given notice in writing:

A. Certificate of Transportation Concurrency.

1. The Planning Official shall complete a transportation concurrency evaluation for all proposed development activities that generates new trips. If the review concludes with a determination that the proposed project meets the level of service standards a Certificate of Concurrency shall be issued and attached or incorporated to the development permit approval. When a project is determined to have not passed level of service standards the Certificate of Concurrency shall be conditioned in a manner that satisfies the requirements of this Chapter, or the project shall not be approved.
 - a. The Level of Service Standard for City-owned roads is LOS D, as established in the Roslyn Comprehensive Plan.
2. The Applicant shall provide the City with all information as requested by the City in order to complete the concurrency evaluation on the proposed development. It shall be the responsibility of the Applicant to provide studies, surveys, traffic counts, engineering review or any other items determined to be necessary for an accurate concurrency evaluation.
3. A Certificate of Transportation Concurrency shall be accorded the same terms and conditions as those for the underlying development permit. If a development

permit time line is extended the certificate shall also be extended for the same time duration. A Certificate of Concurrency shall be valid only for the development permit approved for the same parcel and may at the discretion of the Planning Official be transferable to any new owner(s) of the parcel to which it was issued. Changes in the type or intensity of use may, at the discretion of the Planning Official, be subject to a new concurrency review.

B. Traffic Impact Calculations.

1. Trip Generation. Traffic calculations shall be based on the trip generation average described within the latest available edition of the Institute of Transportation Engineers (ITE) trip generation manual for the particular type and extent of the development being proposed.
2. Concurrency Test. Concurrency tests shall be conducted using volume to capacity ratios and/or length of delay methodologies in accordance with the provisions of the latest available edition of the Highway Capacity Manual as determined by the City.
 - a. The planned capacity of a roadway may be used only if the City finds that full funding for the planned improvements has been secured and that the planned improvements are scheduled for completion within six-years of the proposed new development being approved for occupancy.

12.70.040 Transportation Concurrency Mitigation Methods. The City shall use the following procedures and criteria to review and approve the adequacy of *mitigation* methods unless the Applicant is otherwise given notice in writing:

- A. If *mitigation* is determined necessary to maintain level of service standards for an impacted transportation facility the Applicant may choose among the following actions:
1. Reduce the size of the project until levels of service standards are met; or
 2. Enter into a legally binding development agreement with the City whereby all required improvements will be constructed and completed within six years of the development approval date which also insures that the financing will be available to pay for the improvements; or
 3. Be subject to a development approval conditioned that the required improvements be completed prior to the issuance of building permits, final plat or site plan approvals associated with the development; or
 4. Propose transportation demand management strategies to reduce vehicle trips generated by the *project development*; or
 5. Await the City's completion of mitigating improvements if such improvements are underway or planned as part of the City's six-year transportation improvement

plan; or

6. Any combination of the above.

B. Acceptable impact **mitigation** requires a finding of the following:

1. The **mitigation** contributes to transportation facility performance and established level of service standards;
2. The **mitigation** is consistent with the City's Comprehensive Plan;
3. Any improvements to an intersection or roadway do not shift traffic to residential areas or to other intersections where there is no **mitigation** being proposed;
4. Any adverse environmental impacts of the facility improvements may be reasonably minimized or eliminated; and
5. The improvements are consistent with the City's engineering standards.

Chapter 12.80 Zoning Districts

Sections:

- 12.80.010 Zoning Districts Established.
- 12.80.020 Unclassified Areas.
- 12.80.030 Boundary Interpretations.
- 12.80.040 Overlay Requirements ~~Zones~~.
- 12.80.050 Table of Permitted Uses.

12.80.010 Zoning Districts Established. In order to classify, segregate, and regulate the use of land, buildings and structures, the following zoning districts are created:

- A. ~~Residential Low Density (RL).~~ The Residential (R) ~~Low Density (RL)~~ zZone is a designation given to Roslyn's residential neighborhoods consisting principally of single family homes ~~(maximum density: 6.7 dwelling units per acre)~~. Overall the housing stock in Roslyn is simple, functional, and vernacular in nature. The construction materials employed in the building of Roslyn were of local origin. The sturdy frame dwellings, similar in shape and roof type were adapted to sloping sites. The intent of this zone is to ~~establish and preserve the historic character of these residential neighborhoods, for detached single family dwellings.~~
- B. ~~Residential Medium Density (RM).~~ This zone is established to ~~provide for moderate density residential developments in a traditional neighborhood setting (maximum density: 6.7 dwelling units per acre).~~ Non residential uses should be non-intrusive to ~~protect and preserve the neighborhood character and property values.~~
- C. ~~Commercial Central (CC).~~ The Commercial ~~Central (CC)~~ (C) Zone is the central business district of the community. Due to its centralized location, concentration of existing goods and services, pedestrian orientation and commercial site availability, the CC Zone is designated as the area in which commercial development shall occur. The intent of this zone is to maintain and enhance the historic character and development pattern of the central business district area through the preservation and renovation of historic buildings, in-filling vacant sites with new construction in accordance with architectural and historic preservation design standards, and maintaining the pedestrian orientation with a diversity of retail shops and eating establishments.
- D. Light Industrial (LI) ~~Manufacturing Zone (M-1).~~ This zone allows for industrial uses which has a minimum impact on the community as regards to air, traffic, water and especially noise pollution; while providing employment opportunities for the residents of Roslyn.
- ~~D. Public Zone (P).~~ This zone designates land within the City limits which are owned by the City of Roslyn or the School District.
- ~~F. Public/Community Service (P/CS).~~ This zone designates lands within the City limits

~~which are owned by Governmental or private entities or individuals.~~

G. Urban Forest (UF). The intent of this zone is to return the modern landscape to historic conditions: a mosaic of open ponderosa pine, Douglas fir, and grand fir, with varying degrees of tree densities and canopy closures, low volumes of hazardous fuel, and adequate habitat opportunity for many species, in accordance with the provisions of the document entitled the *Roslyn Forest Land Stewardship Plan dated July 13, 2008 or as subsequently amended by the City Council*. The main goals of the Stewardship Plan include:

1. Maintain and enhance a healthy forest ecosystem;
2. Provide habitat and habitat connectivity/permeability for a wide range of wildlife species;
3. Provide a quality non-motorized recreational experience;
4. Manage forest fuels to reduce risk of catastrophic fires;
5. Provide watershed protection;
6. Preserve and maintain historical and cultural elements and sites;
7. Preserve and maintain the landscape such that it is visually attractive and safe for people;
8. Provide non-motorized access to and across the Urban Forest and adjoining properties to create access from the City of Roslyn to Cle Elum Ridge and beyond to the Teanaway Valley; and
9. Balancing recreation with protection of wildlife and habitat.

H. Historic Cemetery Zone (HC). The intent of this zoning district is to preserve and enhance the character of Roslyn's historic cemeteries in accordance with the provisions of the document entitled *Forest Land Stewardship Plan Roslyn Urban Forest Adjacent to Roslyn's Historic Cemeteries* dated August 2008 or as subsequently amended by the City Council, and adopted City policies.

Watershed (W). The intent of this zone is to preserve and protect the source of the City's water supply which is located in the Domerie Creek Drainage Basin. The boundaries of this zoning district coincide with the legal description of the Domerie Creek Drainage Basin found in Exhibit A of Ordinance 559 which was approved by the Roslyn City Council on April 8, 1980.

12.80.020 Unclassified Areas. Parcels not classified on the Official Zoning Map are subject to an Administrative Code interpretation and shall be subject to the regulations of the Residential (R) ~~Zone District~~ pending further classification.

12.80.030 Boundary Interpretations. When uncertainty exists as to the boundaries of any use zone shown on the zoning maps the Planning Official shall use the following rules of

interpretation:

- A. Where zone boundaries are indicated as approximately following the centerline of streets, alleys or highways, the centerline shall be construed to be the boundary;
- B. Where zone boundaries are indicated as running approximately parallel to the centerline of a street or alley, the boundary line shall be construed to be parallel to the centerline of the street;
- C. Where zone boundaries are indicated on such map as approximately following the lot or tract lines, the actual lot or tract line shall be construed to be the boundary of such use district;
- D. Where a zone boundary on such zoning map divides a parcel ~~tract of land in unsubdivided property~~, the location of such use zone boundary, unless the same is indicated by dimensions thereon, shall be determined by use of the scale appearing on such zoning map; and
- E. In case uncertainty exists which cannot be determined by application of the foregoing rules, the Planning Official may determine, the location of such use zone boundaries.

12.80.040 Overlay Requirements Districts. In addition to the requirements applicable to each zoning district, parcels located within the following Overlay Districts are subject to additional requirements as noted.

- ~~A. National Historic District. The entire City has been designated as a National Historic District and as a result, all development activities unless specifically exempted must comply with the provisions of Chapter 12.50 Architectural District Design Review or Chapter 12.60 Historic Register Design Review.~~
- A. Critical Aquifer Recharge Area. The entire City ~~including the Urban Forest and Watershed Zones~~ has been designated as a Critical Aquifer Recharge Area and is subject to the provisions of Title.
- B. Public Lands Overlay. The entire City has been designated as a public lands Overlay Zone. Changes of use to any publically owned land in the City shall require a Conditional Use Permit.
- C. Master Planned Development Overlay Zone. Unique Community Assets. The City Council may designate a parcel or contiguous parcels as a Unique Community Asset subject to the provisions of Chapter 12.160 Master Planned Developments. For more information about the boundaries of these areas, recently designated areas, areas under consideration, and/or the process for designating areas contact the Planning Official. Designated Unique Community Assets includes, but is not limited to:
 - 1. Number 4 Mine Area.
- D. Urban Forest Overlay. In addition to the requirements of their underlying zoning

district and the general provisions of this Title, designated parcels adjacent to the Urban Forest Zone shall also be subject to the following special conditions:

1. The minimum lot size shall be twenty acres. Parcels less than twenty acres may not be subdivided.
2. Significant trees and native vegetation may be removed only in accordance with a plan approved by the City prepared in accordance with the provisions of the Forest Land Stewardship Plan.
3. No clearing and grading activities may be initiated without a permit from the City and an approved re-vegetation plan.
4. All new plants and vegetation must be native species and must comply with the provisions of the Forest Land Stewardship Plan.
5. Accessory uses or home businesses may only be permitted based on a finding by the Historic Preservation and Planning Commission that the proposal is compatible with the Forest Land Stewardship Plan.

E. Commercial Overlay. Commercial uses may be permitted on designated parcels provided that existing residential structures or newly constructed buildings meets the Historic Design Standards for Residential Buildings.

12.80.050 Table of Permitted Uses. Land uses shall be permitted in accordance with the following Table of Permitted Uses, provided that:

- A. Only those uses identified with a P (Permitted), C (Permitted only through the issuance of a Conditional Use Permit), or S (Permitted only through a Special Use Permit) may be approved; Those uses identified with an X are not permitted, provided that other uses not specifically identified as permitted may be determined to be not permitted through an administrative interpretation.
- B. Uses not specifically identified as permissible (P, C, or S), or authorized through an administrative code interpretation, may not be approved;
- C. The permissibility of uses not specifically listed, or any questions about the interpretation of this Table, shall be addressed through an administrative code interpretation utilizing the 2007 North American Industry Classification System (NAICS) Manual and the intent of each zoning district.

Table of Permitted Uses

X: Use or activity not permitted; P: Use or activity may be permitted subject to conformance with applicable codes and standards; C: Use or activity may be permitted through the issuance of a conditional use permit and subject to conformance with applicable codes and standards; S: Use or activity may be permitted through the issuance of a Special Use Permit.

	Residential Zone (R)	Commercial Zone (C)	Light Industrial Zone (LI)	Urban Forest (UF)	City Watershed (W)	Historic Cemetery District (HC)
Residential						
Accessory buildings, structures, and uses	P(1)	P(1)	P(1)	X	X	P(1),(11)
Accessory dwelling unit	P(1)	P(1)	X	X	X	X
Adult group home	P	X	X	X	X	X
Boarding house	C	C	X	X	X	X
Dwelling unit: multi-family	P(2)	P(3)	X	X	X	X
Dwelling unit: single family	P	X(15)	X	X	X	X
Home business	P(4)	P(4)	X	X	X	X
Mobile home	X	X	X	X	X	X
RV park	X	X	X	X	X	X
Public/Semi-public						
Cemetery	X	X	X	X	X	P
Child day care center	X	P(14)	X	X	X	X
Churches, temples, places of worship	P	C	X	X	X	C(11)
Community center	C	P	X	X	X	X
Family day care center	P(14)	P(14)	X	X	X	X
Farmers market	X	P	P	X	X	X
Home school	P	X	X	X	X	X
Museum	P(7)	P	P	X	X	C(11)
Parking facility	X	P	P	X	X	C(11)
Private school	C	X	X	X	X	X
Private utility facility	P(6)	P(6)	P(6)	P(5),(6)	X	C(11)
Public building	C	P	P	X	X	C(11)
Public library	C	P	C	X	X	X
Public park and playground	C	C	C	C(5)	X	X
Public facility and utilities	C	C	C	C(5)	P	C(11)
Public restrooms	X	C	C	X	X	C(11)
Public school	C	X	X	X	X	X
Public trails and	P	P	P	P(5)	X	C(11)

	Residential Zone (R)	Commercial Zone (C)	Light Industrial Zone (LI)	Urban Forest (UF)	City Watershed (W)	Historic Cemetery District (HC)
associated facilities						
Public transp. facility	X	P	P	X	X	X
Reuse of public school building	P(16)	X	X	X	X	X
Visitor Center	P(7)	P	P	X	X	X
Commercial						
Adult entertainment business	X	X	C	X	X	X
Artist studio and gallery	P(8)	P	P	X	X	X
Arts, entertainment, and recreation	X	P	P	X	X	X
Automobile repair and maintenance	X	C	P	X	X	X
Bed and breakfast lodging	P	P	X	X	X	X
Counseling and social services	X	P	P	X	X	X
Drive-through windows and services	X	C	X	X	X	X
Eating and drinking establishment	X	P	P	X	X	X
Gas station	X	C	P	X	X	X
Hostel	X	C	X	X	X	X
Hotel	X	P	P	X	X	X
Medical and health care	X	P	P	X	X	X
Mixed-use development	X	P	P	X	X	X
Motel	X	P	P	X	X	X
New and used vehicle and boat sales	X	X	C	X	X	X
Non-conforming commercial use	X	X	X	X	X	X
Private classes, studios, and exercise facilities	X	P	P	X	X	X
Professional offices	X	P	C	X	X	X

	Residential Zone (R)	Commercial Zone (C)	Light Industrial Zone (LI)	Urban Forest (UF)	City Watershed (W)	Historic Cemetery District (HC)
Professional and technical services	X	P	P	X	X	X
Retail business	X	P	P	X	X	X
Storage facility	X	X	X	X	X	X
Temporary or seasonal sales	S(10)	S(10)	S(10)	X	X	X
Vacation rental	P(9)	P(9)	X	X	X	X
Manufacturing						
Chemicals or explosives	X	X	X	X	X	X
Coal mining	X	X	C	X	X	X
Computers and electronics	X	X	C	X	X	X
Food and beverage	X	P	C	X	X	X
Furniture and related products	X	C	C	X	X	X
Hazardous materials	X	X	X	X	X	X
Health and medical equipment	X	X	C	X	X	X
Printing	X	P	C	X	X	X
Recycling facility- indoors	X	C	C	X	X	X
Recycling facility- outdoors	X	X	C	X	X	X
Textiles, leather, and apparel	X	X	C	X	X	X
Transportation equipment	X	X	C	X	X	X
Welding, fabrication, and/or machine shop	X	X	C	X	X	X
Wood and paper products	X	X	C	X	X	X
Other						
Contractor yard and equipment storage	X	X	C	X	X	X

	Residential Zone (R)	Commercial Zone (C)	Light Industrial Zone (LI)	Urban Forest (UF)	City Watershed (W)	Historic Cemetery District (HC)
Junk or salvage yard	X	X	X	X	X	X
Information services	X	X	C	X	X	X
Kennels, commercial livestock	X	X	X	X	X	X
Special uses and events	S(10)	S(10)	S(10)	S(5),(10)	X	S(10),(11)
Temporary uses	S(10)	S10	S(10)	S(5),(10)	X	S(10),(11)
Warehouse and distribution	X	X	C	X	X	X
Wholesale sales	X	P	C	X	X	X
Wireless comm. facilities-major	X	X	X	X	X	X
Wireless comm. facilities-minor	C(12)	C(12)	C(12)	X	X	X
Wireless comm. facilities-personal	P(13)	P(13)	P(13)	X	X	X

Footnotes:

- (1) **Accessory buildings, structures, dwelling units, and uses must also comply with the provisions of RMC 12.050.030C.**
- (2) **Multi-family dwellings are permitted in the Residential Zone only in an existing structure or an approved reconstruction that meets the Historic District Design Standards and the provisions of RMC 12.50.**
- (3) **Multi-family dwellings are permitted in the commercial zone only as a part of a mixed-use development and not at street level fronting the main street.**
- (4) **Home businesses must also comply with the provisions of RMC 12.140.020.**
- (5) **Activities and uses in the Urban Forest Zone must comply with the provisions of the Forest Land Stewardship Plan as approved by the City.**
- (6) **Private utilities may only be permitted in accordance with the provisions of a City franchise agreement or license.**
- (7) **Museums or a Visitor Center may be permitted in the Residential Zone only upon the submission of a parking and management plan for City review and approval.**

- (8) Artist studios and galleries may be permitted in the Residential Zone in conformance with the provisions of RMC 12.140.020A.**
- (9) Vacation rentals must comply with the provisions of RMC 12.140.040.**
- (10) Special uses and events and temporary uses must comply with the provisions of RMC 12.220.**
- (11) Activities or uses proposed for the Historic Cemetery District must comply with the provisions of the Land Stewardship Plan for the Roslyn Forest Adjacent to the Historic Cemeteries and policies approved by the City Council.**
- (12) Minor wireless communication facilities must comply with the provisions of RMC 12.170.**
- (13) Personal wireless communication facilities may be permitted in accordance with the provisions of RMC 12.50 Architectural Design Review Standards.**
- (14) Must also comply with the provisions of RCW 43.215.**
- (15) Existing single family residences are permitted.**
- (16) The following uses are permitted:**
 - a. Childcare facilities;**
 - b. Educational activities;**
 - c. Community events;**
 - d. Multi-family residential; and**
 - e. Mixed-use developments.**

Chapter 12.90 Critical Areas

Sections:

General Critical Area Regulations

- 12.90.010 Purpose.
- 12.90.020 Applicability.
- 12.90.030 Relationship to Other Regulations.
- 12.90.040 Exempt Activities.
- 12.90.050 Public Agency and Utility Exceptions.
- 12.90.060 Reasonable Use.
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- 12.90.080 Site Planning.
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Geologically Sensitive Areas

- 12.90.160 Designation of Geologically Sensitive Areas.
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- 12.90.210 Designation of Fish and Wildlife Habitat Conservation Areas.
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- 12.90.270 Identification and Rating.
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- 12.90.300 Critical Area Reports.
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Critical Aquifer Recharge Areas

- 12.90.320 Designation of Critical Aquifer Recharge Areas.
- 12.90.330 Regulated Activities.
- 12.90.340 Critical Area Report.

General Critical Area Regulations

12.90.010 Purpose.

- A. The purpose of critical area regulations in this Chapter is to designate and classify ecologically sensitive and hazardous areas and to protect them and their *functions and values*, while also allowing for *reasonable use* of private property.
- B. Critical area regulations in this Chapter implement the goals, policies, guidelines, and requirements of the City Comprehensive Plan and the Growth Management Act as they relate to *critical areas*.
- C. The City finds that *critical areas* provide a variety of valuable and beneficial biological and physical functions that benefit the City and its residents. The beneficial *functions and values* provided by *critical areas* include, but are not limited to, water quality protection and enhancement, fish and wildlife habitat, food chain support, flood storage, conveyance and attenuation of flood waters, ground water recharge and discharge, erosion control, protection from hazards, historical, archaeological, and aesthetic value protection, and recreation. These beneficial *functions and values* are not listed in order of priority.

12.90.020 Applicability.

- A. The City shall regulate all *uses*, activities, and *developments* within, adjacent to, or likely to affect, one or more *critical areas*, consistent with the provisions of *Best Available Science* and this Title.
- B. *Critical areas* regulated by this Chapter include:
 - 1. Geologically sensitive areas;
 - 2. Fish and wildlife habitat conservation areas;
 - 3. Wetlands; and
 - 4. Critical aquifer recharge areas.
- C. All areas within the City meeting the definition of one or more *critical areas*, regardless of any formal identification, are hereby designated *critical areas* and are subject to the provisions of critical area regulations in this Chapter.
- D. The approximate location and extent of many of the *critical areas* within the City are shown on critical area maps available for public review at the City Administrative

Offices. These maps may not include the location of all *critical areas*; therefore, it is the actual presence of *critical areas* that triggers the requirements of this Chapter, whether or not the *critical area* is identified on the maps provided by the City.

12.90.030 Relationship to Other Regulations.

- A. These critical area regulations shall apply as an overlay in addition to zoning and other development regulations adopted by the City.
- B. Any individual critical area adjoined by another type of critical area shall have the *buffer* and meet the requirements that provide the most protection to the *critical areas* involved. When any provision of this Chapter or any existing regulation, easement, covenant, or deed restriction conflicts with this Chapter, that which provides more protection to the *critical areas* shall apply.
- C. These critical area regulations shall apply concurrently with review conducted under the State Environmental Policy Act (SEPA), as locally adopted. Any conditions required pursuant to critical area regulations in this Chapter shall be included in the SEPA review and threshold determination and shall constitute compliance with SEPA with respect to *critical areas*.
- D. The City shall not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any *structure* or improvement in, over, or on a critical area or associated *buffer*, without first ensuring compliance with the requirements of critical area regulations in this Chapter.
- E. Compliance with the provisions of this Chapter does not constitute compliance with other federal, state, and local regulations and permit requirements that may be required. The Applicant is responsible for complying with these requirements, apart from the process established in this Chapter.

12.90.040 Exempt Activities. The following *developments*, activities, and associated *uses* may be exempted by the City from the provisions of this Chapter:

- A. **Emergencies.** Those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of damage to private property and that require remedial or preventive action in a timeframe too short to allow for compliance with the requirements of this Chapter. Within seven days of the emergency, the person or agency undertaking the action shall report any impacts to the critical area to the Planning Official. The Planning Official may require submittal of a critical area report to guide *restoration* or *mitigation* for these impacts. Final approval of the report, *restoration* and *mitigation* shall be in accordance with provisions of this Chapter.
- B. **Operation, maintenance, repair, modification, addition to, or replacement of existing *structures*,** infrastructure improvements, utilities, public or private roads, dikes, levees, or drainage systems, if the activity does not further alter or increase the impact to, or encroach further within, a critical area or *buffer* and there is no

increased risk to life or property as a result of the action. Operation and maintenance includes vegetation management performed in accordance with best management practices, provided that such management actions are part of regular and ongoing maintenance, do not expand further into the critical area, are not the result of an expansion of a *structure* or utility, and do not directly impact species or habitat protected under RMC Sections 12.90.210 through 12.90.260.

- C. Educational and research activities that do not degrade the *functions and values* of a critical area or *buffer*.

12.90.050 Public Agency and Utility Exceptions.

- A. If the application of critical area regulations in this Chapter would prohibit a *development* proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this Section.
- B. Exception Request and Review Process. An application for a Public Agency and Utility Exception shall be processed as a Class 1 permit and shall include a critical area identification form; critical area report, including *mitigation* plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act.
- C. Public Agency and Utility Review Criteria. The criteria for review and approval of public agency and utility exceptions are the following:
1. There is no other practical alternative to the proposed *development* with less impact on *critical areas* and their *buffers*, including impacts on water quality, erosion, habitat, *native vegetation* and *significant trees*;
 2. The application of this Chapter would unreasonably restrict the ability to provide services to the public;
 3. The proposal does not pose a threat to the public health, safety, or welfare on or off the *development* proposal site;
 4. The proposal protects and mitigates impacts to the *functions and values* of the critical area to the greatest extent feasible, consistent with the *best available science*;
 5. The need for a public agency and utility exception is not the result of actions by the Applicant after the effective date of this Chapter, or its predecessor; and
 6. The proposal is consistent with other applicable regulations and standards.
- D. The burden of proof shall be on the Applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

12.90.070 Critical Area Identification Form and Report.

- A. **Submittal.** Prior to the City's consideration of any proposed activity not found to be exempt under RMC 12.90.040, the Applicant shall submit to the Planning Official a complete critical area identification form on forms provided by the City.
- B. **Review Process.** The Planning Official shall review the critical area identification form and conduct a site inspection and review other information available pertaining to the site and the proposal and make a determination as to whether any *critical areas* may be affected by the proposal. If the Planning Official finds that no *critical areas* are present on or adjacent to the project area or that the proposal will not impact a critical area in a manner contrary to the purpose, intent and requirements of critical area regulations in this Chapter, the Planning Official shall rule that the critical area review is complete and note on the identification form that no further review is required. If the Planning Official finds that a critical area may be affected by the proposal, the Planning Official shall notify the Applicant that a critical area report must be submitted prior to further review of the project, and indicate each of the critical area types to be addressed in the report. A determination regarding the absence of one or more *critical areas* by the Planning Official is not an expert certification regarding the presence of *critical areas* and is subject to possible reconsideration and reopening if new information is received.
- C. **Critical Area Report.** Detailed requirements for *critical area* reports are identified in the Subchapters for specific types of *critical areas*. Preparation of *critical area* reports and their review by the City, which may include referral to independent *qualified professionals*, shall be at the Applicant's expense.

12.90.090 Mitigation Sequencing. Applicants shall demonstrate to the satisfaction of the City, that all reasonable efforts have been examined with the intent to avoid and minimize impacts to *critical areas*. When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for in the following sequential order of preference, at the Applicant's expense, provided that proposed *mitigation* may include a combination of measures.

- A. Avoiding the impact altogether by not taking a certain action or parts of an action;
- B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
- C. Rectifying the impact to wetlands, critical aquifer recharge areas, *frequently flooded areas*, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to the historical conditions or the conditions existing at the time of the initiation of the project;
- D. Minimizing or eliminating a hazard by restoring or stabilizing the hazard area through engineered or other methods;
- E. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;

- F. Compensating for the impact to wetlands, critical aquifer recharge areas, **frequently flooded areas**, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and
- G. Monitoring the hazard or other required **mitigation** and taking remedial action when necessary, as determined by the Planning Official.

12.90.100 Mitigation Plan Requirements. When **mitigation** is required, the Applicant shall submit for approval by the City a **mitigation** plan as part of the critical area report. Preparation of the **mitigation** plan and its review by the City, which may include referral to independent **qualified professionals**, shall be at the Applicant's expense. The **mitigation** plan shall include:

- A. A written report identifying environmental goals and objectives of the compensation proposed, including:
 - 1. A description of the anticipated impacts to the **critical areas** and the mitigating actions proposed, including the site selection criteria; **mitigation** goals and objectives, in relation to the **functions and values** of the impacted critical area; and dates for beginning and completion of mitigation activities;
 - 2. A review of the **best available science** supporting the proposed **mitigation** and a description of the report author's experience to date in restoring or creating the type of critical area proposed; and
 - 3. An analysis of the likelihood of success of the compensation project.
- B. Measurable specific criteria for evaluating whether or not the goals and objectives of the **mitigation** project have been successfully attained and whether or not the requirements of critical area regulations in this Chapter have been met.
- C. Details of the **mitigation** proposed, such as:
 - 1. The proposed construction method, sequence, timing, and duration;
 - 2. **Grading** and excavation details;
 - 3. Erosion and sediment control features;
 - 4. A planting plan specifying plant species, quantities, locations, size, spacing, and density; and
 - 5. Measures to protect and maintain plants until established.

These written specifications shall be accompanied by detailed site diagrams, scaled cross-section drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.

- D. A program for monitoring construction of the **mitigation** project and for assessing

the completed project against its goals and objectives. A protocol shall be included outlining the schedule for site monitoring (for example, monitoring shall occur in years 1, 3, 5, 7 and 10 after site construction), and how monitoring data will be evaluated to determine if performance standards are being met. A monitoring report shall be submitted to document milestones, successes, problems, and contingency actions of the compensation project. The *mitigation* project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five (5) years in the case of *mitigation* for *buffer* alterations and for not less than ten (10) years for *mitigation* of *wetland* alterations. If performance standards are being met after these minimum periods, requirements for additional monitoring may be waived, if the Planning Official determines they are unnecessary.

- E. Identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.
- F. Financial guarantees to ensure that the *mitigation* plan is fully implemented and meeting performance standards. Guarantees shall be in the form of a surety bond, performance bond, assignment of savings account, or an irrevocable letter of credit guaranteed by an acceptable financial institution with terms and conditions acceptable to the City. Guarantees shall remain in effect for a minimum of five (5) years until the City determines, in writing, that the standards bonded for have been met, to ensure that the required *mitigation* has been fully implemented and demonstrated to function. Depletion, failure, or collection of bond funds shall not discharge the obligation of an Applicant or violator to complete required *mitigation*, maintenance, monitoring, or *restoration*.

12.90.110 Determination.

- A. Upon review of a critical area report, if the Planning Official determines that a proposed activity complies with the provisions of this Chapter, the Planning Official shall prepare a written notice of determination and identify any required conditions of approval, which shall be attached to the underlying permit or approval. This determination shall be final concurrent with the final decision to approve, condition, or deny the *development* proposal or other activity involved.
- B. If the Planning Official determines that a proposed activity does not adequately mitigate its impacts on *critical areas*, the Planning Official shall prepare written notice of the determination that includes findings of noncompliance. No proposed activity or permit shall be approved or issued if it is determined that the proposed activity does not comply with this Chapter. Following notice of noncompliance, the Applicant may request consideration of a revised *critical areas* report. If the revision is found to be substantial and relevant to the critical area review, the Planning Official may reopen the review and make a new determination based on the revised report.
- C. Any decision to approve, condition, or deny a *development* proposal or other activity based on the requirements of this Chapter, including the requirement that an Applicant obtain a critical area report may be appealed to the City Council. Such

decision shall be appealed in accordance with the appeal procedures and standards applicable to the subject *development* proposal permit, provided the notice of appeal is filed with the City Clerk within ten (10) days after the date of the Planning Official's decision. In doing so, the Planning Official's decision shall be reviewed in an open record hearing to determine if his or her decision was arbitrary or capricious. The Council will affirm, modify, or reverse the decision of the Planning Official.

12.90.120 Variances. Variances from the standards of critical area regulations in this Chapter may be authorized by the City in accordance with the provisions of this Title.

- A. Variance Criteria. A variance may be granted only if the Applicant demonstrates that the requested action conforms to all of the criteria set forth in this Title and as follows:
1. With *mitigation*, if necessary, the granting of the variance will not further degrade the functions or values of the associated *critical areas* or otherwise be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property; and
 2. The decision to grant the variance includes the *best available science* and gives special consideration to conservation or protection measures necessary to preserve or enhance habitat for anadromous fish, *species of local importance* and state or federally designated *endangered, threatened and sensitive species*, as applicable.
- B. Conditions May Be Required. In granting any variance, the City shall prescribe such conditions and safeguards as are necessary to secure adequate protection of *critical areas* from adverse impacts, and to ensure conformity with this Chapter.
- C. Time Limit. The City shall prescribe a time limit within which the action for which the variance is required shall be begun, completed, or both. Failure to begin or complete such action within the established time limit shall void the variance.
- D. Burden of Proof. The burden of proof shall be on the Applicant to bring forth evidence in support of the application and upon which any decision has to be made on the application.

12.90.130 Enforcement and Penalties.

- A. Inspections. Reasonable access to the site shall be provided to the City, state, and federal agency review staff for the purpose of inspections during any proposal review, *restoration*, emergency action, or monitoring period. The Planning Official shall present proper credentials and make a reasonable effort to contact any property owner before entering onto private property.
- B. When a critical area or its *buffer* has been altered in violation of this Chapter, all *development activities* shall stop and the critical area or *buffer* shall be restored in accordance with plans approved by the City. The City shall have the authority to issue a stop work order to cease all ongoing *development activities* and order *restoration*, rehabilitation, or replacement measures at the owner's or other

responsible party's expense to compensate for violation of provisions of this Chapter. All **development activities** shall remain stopped until a **restoration** plan is prepared and approved by the City. Such a plan shall be prepared by a **qualified professional** using the **best available science**, as determined by the City, and shall describe how the actions proposed meet the minimum requirements described in Subsection (3). The Planning Official shall, at the violator's expense, seek expert advice in determining the adequacy of the plan. Inadequate plans shall be returned to the Applicant or violator for revision and resubmittal at their expense.

C. Minimum Performance Standards for Restoration.

1. For alterations to critical aquifer recharge areas, wetlands, and habitat conservation areas, **restoration** shall return the affected environment to the historic conditions or the conditions existing at the time of the initiation of the project as determined by the City. If the City determines that **restoration** to historic or pre-existing conditions is not feasible, then plans shall be submitted for City review and approval to replace, enhance, or provide substitute resources or environments meeting the criteria for **mitigation** in RMC 12.90.090 and 12.90.100.
2. For alterations to flood and geological hazards, the following minimum performance standards shall be met for **restoration**:
 - a. The hazard shall be reduced to a level equal to, or less than, the **pre-development** hazard;
 - b. Any risk to public safety or other **critical areas** resulting from the alteration shall be eliminated or minimized; and
 - c. To the extent feasible, the hazard area and **buffers** shall be replanted with **native vegetation** sufficient to minimize the hazard.

D. Penalties. Any person convicted of violating any of the provisions of this Chapter shall be guilty of a misdemeanor. Each day or portion of a day during which a violation of this Chapter is committed or continued shall constitute a separate offense. Any **development** carried out contrary to the provisions of this Chapter shall constitute a public **nuisance** and may be enjoined as provided by the statutes of the State of Washington. The City may levy civil penalties against any person, party, firm, corporation, or other legal entity for violation of any of the provisions of this Chapter in accordance with the provisions of the City Fee Schedule.

12.90.140 Signs and Fencing.

A. Temporary Markers. The outer perimeter of **buffers** and the **clearing** limits identified by an approved permit or authorization shall be marked in the field with temporary "**clearing** limits" fencing, approved by the City, to ensure that no unauthorized intrusion will occur. The marking is subject to inspection by the Planning Official prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs,

if required, are in place.

- B. Permanent Signs. As a condition of any permit or authorization issued pursuant to critical area regulations in this Chapter, the Planning Official may require signs and or fencing designed in accordance with City Standards, identifying post-project *buffers* and *critical areas* as “*Critical Areas*.” If the *buffers* or *critical areas* have predominantly *native vegetation* or are so restored by the project, signs may use the term “*Native Growth Protection Areas*.”
- C. Fencing. If the Planning Official determines fencing is necessary to protect the *functions and values* of the critical area, the Planning Official shall condition any permit or authorization issued pursuant to critical area regulations in this Chapter to require the Applicant to install a permanent fence at the edge of the critical area or its *buffer* in accordance with City fence standards.

12.90.150 Building Setbacks. Unless otherwise provided, *buildings* and other *structures* shall be set back a distance of twenty-five (25) feet from the edges of all critical area *buffers* or from the edges of all *critical areas*, if no *buffers* are required. The following may be allowed in the *building setback* area:

- A. Landscaping;
- B. Uncovered decks to within five feet (5’) of the edge or required *buffers* or the edge of *critical areas* if no *buffers* are required, in accordance with the provisions of Chapter 12.50.030 A. 3.; and
- C. Impervious ground surfaces, such as driveways and patios, provided that such improvements may be subject to water quality and storm water management regulations.

12.90.160 Designation of Geologically Sensitive Areas. Geologically sensitive areas include areas susceptible to erosion, sliding, subsidence, earthquake, or other geologic events and conditions. Improper and incompatible *development* sited in these areas can pose a threat to the health and safety of citizens, placing not only itself at risk, but also potentially creating or increasing hazards to surrounding *development* and land *uses*. As defined in this Title, areas susceptible to one or more of the following types of hazards shall be designated as a geologically sensitive area:

- A. *Mine hazard areas*;
- B. *Steep slopes*; and
- C. *Unstable slopes*.

12.90.170 Geologically Sensitive Areas

- A. Except as provided in RMC 12.90.180.A, and RMC 12.90.190.F., all single family residential development within one hundred (100) feet of a designated geologically sensitive area and all commercial, industrial, or *multi-family developments* within

two hundred (200) feet of a designated geologically sensitive area shall be considered “adjacent” to the area and shall be required to submit a critical area report.

- B. The report shall be prepared by a **qualified professional**, as defined in RMC 12.20, and shall meet requirements of this section and RMC 12.90.180 and RMC 12.90.190, as applicable. All critical area reports for geologically sensitive areas shall contain the following:
1. The name and contact information of the Applicant, a description of the proposal, and identification of the permit requested; and
 2. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site.
- C. The report and its review by the City, which may include referral to independent **qualified professionals**, shall be at the Applicant’s expense. The Planning Official shall approve the report only if it demonstrates that the proposed **development** will not increase the risk of harm to public safety, neighboring properties or **critical areas**.

12.90.180 Mine Hazard Areas

- A. A critical area report is not required for the following activities within or adjacent to **mine hazard areas**:
1. Construction of new non-residential **structures** with less than 800 square feet of **building footprint** which are not used as places of employment or public assembly;
 2. Single-family residential on infill **lots** in single family residential zones; and
 3. Installation of fences in accordance with City standards.
- B. For all other **development activities**, a critical area report for a mine hazard area may be required, and shall include the following requirements:
1. A site plan, which shall delineate the following found within two hundred (200) feet of or directly underlying the project area, or that have potential to be affected by the proposal:
 - a. The proposed **development**, including the location of existing and proposed **structures**, fill, storage of materials, and **drainage facilities**, with dimensions indicating distances to **critical areas** and adjacent **development**;
 - b. The topography, in two-foot contours, of the project area and all geologically sensitive areas addressed in the report;
 - c. The location of any features of current or historic mines that may impact or be

affected by the proposed activities;

- d. The location of any known sinkholes, significant surface depressions, trough subsidence features, coal mine spoil piles, slag piles, or tipples, and other mine-related surface features; and
 - e. The location of any prior site improvements that have been carried out to mitigate abandoned coal mine features.
2. A hazards analysis, which shall include a discussion of the potential for subsidence on the site in response to an earthquake or other geologic event, and which shall classify all mine hazards areas within two hundred (200) feet of the project area, or that have potential to be affected by the proposal, as either low, moderate, or severe.
- C. Alterations with a significant likelihood of affecting only *mine hazard areas* with a low potential for subsidence are permitted, subject to compliance with all other applicable requirements.
 - D. Alterations with a significant likelihood of affecting coal mine by-product stockpiles or *mine hazard areas* with a moderate potential for subsidence are permitted, subject to a *mitigation* plan developed by a *qualified professional* to minimize risk of structural damage.
 - E. Alterations with a significant likelihood of affecting *mine hazard areas* with a severe potential for subsidence are not permitted except as authorized under RMC 12.90.180.A.
 - F. Access roads and utilities may be permitted within two hundred (200) feet of a mine hazard area with a moderate or severe potential for subsidence if the City determines that no other feasible alternative exists.
 - G. Land that is located within two hundred (200) feet of a mine hazard area with a severe potential for subsidence may not be subdivided. Land that is located partially within such an area may be subdivided provided that each resulting *lot* has sufficient buildable area at least two hundred (200) feet away from the severe hazard.
 - H. All reclamation activities, including *grading*, filling, and stockpile removal, must have as-built drawings submitted to the City in a format specified by the Planning Official.

12.90.190 Steep and Unstable Slopes.

- A. To determine if a critical area report is required for *development* on or adjacent to slopes between fifteen and thirty-nine percent, the Planning Official may require the Applicant to provide a letter prepared by a certified geologist or engineer to determine whether springs, ground water seepage or other cause of potential instability are present on or affecting the subject slope.

- B. New **structures** and additions to existing **structures** within or adjacent to a geologically sensitive area shall be setback a minimum of twenty-five (25) feet from the top or toe of a steep or **unstable slope** unless a larger setback is recommended in a critical area report. In no case shall the setback be less than twenty-five (25) feet from a steep or **unstable slope** unless allowed through the “**reasonable use**” provisions of RMC 12.90.060 and supported by a critical area report approved by the Planning Official. Decks that add no substantial loading weight to the sensitive area and **accessory buildings** one hundred and twenty (120) square feet or less may extend into the setback area to within ten (10) feet of the top or toe of a steep or **unstable slope**.
- C. After completion of the project, the top and toe of the steep or **unstable slope** shall be identified with signs as a Critical Area or Native Growth Protection Area, in accordance with RMC 12.90.140.B.
- D. All **clearing** and **grading** shall follow at a minimum the current **Best Management Practices** as contained in the Washington Department of Ecology’s 2004 Storm Water Management Manual for Eastern Washington (Publication 04-10-076), or future updated publication. If **Best Management Practices** are not implemented, construction shall be stopped immediately until proper erosion control devices are implemented and established. **Best Management Practices** include, but are not limited to:
1. Water flows shall be directed away from steep or **unstable slopes**. At no time shall water be allowed to flow freely over steep or **unstable slopes**.
 2. Exposed soils shall be protected from the forces of rain and flowing water within one (1) day during the winter season and three (3) days during the summer season.
 3. Erosion control devices shall include as appropriate silt fences, straw mats, hay bales, filter fabrics, plastic sheeting, mulch, retention of vegetative **buffers**, or soil stabilization plant materials.
 4. **Development** shall be phased to limit the area of exposed soils to no more than one (1) acre at a time.
 5. Vegetation removal or planting on **steep slopes** shall be conducted by hand or by non-impacting procedures as approved by the Planning Official. Heavy equipment shall not be allowed on steep or **unstable slopes**.
- E. For the following single family and **multi-family residential development** applications, the Planning Official may waive the requirements for a critical area report, if the **development** is unlikely to have any impact on a steep or **unstable slope**:
1. Additions to a single family residence with a **building footprint** less than two hundred (200) square feet, located so that the existing **structure** is between the

addition and a steep or *unstable slope*.

2. Detached auxiliary *buildings* such as garages and sheds that are fifty (50) feet or more away from a steep or *unstable slope*.
 3. Decks attached to single family and multi-family *structures* where no additional load bearing weight is added to an adjacent steep or *unstable slope*.
- F. For the following *development* activities, a letter as described in this subsection, prepared by a *qualified professional*, may fulfill requirements for a critical area report:
1. Additions to single family homes less than thirty (30) percent of the building footprint.
 2. Additions to a *building's height* where the *footprint* of the existing *structure* is not changed.
 3. Detached *accessory buildings* such as garages and shed with no living spaces.

The letter shall include an assessment of the existing geologic and geotechnical site conditions, including surface water runoff, ground water, soil types, erosion, and slope stability. The *qualified professional* shall prepare conclusions and recommendations on the suitability of the proposed *development* and any *mitigation* necessary to address existing site conditions that may need to be modified due to the proposed *development*.

- G All other *development* within or adjacent to a steep or *unstable slope* shall submit a critical area report that shall include a site assessment, geotechnical analysis, storm water plan, *grading* and erosion control plan and landscape/revegetation plan, as described below:
1. Site Assessment. Along with standard site plan requirements, the following information shall be provided for the subject property, prepared by a licensed land surveyor:
 - a. Topography map at two (2) foot contour intervals for the entire site, including abutting public rights-of-way, private roads, or access easements;
 - b. Location of all *significant trees*;
 - c. Location of all manmade drainage structures or features including pipes, drains, catch basins, drainage structures, culverts, and under drain pipes;
 - d. Location of all *frequently flooded areas*, as defined in this Title, and all wetlands, fish and wildlife habitat conservation areas, geologically sensitive areas, and other *critical areas*, as defined in this Chapter, within 300 feet of the project area;
 - e. Location of all existing site improvements and the amount of existing

impervious surface area;

- f. Location of any existing cuts and fills; and
- g. Location of all utilities, both above and below ground.

The site plan shall also include a vicinity map, showing the location of the property in relationship to surrounding **lots** and other **critical areas**.

2. Geotechnical Analysis. The analysis shall include an assessment of the geologic characteristics of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion, and prior **grading**. Soils analysis shall be prepared in accordance with accepted classification systems in use in the region. The assessment shall include, but not be limited to:
 - a. Data regarding underlying geology, slope gradients, soil types, and subsurface information, including boring and/or test pit logs describing soil stratification and results of soil tests conducted;
 - b. Identification of any previous landslide activity in the vicinity of the project, and an assessment of the overall stability of slopes that could be affected by the **development** and the effect the **development** may have on these slopes over time;
 - c. Recommendations for **grading** procedures, fill placement, and compaction criteria, temporary and permanent slope inclinations and support, and design criteria for corrective measures and opinions and recommendations regarding the capabilities of the site;
 - d. Evaluation of the seismic stability of the site in drained and saturated conditions, including a statement that the design criteria of proposed **structures** consider a seismic event with a ten percent probability of being exceeded in fifty years;
 - e. Potential for liquefaction and proposed **mitigation** measures;
 - f. A description of the hydrology (both surface and subsurface) of the site, including locations of any wetlands, **streams**, springs, seeps, and groundwater along with recommendations consistent with the city's critical area regulations for addressing any impacts;
 - g. A recommendation on **building** site location, foundation type and depths, minimum **building setbacks**, minimum deck and **accessory building setbacks**, and if necessary the minimum no-disturbance setback from any steep or **unstable slope**. The analysis shall also include recommendations on the design of temporary and permanent retaining structures if any are proposed;
 - h. An estimate of bluff retreat rate that recognizes and reflects potential

catastrophic events such as seismic activity or a one-hundred-year storm event; and

- i. Recommendations and requirements for handling contaminated soils and materials if encountered on the site.
3. Storm water Plan, which shall demonstrate compliance with the substantive requirements of RMC Chapter 10.08 and Chapter 12.110 for any *development* creating more than 1,000 square feet of *impervious surface*. For *development activities that create less than 1,000 sq. ft of impervious surfaces*, storm water runoff shall be designed for natural infiltration or dispersion. At no time shall concentrated storm water runoff be allowed to flow directly over a steep or *unstable slope*, or impact a neighboring property, City street, alley, or public right of way.
 4. **Grading** and Erosion Control Plan, which shall include:
 - a. A schedule showing estimated starting and completion dates for each stage of the project, limiting the time that soil is exposed and unprotected to the shortest possible period.
 - b. Measures to be taken for slope stabilization and erosion control, using *Best Management Practices* as contained in the Washington Department of Ecology's 2004 Storm water Management Manual for Eastern Washington (Publication 04-10-076), or future updated publications or other methodology as approved by the Planning Official.
 5. Landscape/Re-vegetation Plan, which shall include:
 - a. Measures to be taken to protect and replace natural vegetative cover;
 - b. A statement that vegetation trimming debris shall be removed from slopes in such a fashion as to not disturb existing vegetation; and
 - c. A schedule showing when each stage of the project will be re-vegetated, with estimated starting and completion dates.

12.90.200 Repair of Slope Instabilities. Repair of slope instabilities and slope failures on an emergency basis shall be allowed by the Planning Official as needed to correct an immediate danger to the public health, welfare and safety. The Planning Official shall use the guidance of this Subchapter when evaluating the necessary repairs and add *mitigation* measures as appropriate to ensure that the intent of this Subchapter has been met.

12.90.210 Designation of Fish and Wildlife Habitat Conservation Areas. Fish and wildlife habitat conservation areas include:

- A. Areas with which state or federally designated *endangered, threatened, and sensitive species* have a *primary association*. The Washington Department of Fish

and Wildlife, U.S. Fish and Wildlife Service, and the National Marine Fisheries Service should be consulted for current listing status;

- B. State **priority habitats** and areas associated with state **priority species**, as identified by the Washington Department of Fish and Wildlife. State **priority habitats** include **stream** and adjacent riparian areas and urban natural **open space**;
- C. Habitats of local importance, including the City's Urban Forest and Watershed zones, as defined in RMC 12.20, and areas associated with **species of local importance**, including Western bluebird (*Sialia mexicana*), Great blue heron (*Ardea herodias*), Osprey (*Pandion haliaetus*), Mountain whitefish (*Prosopium williamsoni*), Common merganser (*Mergus merganser*), Cougar (*Puma concolor*) and Black bear (*Ursus americanus*) and others as may be identified by the City in accordance with RMC 12.90.220;
- D. Lakes or ponds that provide fish or wildlife habitat, except artificial ponds created for a non-wildlife purpose such as storm water detention facilities, wastewater treatment facilities, farm ponds, and temporary construction ponds; and
- E. Areas of rare plant species or high quality ecosystems identified by the Washington State Department of Natural Resources through the Natural Heritage Program under RCW 79.70.

12.90.220 Designation of Habitats and Species of Local Importance.

- A. Habitats and **species of local importance** are those identified for protection by the City. Habitats may include a seasonal range or habitat element with which a species has a **primary association**, and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term in this vicinity.
- B. The City shall accept and consider nominations for habitat areas and species to be designated as locally important on an annual basis. Habitats and species may be nominated for designation by any person in a format prescribed or approved by the City.
- C. Habitats and species to be designated shall exhibit at least one of the criteria in subsections C.1. through C.3. and shall meet criteria C.4. through C.6.
 - 1. Local populations of native species are vulnerable or declining or are likely to become threatened or endangered based on existing or predictable threats;
 - 2. The species or habitat has recreation, commercial, game, tribal, or other special value;
 - 3. Long-term persistence of a species within the Urban Growth Area of Roslyn is dependent on the protection, maintenance and/or **restoration** of the nominated habitat;
 - 4. Protection by county, state, or federal policies, laws, regulations, or non-regulatory tools is not adequate to prevent degradation of the species or habitat

in the City; and

5. Without protection, there is likelihood that the species or habitat will decline over the long term.
 6. Nominated areas must represent high-quality native habitat or habitat that either has a high potential to recover to a suitable condition and is of limited availability or provides landscape connectivity contributing to conservation of the designated species or habitat.
- D. A petition in a format prescribed or approved by the City to nominate an area or a species to this category shall contain all of the following, using *best available science*:
1. A statement demonstrating that nomination criteria are met;
 2. A proposal for whether specific habitat features should be protected (for example, nest sites, breeding areas, and nurseries), or whether the habitat or ecosystem is being nominated in its entirety;
 3. Proposed management strategies for the species or habitats. Where *restoration* of habitat is proposed, a conceptual plan for *restoration* must be provided as part of the nomination;
 4. Signatures of all petitioners.
- E. The Planning Official shall determine whether the nomination proposal is complete, and if complete, shall evaluate it according to the characteristics enumerated in subsection C and make a recommendation to the Planning Historic Preservation Commission based on those findings.
- F. The Planning and Historic Preservation Commission shall hold a public hearing for proposals found to be complete and make a recommendation to the City Council based on the characteristics enumerated in subsection C.
- G. Following the recommendation of the Planning and Historic Preservation Commission, the City Council shall hold an additional public hearing and shall determine by ordinance whether the designation criteria in this section have been met. Designation of a Habitat or *Species of Local Importance* shall be by ordinance.
- H. Approved nominations shall be specified in RMC 12.90.210 and shall be subject to the provisions of critical area regulations in this Chapter.

12.90.230 Fish and Wildlife Habitat Conservation Area Mapping. The following, in addition to critical area maps available through the City, may be used as a guide for locating fish and wildlife habitat conservation areas. These sources are to be used as references for the City, Applicants and property owners, but may be superseded by new data:

- A. Washington Department of Fish and Wildlife *Priority Habitat and Species* maps;

- B. Maps developed for Water Resources Inventory Area 39 (Upper Yakima River) by the Yakima Sub-basin Fish and Wildlife Planning Board, including the distribution of salmon species; and
- C. Washington State Department of Natural Resources Natural Heritage Program maps and mapping data.

12.90.240 Fish and Wildlife Habitat Conservation Area Riparian Buffers.

- A. Standard *buffer* widths. *Streams* shall be protected with vegetated *buffers*, which also provide riparian wildlife habitat. These *buffers* shall have the following standard widths, measured perpendicular from the ordinary high water mark of the water body:
 - 1. Crystal Creek and its tributaries: one hundred (100) feet;
 - 2. All *streams* in the Urban Forest and Watershed zones, including seasonal *streams*: three hundred (300) feet; and
 - 3. All other *streams*: fifty (50) feet.
- B. Reductions for lower impact land *uses*. Except in the Urban Forest and Watershed zones, standard *buffer* widths may be reduced up to fifteen (15) percent in conjunction with the approval of measures that will result in no net loss or a net gain in ecological function. This may include measures to minimize the impacts of the land *use* adjacent to the water body such as infiltration of storm water, retention of *native vegetation* and soils, direction of noise and light away from the water body, and other measures that may be suggested by a *qualified professional*. The *development* of these measures and their review by the City, which may include referral to independent *qualified professionals*, shall be at the Applicant's expense. If proposed future land *uses* are more intense, they are not eligible to maintain this reduction.
- C. Reductions for *restoration*. *Buffer* widths may be reduced up to an additional thirty-five (35) percent if the *buffer* is restored or enhanced from a pre-project condition that is disturbed (e.g., dominated by invasive species), so that functions of the post-project *buffer* are equal or greater. The *restoration* plan must meet requirements in RMC 12.90.100 for a *mitigation* plan and RMC 12.90.250 for a critical area report. This reduction may be added to reductions for lower impact land *uses*.
- D. *Buffer* averaging. The Planning Official shall have the authority to average *buffer* widths on a case-by-case basis, where a *qualified professional* demonstrates to the Planning Official's satisfaction that all of the following criteria are met:
 - 1. The total area contained in the *buffer* after averaging is no less than that contained within the *buffer* prior to averaging;
 - 2. Decreases in width are generally located where riparian functions may be less sensitive to adjacent land *uses*, and increases are generally located where riparian functions may be more sensitive to adjacent land *uses*, to achieve no net loss or a

net gain in functions; and

3. The averaged *buffer*, at its narrowest point, shall never be less than twenty-five (25) feet.
- E. Signage. Signs shall identify post-project riparian *buffers* as Critical Areas or Native Growth Protection Areas, in accordance with the provisions of this Title.
- F. Allowed *uses*. The following *uses* may be permitted within a riparian *buffer*, upon approval by the City and provided they are not prohibited by any other applicable law and they are conducted in a manner so as to minimize negative impacts to the *buffer* and adjacent water body:
1. Conservation or *restoration* activities aimed at protecting the soil, water, vegetation, or wildlife.
 2. Passive recreation facilities consistent with an approved critical area report, including:
 - a. Wildlife viewing structures; and
 - b. Walkways and trails, provided pathways minimize adverse impacts on water quality. They should generally be parallel to the perimeter of the water body, located in the outer twenty-five (25) percent of the riparian *buffer* area, and avoid removal of *significant trees*. They must be limited to pervious surfaces no more than four (4) feet in width.
 3. *Stream* crossings, if necessary to provide access to property and if impacts are fully mitigated consistent with an approved *critical areas* report.
 4. Storm water management facilities, limited to storm water dispersion outfalls and bioswales, may be allowed within the outer twenty-five (25) percent of riparian *buffers*, provided that:
 - a. No other location with less impact is feasible; and
 - b. *Mitigation* for impacts is provided to achieve no net loss or a net gain in functions.
 5. Streambank Stabilization. Streambank stabilization to protect structures from future channel migration is not permitted except when achieved through bioengineering or soft armoring techniques in accordance with an approved critical area report and all necessary state and federal permits.
 6. Public Flood Protection Measures. New public flood protection measures and expansion of existing ones may be permitted, subject to the Planning Official's review and approval of a critical area report and all necessary state and federal permits.

12.90.250 Fish and Wildlife Habitat Conservation Area Critical Area Reports. If

required by the Planning Official in accordance with RMC 12.90.070.B, a critical area report for fish and wildlife habitat conservation areas shall meet requirements of this section. The report and its review by the City, which may include referral to independent *qualified professionals*, shall be at the Applicant's expense.

- A. A critical area report shall be required for all *development* within three hundred (300) feet of any fish and wildlife habitat conservation area, as designated in RMC 12.90.210. A critical area report shall be required for all *development* within the Urban Forest or Watershed zones.
- B. At a minimum, the report shall contain the following:
 1. The name and contact information of the Applicant, a description of the proposal, and identification of the permit requested;
 2. A copy of the site plan for the *development* proposal including:
 - a. A map to scale depicting fish and wildlife habitat conservation areas, wetlands, *buffers*, the *development* proposal, and any areas to be cleared or graded;
 - b. A description of the proposed storm water management plan for the *development* and consideration of impacts from drainage alterations; and
 - c. The dates, names, and qualifications of the persons preparing the report, documentation of any fieldwork performed on the site, and a description of the methodologies used to conduct habitat assessments and impact analyses, including references and all assumptions made or relied upon.
- C. Proposals shall be exempt from further report requirements, if they are consistent with riparian *buffer* requirements in RMC 12.90.240.A. or allowed *uses* in RMC 12.90.240.F. and affect no other fish and wildlife habitat conservation areas beside *streams* and riparian areas.
- D. Reports not exempt under RMC 12.90.250.C. shall be prepared by a qualified biologist with experience preparing reports for the relevant type of habitat.
- E. Critical area reports for fish and wildlife habitat conservation areas shall address the following geographic areas:
 1. The land parcel of the proposed activity;
 2. All fish and wildlife habitat conservation areas, including riparian *buffers* identified in RMC 12.90.240.A. within three hundred (300) feet of the project area; and
 3. All wetlands and geologically sensitive areas within three hundred (300) feet of the project area.
- F. A critical area report for a fish and wildlife habitat conservation area shall contain an

assessment of habitats including the following information at a minimum:

1. A detailed description of vegetation throughout the areas identified in RMC 12.90.250.E.;
 2. Identification of any *species of local importance* or state *priority species* that have a *primary association* with habitat in these areas, and an assessment of potential project impacts on the species;
 3. A discussion of any federal, state, or local special management recommendations, including Washington Department of Fish and Wildlife habitat management recommendations, that have been developed for habitats located in these areas or the species identified in RMC 12.90.250.F.2.
 4. A proposed habitat management plan for the site, which must be approved by the Washington Department of Fish and Wildlife for state *priority species*;
 5. A detailed discussion of the direct and indirect potential cumulative impacts on habitat from *development* of the site, including potential impacts to water quality;
 6. An analysis of site *development* alternatives, including a no *development* alternative;
 7. A discussion of proposed *mitigation*, consistent with RMC 12.90.090, *Mitigation* Sequencing, and RMC 12.90.100, *Mitigation* Plan Requirements; and
 8. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.
- G. When appropriate, due to the type of habitat or species present or the project area conditions, the Planning Official may also require the habitat management plan developed under RMC 12.90.250.F.4. to include:
1. An evaluation by an independent *qualified professional* regarding the Applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate;
 2. A request for consultation with the Washington Department of Fish and Wildlife, the local Native American Indian Tribe and other appropriate agency; and
 3. Detailed surface and subsurface hydrologic features both on and adjacent to the site.
- H. Unless otherwise provided, a critical area report may be supplemented by or composed of, in whole or in part, any reports or studies required by other laws and regulations or previously prepared for and applicable to the *development* proposal

site, as approved by the Planning Official.

12.90.260 Approval of Activities. The Planning Official shall condition approval of activities allowed within or adjacent to a habitat conservation area or its *buffers*, as necessary to minimize or mitigate any potential adverse impacts. Conditions shall be based on the *best available science* and may include, but are not limited to, the following:

- A. Establishment of *buffer* zones;
- B. Preservation or *restoration* of critically important vegetation and/or habitat features such as snags and downed wood;
- C. Preservation or *restoration* of contiguous wildlife habitat corridors, to minimize the isolating effects of *development* on habitat areas;
- D. Limitation of access to the habitat area, including signs and fencing to deter unauthorized access;
- E. Seasonal restriction of construction activities;
- F. Establishment of a duration and timetable for periodic review of *mitigation* activities;
- G. In the Urban Forest and Watershed zones, actions that would help achieve the City's desired future conditions for those zones, which include a landscape structure that mimics historical late successional Douglas fir and ponderosa pine forests characteristic of the fire disturbance regime in the eastern Cascades, with varying degrees of tree densities and canopy closures, providing habitat connectivity for wildlife; and
- H. Requirement of a performance bond, when necessary, to ensure completion and success of proposed *mitigation*.

12.90.270 Wetland Identification and Rating.

- A. Identification and Delineation. Wetlands shall be identified and delineated by a *qualified wetland professional* in accordance with the *Washington State Wetlands Identification and Delineation Manual* (Washington Department of Ecology Publication #96-94, or as revised and approved by Ecology), using the criteria in the definition of *wetland* in RMC 12.20. Such *wetland* delineations are valid for three years; after such date the City shall determine if a revision or additional assessment is necessary.
- B. Rating. *Wetlands* shall be rated according to the Washington Department of Ecology wetland rating system, as set forth in the *Washington State Wetland Rating System for Eastern Washington* (Ecology Publication #04-06-015, or as revised and approved by Ecology), which contains the definitions and methods for determining if the criteria below are met.
 1. Category I wetlands include:

- a. Wetlands identified by scientists of the Washington Department of Natural Resources Natural Heritage Program as high quality wetlands;
 - b. Bogs larger than one-half acre;
 - c. *Mature forested wetlands* larger than 1 acre; or
 - d. Wetlands that perform many functions well (scoring at least 70 points under the Department of Ecology's Rating System).
2. Category II wetlands include:
- a. Wetlands identified by the Washington State Department of Natural Resources as containing "sensitive" plant species;
 - b. Bogs between one-fourth and one-half acre in size; or
 - c. Wetlands with moderately high level of functions (scoring between 51 and 69 points under the Department of Ecology's Rating System).
3. Category III wetlands have a moderate level of functions (scoring between 30 and 50 points under the Department of Ecology's Rating System).
4. Category IV wetlands have a relatively low level of functions (scoring less than 30 points under the Department of Ecology's Rating System).
- C. Illegal modifications. *Wetland* rating categories shall not change due to illegal modifications made by the Applicant or with the Applicant's knowledge.

12.90.280 Wetland Exemptions. All *isolated Category IV wetlands* less than 500 square feet that are not associated with riparian areas or *buffers*, not part of a *wetland mosaic*, and do not contain habitat identified as essential for local populations of *priority species* identified by the Washington Department of Fish and Wildlife or *species of local importance* identified in RMC 12.90.210 are exempt from provisions contained in this Subchapter. All such wetlands between 500 and 1,000 square feet are exempt from the normal *mitigation* sequencing process (i.e., can be filled), if impacts are fully mitigated based on provisions in RMC 12.90.310.

12.90.290 Wetland Buffers.

- A. Standard *buffer* widths. *Wetland buffers* shall be measured perpendicular from the *wetland* boundary as surveyed in the field, with the following standard widths:
1. Category I and II *wetlands*. *Buffer* widths for Category I and Category II *wetlands* are based on habitat function scores (derived from the *Washington State Wetland Rating System for Eastern Washington* (Ecology Publication #04-06-015, or as revised and approved by Ecology), in accordance with the following graduated scale:

Points for Habitat from Wetland Rating Form	≤	22	23	24	25	26	27	28	29	30	≥
Wetland Buffer Width	10	12	14	16	18	20	22	24	26	28	30

2. Category III. *Wetland buffer* widths for Category III *wetlands* are based on habitat function scores (derived from the 2004 Wetland Rating System for Eastern Washington) in accordance with the following graduated scale:

Points for Habitat from Wetland Rating Form	≤ 21	22	23	24	25	≥ 26
Wetland Buffer Width	100	120	140	160	180	200

3. Category IV. The *wetland buffer* width for Category IV wetlands shall be seventy (70) feet.
- B. Increased *buffer* widths. When a larger *buffer* is necessary to protect *wetland* or other critical area *functions and values* based on site-specific characteristics, the Planning Official shall require increased *buffer* widths in accordance with the recommendations of a *qualified professional*. Examples include when a *wetland buffer* provides habitat for a species protected under RMC Sections 12.90.210 or 12.90.220, or if the *buffer* or adjacent uplands are susceptible to erosion and standard erosion control measures may not prevent adverse impacts to the wetland.
- C. *Buffer* reductions incentives. Standard *buffer* widths may be reduced under the following conditions, provided that functions of the post-project *wetland* are equal to or greater after use of these incentives.
1. Lower impact land *uses*. Except in the Urban Forest and Watershed zones, standard *buffer* widths may be reduced up to fifteen (15) percent in conjunction with the approval of measures that will result in no net loss or a net gain in ecological function. This may include measures to minimize the impacts of the land *use* adjacent to the wetlands are applied, such as infiltration of storm water, retention of *native vegetation* and soils, direction of noise and light away from the wetland, and other measures that may be suggested by a qualified wetlands professional. The *development* of these measures and their review by the City, which may include referral to independent *qualified professionals*, shall be at the Applicant's expense. If proposed future land *uses* are more intense, they are not eligible to maintain this reduction.

2. **Restoration.** *Buffer* widths may be reduced up to thirty-five (35) percent if the *buffer* is restored or enhanced from a pre-project condition that is disturbed (e.g., dominated by invasive species), so that functions of the post-project *wetland* and *buffer* are equal or greater. The *restoration* plan must meet requirements in RMC 12.90.100 for a *mitigation* plan and RMC 12.90.300 for a critical area report.
 3. Combined reductions. *Buffer* width reductions allowed under RMC 12.90.290.B.1. and 2. may be added. However, the total reduction may be no more than twenty-five (25) percent when the Planning Official determines that the soils or other conditions of a *wetland* are particularly sensitive to nutrient or pollutant loading.
- D. **Buffer** averaging. Except in the Urban Forest and Watershed zones, the Planning Official shall have the authority to average *buffer* widths on a case-by-case basis, where a qualified wetlands professional demonstrates, as part of a critical area report, that all of the following criteria are met:
1. The total area contained in the *buffer* after averaging is no less than that contained within the *buffer* prior to averaging;
 2. Decreases in width are generally located where *wetland* functions may be less sensitive to adjacent land *uses* and increases are generally located where *wetland* functions may be more sensitive to adjacent land *uses*, to achieve no net loss or a net gain in functions; and
 3. The averaged *buffer*, at its narrowest point, shall not result in a width less than seventy-five (75) percent of that allowed under other provisions of this section, provided that minimum *buffer* widths shall never be less than fifty (50) feet for Category I, Category II and Category III wetlands and twenty-five (25) feet for Category IV wetlands.
 4. Effect of *mitigation*. If *wetland mitigation* occurs such that the rating of the *wetland* changes, the requirements for the category of the *wetland* after *mitigation* shall apply.
- E. Signage. Signs shall identify post-project *wetland buffers* as Critical Areas or Native Growth Protection Areas, in accordance with RMC 12.90.140.B.
- F. Allowed *uses*. The following *uses* may be permitted within a *wetland buffer*, provided they are not prohibited by any other applicable law and they are conducted in a manner so as to minimize negative impacts to the *buffer* and adjacent *wetland*:
1. Conservation or *restoration* activities aimed at protecting the soil, water, vegetation, or wildlife.
 2. Passive recreation facilities designed and in accordance with an approved critical area report, including:

- a. Wildlife viewing structures; and
 - b. Walkways and trails, provided pathways minimize adverse impacts on water quality. They should generally be parallel to the perimeter of the wetland, located in the outer twenty-five (25) percent of the **wetland buffer** area, and avoid removal of **significant trees**. They must be limited to pervious surfaces no more than four (4) feet in width. Raised boardwalks utilizing non-treated pilings may be acceptable.
3. Storm water management facilities, limited to storm water dispersion outfalls and bioswales, may be allowed within the outer twenty-five (25) percent of the **buffer** of Category III or IV wetlands only, provided that:
 - a. No other location is feasible; and
 - b. Their location, with **mitigation**, will not degrade the functions or values of the wetland.

12.90.300 Wetland Critical Area Reports. If required by the Planning Official in accordance with RMC 12.90.070.B., a critical area report for wetlands shall meet requirements of this section. The report and its review by the City, which may include referral to independent **qualified professionals**, shall be at the Applicant's expense. The report shall include the following components:

- A. The name and contact information of the Applicant, a description of the proposal, and identification of the permit requested;
- B. A site plan for the project containing the following:
 1. Maps (to scale) depicting delineated and surveyed wetlands and required **buffers** on-site, as well as **buffers** for off-site wetlands that extend onto the project site or that might be impacted by the proposed activity; the proposed **development; grading and clearing** limits; and areas of proposed impacts to wetlands and/or **buffers** (include square footage estimates).
 2. A depiction of the proposed storm water management facilities and outlets (to scale) for the **development**, including estimated areas of intrusion into the **buffers** of any **critical areas**.
- C. A written report for the project containing the following:
 1. A vicinity map for the project;
 2. Identification of all the local, state, and/or federal wetland-related permit(s) required for the project;
 3. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site, including field data sheets for delineations, function assessments, baseline hydrologic data, etc.;

4. A description of the methodologies used to conduct the **wetland** delineations, function assessments, or impact analyses, including references and all assumptions made and relied upon;
 5. For all wetlands on the subject property and all offsite wetlands that could be impacted by the proposed action (using best available information if adjacent property access is denied) provide the following: Hydrogeomorphic and Cowardin classification; characterization of vegetation, soils, and hydrology indicators; **wetland** rating (RMC 12.90.270); **wetland buffer** width (RMC 12.90.290); and, **wetland** acreage estimates;
 6. Description of the proposed activity and assessment of cumulative impacts to wetlands and **buffers** from **development** of the site, including a discussion of the potential impacts to the wetland(s) associated with anticipated hydroperiod and water quality alterations;
 7. Evaluation of existing and post-project functions of the **wetland** and adjacent **buffer** using a functional assessment method recognized by local or state agency staff (e.g., Methods for Assessing Wetland Functions, Ecology Publication #99-115) and including all data sheets and references for the method used; and
 8. An analysis of site **development** alternatives, including a no **development** alternative.
- D. If the proposed **development** would have significant adverse impacts to **wetlands** or their **buffers**, the critical area report must include a **mitigation** plan consistent with RMC 12.90.310.
- E. Unless otherwise provided, a critical area report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the **development** proposal site, as approved by the Planning Official.

12.90.310 Wetland Compensatory Mitigation.

- A. All significant adverse impacts to **wetlands** and **buffers** as determined by the Planning Official shall be mitigated in accordance with the standards in RMC 12.90.090, RMC 12.90.100 and this section, and with reference to the Department of Ecology's Guidance on Wetland Mitigation in Washington State, Part 2 (Ecology Publication #04-06013B) and Appendix 8-C of the Department of Ecology's Wetlands in Washington - Volume 2: Guidance for Protecting and Managing Wetlands (Ecology Publication #05-06-008), or updated guidance by Ecology.
- B. If impacts to **wetlands** are unavoidable, **mitigation** to achieve compensation for **wetland** functions shall be approached in the following order of preference:
 1. Re-establishment of natural or historic functions to a former wetland, through **restoration** of physical, chemical or biological processes (e.g., removing fill, plugging ditches, breaking drain tiles, breaching dikes, etc.).

2. Rehabilitation of natural or historic functions of a degraded **wetland** through **restoration** of physical, chemical or biological processes (e.g., removing fill, plugging ditches, breaking drain tiles, breaching dikes, etc.).
 3. Creation of **wetlands** on disturbed upland sites, where the post-project hydrologic regime can demonstrably support the proposed **wetland** plant community.
 4. Enhancement of vegetation or other characteristics of a **wetland** site to improve specific functions, such as filtration of pollutants or wildlife habitat.
 5. Preservation or protection of a **wetland** that would not be adequately accomplished through existing regulations.
- C. **Mitigation** shall be on-site, where ecologically appropriate. Where this is infeasible, the Applicant shall consult with the City, Yakama Indian Tribe, the Cle Elum District of the Wenatchee National Forest, the Kittitas Conservation Trust and the Washington State Departments of Ecology and Fish and Wildlife regarding off-site **mitigation**. **Mitigation** shall prioritize the preservation and **restoration** of contiguous wildlife habitat corridors to minimize the isolating effects of **development** on habitat areas.
- D. Payment may be accepted in lieu of an off-site **mitigation** project. At a minimum, such payment shall be equivalent to the cost of implementing an acceptable off-site project, as estimated by a **qualified professional** approved by the City. The City, in consultation with the Yakama Indian Tribe, the Cle Elum District of the Wenatchee National Forest, the Kittitas Conservation Trust, shall use these funds for **wetland** improvements it believes are in the best interest of the City and provide a greater ecological benefit than the alternative off-site project. **Wetland** improvements under this section are subject to the following criteria:
1. Fees will be used to fund a clearly-defined **mitigation** project;
 2. The project being funded will result in an increase in acreage and function that adequately compensates for the permitted impacts;
 3. The project being funded is within the same watershed as the impact;
 4. There is a clear timeline for completing the **mitigation** project;
 5. There are provisions for long-term protection and management, including mechanisms such as conservation easements, and funding for long-term management of the site; and
 6. No approved **mitigation** bank or other form of compensatory **mitigation** is environmentally preferable and available.
- E. It is preferred that compensatory **mitigation** projects be completed prior to activities that will disturb **wetlands**. If that is infeasible, compensatory **mitigation** shall be completed immediately following disturbance and prior to **use** or **occupancy** of the

action or **development**. Construction of **mitigation** projects shall be timed to reduce impacts to existing fisheries, wildlife, and flora.

F. **Wetland** Replacement Ratios.

1. When an Applicant proposes to alter a **wetland**, the affected **wetland** acreage shall be replaced through **wetland restoration**, creation, enhancement or preservation, according to the ratios established in the table below. The ratios apply to **mitigation** that is on-site, timed prior to or concurrent with alteration, having a high probability of success, and in-kind (i.e., losses of **wetland** acreage shall be replaced by creation or **restoration** of new acreage; degradation of **wetland** functions shall be replaced by **restoration** or enhancement of new **wetland** functions, etc.). Where these conditions do not hold, ratios shall be adjusted accordingly, as determined by the Planning Official, in consultation with the Washington Department of Ecology, the Washington Department of Fish and Wildlife and the Yakama Indian Tribe.
2. Ratios for remedial actions resulting from unauthorized alterations shall be greater than set forth in the table, as determined by the Planning Official.
3. Ratios in the table are based on the assumption that the **wetland** Category, based on RMC 12.90.270.B., and hydrogeomorphic (HGM) class/subclass of the **wetland** proposed as compensation are the same as the category and HGM class/subclass of the **wetland** impacted. Ratios for projects in which the **wetland** Category and HGM class/subclass of **wetlands** proposed as compensation is not the same as that of the **wetland** impacted will be determined on a case-by-case basis using the recommended ratios as a starting point.

Category and Type of Wetland	Creation or Re-establishment	Rehabilitation	Enhancement	Preservation
Category I—Bog, Natural Heritage site	Not considered possible	6:1	Case-by-case	10:1
Category I—Mature Forested	6:1	12:1	24:1	24:1
Category I—Based on functions	4:1	8:1	16:1	20:1
Category II—Based on functions	3:1	6:1	12:1	20:1
Category III	2:1	4:1	8:1	15:1

Category IV	1.5:1	3:1	6:1	10:1
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G. If compensatory **mitigation** is proposed, the **wetlands** critical area report must contain a **mitigation** plan prepared by a **qualified wetlands professional**, including the following information in addition to that required by RMC 12.90.100 and 12.90.300:

1. A baseline study that analyzes the existing functions of the **wetland** and **wetland buffer**, functions that will be lost, and functions after **mitigation**;
2. Description of how lost functions will be replaced;
3. Description of when **mitigation** will occur relative to project construction;
4. Provisions for adequate monitoring to ensure success of the **mitigation** plan. The monitoring plan shall outline the approach for monitoring construction of the **mitigation** project, and for assessment of the completed project, and shall include a monitoring schedule. A monitoring report shall be submitted to the City annually for a period of at least 5 years unless a more frequent time period is required by the Planning Official, and shall document successes, problems and contingency actions of the **mitigation** project. Monitoring activities may include, but are not limited to:
 - a. Establishing vegetation monitoring plots to track changes in plant species composition and density over time;
 - b. Measuring base flow rates and storm water runoff to model and evaluate hydrologic predictions;
 - c. Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity; and
 - d. Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions.
5. A contingency plan specifying what corrective actions will be taken should the **mitigation** not be successful.

H. **Wetland** mitigation banks. Credits from a **wetland mitigation** bank may be approved for use as compensation for unavoidable impacts to **wetlands** when:

1. The bank is certified under State law;
2. The Planning Official determines that the **wetland mitigation** bank provides appropriate compensation for the authorized impacts; and
3. The proposed use of credits is consistent with the terms and conditions of the

bank's certification.

Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.

12.90.320 Designation of Critical Aquifer Recharge Areas. Critical aquifer recharge areas (CARAs) are those areas with a critical recharging effect on aquifers used for potable water. CARAs have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of ground water resources or contribute significantly to the replenishment of ground water.

12.90.330 Critical Aquifer Recharge Areas Regulated Activities. The following activities or land *uses*, where otherwise permitted, are subject to requirements of this Subchapter:

- A. Above or below ground storage tanks for *hazardous substances* or *hazardous wastes*.
- B. Commercial, industrial, institutional or other facilities that include: automobile washers, chemical treatment storage and disposal facilities, dry cleaners, *hazardous waste generators*, junk yards and salvage yards, oil and gas drilling, on-site sewage systems, pesticide storage and use, petroleum transmission facilities and/or storage tanks, solid waste handling and recycling facilities, vehicle repair and services, wastewater application to land surfaces, and other activities that create a significant risk of contaminating CARAs.
- C. Residential sewage disposal systems that serve two or more residences or that have a density greater than one system per acre.
- D. Storm water management facilities that infiltrate the majority of water they manage.

12.90.340 Critical Aquifer Recharge Areas Critical Area Report.

- A. For all regulated activities, the Applicant shall submit a critical area report describing the *best management practices* to be used to minimize the risk of aquifer contamination. The report and its review by the City, which may include referral to independent *qualified professionals*, shall be at the Applicant's expense. At a minimum, these practices shall include those recommended by the Washington Department of Ecology in its 2004 Storm water Management Manual for Eastern Washington (Publication 04-10-076) or future updated publications, as applicable, and shall comply with requirements in the Washington Administrative Code for the proposed activity.
- B. The following general development standards shall apply to all regulated activities:
 - 1. Floor drains shall be connected to an approved sanitary sewer system, where available;
 - 2. Vehicle washing facilities must be self contained and connected to an approved sanitary sewer system;

3. Underground tanks shall be installed in accordance with WAC 173-360, Underground Storage Tanks;
 4. Vehicle repair and service areas shall be conducted over impermeable pads and be located within an enclosed **structure**;
 5. Chemicals shall be stored in a manner that is protected from the weather and be located within containment areas; and
 6. Additional protective measures may be required if deemed necessary by the City.
- C. The Applicant shall also submit a spill prevention plan that identifies equipment being used or any **structures** that could fail and contaminate CARAs. The plan shall include provisions for regular inspection, repair, replacement, clean-up methods to be used, and methods to dispose of all spilled materials.
- D. If the Planning Official determines that additional precautions may be necessary to protect against groundwater contamination, a hydrogeologic site evaluation prepared by a **qualified professional** may be required. The evaluation shall address some or all of the following, as specified by the Planning Official:
1. Hydrogeologic Setting:
 - a. Description of the geologic setting of the site, illustrated with geologic and soil maps;
 - b. Discussion of geologic features which may influence groundwater movement, such as faults, landforms, etc.;
 - c. Description of the occurrence and movement of groundwater in the area, including a general discussion of aquifer recharge and discharge, depth of groundwater and groundwater flow patterns; and
 - d. General discussion of groundwater quality in the area.
 2. Site-Specific Hydrogeologic Data:
 - a. Scaled map showing the location of wells (in use or inactive) and springs within one thousand (1,000) feet of the site or as required by the Planning Official;
 - b. Depth to groundwater layer in the immediate vicinity;
 - c. Hydrogeological cross-sections through the site and immediate vicinity with references to information used to prepare the cross-sections;
 - d. Description of groundwater movement beneath the site with considerations for the following:

1. Areal distribution, stratification and hydraulic conductivity of the water-bearing formations;
 2. Probable migration pathways for contaminants;
 3. An estimate of the probable times of travel through the soil horizontally and vertically from a potential contaminant source;
- e. Description of how the contaminants of concern will be attenuated within the saturated zone; and
 - f. Estimate of the quantity and/or quality of water recharged to the saturated zone under anticipated operation.
- E. A **mitigation** plan shall be required to address groundwater impacts identified in the hydrogeologic site evaluation, consistent with RMC 12.90.090 and 12.90.100. The Planning Official may require that the plan include monitoring, process controls, remediation and discussion of alternatives.

Chapter 12.100 Clearing and Grading

Sections:

- 12.100.010 Purpose.
- 12.100.020 Applicability.
- 12.100.030 Design Criteria.
- 12.100.040 Review Coordination.
- 12.100.050 Financial Guarantees.
- 12.100.060 Change of Conditions.
- 12.100.070 Approval and Inspection Process.
- 12.100.080 Geothermal Energy Systems.

12.100.010 Purpose. The purpose of this Chapter is to establish the standards to guide all *clearing* and *grading* activities in the City.

12.100.020 Applicability. All activities that involve the *clearing*, *grading*, filling, and/or covering of the ground with *impervious surface* shall apply for and receive a *clearing* and *grading* permit, unless specifically exempted.

- A. Exempt activities: The following activities may be exempt from the requirements of this Chapter unless it involves a drainage course, *wetlands*, environmentally sensitive areas, areas of special flood hazard, and/or archaeological sites:
1. Construction or maintenance of public roads when done by a public agency when the project has completed an environmental checklist, has been approved by the City, and the work is in existing or future public right-of-way;
 2. The installation of utilities in accordance with a valid permit, franchise or road construction plan from the City, well drilling activities, or excavation for soil logs;
 3. Routine maintenance and operation activities at cemeteries;
 4. Emergency sandbagging, diking, ditching, filling or similar work during or after periods of extreme weather conditions when done to protect life or property;
 5. The broadcasting of less than 50 yards of peat, sawdust, mulch, bark, chips, topsoil, or soil nutrients on a *lot*, tract or parcel of land, or the broadcasting of any amount of the above material to a maximum depth of four inches;
 6. Broadcasting of five yards or less of topsoil not more than four inches deep; or
 7. Other landscaping and minor home improvement activities that do not involve heavy equipment such as excavators, or bulldozers, etc.
- B. Minor *Clearing* and *Grading* Activities. Non-exempt *clearing*, *grading*, filling, and

excavation activities that involve do not involve a total of more than 100 cubic yards throughout the lifetime of the project and that do not involve or adversely impact Environmentally Sensitive or **Critical Areas**, as determined by the City may be considered Minor **Clearing** and **Grading** Activities, provided that the City may determine that a proposed activity that otherwise meets the criteria of a Minor **Clearing** and **Grading** Permit, shall be processed as a Major **Clearing** and **Grading** Permit based on a finding of unique and unusual circumstances or to protect the public health and safety.

- C. Major **Clearing** and **Grading** Activities. All non exempt **clearing, grading**, filling, and excavation activities that do not meet the Minor **Clearing** and **Grading** criteria shall be considered Major **Clearing** and **Grading** Activities. The City may require that applications for Major **Clearing** and **Grading** activities include plans stamped by a licensed geotechnical engineer and/or may require financial guarantees to insure that neighboring properties, environmentally sensitive areas, and/or historically or archaeological sites are not adversely affected.
- D. All **clearing** and **grading** permit applications must be processed concurrently with all associated permits and approvals.

12.100.030 Design Criteria. All work must be designed to a standard as required by the City and will follow standards of good engineering practices and principles. The Applicant will be responsible for providing a design that is acceptable and, when constructed, a facility that can be easily maintained by the property owner. If circumstances create a hazard to life, endanger or adversely affect the use or stability of a public or private way or drainage courses, the City may impose additional or greater requirements to fulfill the intent of this Chapter.

- A. Excavation standards. Cut Slopes. Slopes shall be no steeper than is safe for the intended **use** and shall not be steeper that two horizontal to one vertical, or as recommended by a soils engineer.

The catch point of the top of the slope shall be set back from the site boundary line in accordance with the following table unless a retaining wall is designed by the engineer and constructed for the project.

Cut Depth	Setback Distance
Under 5 feet	2 feet
5 - 20 feet	Height x 2
Over 20 feet	10 feet

- B. Fill standards.
 - 1. General. Fill which is intended for **building** sites shall be constructed in conformance with the requirements of the latest edition of the IBC, as

adopted by the City.

2. **Fill Location.** Slopes shall be no steeper than is safe for the intended *use* and shall not be steeper than one and one-half horizontal to one vertical, or as recommended by a soils engineer. Fill sites must be approved by the engineer as suitable locations for the proposed fill.
3. **Preparation of Ground.** The ground surface for fills over five feet in height shall be prepared by removing vegetation, non-complying fill, topsoil and other unsuitable materials, scarifying to provide a bond with the new fill, and, where existing slopes are steeper than five horizontal to one vertical, by benching into competent material as determined by the engineer. The bench under the toe of a fill on a slope steeper than five horizontal to one vertical shall be at least 10 feet wide, or as recommended by a soils engineer.
4. **Fill Material.** Except as permitted by the City, no material other than earth material shall be buried or placed in fills. Placement of other than earth material is regulated by state statutes or federal laws and additional permits may be required.
5. **Slope Stability.** Fills shall be constructed using earth materials, compaction methods and construction techniques, so that stable fills are created.
6. **Setback from Property Lines.** The toe or catch point of fill slopes shall be set back from the site boundary line in accordance with the following table, unless a retaining wall is designed by the engineer and construction for the project.

Fill Depth	Setback Distance
Under 5 feet	2 feet
5 - 40 feet	Height x 2
Over 40 feet	20 feet

7. **Notice of *Grading* or Filling.** The City may cause a notice to be recorded as a public record containing provision which will include the nature and extent of the filling which has occurred on the parcel.
- C. **Drainage requirements.** All *drainage facilities*, improvements, drainage design and maintenance of *drainage facilities* shall be in accordance with the provisions of this Title and the standards adopted by the City.
 - D. **Erosion control.** Erosion control requirements shall be implemented by the Applicant prior to site *grading* or *clearing*.

1. Slopes. Slopes shall be prepared and maintained to control erosion. Slope protection shall be installed immediately upon achieving final grade or as soon as weather permits. Where cut slopes are not subject to erosion, due to the nature of the materials, such protection may be omitted.
 2. Other Devices. Where necessary, check dams, silt fences, cribbing, riprap, natural *buffer* areas or other devices or methods shall be employed to control erosion. Where natural *buffer* areas are required, no building, *clearing*, filling, *grading*, or ditching is permitted within that area except for minor watercourse maintenance when applicable. The natural *buffer* area as delineated or described shall be preserved and maintained in its natural undisturbed state for erosion and drainage control.
- E. *Wetland* areas. *Grading*, filling or *clearing* within 25 feet of a wetland or *stream* or any *grading*, filling or *clearing* that could affect a *wetland* or *stream* shall comply with the Critical Area requirements of this code.
- F. Archaeological sites. *Grading*, filling or *clearing* of archaeological sites shall be done in accordance with the provisions of this Title and Chapter 25-48 WAC, as now adopted or as may be amended, or other applicable state or federal law.

12.100.040 Review Coordination.

- A. A *grading* permit will not be granted by the City until all other project related public governmental agencies approvals, if required, are received and/or any appeals are concluded. Conditions imposed by other governmental agencies affecting the permit must be incorporated into the project's design and implemented by the Applicant.
- B. Issuance of a *grading* permit for the purpose of project site preparation may be withheld until all applicable permits or approval for the proposed project are obtained by the Applicant.
- C. When *development* is intended or proposed on a site affected by issuance of a *grading* permit, work allowed by the *grading* permit shall be subordinate to future site *development* conditions or requirements
- D. The issuance of a *grading* permit shall not relieve the Applicant from complying with other applicable City zoning or land use regulations.

12.100.050 Financial Guarantees.

- A. Guarantee Required. Prior to issuance of a permit, the Applicant will be required to submit a final guarantee to the City to assure compliance with the provisions of this Chapter, the permit and approved plans. Improvements and facilities that must be guaranteed by the Applicant are, but not limited to, temporary and permanent erosion and sedimentation control work, drainage control work and *restoration* work.

- B. General. Financial guarantees shall be in a form acceptable to the City and will not be released by the City until all work is completed in accordance with the approved plans and conditions of the permit. All work must be completed within the time limits as noted on the permit or the approved plan for the project. If not completed, the City may use the financial guarantee to complete the work as outlined in the permit or approved plans, or complete those items of work that would safeguard adjacent or downstream property owners or may deposit the financial guarantee in a designated account as contribution toward the cost of completing the work. Collection of the financial guarantee does not relieve the Applicant of the responsibility to complete the work and the City may act as necessary to insure completion of the work.

All financial guarantees shall run continuously until released by the City and shall not be subject to an expiration or cancellation date.

An engineer's estimate for the work to be accomplished, based on current construction costs, must be submitted to the City for review and approval. The City will establish the minimum financial guarantee at 125 percent of the estimate to allow for inflation, engineering expenses and administrative costs should the city have to complete the work. The City shall retain from the funds all costs associated with administration, collection of the funds and completion of the guaranteed work.

- C. Release. Upon receipt of an acceptable letter of completion from the engineer, the City will release the applicable financial guarantee, provided that the City may retain a portion or require a new financial guarantee to ensure that the improvements are adequately maintained and perform as designed.

12.100.060 Change of Conditions. Should the City become aware of conditions that invalidate the original design data used to obtain the permit or determine that the Applicant is not complying with the conditions of the permit or approved plans, the City may revoke the original permit and/or order work stopped on the project. The City may require the Applicant to resubmit information or plans for review and approval and apply for a new permit. The City may order all or part of the permitted work stopped for any period of time for any of the following reasons:

- A. The Applicant fails to comply with the conditions of the permit;
- B. The permit was granted on the basis of erroneous information submitted to the City by Applicant;
- C. The weather or weather-created conditions cause off-site or downstream drainage or water quantity or quality problems; and/or
- D. The work has become a hazard to life, endangers property or adversely affects the use or stability of a public way or drainage course.

12.100.070 Approval and Inspection Process.

- A. The Applicant shall be responsible for the inspection and approval of all work on private property as shown on the approved plan. This shall include, but is not limited to, all *grading* work, *drainage facilities* and erosion and sedimentation control facilities or other work approved for the project.
- B. Notification of completion. The Applicant or his/her designee shall submit a letter to the City certifying that the completed project conforms to the conditions of the permit and approved plans and all *grading* work, *drainage facilities*, erosion control measures, etc., have been completed in accordance with the issued permit. The report shall be stamped and signed by the engineer and shall be worded as follows:

"I have inspected the project and find that the work substantially conforms to the terms and conditions of the permit and the intended design for the project."

Minor alterations to the system must be listed in the approval letter or noted on reproducible as-built drawings which must be submitted with the approval letter.

- C. City inspection. After receipt of the notification of completion the City shall make a final inspection of the project.
 - 1. Prior to completion of a project and/or the issuance of a certificate of occupancy, all temporary erosion control measures shall be removed and all final storm water measures installed and fully functional.

12.100.080 Geothermal Energy Systems. Property owners seeking to install geothermal energy systems must comply with all provisions of the Title, including but not limited to Chapter 12.260, Building and Construction, Chapter 12.100 Clearing and Grading, and the following provisions:

Chapter 12.110 Storm Water Management

Sections:

12.110.010 Purpose.

12.110.020 Applicability.

12.110.030 Standards.

12.110.010 Purpose. The purpose of this Chapter is to establish the requirements and standards for the management of storm water in the City.

12.110.020 Applicability. All *development activities* must comply with the provisions of this Chapter unless specifically exempted.

12.110.030 Standards. The City hereby adopts the 2004 version of the Storm Water Manual for Eastern Washington prepared by the Washington State Department of Ecology, except as follows:

A. Exemptions:

B. Pervious Surfaces Encouraged. The City encourages the use of pervious surfaces such as grass blocks or grasscrete for driveways.

Chapter 12.120 Significant Tree Standards

Sections:

- 12.120.010 Purpose.
- 12.120.020 Applicability.
- 12.120.030 Exemptions.
- 12.120.040 Removal of Significant Trees.
- 12.120.050 Replacement of Significant Trees.

12.120.010 Purpose. The purpose of this Chapter is to:

- A. Encourage the protection of stands of trees and significant;
- B. Limit the removal of stands of trees and *significant trees* in order to maintain the quality of Roslyn's natural environment;
- C. Provide measures to protect trees that may be impacted during construction; and
- D. Mitigate the environmental and aesthetic consequences of tree removal in land *development* through on- and off-site tree replacement to achieve a goal of no net reduction in the number of *significant trees* throughout the City of Roslyn.

12.120.020 Applicability. No *significant trees* shall be removed without a permit from the City unless specifically exempted. Significant Tree Removal Permits shall be processed as a Class 1 Permit.

12.120.030 Exemptions. The following activities are exempt from the requirements of this Chapter as noted:

- A. Full exemptions. The following activities are exempt from the provisions of this Chapter:
 - 1. Commercial nurseries or tree farms and the removal of trees that are being grown to be sold as Christmas or landscape trees.
 - 2. Utility Management. Removal of private trees by the City and/or utility provider in situations involving immediate danger to life or property, or interruption of services provided by a utility.
- B. Partial exemptions.
 - 1. Emergency Tree Removal. Any *significant tree* on private property that poses an imminent threat to life or property may be removed without first obtaining a permit/City approval. The property owner shall contact the City within seven 7 days of removal to provide evidence of threat for approval of exemption.

Evidence should include a report from an arborist that meets the qualification set out in 12.120.040(2) or a showing of good cause regarding how the emergency did not allow for such a report.

- C. Removal of trees in the Urban Forest Zone shall be subject to the provisions of the Land Stewardship Plan as approved by the City.

12.120.040 Removal of Significant Trees. The City strongly discourages the removal of *significant trees* and encourages property owners to take measures to preserve and protect *significant trees*.

- A. The removal of *significant trees* may be approved by the City through the issuance of a Class I Permit, provided that:

1. Applications for the proposed removal of *significant trees* in conjunction with a proposed *development activity* requiring a City permit or approval must be submitted concurrent with the application(s) for the associated *development activity*.
2. The City may require documentation from an arborist that a *significant tree(s)* is dead, dying, or constitutes a hazard that cannot otherwise be mitigated. In order for an arborist to be qualified to give such an assessment the arborist must be an individual with a minimum of 3 years experience in tree evaluation and, where applicable, work directly with the protection of trees during construction along with one of the following qualifiers:

Society of American Foresters (SAF) Certified Forester
American Society of Consulting Arborists (ASCA) Registered Consulting Arborist;
Washington State Registered Landscape Architect; or
International Society of Arborists (ISA) Certified Arborist with an Associate Degree and/or a minimum of 2 years of college-level credit and/or 120 Continuing Education Units.

Additionally, in order to undertake tree risk assessment, a qualified professional must have a Tree Risk Assessor certification as established by the Pacific Northwest Chapter of the International Society of Arboriculture (ISA) or equivalent experience and training.

3. The number of trees proposed to be removed is the minimal number necessary, as determined by the City.
4. *Significant trees* are removed shall be replaced in accordance with City standards.
5. Applicants shall be responsible for all costs associated with the City review of applications, plans, and/or enforcement actions associated with the implementation of this Chapter.

- B. The City may require that an Applicant for a **development activity** that requires a City permit or approval, submit a **significant tree** protection plan for City review and approval which includes the identification of all **significant trees** on site, establishment of tree protection zones, measures to preserve and protect **significant trees** targeted for removal, and plans for replanting trees.. This may include, but is not limited to:
1. Protective measures designed to ensure long-term viability of trees and tree stands, such as:
 - a. Highlighting required tree protection measures on **clearing** and **grading** plans;
 - b. Prohibiting construction activities, including staging and traffic areas within the **root protection zone** of protected trees;
 - c. Locating **structures**, utilities, and roadways an adequate distance from the dripline of a protected tree; and/or
 - d. The installation of temporary or permanent tree protection barriers around root zones of **significant trees** to be protected prior to any land disturbance.
 2. Preventative measures, consistent with **best management practices** for maintaining the health of the trees, such as:
 - a. Pruning of visible deadwood on trees to be protected or relocated;
 - b. Application of fertilizer to enhance the vigor of stressed trees;
 - c. The use of soil amendments and soil aeration in tree protection and planting areas;
 - d. Mulching tree dripline areas; and/or
 - e. Ensuring proper water availability during and immediately after construction.
- C. **Significant trees** may not be approved for removal from a critical area without certification from an arborist that the tree constitutes a threat to public health and safety that cannot be reasonably mitigated.
1. The City may require that a **critical areas** report(s) be prepared in conjunction with the proposed removal of **significant trees**.
- D. **Significant trees** may not be removed from private property in the Urban Forest Zone except:
1. In accordance with the provisions of a Significant Tree or Forest Protection Management Plan approved by the City; or

2. In conjunction with a building permit for a single family residence, provided that:
 - a. The number of trees proposed for removal is the minimum necessary for the construction of the single family residence, as determined by the City;

12.120.040 Replacement of Significant Trees. *Significant trees* approved for removal must be replaced in accordance with the following standards unless specifically exempted:

A. Replacement standards:

1. Dead, dying, or hazardous *significant trees*: 1 new on-site tree or 2 new off-site trees for each *significant tree* removed.
2. *Significant trees* removed in conjunction with an approved development activity: 2 new on-site trees or 4 new off-site trees for each tree removed.
3. The removal of *significant trees* that do not meet the criteria for dead, dying, or hazardous trees and are not proposed in conjunction with a development activity requiring a City permit or approval: 3 new on-site trees or 6 new off-site trees for each tree removed.
4. The unauthorized removal of *significant trees*: 4 new on-site trees or 8 new off-site trees for each tree removed.

B. The planting of replacement trees shall be in accordance with a plan approved by the City and shall comply with the following standards:

1. Replacement trees shall be planted to enhance and complement existing vegetation and environmental functions;
2. Replacement trees should be protected within vegetated islands and stands rather than as individual, isolated trees scattered throughout the site;
3. Replacement trees shall be planted in locations appropriate to the species' growth habit and horticultural requirements;
4. Replacement trees shall be located to provide screening of the *development* from adjacent properties, where appropriate;
6. Replacement trees shall be planted in areas that connect or are adjacent to native growth protection areas or other *open spaces*, where appropriate;
7. Replacement trees shall be integrated into the required landscape plans for a *development*; and
8. Replacement trees should not be planted next to or under power lines.
9. All proposed off site locations shall be approved by the City.

C. Size, Species and Condition of Replacement Trees.

1. The minimum sizes for replacement trees shall be 2 inch caliper measured at 4.5 feet in height for deciduous trees and 8 feet in height for evergreen trees.
 2. The Planning Official may consider smaller-sized replacement trees if the Applicant can demonstrate that smaller trees are more suited to the species, site conditions, and to the purposes of this section, and are planted in sufficient quantities to meet the intent of this section.
 3. The Planning Official may require that a portion or all of the replacement trees be native species in order to restore or enhance the site to *pre-development* character.
 4. The condition of replacement trees shall meet or exceed current American Nursery and Landscape Association or equivalent organization's standards for nursery stock.
 5. Installation of required replacement trees shall be in accordance with *best management practices* for landscaping which ensure the tree's long-term health and survival.
 6. All required tree replacement and other required *mitigation* shall be completed prior to issuance of final site plan, *plat* approval, or final permit approval unless approved by the City and bonded in a format approved by the City.
- E. The payment of a voluntary fee in lieu of tree replacement may be allowed, subject to City approval.
1. The amount of the fee shall cover the cost of a tree, installation (labor and equipment), maintenance for 2 years, and fund administration. Such cost shall be determined by the City.
 2. The fee shall be paid to the City prior to final site plan or final plat approval, or the issuance of a tree removal permit or letter, whichever applies.
- F. Where appropriate, the City may consider other measures designed to mitigate the loss of *significant trees* by restoring all or parts of the forest landscape and its associated benefits. Mitigating measures in lieu of tree replacement may include, but are not limited to:
1. Creation of wildlife snags from trees which would otherwise be removed;
 2. Replacement of certain ornamental trees with native shrubs and groundcover;
 3. Replacement of dying or hazardous trees with new trees more likely to survive;
 4. Day-lighting and *restoration* of *stream* corridors with *native vegetation*;

5. Protection of non-significant trees to provide for the successional stages of forest ***development***; and/or
6. Enhancement of ***critical areas***.

**Chapter 12.130
Parking and Loading**

Sections:

- 12.130.010 Purpose.**
- 12.130.010 Parking and Loading Requirements.**
- 12.130.020 Parking and Loading Standards.**

12.130.010 Purpose.

- A. The parking standards set out in this Chapter are intended to :
1. Protect the historic character of the community;
 2. Promote the preservation and use of historic properties;
 3. Maintain a pedestrian friendly environment;
 4. Assure adequate off-street parking;
 5. Effectively utilize on-street parking resources;
 6. Promote small scale dispersed parking lots;
 7. Promote the use of public property for public parking;
 8. Provide parking opportunities for larger trucks and trailers;
 9. Reduce the visual impact of parking lots;
 10. Increase traffic safety;
 11. Maintain smooth traffic flow;
 12. Provide safe opportunities for unloading delivery trucks;
 13. Promote the use of alleys for parking and loading; and
 14. Minimize the potential for conflicts among property and business owners.

12.130.020 Parking and Loading Requirements.

- A. All new residential uses, changes of residential uses, or expansions of existing residential uses or structures shall provide off-street parking in accordance with the following requirements:

1. Single family dwelling, two spaces;
 2. Multi-family dwelling units, one and one-half space for each dwelling unit;
 - 3.
 4. Accessory dwelling units see Chapter 12.140.
 5. Home businesses see Chapter 12.140.
 6. For all other residential uses the parking requirements shall be determined based on a parking plan prepared by the Project Sponsor and submitted for City review and approval in accordance with the provisions of this Chapter.
- B. All new non-residential uses and structures, changes of non-residential uses, or expansions of existing non-residential uses or structures, shall provide sufficient off-street parking to meet the needs of employees, visitors, customers, and clients. The parking requirements shall be determined based on a parking plan prepared by the Project Sponsor and submitted for City review and approval. This parking plan shall document the projected parking needs of the use including, but not limited to the approved building occupancy, projected trip generation estimates, the needs and experiences of similar facilities, and the standards for similar facilities contained in the most recent edition of the *Institute of Transportation Engineers (ITE) Trip and Parking Generation Manual* or similar manual approved by the City, and the availability of nearby on-street or shared parking, provided that:
1. Project Sponsors are encouraged to explore opportunities for shared parking;
 2. Upon adoption of an appropriate off-street parking fee by the City, Project Sponsors may propose to make voluntary payments in lieu of providing off-street parking, subject to City approval;
 3. Proposed uses and activities that exceed SEPA threshold requirements may be required to prepare a more extensive parking analysis; and
 4. The parking requirements for uses of buildings on the Roslyn Register of Historic Places may be modified or reduced based on a finding that the building and the proposed activity complies with the provisions of RMC 12.60 Historic Design Review.
 5. Following the adoption of standards to guide the construction of historically accurate replications, the parking requirements for buildings certified by the City as meeting these standards may be modified or reduced.
- C. All new non-residential uses and structures, changes of non-residential uses, or expansions of existing non-residential uses or structures, requiring frequent loading or unloading from trucks or other large vehicles, as determined by the City, shall prepare and submit for City review and approval a Loading and Delivery Plan that identifies

the proposed location of deliveries and measures to ensure pedestrian and traffic safety, emergency vehicle access, and that cars, driveways, or businesses are not unreasonably blocked.

12.130.030 Parking and Loading Standards.

A. The following provisions apply to all parking and loading facilities:

1. The design elements identified in the *City of Roslyn Standards and Guidelines for the Preservation, Rehabilitation, Restoration, and Reconstruction of Historic Properties*.
 - a. This includes, but is not limited to the orientation of garage doors and driveways towards alleys in accordance with the provisions of RMC 12.50.030 A 5.
2. The off-street parking and loading facilities required by this Chapter shall be provided as a part of any addition to the floor area of a structure or change in use. Required facilities shall be provided before the occupancy of any new or enlarged structure.
3. Required off-street parking spaces shall provide vehicle parking only for residents, customers, patrons, and employees. Off-street parking areas shall not be used for storage of materials in commercial and light industrial zones, or for the sale, repair or servicing of any vehicle.
4. Any area once designated for required off-street parking shall not be used for other purposes until equal facilities are provided elsewhere or the use of the property is changed to a new use requiring less off-street parking.
5. All parking required by this Title shall be installed prior to occupancy or commencement of use. No permanent Certificate of Occupancy shall be issued until all required parking improvements are completed.
6. Lighting of parking facilities and loading areas shall be hooded and arranged to reflect away from adjoining properties and streets.

B. The following rules shall apply in the determination of the number of required off-street parking spaces:

1. If the number of off-street parking spaces contains a fraction, such number shall be rounded up to the next higher whole number.
2. When different uses occupy a single structure or lot, the total required parking spaces shall be the sum of the required parking spaces required for each of the individual uses.

3. Owners of two or more uses, structures, or parcels of land within three hundred feet of each other may share the same parking or loading areas when the hours of operation do not overlap. The required number of spaces shall be computed from the use or uses requiring the greatest number of parking spaces during any one time period. Whenever shared parking is allowed under this section, the parking lot shall be signed so as to reasonably notify the public of the availability of use.
 4. Parking spaces in tandem, having a single means of ingress and egress, shall not be counted as two off-street parking spaces except for one-family or two family dwellings where tandem parking may be allowed.
- C. Off-street facilities shall be located according to the following, unless otherwise approved by the City:
1. For single and multi-family dwellings, parking facilities shall be located on the same lot or building site as the buildings they are required to serve;
 2. For hospitals, convalescents, nursing or rest homes, parking facilities shall be located not more than one hundred fifty feet from the buildings they are required to serve and be part of the same property;
 3. For uses other than those specified in this section, parking facilities shall not be located over three hundred feet from the buildings they are required to service, and shall be subject to a shared parking agreement approved by the City; and
 4. Groups of five or more parking spaces shall be served by a driveway so that no vehicle backing or maneuvering movement will occur within a public right-of-way other than alley.
 5. Off-street parking may not be located in required front yard setbacks unless there is no other practical alternative as determined by the City.
- D. Every new parking lot or portion thereof and associated driveways used for a public or private parking lot shall be designed and constructed in the following manner:
- 1.
 2. All parking facilities and associated driveways shall be designed and constructed in accordance with City standards.
- E. Off-street loading and unloading spaces shall be designed and constructed in the following manner:
1. The required loading space shall be of adequate size to accommodate the maximum number and size of vehicles simultaneously loading or unloading at the structure. Each off-street loading space shall have the minimum dimensions of twelve feet in width and twenty-five feet in length;
 2. Required off-street loading and related maneuvering space shall be located only on or abutting the property served. No part of any vehicle using the loading space

shall project into the right-of-way of public thoroughfare; and

3. All loading spaces and associated driveways shall be designed and constructed in accordance with City standards.
- F. The following conditions shall apply to all existing buildings and uses with non-conforming parking:
1. Any use which is non-conforming in terms of required off-street parking and/or loading facilities may continue to operate, provided that the number of existing off-street parking spaces shall not be reduced.
 2. When an existing structure with non-conforming parking and/or loading is expanded, and additional parking/loading is required, the additional facilities shall be provided to bring the building or use into compliance.
 3. Uses within structures in the commercial and light industrial zone may be added or changed without the requirements of additional off-street parking/loading facilities. However, when new floor area is added to any structure in these zones, off-street parking/loading facilities (computed only for the floor area being added) shall be provided.
 4. When the use of an existing lot or structure with non-conforming parking is changed to another use, the nonconformity shall cease and the new use shall provide all the required off-street parking in accordance with the provisions of this Chapter, except as may be authorized pursuant variance.
- G. Handicapped parking shall be provided in accordance with applicable state laws.

Chapter 12.140 Accessory Uses

Sections:

- 12.140.010 Purpose.
- 12.140.020 Home Businesses.
- 12.140.030 Accessory Dwelling Units.
- 12.140.040 Vacation Rentals.
- 12.140.050 Tent Structures.

12.140.010. Purpose. The purpose of this Chapter is to establish standards to govern *uses* that are accessory to the primary *use* of a *structure* or property.

- A. *Accessory uses* shall not create a *nuisance* in the area that they are located such as noise, dust, unsightly appearance, or threaten the air or water quality, or present the potential to adversely affect the health and welfare of the City, and shall be consistent with the requirements of the zoning district in which they are located.
- B. In addition to the provisions of this Chapter, accessory *uses* must comply with all other applicable provisions of this Title and the Roslyn Municipal Code as determined by the City.

12.140.020. Home Businesses. *Home businesses* are limited to those *uses* which may be conducted wholly within the principal residence (the home) without in any way changing the appearance or the residential nature of the area. The *home business* is intended to be subordinate and incidental to the *use* of the dwelling as a residence and must comply with all applicable regulations and the provisions of this Chapter.

- A. Eligible Uses: The following is not an all inclusive list but denotes typical *uses* which by their nature may be compatible with the character of residential neighborhoods in Roslyn, and shall be eligible for classification as a *home business*. The *uses* listed below are also a guideline for discerning other types of *uses* which may be appropriate.
 1. Artist Studio and gallery;
 2. Barber shops or beauty salons with only one chair;
 3. Counseling and social services;
 4. Private classes and exercise studios;
 5. Professional Offices;
 6. Professional and technical services; and

7. Retail businesses.
- B. Ineligible *Uses*: The following is not an all inclusive list but denotes typical *uses* which by their nature have a tendency to expand beyond the limits of a *home business* or to otherwise impair the character of residential neighborhoods in Roslyn , and shall be ineligible for classification as a *home business*. The *uses* listed below are also a guideline for discerning other types of *uses* which are inappropriate.
1. Appliance, radio and/or television repair;
 2. Auto, motorcycle or engine repair;
 3. Barber or beauty shops or salons with more than one chair;
 4. Gymnasiums and weight lifting facilities;
 5. Painting of vehicles;
 - 6.
 7. Kennels; and/or
 8. Uses that generate noise during evenings and weekends at levels that is disruptive to the normal use and enjoyment of neighboring residences, as determined by the City.
- C. *Home businesses* may be permitted as an *accessory use* to a single or *multi-family* residence, provided that:
1. A *home business* shall be conducted only by immediate family members residing in the dwelling.
 2. All *home businesses* must apply for, receive, and maintain in good standing a City business license.
 3. A *home business* shall not occupy a space larger than 35% of the total floor area of the dwelling.
 4. There shall be no change in the exterior appearance of the *building* in which the *home business* is conducted, nor other visible evidence of conduct of such *home occupation*.
 - a. No window displays shall be allowed.
 - b. An on-site identification sign may be permitted which meets the requirement of the underlying zone district may be permitted.
 - c. *Accessory structures* utilized for *home business* purposes must comply with

the requirements of Chapter 12.50 Architectural Design Review or 12.60 Historic Register Design Review, as appropriate, and the provisions of the International Building Code as adopted by the City.

5. No *home business* shall be conducted in any manner which would cause the premises to differ from its residential character or create a *nuisance*, including but not limited to use or creation of colors, materials, construction, lighting, noises, fumes, odors, glare, electrical or audio-visual interference, dust, smoke or vibrations.
6. No *home business* shall generate vehicular or non-vehicular traffic that disturbs or unreasonably interferes or inconveniences nearby residences, as determined by the City.
7. All parking required by a *home business* shall be provided in a manner that is compatible with the character of the neighborhood.
 - a. Based on the nature of the proposed *home business*, the City may require that the Applicant submit a parking plan for City review and approval in accordance with the provisions of Chapter 12.130 Parking and Loading.
8. There shall be no outside storage or display of any kind related to the *home business*.
9. Retail sales may only be permitted in a *home business* in accordance with the requirements of this Chapter and all applicable regulations in the Roslyn Municipal Code, and the following provisions:
 - a. The sale of arts, crafts, or products made by immediate family members residing in the dwelling may be permitted.
 - b. The retail sales activity is clearly subordinate, secondary, and/or incidental to the principal activity of the *home business*.

12.140.030 Accessory Dwelling Units. The purpose of this section is to regulate the establishment of *accessory dwelling units* within or in conjunction with single-family dwellings while preserving the character of single-family neighborhoods in order to implement the policy provisions of the City's Comprehensive Plan by providing for the *use* and location of *accessory dwelling units* to provide for a more diverse and affordable housing stock while maintaining that the design be consistent with the historic character and *development* pattern of the community historical neighborhood quality. It is also the purpose of this chapter to provide owners of single family *dwelling units* with a means of obtaining rental income, companionship, and services through tenants in either the *accessory dwelling unit* or the principal *dwelling unit*.

- A. Applications for *accessory dwelling units* shall be processed a Class 1 permit, subject to the following conditions:
 1. A *lot* may have no more than one (1) *accessory dwelling unit*.

- a. A property may not have both an **accessory dwelling unit** and a conditional use.
 - b. An **accessory dwelling unit** shall not be permitted on a **non-conforming lot**.
2. One (1) of the **dwelling units** shall be occupied by one (1) or more owners of the property as the owner's primary permanent and principal residence and any rental of the **dwelling unit** that is not owner occupied must be a long term rental of at least sixty (60) days. A principal or **accessory dwelling unit** is occupied by the property owner if the owner maintains residency in one of the units for at least 6 months out of the year, and at no time receives rent for, or otherwise allows to be occupied, the owner-occupied unit if absent for the remainder of the year. Falsely certifying owner **occupancy** shall be considered a violation of the provisions of this section.
- B. An Applicant must submit an affidavit, in a format approved by the City, signed by the property owner before a notary public, affirming that the owner occupies either the main building or the **accessory dwelling unit** for more than six months of the year. Verification may include submittal of federal tax records indicating property as a primary residence and voter registration.
1. Upon sale of the property, the new owner shall be required to sign a new affidavit and to register the **ADU**, paying a reauthorization fee in accordance with the City Fee Schedule.
- C. The applicant must have owned the property for at least six (6) months prior to filing an application for an **ADU** permit.
- D. Proposed sites for **accessory dwelling units** must comply with the following:
1. Maximum lot coverage including all **structures** on the property is sixty (60) percent. The maximum lot coverage may not be exceeded by addition of an **ADU**.
 2. **Setback** requirements of the underlying zone apply.
 3. Detached **ADUs** must be located to the rear of the main residential **structure**, or in accordance with development regulations and surrounding properties.
 4. One (1) additional, off-street parking space is required in a manner that is compatible with the character of the neighborhood and must be maintained for year round access.
 5. **ADUs** shall not be subdivided or otherwise segregated in ownership from the primary **dwelling unit**.
- E. Standards for all **ADUs**:

1. Living space for the *ADU* must total at least two hundred twenty (220) square feet and is not to exceed one thousand (1,000) square feet.
2. The *ADU* shall also not exceed the square footage of the other *dwelling unit*.
3. A maximum of two (2) bedrooms are allowed.

F. Building characteristics for detached *ADUs*:

1. All *ADU*'s must comply with RMC Chapter 12.50 Architectural Design Standards or RMC Chapter 12.60 Historic Register Design Standards if applicable.
2. *ADU*'s shall not exceed the *height* of the primary *structure*.
3. The location of windows shall take into account the privacy of adjacent homes.
4. Siding and landscaping shall be used to minimize the visual appearance of the *ADU*.

G. *ADU*'s shall be permitted through the issuance of a Certificate of Zoning Compliance which is a Class 1 permit. Failure to comply with the terms and conditions of approval and/or to maintain a City Business License in good standing may result in the revocation of permits and approvals for the *ADU* and/or civil penalties for non-compliance with the City's Development Regulations.

H. Inspection. After receipt of a complete application and prior to final approval of an *accessory dwelling unit* permit, the City shall inspect the property to confirm that the *accessory dwelling unit* meets all requirements of this Chapter and other applicable codes or regulations.

I. Recording and Covenant Requirements. Approval of an *ADU* permit shall be subject to the Applicant recording a property covenant in a form approved by the City with the Kittitas County Auditor's Office. The covenant shall run with the land and bind all current and future property owners, and the owner's assigns, beneficiaries and heirs. A copy of the recorded information shall be returned to the Planning Official within ten (10) days of recording. A final inspection will not be granted and a Certificate of Occupancy may not be approved without a copy of the information recorded with the Kittitas County Auditor's Office. The recorded information shall:

1. Identify the address of the property;
2. Identify the owner(s) and state that the owner(s) resides in either the principal *dwelling unit* or the *ADU* and that the existence of the *accessory dwelling unit* is predicated upon the *occupancy* of either the *accessory dwelling unit* or the primary dwelling by the current owner of the property;

3. Include a statement that there is a signed affidavit on file with the City meeting the requirements of this Chapter;
 4. Include a statement that the owner(s) shall notify any prospective purchasers of the limitations of this Chapter and an agreement to provide for the removal of improvements added to convert the premises to an **accessory dwelling unit** and the **restoration** of the site to a single-family dwelling in the event that the requirements of this Chapter or any condition of approval are violated.
 5. Provide for the removal of the **ADU** if any of the requirements of this Title are violated.
- J. Enforcement. The City shall retain the right to inspect the **accessory dwelling unit**, at any reasonable time and with reasonable advance notice, for compliance with this Chapter.
- K. Grandfathering of Existing Dwellings.
1. If an **ADU** was created without being part of a project for which a building permit was finalized, the City shall require a building inspection to determine if the **structure** is sound, will not pose a hazard to people or property, and meets the requirements of this section and **building code**. The **ADU** inspection fee, as set by resolution of the City Council, will cover the building inspection of the **ADU**.
- L. Reinstating an **ADU**. The owner of a **building** in which an **ADU** previously existed and was removed, may reinstate an **ADU** provided the City determines through a building inspection that the **ADU** is sound, does not pose a hazard to people or property, and meets the requirements of this chapter and the **building code**. The **ADU** inspection fee will cover the building inspection of the **ADU**.
- M. Annual **ADU** Report to City Council. The Planning Official shall report annually to the City Council on the number of **ADU**'s and their distribution throughout the City, the average size of units, and the number and type of complaint and enforcement-related actions.
- N. Civil penalties for unauthorized In addition to any other sanction or remedial procedure that may be available, the following penalties apply to any owner of a single family **dwelling unit** with one (1) or more unauthorized **dwelling units** in a detached **accessory structure**. Any owner of a single-family **dwelling unit** who is issued a Notice of Violation for an unauthorized **dwelling unit** that is not a legally conforming **use** is subject to a civil penalty as established by resolution of the Roslyn City Council. This penalty shall be reduced by ninety (90) percent if, prior to the compliance date stated on the Notice, the owner removes all unauthorized **dwelling units** or discontinues the unauthorized use. Any owner of a single family **dwelling unit** who voluntarily applies to legalize an **accessory dwelling unit** prior to issuance of a Notice of Violation for an unauthorized **dwelling unit**, and obtains final inspection approval for the unit within one (1) year of issuance of permit, shall not

be subject to a civil penalty.

- O. After discovery of the existence of an unauthorized detached *accessory dwelling unit*, the City shall notify the property owner that a Certificate of Zoning Compliance is required. Upon evidence of cooperation of the property owner, the City may waive the fees and penalties and provide a reasonable period of time to bring the *ADU* into compliance and to secure the required permits and approval. The lack of cooperation and/or the failure to bring the *ADU* into compliance in a timely manner as determined by the City may result in the issuance of a Notice of Violation, which shall impose the civil penalty and notify the owner of the date by which action to remove, discontinue or legally establish the unauthorized unit must be completed in order to avoid additional penalty. Failure to complete the required action by the stated date shall be a further violation of the Development Regulations.

12.140.040 Vacation Rentals

A. Purpose. The purpose of this Section is to establish the standards under which dwelling units may be rented for a short term or vacation use not to exceed thirty days.

B. Applicability. Applications for a Vacation Rental Permit shall be processed as a Class 1 application. Owners of vacation rentals must also apply for, receive, and maintain in good standing at all times a City Business License, which shall include a Certificate of Zoning Compliance. Failure to receive the required permits or to be in compliance at all times may result in the suspension or revocation of approval and/or civil or criminal penalties.

1. A separate business license shall be required for each vacation rental provided that a property owner may designate an agent to manage the vacation rental(s) on his/her behalf.

C. Conditions of Approval. At a minimum, all vacation rentals must comply with all City Codes and ordinances, as well as the following conditions, and any additional conditions that may be imposed as a condition of approval by the City:

1. The Property Owner or his/her designee shall maintain on file at City Hall an up-to-date Property Management Plan, approved by the City, that identifies the property owner and agents authorized to act on the property owners behalf, includes emergency contact information, and that identifies how the Property Owner will enforce compliance with the terms and conditions of approval.

- a. An up-to-date copy shall also be provided by the Property Owner or his/her designee to all property owners within 100' of the site on which the vacation rental is located.

2. The Property Owner or his/her designee shall maintain on file at City Hall, an up-to-date Site Plan, approved by the City, that identifies the location of

required off-street parking, refuse and recycling facilities, emergency shut-offs, and on-site amenities.

3. The Property Owner or his/her designee shall maintain on file at City Hall, an up-to-date certificate of inspection documenting that the facility complies with the provisions for transient accommodations in the International Building Code as adopted by the City of Roslyn.
 - a. It shall be the responsibility of the Property Owner or his/her designee to schedule and pass an annual safety inspection.
 - b. The maximum capacity for overnight guests shall be established in accordance with the provisions of the International Building Code as approved by the City.
4. It shall be the responsibility of the Property Owner or his/her designee to ensure that users of vacation rentals and any guests shall comply at all times with the terms and conditions of approval and the provisions of the Roslyn Municipal Code.
 - a. It shall be the responsibility of the Property Owner or his/her designee and his/her authorized agents to promptly investigate and appropriately respond to complaints. The failure to respond in a timely manner or repeated complaints may result in the suspension or revocation of approval and/or civil or criminal penalties.
5. The Property Owner or his/her designee shall provide such financial guarantees or deposits as may be required by the City to ensure full compliance with the conditions of approval. The City may utilize such deposits to offset the costs associated with responding to complaints for non-compliance.
6. The Property Owner or his/her designee shall maintain on file at City Hall an up to date Certificate of Insurance documenting that the facility is insured as a vacation rental.
7. The Property Owner or his/her designee shall be responsible for the collection and payment of all required taxes, fees, and charges and shall provide the City with annual documentation in a format prescribed by the City of full compliance.
 - a. This shall include documentation of all nights the facility was used a vacation rental.

12.140.050 Tent Structures. Tent structures made of fabric or other flexible material and exceeding 120 square feet may be erected for no more than 30 days in any single year, except by conditional use permit.

Chapter 12.150 Subdivisions

Sections:

- 12.150.010 Purpose.
- 12.150.020 Applicability.
- 12.150.030 Procedures.
- 12.150.040 Standards.
- 12.150.050 Preliminary Plats and Short Plats.
- 12.150.060 Final Plats.
- 12.150.070 Subdivision Vacations.
- 12.150.080 Subdivision Alterations.
- 12.150.090 Final Subdivision and Short Subdivision Corrections.
- 12.150.100 Improvements.
- 12.150.110 Surety.
- 12.150.120 Enforcement.
- 12.150.130 Lot Line Adjustments.
- 12.150.140 Binding Site Plans.

12.150.010 Purpose. The purpose of this Chapter is to establish the standards and procedures for the creation of new *lots* and alterations to existing *lots*. No division of land shall be made within the City, except in full compliance with the provisions of this Title.

12.150.020 Applicability. The provisions of this Chapter shall apply to all subdivisions of land unless specifically noted.

- A. Pursuant to RCW 58.17.040, the provisions of this Title shall not apply to:
1. Cemeteries and other burial plots, while used for that purpose;
 2. Any division made by testamentary provisions or the laws of descent;
 3. A division for the purpose of lease when no residential *structure* other than *mobile homes* or *travel trailers* are permitted to be placed upon the land when a binding site plan for the *use* of the land has been approved;
 4. A division made solely for the purpose of adjusting boundary lines.
 5. Divisions created by action of public bodies not for the purpose of future sale or lease, including:
 - a. Acquisitions through negotiation or condemnation of fractional parts of land by public bodies for the purpose of future public use as public highways or public utility facilities; and
 - b. Annexations and land vacations accomplished pursuant to and in accordance

with all pertinent state and local laws governing same.

12.150.030 Procedures.

- A. *Lot* line adjustments shall be processed as a Class 1 permit.
- B. *Short Plats or subdivisions* involving four *lots* or less shall be processed as a Class 2 permit.
- C. *Long plats or subdivisions* involving 5 or more *lots* shall be processed as a Class 3 permit.

12.150.40 Standards.

- A. All newly created *lots* and alterations to existing *lots* shall conform to the following standards:
 - 1. The minimum size of lots in the Residential Zone shall be 6,500 sq. ft.
 - 2. The minimum size of lots in the Urban Forest Overlay shall be twenty acres.

12.150.050 Preliminary Plats and Short Plats.

- A. Each proposed subdivision or short subdivision shall be reviewed to ensure that:
 - 1. The proposal conforms to the goals, policies and plans set forth in the Roslyn Comprehensive Plan;
 - 2. The proposal conforms to the site and design requirements set forth in this Title. No final subdivision or short subdivision shall be approved unless the requirements are met.
 - 3. The proposed street system and pedestrian system conform to the Roslyn Comprehensive Plan, the Architectural Design Review Standards in this Title and the Public Works Development Design Standards as adopted by the City, and is laid out in such a manner as to provide for the safe, orderly and efficient circulation of vehicular and pedestrian traffic;
 - 4. The proposed subdivision or short subdivision will be adequately served with City approved water and sewer, and other utilities appropriate to the nature of the subdivision or short subdivision;
 - a. The City may require as a condition of approval that any existing *lots* or *structures* currently served by a septic system connect to the City sewer system.
 - 5. The layout of *lots*, and their size and dimensions, takes into account topography and vegetation on the site in order that *buildings* may be reasonably sited, and

that the least disruption of the site, topography and vegetation will result from *development* of the *lots*;

6. Identified hazards and limitations to *development* have been considered in the design of streets and *lot* layout to assure street and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected.
- B. The Planning and Historic Preservation Commission shall consider agency reports, public testimony and all other relevant facts and consider whether the proposed subdivision makes appropriate provisions for public health, safety and general welfare and for such *open spaces*, drainage ways, streets, alleys, other public ways, water supplies, sanitary wastes, parks, playgrounds, sites for schools and school grounds, and whether the public use and interest will be served platting of such subdivision.
- C. Recommended conditions to be fulfilled, if any, after approval of the *preliminary plat* shall be written on the face of the *plat*.
- D. Dedication of land to any public body, or fees paid in lieu thereof, may be required as a condition of subdivision approval and shall be clearly shown on the final plat. A record of the public meeting/public hearing shall be kept by the City and shall be open to public inspection.
- E. Approval of a *preliminary plat* shall not constitute approval of the final plat for record. Rather, it shall be a guide to the preparation of the final plat which shall be submitted for approval of the required officials within two years of the date of *preliminary plat* approval unless extended in accordance with the provisions of this Title.

12.150.060 Final Plats. The final plat shall conform substantially to the preliminary plat, and shall incorporate any conditions or recommendations imposed by the City.

- A. The final plat shall be submitted within five years of the date of *preliminary plat* approval. An Applicant who files a written request with the City at least thirty days before the expiration of this five year period may be granted a three-year extension with two (2) one-year extensions a showing that the Applicant has attempted in good faith to submit the final plat within the five year period.
- B. The City shall review the final plat for conformance to conditions imposed on the approved *preliminary plat*.
- C. The final plat shall be recorded within thirty days following the date of approval of the final plat. If the subdivider fails to file his final plat prior to the expiration of the above time period, he shall resubmit the plat in accordance with the provisions of this Title.
- D. Once a *plat* has been filed with the County Auditor, it shall remain as the official *plat*

covering the land. If a person proposes to alter or vacate the *plat* in whole or in part, the procedures set forth in RCW 58.17 shall be followed.

- E. No building permit shall be issued or approved until such time as the City approves and accepts the final plat for the subdivision and the final plat is recorded with the Kittitas County Auditor.
- F. Inspection of improvements shall be made during construction and after completion of required improvements. Scheduling of inspections shall be the responsibility of the Applicant and shall be coordinated with the appropriate City Staff.
- G. Once property is subdivided in accordance with the short subdivision regulations of this Title, no further division creating more than nine *lots*, tracts, parcels, sites or divisions from the original *short plat* shall be made for a period of five years from the date of recording of the *short plat*, unless a final plat has been approved and filed for record pursuant to the regular plat provisions of this Title.
- H. In the case of a proposed re-division of land within a *short plat* or a *regular plat*, either the short subdivision or regular subdivision provisions or this Chapter and RCW 58.17 shall be complied with dependent upon the number of divisions proposed within the land as defined by this Chapter and/or the period of time that has elapsed since the recording of a prior *short plat*.

12.150.070 Subdivision Vacation.

- A. Any person interested in the vacation of any subdivision or part of a subdivision, or area dedicated for public use shall file an application for subdivision vacation with the City. The application shall set forth the reasons for vacation and shall contain signatures of all parties having an ownership interest in that portion to be vacated. If the subdivision is subject to restrictive covenants which are filed at the time of approval of the subdivision, and the vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation.
- B. Applications for subdivision vacation shall be processed as a Class 3 permit. The decision maker shall conduct a public hearing on the application for a vacation and may approve or deny the application for vacation of the subdivision after determining the public use and interest to be served. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the City, shall be deeded to the City unless the approval authority adopts written findings that the public use would not be served in retaining title to those lands. Title to vacated property shall be governed by RCW 58.17, Plats—Subdivision—Dedications.

12.150.080 Subdivision Alteration.

- A. Any person interested in the alteration of any subdivision, except as provided in

Section 12.150.080, Final subdivision and short subdivision corrections, shall submit an application for the alteration to the City. The application shall contain the signatures of the majority of those persons having an ownership interest of *lots*, tracts, parcels, sites, or divisions in the subject subdivision or portion to be altered and other application submittal materials as required. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration. A new survey shall not be required except for new lines created by the amended *short plat*.

- B. An amended *short plat* shall not increase the number of *lots*, tracts, parcels, sites or divisions into more than nine from the original *short plat* for a period of five years from the date of recording of the original *short plat*, unless a final plat has been approved and filed for record pursuant to the regular plat provisions of this Title.
- C. Alterations shall be reviewed for consistency with this Chapter and the regulations of this Title.
- D. If an alteration is approved, the Applicant shall submit to the City a revised drawing of the approved alteration of the subdivision, which after signature of the decision-maker, shall be filed by the Applicant with Kittitas County. The revised drawing shall be surveyed and prepared by a Washington State licensed land surveyor.

12.150.090 Final Subdivision and Short Subdivision Corrections.

- A. Public Dedication—Not Involved. Amendments, alterations, modifications, and changes to recorded final subdivisions and short subdivisions not involving a public dedication shall be accomplished only by one of the following methods:
 - 1. File a new subdivision for the *lots* in question by following the full subdivision procedures of this Chapter; or
 - 2. File a short subdivision for *lots* in question by following the procedures of this Chapter; provided, that short subdivisions occurring in final subdivisions approved under the provisions of the Roslyn Municipal Code do not exceed the density allowed under the zoning existing at the time the original subdivision was approved, or are not inconsistent with other provisions of the subdivisions; or
 - 3. File a minor modification or *lot* line adjustment. This method may be used to correct or adjust short subdivisions or final subdivisions, provided the proposed changes are minor and do not create buildable *lots*. This method may be used to consolidate two or more existing *lots*. A final subdivision or short subdivision mylar shall be filed with the normal and required signature attachments and a cross-reference to the original final or short subdivision and fees as set out by resolution. Normal and required signatures shall mean only the signatures of owners of *lots* affected by a minor modification or *lot* line adjustment.

- a. Minor errors not involving a change in lines may be corrected by the surveyor upon approval of the Planning and Historic Preservation Commission by recording an affidavit with the County Auditor specifically referencing the **short plat** by number and the correction.

B. Public Dedication—Involved. Amendments, alterations, modifications and changes to recorded final subdivisions and short subdivisions involving a public dedication shall be accomplished by following the procedures of Section 12.150.060, Subdivision vacation, or Section 12.150.070, Subdivision alterations.

12.150.100 Improvements. The City may require the formation of a maintenance corporation charged with the responsibility of construction and maintenance of the streets and other common facilities in the proposed subdivision.

12.150.110 Surety. In lieu of the completion of the actual construction of any required improvements prior to the approval of a final plat, the City may accept a bond in an amount and with surety and conditions satisfactory to the City Council, or other secure method, providing for and securing to the City the actual construction and installation of all improvements within a time period specified by the City expressed in said surety. In addition, an agreement, bonds, or other security may be required by the City securing to the City the successful operation and maintenance of the improvements for up to two years after final plat approval.

12.150.120 Enforcement. The following actions are violations of this Title and shall be subject to enforcement actions which may include civil and criminal penalties.

- A. No building permit, septic tank permit, access/approach permit, or other **development** permit shall be issued for, or physical **development** or change be undertaken or permitted on divisions subject to this ordinance and/or RCW 58.17 without compliance with the respective provision thereof.
- B. No person, firm, corporation, association or agent thereof shall transfer, sell or lease, either by deed or contract, any land subject to the requirements of **short plat** approval until a **short plat** has been approved and filed. Any person who violates any of the **short plat** provisions of this Title shall be guilty of a misdemeanor and shall be punished by a fine in accordance with the provisions of the City fee schedule. Each day such violation continues shall be considered a separate offense.

12.150.130 Lot Line Adjustments. This Section shall not apply to divisions and activities described in RCW 58.17.040; provided that in order to determine whether a boundary line adjustment meets the requirements for an exempt action, approval must be received from the City as set forth in Section 12.150.120.

- A. A **lot** line adjustment is a mechanism by which the City may approve the alteration of **lot** lines between legally created lots, where such an adjustment does not create any additional **lot**, tract, parcel, site, or division nor create **lots** which are nonconforming or more nonconforming than exists.

- B. The Planning Official may approve an application for a *lot* line adjustment provided the following criteria are met:
1. The proposed adjustment shall meet the exemption requirements provided in RCW 58.17.040(6);
 2. The *lot* line adjustment shall not result in the creation of any additional tract, lot, parcel, site or division;
 3. The property being transferred within the *lot* line adjustment shall be combined with the benefiting parcel and shall not be a separate parcel, which could be mistaken as a separate and distinct, conveyable tract without proper research;
 4. The lots, tracts, or parcels resulting after the *lot* line adjustment shall meet all dimensional requirements specified for the applicable zone as outlined in this Title;
 5. All *lots* modified by the *lot* line adjustment procedures shall have legal access meeting the standards of the City of Roslyn;
 6. The *lot* line adjustment shall not violate an applicable requirement or condition of a previous land use action, subdivision, short subdivision or binding site plan;
 7. All *lot* line adjustments shall be recorded surveys consistent with the requirements of Chapter 58.09 RCW and Chapter 332-130 WAC. All *lot* lines being adjusted shall be surveyed, and newly established *lot* corners shall be staked.

12.150.140 Binding Site Plans.

- A. Applicability. The following proposed divisions of land shall be governed by the provisions of this section:
1. A division of land for the purpose of lease or sale of *lots* or tracts for industrial or commercial purposes upon which more than one principal *building* is to be constructed upon one *lot* of record; and
 2. A division of land which is to be developed for residential condominiums, both single-family attached and single-family detached, pursuant to Chapter 64.32 RCW.
- B. Review and Decision.
1. Binding Site Plan applications shall be reviewed in accordance with the process set out for Class 3 permit applications.
 2. The proposed binding site plan shall be reviewed according to the site plan

criteria set forth in Chapter 12.50, Architectural Design Review, and applicable codes and regulations set forth in this Title. The decision shall be consistent with the zoning, subdivision, building or other applicable city ordinances, state and federal law, and the criteria set forth in this section.

3. All **development** shall be in conformity with the approved binding site plan and any existing or subsequent applicable permit approval. Each binding site plan document shall reference the requirement for compliance with any existing or subsequent permit approval.
 4. Final approval must be acquired within 5 years of preliminary approval, after which time the preliminary binding site plan approval is void. The decision maker may grant an extension for 1 year if the applicant has attempted in good faith to submit the final binding site plan within the 5 year time period; provided, however, the applicant must file a written request with the original decision maker requesting the extension at least 30 days before expiration of the 5 year period.
- C. After preliminary approval of the binding site plan, the **Project Sponsor** shall submit construction drawings and documentation that all conditions of approval have been met. Requests for final binding site plan approval shall be processed as a Class 1 permit.
 - D. The final binding site plan shall be recorded with the County Department of Records and Elections within 90 days of approval. Upon recording, the site plan shall be binding on the owner and the owner's heirs, successors and assigns.
 - E. Prior to the issuance of any building permit for construction upon land subject to an approved final binding site plan, that portion of the land for which the building permit is sought must be legally described.
 - F. All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any **lot**, parcel, or tract created pursuant to the binding site plan.
 - G. Any sale, transfer, or lease of any **lot**, tract, or parcel created pursuant to the binding site plan, that does not conform to the requirements of the binding site plan or without binding site plan approval, shall be considered a violation of Chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in Chapter 58.17 RCW.
 - H. Amendment of a recorded binding site improvement plan shall be accomplished by following the same process as required for a new application, as set forth in this section.
 - I. Alterations to recorded binding site plans shall be accomplished by following the same process and criteria as RMC 12.150.070.
 - J. Modifications to approved preliminary binding site plans shall be accomplished by

following the same process and criteria as RMC 12.150.080.

Chapter 12.160 Master Planned Developments

Sections:

12.160.010	Purpose.
12.160.020	Unique Community Asset Defined.
12.160.030	Applicability.
12.160.040	Administration.
12.160.050	Minimum Requirements.
12.160.060	Public Participation Requirements.
12.160.070	Approval of Master Planned Development.
12.160.080	Appeal.
12.160.090	Permitted Uses.
12.160.100	Consolidated Review.
12.160.110	Modification to Master Planned Development.
12.160.120	Development Standards.
12.160.130	Cost Recovery.
12.160.140	Development Agreements.

12.160.010 Purpose. The purpose of the Master Planned Development (“MPD”) Overlay Zone is to establish a master planning process to guide the public review and approval of proposed *development activities* in areas designated by the Roslyn City Council in the Roslyn Comprehensive Plan as a Unique Community Asset.

12.160.020 Unique Community Asset Defined. A Unique Community Asset is a parcel or contiguous parcels, under common ownership or control, located solely within the City’s municipal boundaries, designated by the City Council as a Unique Community Asset based on a finding that the site has unique historic attributes or characteristics, contains or is adjacent to environmentally sensitive areas, and is located near or adjacent to public facilities, such as public trails.

12.160.030 Applicability. The provisions of this Chapter shall be applicable only to parcels designated by the City Council as a Unique Community Asset.

12.160.040 Administration. As an alternative to developing parcel(s) pursuant to other Chapters of the Roslyn City Code and consistent with the underlying zoning, an Applicant may request, subject to City Council approval, that the City process its *development* applications in accordance with the provisions of this Chapter, provided the subject parcel(s) has been designated an Unique Community Asset by the City Council.

12.160.050 Minimum Requirements. Proposals for Master Planned Development shall include the following:

- A. The range, mix, and intensity of the proposed *uses*;
- B. A conceptual site layout defining areas not suitable for *development* with inclusion of

setbacks, buffers, and landscaping requirements;

- C. Access and development standards;
- D. Provisions to protect the City's historical character and designation as a National Historic District;
- E. Provisions for water and sewer services;
- F. Design guidelines; and
- G. Other measures as may be proposed to ensure that the project is compatible with the historic character of the community, does not adversely affect environmentally sensitive areas, and to mitigate potential adverse project impacts.

12.160.060 Public Participation Requirements. It is the intent of the City to provide timely and meaningful opportunities for the public involvement in the preparation, review, and potential approval of proposed Master Plans. This shall include the preparation and distribution of a public involvement plan that highlights key dates and opportunities for public review and comment. At a minimum, the following shall occur prior to action by the City Council:

- A. A public notice board approved by the City shall be installed by the Applicant on the site;
- B. Public notices shall be posted at City Hall, the Library, the Post Office and at other public locations in the community;
- C. Relevant project information shall be posted on the City's website;
- D. The City shall establish and maintain a mailing list of interested parties that wish to receive direct notice of opportunities for public comment and Notices of Actions taken;
- E. At least two public hearings will be conducted to receive comments on the proposed Master Plan early in the review process;
- F. All public comments received by the City shall be included in the public record for the project;
- G. The City Planning and Historic Preservation Commission shall conduct such public meetings and discussions as may be necessary to prepare a recommendation(s) to the City Council in accordance with the public participation plan approved by the City Council and the bylaws of the Commissions; and
- H. The City Council shall conduct two additional public hearings on the recommended Master Plan prior to taking final action.

12.160.070 Approval of Master Planned Development. The Roslyn City Council,

by majority vote, has the sole authority to approve, deny, or approve with conditions, Master Planned Developments. The Planning and Historic Preservation Commission, as necessary, may make recommendations to the City Council relating to its consideration of proposed Master Planned Developments.

12.160.080 Appeal. An Applicant may appeal to Superior Court the City Council's decision regarding a proposed Master Planned Development.

12.160.090 Consolidated Review The City may simultaneously review the Applicant's proposed Master Planned Development with all required permits and approvals, including non-project and project specific environmental reviews.

12.160.100 Modification to Master Planned Development. Proposed modifications to an approved Master Planned Development shall be submitted in writing for the City Council's review. Modifications that do not substantially change the nature or level of use or that do not require a new environmental review, may be considered minor amendments and may be referred by the City Council to the Mayor for administrative review and approval. Modifications that result in a substantial change of *use*, that substantially change the nature or level of activity, or that require the need for additional environmental review, shall be considered a major modification and shall be subject to review and approval by the City Council based on a recommendation by the Planning and Historic Preservation Commission in consultation with the Historic Commission.

12.160.110 Permitted Uses. Permitted uses for parcel(s) located in an MPD Overlay Zone shall be consistent with the Master Planned Development approved by the City Council.

12.160.120 Development Standards. Development activities within a MPD Overlay Zone shall comply with the conditions of the approved Master Planned Development, the conditions of any required permits and approvals, and the provisions of the Roslyn City Code unless a development agreement approved by the City Council provides alternative measures for adequately addressing the objectives of the code requirements.

- A. Except as may be specifically provided in a development agreement, implementation of an approved Master Planned Development shall comply with the general provisions applicable to all zoning districts.
- B. In addition to the requirements set forth above, approved Master Planned Developments in a MPD Overlay Zone shall meet the following development standards:
 1. **Traffic Impacts.** The Applicant shall prepare and submit for City review and approval, at no cost to the City, a traffic study that identifies and proposes *mitigation* for, the traffic impacts of the proposed development. *Mitigation* may include, but is not limited to ongoing monitoring as may be required by the City;
 2. **Sewer and Water Services.** The Applicant shall provide documentation to verify sufficient provisions have been made to provide water and sewer service to the development, provided said services neither reduce the level of service below the

City's approved minimum level of service standards nor adversely affect the City's capacity to provide water or sewer service to existing and future customers. This shall include, but is not limited to documentation that adequate capacity exists in the regional sewage treatment facility and that all required approvals and authorizations has been obtained;

3. **Water Rights.** In addition to the requirements for provision of water services set forth above, the Applicant shall demonstrate to the satisfaction of the City that adequate water rights to serve the proposed development have been secured and perfected in accordance with the provisions of the City's Comprehensive Water Plan and Chapter 10.07 RMC. In the event the City lacks adequate water rights to serve the proposed Master Planned Development, the City may deny the Master Planned Development application or condition its approval of the Master Planned Development application upon the Applicant's transfer to the City of water rights necessary, as determined by the City, to serve the proposed development;
4. **Historic Preservation.** Development activity in a MPD Overlay Zone shall not compromise, diminish, threaten or otherwise adversely affect the City's designation as a National Historic District. The Roslyn City Council, in consultation with the Planning and Historic Preservation Commission, has sole discretion to determine what development activities may compromise, diminish, threaten or otherwise adversely affect the City's designation as a National Historic District. All development activities in a MPD Overlay Zone shall be consistent with the historic character of the community and the National Historic site designation. Adequate provision shall be made for preserving all designated historic sites and historical or cultural artifacts located in a MPD Overlay Zone.
5. **Storm Water Management.** All development activities in a MPD Overlay Zone shall meet or exceed the design standards for an urban area contained in the Department of Ecology Storm Water Design Manual for Eastern Washington as determined by the City of Roslyn. The Applicant shall be responsible for all costs reasonably incurred by the City in making this determination; and
6. **Environmentally Sensitive Areas.** The Applicant shall, at no cost to the City, identify all environmentally sensitive areas on the site, and all environmentally sensitive areas adjacent to the site that are likely to be impacted by the proposed development. The Applicant shall, at no cost to the City, make adequate provisions to avoid or mitigate potential adverse impacts.

12.160.130 Cost Recovery. The Applicant shall be responsible for reimbursing the City for all reasonable and necessary costs, including city staff time, associated with reviewing, approving, publishing, and implementing the Master Planned Development. Upon the Applicant's submittal of a proposed Master Planned Development, the Applicant shall deposit funds in an amount reasonably established by the City to ensure that all costs incurred by the City are recovered.

12.160.140 Development Agreement(s). The City and Applicant may execute, in accordance with the provisions of State law, development agreement(s) to implement the

provisions of the approved Master Planned Development and related permits and approvals. Prior to execution by the City of a development agreement, the City Council shall hold not less than two public hearings.

Chapter 12.170
Wireless Communication Facilities

Sections:

- 12.170.010 Purpose.**
- 12.170.020 Exemptions.**
- 12.170.050 General Provisions.**
- 12.170.100 Application Requirements.**

12.170.010 Purpose.

The purpose of this Chapter is to provide the standards and requirements under which *minor and personal wireless communication facilities* may be permitted. In establishing and administering these standards and requirements it is the intent of the City to:

- A. Protect the historic character of the community;
- B. Minimize the visual impacts associated with wireless communications technologies;
- C. Reduce visual clutter in the city; and
- D. Promote the co-location of facilities on existing buildings or structures.

12.170.020 Exemptions. The following are exempt from the provisions of this Chapter and shall be permitted in all zones:

- A. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the FCC;
- B.
- C. Facilities used for purposes of public safety, such as, but not limited to, police and the regional 911 system; and
- D. Wireless radio utilized for temporary emergency communications in the event of a disaster;
- E.
- F.
- G.
- H.

C.

2.

3.

4.

12.170.050 General Provisions. All minor wireless communication facilities must comply with the following provisions:

- A. The Applicant must demonstrate that it is licensed by the FCC if it is required to be licensed under FCC regulations. The Applicant, if not the telecommunications service provider, shall submit proof of lease agreements with a FCC licensed telecommunications provider if they are required to be licensed by the FCC.
- B. All Project Sponsors of *minor wireless communication facilities* shall obtain and maintain a City of Roslyn business license prior to issuance of any permits.
- C. No construction activities associated with permits issued by the City may be initiated until written documentation that all required federal permits and approvals have been submitted for City review and approval and a written authorization to proceed has been issued by the City.
- D. No wireless telecommunications equipment shall be used for the purpose of mounting signs or message displays of any kind.
- E. Wireless facilities shall not be artificially lighted unless required by the FAA or other applicable authority.
- F. All *minor wireless communications facilities* shall be installed, erected, or mounted in a manner that is intended to be permanent in accordance with the provisions of the International Building Code as adopted by the City of Roslyn. Temporary and mobile commercial facilities are not allowed.
- G. The City shall consider the cumulative visual effects of *wireless communication facilities* mounted on existing structures and/or located on a given permitted site in determining whether the additional permits can be granted so as to not adversely affect the visual character of the city.
- H.
- H. It is the intent of the City to encourage several providers to use the same building, structure, or site to keep the number of *wireless communication facilities* sites to a minimum as a means of reducing the overall visual effects throughout the

community.

1. Project Sponsors shall cooperate with other wireless communication providers in collocating additional antennae on support structures and/or on existing buildings and sites provided said proposed co-locatees have received a permit for such use at said site from the City. A Project Sponsor shall allow other providers to co-locate and share the permitted site, provided such shared use does not give rise to a substantial technical level impairment of the permitted use (as opposed to a competitive conflict or financial burden).
 2. A signed statement indicating that the Project Sponsor agrees to allow for the potential co-location of additional WCF equipment by other providers on the Applicant's structure or within the same site location shall be submitted by the Applicant as part of the permit application. If an Applicant contends that future co-location is not possible on its site, the Applicant must submit a technical study documenting that such co-location is not possible.
- I. Minor wireless communication facilities proposed to be located on legally conforming, non-residential buildings and structures including, but not limited to, water towers, clubhouses, office buildings, retail buildings, industrial buildings, government buildings, churches, light standards in parking lots and sports fields, bridges, power poles and towers, may be permitted provided that:
- a. The combined antenna(e) and support structure shall not extend more than fifteen feet above the existing or proposed roof structure. Antenna(e) may be mounted to rooftop appurtenances provided they do not extend beyond fifteen feet above the roof proper; and
 - b. The antennae are mounted on the *building* such that they are located and designed to minimize visual and aesthetic impacts to surrounding land *uses* and *structures* and shall, to the greatest extent practical, blend into the existing environment.
- J. Minor *wireless communication facilities* shall be screened or camouflaged by employing the best available technology as determined by the City. This may be accomplished by use of compatible materials, location, color, stealth technologies, and/or other tactics to achieve minimum visibility of the facility as viewed from public streets or residential properties. All screening and camouflaging is subject to the approval of the City.
- J.
- J. *Minor wireless communication facilities* may be placed in the City right-of-way provided the facility is placed on a light standard or power pole and the equipment

cabinet is placed in the ground.

K. Electronics equipment enclosures shall conform to the following:

1. Screening of equipment enclosures shall be provided with one or a combination of the following: underground, fencing, walls, landscaping, **structures**, or topography which will block the view of the **equipment shelter** as much as practicable from any street and/or adjacent properties. Screening may be located anywhere between the enclosure and the above mentioned viewpoints. Landscaping for the purposes of screening shall be maintained in a healthy condition; and
2. No wireless communication facilities may be located within required **building setback** areas.

L. Security fencing, if used, shall conform to the following:

1. No fence shall exceed six feet in height;
2. Security fencing shall be effectively screened from view through the use of appropriate landscaping materials, including approved plant species, in a minimum three foot wide area.

M. The operator of a minor wireless communication facility shall notify the City upon the discontinued use of a particular facility. The wireless communication facility shall be removed by the facility operator within ninety days of the date the site's use is discontinued, it ceases to be operational, the permit is revoked, or if the facility falls into disrepair or is abandoned. Disrepair includes structural features, paint, landscaping, or general lack of maintenance which could result in safety or visual impacts.

1. If the provider fails to remove the facility upon ninety days of its discontinued use, the responsibility for removal falls upon the landholder on which the facility has been located.

N. Nothing in this Title shall operate to restrict or limit the City's ability to adopt and enforce all appropriate ordinances requirements for telecommunications carriers' and providers' use of the rights of way and public property, procedures for application and approval of telecommunication business registrations, telecommunications rights of way use authorizations, franchises and facilities leases, and describing violations and establishing penalties. Nothing in this Chapter shall operate to release in whole or in part any Applicant for a wireless communication facility from the obligation to comply with such ordinances, rules and regulations of the City of Roslyn.

O. The City reserves the right to review any currently approved wireless communication facility use under federal, state, or local regulations as they exist now or may be amended in the future. If the City reviews any wireless communication facility it shall

give the operator of the facility at least three months written notice to prepare any information needed to review the wireless communication facility. The renewal application will be under an administrative Class 1 review. In ruling on said renewal, the City shall consider all the existing regulations and law affecting the application that is appropriate to the technology and use.

- P. All wireless communication facilities shall be operated in compliance with the following standards:
1. The Applicant shall comply with federal standards for electromagnetic field (EMF) emissions. Within six months after the issuance of its operational permit, the Applicant shall submit a project implementation report which provides cumulative field measurements of radio frequency (*EMF*) power densities of all antennas installed at the subject site. The report shall quantify the *EMF* emissions and compare the results with established federal standards. Said report shall be subject to review and approval by the City for consistency with the project proposal report and the adopted federal standards. If on review the City finds that the wireless communication facility does not meet federal standards, the City may revoke or modify the permit. The Applicant shall be given a reasonable time based on the nature of the problem to comply with the federal standards. If the permit is revoked, then the facility shall be removed pursuant to the provisions of this Chapter.
 2. The Project Sponsor shall ensure that the wireless communication facility will not cause localized interference with the reception of area television or radio broadcasts. If on review of a registered complaint the City finds that the wireless communication facility interferes with such reception, the City may revoke or modify the permit. The Applicant shall be given a reasonable time based on the nature of the problem to correct the interference. If the permit is revoked, then the facility shall be removed pursuant to the provisions of this Chapter.
- Q. Construction of an approved wireless communication facility shall commence within one year from the date of the City's approval, with opportunity for a six-month extension. If not used within one year, or within the extension period, the permit shall become null and void.
- P. The Project Sponsor of a wireless communication facility shall and does, upon approval of the permit, agree to indemnify, protect, defend, and hold harmless the City, its council members, Planning and Historic Preservation Commission members, officers, employees, agents, and representatives from and against any and all liabilities, losses, damages, demands, claims, and costs, including court costs and attorney's fees incurred by the City arising directly or indirectly from (1) the City's approval and issuance of the permit; (2) the City's approval or issuance of any permit or action, whether discretionary or non-discretionary, in connection with the use contemplated in the permit; and (3) the installation and operation of the facility allowed by the permit, including, without limitation, any electromagnetic fields of

other energy waves or emissions. Project Sponsors compliance with this indemnity provision is an express condition of the permit, and this indemnity provision shall be binding upon any and all of the permittees/operators, successors, and assigns. By signing the application for a wireless communication facility the Project Sponsor, the Applicant, and all associated lessors and lessees agree to be bound by this provision.

12.170.100 Application Requirements. Applications for a minor wireless communication facility shall be on a form prescribed by the City. In addition to the general application requirements the Applicant must provide any combination of site plans, maps, surveys, technical reports, or written narratives that serve to convey all of the following information:

- A. A legal description of the parcel(s) and parcel number(s);
- B. Copies of any environmental documents required by any federal, state, or local agency, including the City if applicable. These shall include the environmental assessment required by FCC Para. 1.1307 or State Environmental Policy Act (SEPA), if required by the City. In the event that a FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment;
- C. Photosimulations of the proposed facility as viewed from affected residential properties and public rights-of-way at varying distances;
- D. A current map showing the location and service area of the proposed wireless communication facility, and a map showing the locations and service areas of other *wireless communication facilities* operated by the Applicant and those proposed by the Applicant that are close enough to impact service within the City;
- E. The proposed method of camouflage, the finished color, and illumination method, and the proposed method of fencing and/or security measures if applicable;
- F. A letter signed by the Applicant stating the wireless communication facility will comply with all FAA regulations and all other applicable federal, state and local laws and regulations;
- L.
- G. Certification that the antenna usage will not interfere with other adjacent or neighboring transmission or reception functions.
- H. A signed statement indicating that (1) the Applicant and landowner agree they will diligently negotiate in good faith as determined by the City to facilitate *co-location* of additional *wireless communication facilities* by other providers on or within the same

site location and (2) the Applicant and/or landlord agree to remove the facility within ninety days after it ceases to be operational, the permit is revoked, or if the facility falls into disrepair or is abandoned. ;

- I. An indemnification agreement in a format prescribed by the City signed by the Project Sponsor and other parties that may be required by the City that indemnifies, protects, defends, and holds harmless the City, its council members, Planning and Historic Preservation Commission members, officers, employees, agents, and representatives from and against any and all liabilities, losses, damages, demands, claims, and costs, including court costs and attorney's fees incurred by the City arising directly or indirectly from (1) the City's approval and issuance of the permit; (2) the City's approval or issuance of any permit or action, whether discretionary or non-discretionary, in connection with the use contemplated in the permit; and (3) the installation and operation of the facility allowed by the permit, including, without limitation, any electromagnetic fields of other energy waves or emissions.

Chapter 12.180 Essential Public Facilities

Sections:

- 12.180.010 Purpose.
- 12.180.020 Scope.
- 12.180.030 Procedure.
- 12.180.040 Decision Criteria – Determination of Applicability.
- 12.180.050 Decision Criteria – Review Process.

12.180.010 Purpose. The purpose of this section is to provide a process to site necessary public uses that may otherwise be difficult to site. This process involves the community and identifies and minimizes adverse impacts. Essential public facilities are defined in RMC 12.20, Definitions. Examples include schools, water transmission lines, sewer collection lines, fire stations, hospitals, jails, prisons, airports, solid waste transfer stations, highways, and storm water treatment plants. Secure community transition facilities as defined in RMC 12.20 are also included.

12.180.020 Scope. This section establishes the criteria that the City will use in making a decision upon an application for an *essential public facility*. The City Council shall develop a list of essential public facilities. These facilities meet the definition of essential public facilities or are based on a list maintained by the State of Washington Office of Financial Management.

- A. A *use* or facility may be added to the list of essential public facilities based on one of the following criteria:
 - 1. The *use* meets the definition of an *essential public facility*; or
 - 2. The *use* is identified on the State list of essential public facilities maintained by the State of Washington Office of Financial Management.
- B. This regulation shall serve to establish an alternative process for permitting those *uses* which meet the applicability criteria of RMC 12.180.040. The Planning Official shall determine whether a proposed facility shall be reviewed according to the essential public facilities review process instead of the review process indicated on the appropriate use chart.

12.180.030 Procedure. Applications that seek approval for an *essential public facility* as defined by RMC 12.20 shall follow the procedures established in this Title for a Class 3 Review.

12.180.040 Decision Criteria – Determination of Applicability.

- A. Essential public facilities may be reviewed through the *essential public facility* review process. An Applicant may make a written request or the Planning Official

may require a proposal to be reviewed through Roslyn's *essential public facility* review process. An Applicant may use this process if the facility meets the definition of an *essential public facility*. If the facility is on the list of qualifying facilities, it automatically meets the definition.

- B. The Planning Official, or the current position having the duties of this office, shall make a determination that a facility be reviewed through Roslyn's essential public facilities review:
1. The facility is on the City's list of essential public facilities or may be added to the list according to RMC 12.180.020;
 2. The facility is a type difficult to site because of one of the following:
 - a. The facility needs a type of site of which there are few sites;
 - b. The facility can locate only near another public facility;
 - c. The facility has or is generally perceived by the public to have significant adverse impacts that make it difficult to site; or
 - d. The facility is of a type that has been difficult to site in the past.
 3. It is likely this facility will be difficult to site; or
 4. There is need for the facility and Roslyn is in the facility service area.

12.180.050 Decision Criteria – Review Process.

- A. An Applicant may have one or more alternative sites considered at the same time during this process.
- B. The Planning Official has the authority to require the consideration of sites outside the City of Roslyn. Alternative sites shall cover the service area of the proposed essential facility. This criteria is not applicable to secure community transition facilities.
- C. An amplified public involvement process shall be required. The purpose of the public involvement process is to involve the persons within the zone of likely and foreseeable impacts if the involvement process has the potential to lead to a more appropriate design/location. The public involvement process could also lead to development of incentives or to address modifications to the facility which would make siting of that facility more acceptable.
1. The Applicant shall propose an acceptable public involvement process to be reviewed and approved by the Planning Official.
 2. Public involvement activities shall be conducted by and paid for by the

Applicant.

3. The public involvement process shall be initiated by the Applicant as early as feasibly possible.
- D. The Planning Official may require a multi-jurisdictional review process if the facility serves a regional, Countywide, Statewide, or national need. If this process is required, the Applicant shall design an acceptable process to be reviewed and approved by the Planning Official. Applicants shall be required to pay for this process. This requirement is not applicable to secure community transition facilities.
- E. An analysis of the facility's impact on City finances shall be undertaken. **Mitigation** of adverse financial impacts shall be required.
- F. The following criteria shall be used to make a determination on the application:
1. Whether there is a public need for the facility;
 2. The impact of the facility on the surrounding uses and environment, the City and the region;
 3. Whether the design of the facility or the operation of the facility can be conditioned, or the impacts otherwise mitigated, to make the facility compatible with the historic character of the community and the environment;
 4. Whether a package of incentives can be developed that would make siting the facility within the community more acceptable;
 5. Whether the factors that make the facility difficult to site can be modified to increase the range of available sites or to minimize impacts on affected areas and the environment;
 6. Whether the proposed **essential public facility** is consistent with the Roslyn Comprehensive Plan;
 7. If a variance is requested, the proposal shall also comply with the variance criteria; and
 8. Essential public facilities shall comply with any applicable State siting and permitting requirements.

Chapter 12.190 Conditional Uses

Sections:

- 12.190.010 Purpose.
- 12.190.020 Processing.
- 12.190.030 Approval Criteria.

12.190.010 Purpose. The purpose of the Chapter is to provide additional flexibility for certain uses that are similar or non-conflicting to the permitted uses in a particular zoning district. Proposed conditional uses may be permitted if the use is compatible with or can be conditioned to comply with the neighborhood or zoning district in which the application is sought.

12.190.020 Processing. Conditional Use Permits shall be processed as Class 2 Review.

- A. In considering conditional use permits, the City shall have the discretionary authority to determine and recommend whether a conditional use permit should be granted, and grant conditional use permits with safeguards and limitations as are appropriate under this Title. The City may deny those applications that it finds not in harmony with the purpose and intent of adopted plans, policies and this Title. Each application is declared to be, and shall be considered as a separate and unique case.
- B. Conditions and safeguards may be prescribed which are in conformity with adopted plans and policies and this Title which are considered necessary to protect the best interest of the immediate neighborhood, surrounding area or the City as a whole. These conditions and safeguards may include, but are not limited to the following:
 - 1. Increasing the required lot size, *setback* or year dimensions;
 - 2. Limit the *height* of *buildings* or *structures*;
 - 3. Control the number and location of vehicular access points;
 - 4. Require the dedication of additional rights-of-way for future public street improvements;
 - 5. Require the designation of public use easements or drainage easements and the recording of same;
 - 6. Increase the number of required off-street parking and/or loading spaces;
 - 7. Limit the size, shape, location and lighting of signs;
 - 8. Require view-obscuring fencing, landscaping, diking or other facilities to protect adjacent or nearby properties;

9. Designation of sites and/or size of *open space* or recreational areas;
 10. Site reclamation upon discontinuance of use and/or expiration or revocation of the special exception permit;
 11. Set a time for a public hearing to afford a review of the conditional use permit granted;
 12. Limit the period of time that the Conditional Use Permit is allowed; and
 13. Require annual inspections be made to insure compliance with the permit and may require that the inspections be paid for by the owners of the conditional use facility
- C. All physical conditions required by the City shall be completed prior to reviewing authorization to occupy the *use* as defined in the application.
- D. The failure to comply with the terms and conditions of approval may result in the suspension or revocation of a Conditional Use permit and/or civil or criminal penalties.
- E. A conditional use permit shall become void if:
1. The property/*structure* stands vacant for 12 continuous months or more or the *use* changes substantially.
 2. Construction of new *development* is not completed and certificate of occupancy is not granted within 12 months of all permit approvals, provided that the Planning and Historic Preservation Commission may upon showing of good cause, extend the time limitations for a period of three months.

12.190.030. Approval Criteria. Applications for Conditional Uses shall be processed as a Class 2 Review and may be approved based on a finding that the following criteria have been met:

- A. The *use* consistent with the provisions of this Roslyn Municipal Code and the Roslyn Comprehensive Plan.
- B. The proposed *use* will be designed, constructed, operated and maintained in a manner that is compatible with the existing or intended character, appearance, quality of development and physical characteristics of the subject property and the general vicinity.
- C. The location, size, and height of buildings, structures, walls, fences, and screening vegetation for the proposed *use* do not hinder neighborhood circulation or discourage the permitted development or *use* of neighboring properties.
- D. The type of *use*, hours of operation, and appropriateness of the proposed use in relation to adjacent uses does not create unusual hazards or result in adverse impacts.

- E. The proposed *use* will be served by adequate public facilities and services and not adversely affect public services to the surrounding area.
- F. Measures proposed by the Project Sponsor and/or imposed as conditions of approval will reasonably avoid or mitigate potential adverse impacts.

Chapter 12.200 Variances

Sections:

- 12.200.010 Purpose.**
12.200.020 Approval Criteria.

12.200.010 Purpose. The purpose of this Chapter is to establish a process and criteria to allow variances from this Title in cases where special circumstances prevent Applicants from full compliance. Such special circumstances shall include size, shape, topography, location or surroundings of the property in question.

12.200.020 Approval Criteria. Variances shall be processed as a Class 2 Review and may be approved based on a finding that the following criteria have been met, provided that the City may require that a survey be provided with applications for variances that may involve property boundaries, questions of ownership, property rights, and/or have a bearing on the property rights of others, etc as determined by the City.

- A. That such variance is necessary, because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;
- B. The special conditions and circumstances of the property do not result from the actions of the Applicant;
- C. That the strict application and interpretation of the provisions of this Title would result in practical difficulties or unnecessary hardships;
- D. The granting of the variance will not be materially detrimental or prejudicial to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated;
- E. The variance requested is the minimum variance that will make possible the *reasonable use* of the land, *building* or *structure*; and
- F. The granting of the variance is consistent with the general purpose and intent of the City Comprehensive Plan and adopted development regulations, including the critical area regulations in this Chapter.

Chapter 12.210
Non-conforming Lots, Structures, and Uses

Sections:

- 12.210.010 Purpose and Intent.**
- 12.210.020 Illegal Uses, Structures, and Lots Not Permitted.**
- 12.210.030 Legal Non-conforming Uses, Structures, and Lots.**
- 12.210.040 Non- Conforming Lots.**
- 12.210.050 Non-Conforming Structures.**
- 12.210.060 Non-conforming Uses.**
- 12.210.070 Sale of a Non-conforming Structure.**

12.210.010 Purpose and Intent. This Chapter provides for the regulation of *lots, structures, and uses*, that do not comply with the provisions of this Title and specifies the circumstances, conditions, and/or procedures under which these nonconformities may be permitted to continue and expand.

- A. It is the intent of the City, when administering this Chapter, to preserve the historic character of the community.

12.210.020 Illegal Uses, Structures, and Lots Not Permitted. *Structures, lots, site improvements, uses, and/or development activities* which were not legally established or conducted, as determined by the City, must fully conform and comply with the procedural and substantive provisions of this Title or be abated, provided that:

- A. The burden of documenting that any non-conformity is a legal non-conformity as defined herein shall, in all cases, be upon the owner of such non-conformity and not upon the City.

12.210.030 Legal Non-conforming Uses, Structures, and Lots. *Uses, structures, and lots* that do not currently conform to the City's Development Regulations but were legally created in conformance with the City's Development Regulations in affect at the time they were created shall be considered legal non-conformities and may be continued subject to the provisions of this Title.

- A. Continuation of a Legal Non-conformity. Any *legal non-conforming lot, structure, or use* may continue as long as it remains otherwise lawful. Any change or expansion of a *legal non-conforming lot, structure, or use* shall be made in accordance with the provisions of the Title.
- B. A *non-conforming use or structure* shall be discontinued and may not be reinstated when:
 - 1. Succeeded by a Permitted or Conditional Use; or
 - 2. Succeeded by an approved *lot, structure, or use* that is less non-conforming, as

determined by the City; or

3. The *use* has been vacated or discontinued and not re-established within eighteen months as determined by the City. When a *non-conforming use* becomes discontinued, it shall be deemed that such *use* has ceased to exist and thus loses its status as a *legal non-conforming use*. Any subsequent *use* shall conform to the provisions of the zoning district in which it is located.
4. A *non-conforming structure* (or a *structure* containing a *non-conforming use*) is destroyed by any cause to an extent exceeding 75% of its replacement value or its fair market value as indicated by the records of the County Assessor.

12.210.040 Non- Conforming Lots. A *legal non-conforming lot* which does not meet the minimum lot size requirements for the zoning district in which it is located may be developed provided that:

- A. It meets all other requirements of this Title and/or has obtained a variance; or
- B. A reasonable use exception has been obtained in accordance with the provisions of this Title.

12.210.050 Non-Conforming Structures. A *legal non-conforming structure* may be maintained, repaired, improved, remodeled, and/or reconstructed, provided that:

- A. Maintenance of a *Non-conforming Structure*. Nothing in this Chapter shall be construed to restrict normal structural repair and maintenance of a *non-conforming structure*, including the replacement of walls, fixtures and plumbing, provided, that:
 1. The value of work and materials in any twelve-month period does not exceed fifty percent of the value of the *structure*, if it exceeds fifty percent you could apply for a variance using most recent IBC construction tables prior to such work; and
 2. The activities are not subject to Architectural or Historic Register Design Review.
- B. Repairs and Improvements to a *Non-conforming Structure*. *Legal non-conforming structures* may be remodeled, improved, and/or expanded, provided that the proposed activities:
 1. Do not increase the degree of non-conformity;
 2. Comply with the City's Architectural or Historic Register Design Review Standards; and
 3. Meets all other applicable City standards and code requirements.
- C. Reconstruction of a *Non-conforming Structure*. When a *non-conforming structure* is damaged or destroyed to an extent less than 75% of its replacement value or its fair market value as indicated by the records of the County Assessor, the *structure* may

be rebuilt as it was immediately prior to the damage or in a manner that is less non-conforming as approved by the City, provided that:

1. No reconstruction of a **non-conforming structure** shall be performed without the required Architectural or Historic Register Design Review and the issuance of a Building Permit.
 2. The property owner shall provide the information necessary to reasonably assure the City that the reconstruction being authorized complies with this section. The information provided shall include, but not be limited to:
 - a. A general site plan showing the actual dimensions of the **non-conforming structure**, its height, and its exact placement on the **lot** prior to being damaged; and
 - b. Where a **non-conforming use** is involved, a written narrative describing the **use** or **uses** that existed immediately prior to damage;
- D. Applications to maintain, repair, improve, remodel, and/or reconstruct, a **non-conforming structure** shall be processed as a Class 1 or Class 2 permit as determined by the City, provided that:
1. That the expansion, change, reconstruction or replacement requested would not be contrary to the public health, safety or welfare; and
 2. That the proposed expansion, change, reconstruction or replacement is compatible with the character of the neighborhood; and, in the case of an expansion or change, does not significantly jeopardize future **development** of the area in compliance with the provisions and the intent of the zoning district; and
 3. That the significance of the Applicant's hardship is more compelling than, and reasonably overbalances, the public interest resulting from denial of the relief requested; and
 4. The **structure** was lawful at the time of its construction;
 5. That the value of nearby properties will not be significantly depressed by approving the requested expansion, change, reconstruction or replacement;
 6. That the proposed expansion, change, reconstruction or replacement does not increase the degree of nonconformity of the **structure**;
 7. That the proposed expansion, change, reconstruction or replacement complies with development standards of the district in which it is located;
 8. That the **non-conforming structure** is occupied by a permitted use; and,
 9. That in the case of expanding a non-conforming single-family dwelling or duplex,

the proposed expansion is fifty percent or less of the existing **building** area.

- E. Applications involving a **non-conforming structure** shall be processed as a Class (1) or Class 2 review in accordance with the provisions of this Title.

12.210.060 Non-conforming Uses. *Non-conforming uses* may be expanded throughout a **structure**, or to changed to a different **non-conforming use**, provided that.

- A. Application. The application procedures shall be the same as those established for Class (2) uses. A detailed site plan shall accompany any applications required by this Section as determined by the City.
- B. Conditions for Approval. The Planning and Historic Preservation Commission may grant the relief requested if they finds all of the following:
1. That the expansion, change, reconstruction or replacement requested would not be contrary to the public health, safety or welfare; and
 2. That the proposed expansion, or change, reconstruction is compatible with the character of the neighborhood; and does not significantly jeopardize future **development** of the area in compliance with the provisions and the intent of the zoning district;
 3. That the significance of the Applicant's hardship is more compelling than, and reasonably overbalances, the public interest resulting from denial of the relief requested;
 4. The **use** or **structure** was lawful at the time of its inception; and
 5. That the value of nearby properties will not be significantly depressed by approving the requested expansion or change.

12.210.070 Sale of a Non-conforming Structure. Property classified as non-conforming may be transferred or sold without that fact alone affecting the right to continue the **non-conforming use** or use of a **non-conforming structure**.

Chapter 12.220 Special Uses and Special Events

Sections:

- 12.220.010 Purpose.**
- 12.220.020 Types of Special Uses and Special Events.**
- 12.220.030 General Conditions.**
- 12.220.040 Use of Public Right-of-Way.**

12.220.010 Purpose. The purpose of this Chapter is to establish the conditions under which certain special uses of buildings and public and private property may be permitted for a limited period of time when safe and compatible with the general vicinity and adjacent uses. Applications for Special Uses, Special Events, and Temporary Uses shall be subject to a Class 1 Review unless referred to the Planning and Historic Preservation Commission by the Clerk Treasurer for a Class 1A or Class 2 review.

12.220.020 Types of Special Uses and Special Events.

- A. Major Special Uses and Special Events. These *uses* and events are activities that are of limited time or duration, but have the potential to adversely affect the health and safety of the surrounding *uses* and the general community as determined by the City.
 - 1. These types of *uses* or events may include Christmas tree lots, firework stands, produce stands, outdoor concerts, parades, farmers markets, fun runs, bicycle races, vehicle displays and craft shows.
- B. Minor Special *Uses* and Special Events. These *uses* and events are activities that are of limited time or duration, and have minimal impact upon the surrounding *uses* and general community as determined by the City.
 - 1. These types of *uses* or events may include seasonal or special events such as car washes, sidewalk sales, and/or fund raisers.
 - 2. Yard sales are generally exempt from obtaining a special use permit. A Special Use Permit must be obtained if a yard sale is more than 3 days in length in the same week or occurs more frequently than four times in the same calendar year.
- C. Temporary *Uses*. These *uses* are not permanent, but may be permitted for an extended period of time, subject to conditions.
 - 1. Temporary *structures* for the housing of equipment or containing supervisory offices in connection with major construction projects may be erected and maintained during the progress of such construction projects, provided that such temporary *structure* may not be maintained for a period exceeding one year unless an extension is granted by the City.
 - a. Temporary placement of a *travel trailer* or *mobile home* to provide housing

while constructing a permanent dwelling on the same *lot* or parcel of land, provided that such temporary *use* may not be maintained for a period exceeding six months except that the Planning Official may extend this period for no more than six additional months.

- b. Temporary *occupancy* of a *travel trailer* adjacent to any existing residence on the *lot* or parcel of the residence to provide housing for bona fide visitors and guests of occupants of the permanent residence. One temporary permit may be issued for a maximum period of three consecutive weeks, provided the City may approve one extension for up to three consecutive weeks, except that permits will not be required until forty-eight hours after initially entering the City limits. Temporary trailers shall be required to meet all *setbacks*, lot coverage and *height* requirements for the principal *use* in the applicable district.

2. The temporary *use* of storage containers during approved construction activities.

12.220.030 General Conditions. The following conditions must be met in order to issue a Special Use or Temporary Use Permit:

- A. The proposed use or activity shall not be located in or adversely impact critical or environmentally sensitive areas;
- B. Each site occupied by a special use/event must provide or have available sufficient parking and vehicular maneuvering area for customers and must provide safe and efficient interior circulation and ingress and egress to and from public rights-of-way;
- C. The special use/event shall comply with all applicable standards of the Kittitas County Health Department;
- D. All special uses/events shall obtain, prior to occupancy of the site, all applicable City permits, licenses and other approvals (i.e., business license, building permit, administrative approvals, etc.);
- E. The Applicant for special use/event shall supply written authorization from the owner of property on which the special use/event is located;
- F. Each site occupied by a special use/event shall be left free of debris, litter, or other evidence of the special use upon completion of removal of the use;
- G. All materials, structures and products related to the special use/event must be removed from the premises between days of operation on the site, provided that materials, structures and products related to the special use/event may be left on-site overnight between consecutive days of operation. They shall be removed at the end of the permit period; and
- H. The Planning Official may establish such additional conditions as may be deemed necessary to ensure land use compatibility and to minimize potential impacts on

nearby uses. These include but are not limited to, time and frequency of operation, special arrangements for parking and traffic circulation, requirement for screening or enclosure, notification of affected property owners, and guarantees for site restoration and cleanup following special uses.

12.220.040 Use of Public Right-of-Way. The City may conditionally approve through the issuance of a Right-of-Way Use Permit or a Special Use Permit, the use of public right-of way, provided that:

- A. Approved *uses* may be subject to periodic review and renewal;
- B. *Uses* must be in compliance with the terms and conditions of approval at all times, and is subject to suspension or revocation for non-compliance; and
- C. The City may reserve the right to terminate the approval without cause in the case of emergency, or in order to use the right-of-way, and/or to protect the public health and safety.

Chapter 12.230
Street or Alley Vacations

Sections:

- 12.230.010 Purpose and Intent.**
- 12.230.020 Petition.**
- 12.230.030 Petition Hearing.**
- 12.230.040 Objections.**
- 12.230.050 Review Criteria.**
- 12.230.060 Approval.**

12.230.010 Purpose and Intent. The purpose of this Chapter is to establish the special procedures necessary to process applications for the vacation of City-owned streets and alleys as a Class 3 permit.

A. It is the intent of the City, when administering this Chapter, to:

1. Preserve historic *structures* along Roslyn streets by keeping road widths to original platted dimensions, following historic grid pattern;
2. Protect existing alleys as travel ways for both vehicles and pedestrian; and
3. Not vacate street right-of-ways unless necessary to resolve long standing property disputes or to achieve priority community benefits.

12.230.020 Petition. The owners of an interest in any real estate abutting upon any street or alley may petition the City Council to vacate the street or alley, or any portion thereof, or the City Council may itself initiate such vacation procedures by resolution.

A. The petition shall describe the street or alley or a portion thereof desired to be vacated and shall be signed by owners of more than two-thirds of the private property abutting upon the part of the street or alley sought to be vacated.

B. For the purposes of determining the sufficiency of signatures of owners of private property on the petition or consent to vacate, the following rules shall govern:

1. The signature of an owner, as determined by the records of the County Auditor, shall be sufficient without the signature of his or her spouse.
2. In the case of mortgaged property, the signature of the mortgagor shall be sufficient.
3. In the case of property subject to a contract of purchase, the signatures of the contract vendor and vendee shall be required.
4. In the case of ownership by corporation, the signature of any officer authorized by the bylaws or resolution of the board of directors shall be sufficient when evidenced by an excerpt of the bylaws of the resolution, certified by the secretary of the corporation, granting such authority.

5. In the case of property owned by the estate of a decedent or incompetent, the signature of the duly qualified administrator or executor or guardian shall be equivalent to the signature of the owner of the property.

C. Petition – Process and Filing fee.

1. The petition properly signed shall be filed with the City Clerk upon payment of a filing fee, which shall be paid into the general fund of the City to aid in defraying of expenses incurred by the City in appraising the property, checking the sufficiency of such petition and investigating or reporting the facts and shall not be returned to the petitioners, regardless of the City Council's action on such petition. The amount of the fee shall be determined as follows:
2. One (1) to five (5) separate ownerships abutting the proposed vacation, a minimum fee of \$150.00.

12.230.030 Petition Hearing.

- A. Petition Method. If signed by the owners of more than two-thirds of the property abutting the portion of the street or alley to be vacated, at a regular Council meeting following the filing of such petition, the Council, by resolution, shall fix a time when the petition will be heard and determined, which time shall not be more than 60 days nor less than 20 days after the date of passage of such resolution.
- B. Resolution Method. In cases where vacation is initiated by City Council resolution, the resolution shall include the date for a hearing on the vacation.

12.230.040 Objections.

- A. Petition Method - No petitioner may withdraw the petition or consent after the Council has set a time for hearing, although the petitioners may be heard at the public hearing, to present any information which bears upon the public advantage to be served or harmed by the proposed vacation.
- B. Resolution Method – Divestiture of Jurisdiction to Proceed. If 50 percent of more of the abutting property owners file written objections to the proposed vacation with the Clerk, prior to the time of hearing, the City shall not proceed with the resolution.
- C. Supplemental petitions, or objections, containing signatures of additional persons or owners of abutting property petitioning for and consenting to such vacation may be filed as a part of, and considered with, the initial petition; provided, that such supplemental petitions shall not extend the description of the area sought to be vacated or add a new or different condition to such vacation.

12.230.050 Review Criteria. At the time of the hearing on the vacation, or at such time as the same may be continued by the City Council, the matter shall be considered, and those desiring to speak on the vacation shall be heard. Following the hearing, the Council shall determine whether to grant the petition and/or proceed with the vacation. Such determination

shall include, but not be limited to, consideration of the following criteria:

- A. Whether the proposed action is consistent with the Goals and Policies of the Comprehensive Plan.
- B. Whether the change of *use* or vacation of the described portion is in the public interest;
- C. Whether the street, alley or portion thereof is no longer required for public use;
- D. Whether the substitution of a new and different way would be more useful to the public; or
- E. Whether conditions may so change in the future as to provide a greater use or need than presently exists; and
- F. Whether objections to the proposed vacation are made by owners of private property (exclusive of petitioners) abutting the same.

12.230.060 Approval. If the City Council determines to grant the vacation, such action shall be made by ordinance with such conditions or limitations as the Council deems necessary and proper to preserve any desired public use or benefit.

- A. If, after a hearing, the Council determines that the petition cannot be granted in whole, but that a portion of the area described in the original petition may be vacated, the Council may, by ordinance, vacate such portion in accord with the provisions of this Title.
- B. Easements. If the City Council deems that to grant the vacation shall be to the public's interest and advantage, the Council may, by ordinance, vacate such street, alley or part thereof, reserving to the City an easement or the right to exercise the grant easements in respect to the vacated land for the construction, repair and maintenance of public utilities and services and may impose such other conditions or limitations as it deems necessary and proper to preserve any desired public use or benefit.
- C. Rededication. If the Council finds that future *development* of undeveloped land abutting such street or alley may alter or increase need or public use in such strip, such vacation may be granted only upon execution of a covenant running with such abutting land to rededicate such a portion upon a declaration of public use and necessity by the Council.
- D. Compensation. Any ordinance granting a street vacation may provide that it shall not become effective until the owners of property abutting upon each side of the street or alley, or part thereof so vacated, shall compensate the City in an amount which does not exceed 1/2 the appraised value of the area vacated, except, in the event the subject property or portions thereof were acquired at public expense, compensation may be

required in an amount equal to the full appraised value of the vacation.

- E. Appraisal or Survey. The Council shall require the Petitioners to pay for the Appraisal or any required surveys.
- F. Recording. Upon its effective date, a certified copy of the ordinance granting the vacation shall be recorded by the City with the Kittitas County Assessor.

Chapter 12.240 Amendments and Rezones

Sections:

- 12.240.010 Purpose.**
- 12.240.020 Amendments.**
- 12.240.030 Approval Criteria.**

12.240.010 Purpose. The purpose of this Chapter is to establish the procedures to amend these development regulations and/or zoning map when the proposed change would be consistent with the goals and policies of the Roslyn Comprehensive Plan and the intent of this Title.

12.240.020 Amendments. Amendments to this Title and the Official City Zoning Map shall be processed as Class 4 permits. Amendments and rezones may be initiated in the following manner:

- A. Initiation. An amendment to the text, standards, procedures or other provisions of this Title and/or the Official Zoning Map may be initiated by:
 - 1. Action of the City Council or the Planning and Historic Preservation Commission; or
 - 2. An application for amendment filed by any person. The application shall be filed with the City and shall state the article, section, subsection and paragraph sought to be amended. The application shall also contain draft language for the proposed amendment and shall state the reasons for the proposed text change.
 - 3. A rezone application filed by any property owner.

12.240.030 Approval Criteria. In considering a text or map amendment or a proposed rezone, the City Council may consider:

- A. Comments from property and business owners and residents of the community;
- B. Recommendations from interested agencies and departments;
- C. A recommendation from the Planning and Historic Preservation Commission including:
 - 1. Suitability of the property in question for *uses* permitted under the proposed zoning;
 - 2. The extent to which the proposed amendment(s) are in compliance with the goals and policies in the Comprehensive Plan;

3. The adequacy of public facilities, such as sewer, water and other required public services;
4. The compatibility of the proposed zone change and associated *use* with neighboring land *uses*; and
5. The public need or benefit of the proposed change.

Chapter 12.250 Comprehensive Plan Amendments

Sections:

- 12.250.010 Purpose.**
- 12.250.020 Initiation of Text and Map Amendments.**
- 12.250.030 Criteria for Amendment Procedure.**
- 12.250.040 Filing of Text and Map Amendments.**
- 12.250.050 Consideration of Comprehensive Plan Amendments.**

12.250.010 Purpose. The purpose of this Chapter is to provide the procedural steps needed to govern any amendments to the Comprehensive Plan text and/or maps.

12.250.020 Initiation of Text and Map Amendments.

- A. The City's Comprehensive Plan shall be subject to continuing evaluation and review by the City. Any amendment or revision to the Comprehensive Plan shall conform to RCW Chapter 36.70A.
- B. Comprehensive plan amendments may be initiated by citizens, by the Planning and Historic Preservation Commission, City staff, City Council, or any other interested persons including Applicants, and staff of other agencies. The proposed amendments or revisions to the Comprehensive Plan shall be docketed and considered by the City no more frequently than once every year except that amendments may be considered more frequently under the following circumstances:
 - 1. The initial adoption of a sub-area plan; or
 - 2. The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of a City budget.
- C. All amendment proposals shall be considered by the City concurrently so the cumulative effect of the various proposals can be ascertained. However, the City may adopt amendments or revisions to its Comprehensive Plan that conform with RCW Chapter 36.70A whenever an emergency exists or to resolve an appeal of a Comprehensive Plan filed with the Growth Management Hearings Board or with a court.
- D. The City shall periodically review the densities permitted within its boundaries, and to the extent to which urban growth has occurred within the City according to the timetable established by the Growth Management Act. The City shall revise its projected population figures a minimum of every 10 years to accommodate the urban growth projected to occur in the City for the succeeding 20 year period.

12.250.030 Criteria for Amendment Procedure. The criteria staff uses to make recommendations to the City Council on whether or not to consider an amendment to the comprehensive plan shall include the following:

- A. Conditions in the vicinity of the proposal have markedly changed since the subject property was designated, and under those changed conditions, a plan amendment is within the public interest;
- B. The proposal is limited in scope and can fit within the Planning Department's work program for the current year;
- C. The proposal is correcting an inconsistency within the Plan or is a clarification of the Plan;
- D. The public interest is served by dealing with the proposal at the present time rather than later;
- E. The proposal bears a substantial relation to the promotion and preservation of public health, safety and welfare; and
- F. The proposal will result in long-term benefits to the community as a whole and is in the best interest of the community;

12.250.040 Filing of Text and Map Amendments. Written requests to amend the Comprehensive Plan, together with all relevant supportive or explanatory material as determined to be applicable by staff in the application packet, shall be submitted to the Planning Department. The City shall establish a start and ending date for the call for acceptance of written requests, and such shall be advertised in accordance with the City's noticing requirements. All plan amendment requests shall be docketed for possible consideration for inclusion in the Comprehensive Plan. The docketed list of proposed amendments shall be presented to the Planning and Historic Preservation Commission within 90 days of the ending date. The Planning and Historic Preservation Commission shall make a recommendation to the City Council on whether or not to move forward on consideration of docketed amendments within 30 days.

12.250.050 Consideration of Comprehensive Plan Amendments

- A. The City Council, after a recommendation from staff and the Planning and Historic Preservation Commission, can recommend that an amendment be processed in the current amendment cycle or that the amendment remain on the docket list for future consideration, or that the amendment be denied further consideration.
- B. The City Council's decision as to the disposition of the amendment shall be final and is not appealable.

12.250.060 Review of Text and Map Amendments. In proposing any changes to its Comprehensive Plan, the City shall notify the appropriate state agency of its intent to adopt such amendments at least 60 days prior to final adoption. The City shall transmit a complete and accurate copy of its Comprehensive Plan to the appropriate state agency in accordance with State law.

Chapter 12.260 Building and Fire Code

Sections:

- 12.260.010 Purpose.
- 12.260.020 Required Permits and Approvals.
- 12.260.030 Building and Fire Code Administration.
- 12.260.040 Uniform Codes Adopted.
- 12.260.050 Modifications to Uniform Codes.

12.260.010 Purpose.

A. The purpose of this Chapter is to:

1. Regulate construction and development activities within the City;
2. Adopt locally state mandated laws and codes regulating construction in order to promote the health, safety and welfare of the occupants or users of buildings and structures and the general public as a whole by enforcement of building codes throughout this jurisdiction;
3. To regulate the safe and proper function of elements of a site or site improvement work and essential systems of a building including: plumbing and sanitation, water conservation, heating, air conditioning, ventilation, energy efficiency, fire suppression systems, alarm systems, and fire department access.

B. Notwithstanding anything in this Chapter or in the Roslyn Municipal Codes to the contrary, this Chapter establishes duties owed to the public as a whole and not any duties to protect any person or class of persons.

12.260.020 Required Permits and Approvals. No *building* or other *structure* shall be erected, moved, added to, or structurally altered without a Building Permit issued by the City, provided that:

- A. Prior to the issuance of a building permit all proposed development activities must comply with the applicable provisions of Chapter 12.50 Architectural Design Review or 12.60 Historic Building Design Review, and all applicable provisions of adopted ordinances and the Roslyn Municipal Code.
- B. All persons desiring to replace an existing roof or construct a new roof over an existing roof on any *building* or *structure* shall be required to obtain a building permit from the City prior to the commencement and completion of the work. The cost of the permit, and the manner of application for said permit shall be in accordance with the applicable provisions of the International Building Code as adopted by the City of Roslyn; provided however, that a separate permit for roofing work shall not be required where a building permit is applied for and obtained for the construction of a new residence or the remodeling or rebuilding of an existing

residence when the building permit obtained includes the roofing work.

- C. Building permits are not required for the following improvements, as determined by the City:
1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.
 2. Sidewalks, decks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route.
- D. When a building is constructed with future tenant spaces intended to be finished or occupied at a later date, a separate building permit is required for each tenant space prior to any tenant occupancy, provided that:
1. This requirement shall not apply to individual rental units of mini-storage facilities.
- E. No building permit shall be issued until a Compliance Determination has been made by the City and/or a Certificate of Zoning Compliance has been issued.
- F. No building permit shall be issued until all fees have been paid in accordance with the provisions of fee schedule contained in the 2006 Edition of the International Building Codes as adopted by the City of Roslyn.
- G. Every building permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Having required inspections performed and approved within every 180 days is evidence that work has commenced and is continuing. Permits that do not receive an inspection within 180 days of permit issuance or within 180 days since the previous approved inspection, shall automatically expire and become invalid. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each, based on good and satisfactory reasons. The extension shall be requested in writing prior to permit expiration, and shall demonstrate good cause.
- H. It is unlawful to use or occupy or permit the use or *occupancy* of any *building* or *structure*, or both, hereafter created, erected, changed, converted or enlarged in its *use* or *structure* until a Certificate of Occupancy has been issued by the City.
1. If the information supplied to the City for the Certificate of Ownership changes, or there is a change of business ownership, a revised certificate of occupancy shall be requested and issued. It shall be the responsibility of the owner of the business to inform the City of the changes in order to maintain current and accurate information.

- I. A person shall have the right to appeal a decision involving the interpretation or implementation of the Building and Fire Codes as adopted by the City. An application for appeal must include documentation that the code or the rules have been incorrectly interpreted, that the provisions of this code do not fully apply, or that a form of construction that meets or exceeds the City requirements has been proposed.
- J. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.
- K. Upon notice from the City that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law."
- L. Building Permits or Certificates of Zoning Compliance issued on the basis of plans and applications approved by the City authorize only the *use*, arrangement and construction set forth in such approved plans and applications, and no other *use*, arrangement or construction. *Use*, arrangement or construction at variance with that authorization is a violation of this Title and punishable as provided in the Violations and Enforcement Chapter of this Title.

12.260.030 Building and Fire Code Administration.

- A. In case of conflicts between the codes adopted by reference by the City and/or with the provisions of this Title, the Mayor or his/her designee is authorized to make such code interpretations as may be necessary to implement this Title, provided that the following may be used as guidance:
 - 1. The amendments and provisions of this Chapter shall prevail;
 - 2. The order in which the codes are listed in the following sub-chapter shall determine the hierarchy. The first-named code shall supersede and shall govern over those following, except as specifically described within WAC Chapters 51-11 through 51-57.
- B. Wherever the adopted codes state the International Plumbing Code, it shall mean the Uniform Plumbing Code as adopted by the State of Washington. Wherever the adopted codes state the International Electrical Code, ICC Electrical Code, or the Electrical Code, it shall mean the National Electrical Code (NFPA 70) as adopted by the State of Washington in accordance with RCW 19.28 and WAC 296-46B.

Wherever the adopted codes state the International Energy Conservation Code, it shall mean the Washington State Energy Code as adopted by the State of Washington.

- C. Typographical error corrections as identified in Errata published by the International Code Council shall become part of this code as if contained herein.
- D. City Officials and their authorized representatives charged with the enforcement of this Title shall not be held personally liable for any act or omission that occurs during the performance of official duties.

12.260.040 Uniform Codes Adopted. Pursuant to and by the authority of RCW 19.27, RCW 19.27A, RCW 43.22, RCW 35.21, and RCW 35.80, the following codes and standards are adopted by reference as if fully set forth, subject to the modifications or amendments set forth in this Chapter:

- A. The 2006 Edition of the International Building Code (IBC), published by the International Code Council, and amended by the Washington State Building Code Council in WAC 51-50, together with:
 - 1. Appendix C, Agricultural Buildings;
 - 2. Appendix E, Supplemental Accessibility Requirements; and
 - 3. Appendix J, Grading.
- B. The 2006 Edition of the International Residential Code (IRC), published by the International Code Council, and amended by the Washington State Building Code Council in WAC 51-51, together with:
 - 1. Appendix E, Manufactured Housing Used As Dwellings; and
 - 2. Appendix G, Swimming Pools, Spas and Hot Tubs.
- C. The 2006 Edition of the International Mechanical Code (IMC), published by the International Code Council, and amended by the Washington State Building Code Council in WAC 51-52, together with:
 - 1. The 2006 Edition of the International Fuel-Gas Code, published by the International Code Council.
- D. The 2006 Edition of the International Fire Code (IFC), published by the International Code Council, and amended by the Washington State Building Code Council in WAC 51-54.
- E. The 2006 Edition of the Uniform Plumbing Code (UPC), published by the International Association of Plumbing and Mechanical Officials, and amended by the Washington State Building Code Council in WAC 51-56 and 51-57, excluding:

1. Chapters 12 and 15;
 2. Those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel-fired appliances as found in Chapter 5; and
 3. Those portions of the code addressing building sewers.
- F. *The Washington State Energy Code (WSEC) as amended and published by the Washington State Building Code Council, WAC Chapter 51-11.*
- G. *The Washington State Ventilation and Indoor Air Quality Code (VIAQ) as amended and published by the Washington State Building Code Council, WAC Chapter 51-13.*
- H. *The Washington State Manufactured Homes Installation Requirements, or Mobile Homes Installation Requirements. Pursuant to RCW 19.27 and RCW 43.22.440, the installation standards of WAC 296-150M together with the reference standards listed therein, are adopted as adopted and amended by the State of Washington.*
- I. *The Washington State Factory Built Housing and Commercial Structures Installation Requirements, or Modular Installation Requirements. Pursuant to RCW 19.27 and RCW 43.22.455, the installation standards of WAC 296-150F together with the reference standards listed therein, are adopted as adopted and amended by the State of Washington.*

12.260.050 Modifications to Adopted Uniform Codes. The building related codes adopted by reference in the previous sub-chapter are hereby amended for use in the City of Roslyn:

- A. The International Residential Code (IRC) is hereby amended as follows:
1. Stock plan system. IRC Section 106 is amended by adding an additional subsection, R106.6 as follows:

“R106.6 Stock Plan System. The City may institute a program to facilitate the repeated use of established drawings or construction plans. The purpose of the Stock Plan system is to create a more efficient, cost saving procedure; to reduce redundant plan reviews; to maintain records pertaining to Stock Plan building permits; and to develop a cost saving method of obtaining residential building permits in order to promote affordable housing.

A person or company holding title or copyright to the plans may establish a Stock Plan by application and the payment of a one-time setup fee. A Stock Plan may be used to obtain building permits for:

*Single-family dwellings with or without attached carports or garages.
Residential carports or garages.
Residential structures such as pump houses, fences, or retaining walls.
Residential Multi-family carports or garages.*

Stock Plans designed by a registered architect or professional engineer, or are otherwise protected by Federal Copyright laws shall be accompanied by a document signed by the holder of the copyright protection, authorizing it's repeated use. Once approved and established, the Stock Plan will be assigned a file number, and will be retained on record for the duration of the current state code adoption, in order to be used for issuance of building permits. A Stock Plan shall not be used to obtain a permit for any project where the structure is less than 3 feet from a property line, or within 6 feet of another building located on the same property unless a specific modification is made to the Stock Plan identifying any required fire-resistive construction.

Allowable options for stock plans may include different elevations, bay windows, skylights, reversals (mirror-image) or similar construction features that do not alter the size of the structure or modify the structural system."

2. IRC Sections R112.2.1, R112.2.2 and R112.3 are deleted and not adopted.
3. Sleeping Rooms. IRC Section R202 is amended by adding an additional definition as follows:

"Sleeping Room. A bedroom, bonus room, or other habitable room that contains an intervening door that can be closed to separate the room from areas otherwise provided with smoke alarms. Exception: Habitable rooms such as dens, libraries and offices that are provided with built in features that establish the specific use of the room as something other than for sleeping, and do not contain clothes closets, need not be considered a sleeping room."

4. Design Criteria. IRC Table R301.2(1) is amended by filling in the blanks of the table as follows:

*"Ground Snow Load = 130
Wind Speed = 85
Seismic Design Category = C
Weathering = Severe
Frost Line Depth = 12"
Termite = Slight to Moderate
Winter Design Temp = 10
Ice Barrier Underlayment Required = Yes
Flood Hazards = Please refer to Flood Insurance Rate Maps (FIRM) on file at the City Administrative Offices.
Air Freezing Index = 1065
Mean Annual Temp = 46.1"*

5. IRC Appendix E, is amended as follows:

"AE101.1 General. These provisions shall be applicable only to a manufactured home used as a single dwelling unit installed on a lot and shall apply to the

following:

1. *Construction, alteration and repair of any foundation system which is necessary to provide for the installation of a manufactured home unit.*
2. *Construction, installation, addition, alteration, repair or maintenance of the building service equipment which is necessary for connecting manufactured homes to water, fuel, or power supplies and sewage systems.*
3. *Alterations, additions or repairs to existing manufactured homes. The construction, alteration, moving, demolition, repair and use of accessory buildings and structures and their building service equipment shall comply with the requirements of the codes adopted by this jurisdiction.*

These provisions shall not be applicable to the design and construction of manufactured homes and shall not be deemed to authorize either modifications or additions to manufactured homes where otherwise prohibited.

Exception: In addition to these provisions, new and replacement manufactured homes to be located in flood hazard areas as established in Table R301.2(1) of the International Residential Code shall meet the applicable requirements of Sections R324 of the International Residential Code."

6. IRC Appendix E, Section AE102.2 is amended to read as follows:

"AE102.2 Additions, alterations or repairs. Additions made to a manufactured home shall conform to one of the following:

1. *Be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401, et seq.).*
2. *Be designed and constructed to conform to the applicable provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401, et seq.).*
3. *Be designed and constructed in conformance with all provisions of the Roslyn Municipal Code.*
4. *Additions shall be structurally separated from the manufactured home.*

7. IRC Appendix E, Section AE301.2 is amended as follows:

"AE301.2 Additions, alterations and repairs to a manufactured home. A permit shall first be obtained from the Washington State Department of Labor and Industries to alter, remodel, repair or attach accessory buildings or structures to a manufactured home subsequent to its initial installation. Permit issuance and

fees therefore shall be in conformance with the codes applicable to the type of work involved.

An addition made to a manufactured home as defined in these provisions shall comply with these provisions.”

8. IRC Appendix E, Section AE305.5.1 is amended as follows:

“AE305.5.1 Structural inspections for the manufactured home installation.

The building official, upon notification from the permit holder or the permit holder’s agent, shall make the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or the permit holder’s agent wherein the same fails to comply with these provisions or other applicable codes.

A. Reinforcing steel or structural framework of any part of a manufactured home foundation system specifically designed by an engineer registered in the State of Washington shall not be covered or concealed without first obtaining the approval of the building official.

1. Foundation inspection: To be made after excavations for footings are completed and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. All materials for the foundation shall be on the job, except where concrete from a central mixing plant is to be used, (ready-mixed) the concrete materials need not be on the job.

2. Concrete slab or under-floor inspection: To be made after all in-slab or under floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place but before any concrete is poured or the manufactured home is installed.

B. Anchorage Inspection: To be made after the manufactured home has been installed and permanently anchored.”

9. IRC Appendix E, Section AE305.6 is amended by adding an additional paragraph as follows:

“Manufactured homes or their accessory buildings shall not be used or occupied until a certificate of occupancy is issued in accordance with Section R110 of this code.”

10. IRC Appendix E, Section AE501.1 is amended as follows:

“AE501.1 General. *A manufactured home shall be installed on a foundation system which is designed and constructed in accordance with the manufacturer’s installation instructions.*

Exception: When specifically authorized by the building official, foundation and anchorage systems which are constructed in accordance with the methods specified in Section AE600 of these provisions, or in the United States Department of Housing and Urban Development Handbook, Permanent Foundations For Manufactured Housing, 1984 Edition, Draft, shall be deemed to meet the requirements of this Appendix E."

11. IRC Appendix E, Section AE504.1 is amended as follows:

"AE504.1 General. Accessory buildings shall not be structurally supported by or attached to a manufactured home unless engineering calculations are submitted to substantiate any proposed structural connection and all alterations to the manufactured home are approved by the Washington State Department of Labor and Industries.

Exception: The City may waive the submission of engineering calculations if it is found that the nature of the work applied for is such that engineering calculations are not necessary to show conformance to these provisions."

12. IRC Appendix E, Section AE600.1 is amended as follows:

"AE600.1 General. Sections AE601 through AE605 are applicable only when specifically authorized by the City for use when specific installation instructions from the manufacturer of the manufactured home are not available."

- B. The Washington State Modular Installation Standards as set forth in the Washington Administrative Code (WAC) Section 296-150F is amended as follows:

"The City of Roslyn adopts the following sections pursuant to the authority of RCW 43.22 and RCW 19.27:

A. Permit Required. Prior to the placement and/or installation of a modular home or modular commercial building on a parcel of land, an installation permit must first be obtained from the city. Installing a modular home or modular commercial building without first having obtained the required permit is a violation of this code.

B. Modular, or factory built units shall comply with the provisions of Title 12 of the Roslyn Municipal Code provided that inspections of the factory assembled portions of the unit, performed in accordance with 296-150F WAC, and identified by having the appropriate insignia attached, shall be accepted in lieu of the individual inspections as required by the respective codes. All portions of the installation performed on site shall have inspections as required by Title 12 of the Roslyn Municipal Code.

C. In accordance with WAC 296-150F-0540:

(1) The City must approve the installation; and

- (2) *A set of design plans and specifications for the unit shall be provided to the City; and*
- (3) *After the unit is manufactured but before occupancy, the Department of Labor and Industries must inspect a factory-built house or commercial structure if it is damaged in transit to the building site or during on-site installation; and*
- (4) *The City will not open, or cause to be opened the concealed construction of a factory-built house or commercial structure to inspect provided the appropriate insignia is attached.*

D. In accordance with WAC 296-150F-0550, after the Department of Labor and Industries performs a final inspection of the factory-built structure at the manufacturing location, the Department of Labor and Industries shall provide to the City a notice that specifies what connections, standards, and incomplete items must be inspected when the unit is installed."

C. The International Mechanical Code (IMC) is hereby amended as follows:

1. IMC Section 106.4.4 is deleted

D. The International Fuel Gas Code (IFGC) is hereby amended as follows:

1. IFGC Section 106.4.4 is deleted and not adopted.
2. IFGC Sections 109.2 through 109.7 are deleted and not adopted.

E. The International Fire Code (IFC) is hereby amended as follows:

1. IFC Section 108.3 is deleted and not adopted.

Chapter 12.270
Violations and Enforcement

Sections:

- 12.270.010 Purpose.**
- 12.270.020 Authority and Application.**
- 12.270.030 Violations Defined.**
- 12.270.040 Permit Suspension, Revocation or Modification.**
- 12.270.050 Initiation of Revocation or Modification Proceedings.**
- 12.270.060 Continuing Violations.**
- 12.270.070 Stop Work Orders.**
- 12.270.080 Notice of Violation.**

12.270.010 Purpose. The purpose of this chapter is to promote compliance with this title by establishing enforcement authority, defining violations, and setting standards for initiating the procedures set forth in RMC Title 8, Code Enforcement, when violations of this title occur.

12.270.020 Authority and Application. The Planning Official or his/her designee(s) is authorized to enforce the provisions of this code, any implementing administrative rules adopted under RMC, and approval conditions attached to any land use approval, through revocation or modification of permits, or through the enforcement, penalty and abatement provisions of RMC Title 8, Code Enforcement.

12.270.030 Violations Defined. No building permit or land use approval in conflict with the provisions of this title shall be issued. Structures or uses that do not conform to this title, except legal non-conformances specified in Chapter 12.210 RMC and approved variances, are violations subject to the enforcement, penalty, and abatement provisions of RMC Title 8, including but not limited to:

- A. Establishing a use not permitted in the zone in which it is located;
- B. Constructing, expanding, or placing a structure in violation of setback, height, and other dimensional standards in this title;
- D. Establishing a permitted use without complying with applicable development standards set forth in other titles, ordinances, rules, or other laws, including but not limited to street construction, surface water management, and the fire code;
- E. Failing to carry out or observe conditions of land use or permit approval, including contract development standards;
- F. Failing to secure required land use or permit approval prior to establishing a permitted use; and
- G. Failing to maintain site improvements, such as landscaping, parking, or drainage control facilities as required by this code.

12.270.040 Permit Suspension, Revocation or Modification.

- A. Permit suspension, revocation, or modification shall be carried out through the procedures set forth in SMC Title 8. Any permit, variance, or other land use approval issued by the City pursuant to this title may be suspended, revoked, or modified on one or more of the following grounds:
1. The approval was obtained by fraud;
 2. The approval was based on inadequate or inaccurate information;
 3. The approval, when given, conflicted with existing laws or regulations applicable thereto;
 4. An error of procedure occurred that prevented consideration of the interests of persons directly affected by the approval;
 5. The approval or permit granted is being exercised contrary to the terms or conditions of such approval or in violation of any statute, law, or regulation;
 6. The use for which the approval was granted is being exercised in a manner detrimental to the public health or safety;
 7. The holder of the permit or approval interferes with the director or any authorized representative in the performance of his or her duties; or
 8. The holder of the permit or approval fails to comply with any notice and order issued pursuant to SMC Title 8.
- B. Authority to revoke or modify a permit or land use approval shall be exercised by the issuer, as follows:
1. The City Council may, after a recommendation from the hearing examiner, revoke or modify any residential density incentive approval, transfer of development credit, preliminary subdivision, zone reclassification, or special use permit;
 2. The Commission or hearing examiner may revoke or modify any variance or conditional use permit; provided, that if it was reviewed through a public hearing, a new public hearing shall be held on its revocation or modification; and
 3. The director may revoke or modify any permit or other land use approval issued by the Planning Official.

12.270.050 Initiation of Revocation or Modification Proceedings.

- A. The Planning Official or his/her designee(s) may suspend any permit, variance, or

land use approval issued by the department pending its revocation or modification, or pending a public hearing on its revocation or modification;

- B. The department may initiate proceedings to revoke or modify any permit or land use approval it has issued; and
- C. Persons who are aggrieved may petition the department to initiate revocation or modification proceedings, and may petition the Planning Official or his/her designee(s) to suspend a permit, variance or land use approval pending a public hearing on its revocation or modification.

12.270.060 Continuing Violations. An imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Any person, firm or corporation shall be required to correct such violation or defects.

- A. In addition to the civil proceedings authorized to enforce this Title and in addition to any fine or penalty provided, continuing violations of this Title may be enjoined or ordered abated in civil proceedings for injunction, abatement or other relief. For those actions, violation of this Title is declared to be a public *nuisance*.
- B. Any person, firm or corporation violating any of the provisions of this Title shall be liable in any private or public action brought to enforce the provisions of this Title for all costs of proceedings, expenses of abatement and for reasonable attorney fees. These expenses are accumulative and in addition to any penalties or other remedies available.

12.270.070 Stop Work Orders. The Planning Official or his/her designee(s) may issue an order to stop activity for any activity being activity being conducted or any improvement being erected or altered which does not conform to this Title.

- A. The Stop Work Order shall be prominently placed on the subject property and make reasonable attempts to forward a copy of the order to the owner of the property, the person in charge of the property or occupant thereof, the person in charge of the property or occupant thereof, or the person causing the activity to be established or conducted the improvement to be erected or altered.
- B. When any order to Stop Work has been posted on the subject property, it is unlawful for any person with active or constructive knowledge of the order to conduct the activity or do the work covered by the order until the City has removed the posted copy of the order and issued a written authorization for the activity or work to be continued.
- C. Appeals of Stop Work orders shall be subject to a Class 2 review, but such order shall remain in full force and effect during the appeal process unless the City issues an interim or final order staying or lifting the Stop Work Order. When considering the appeal the duty of the Planning and Historic Preservation Commission is to determine whether the City Staff correctly interpreted and applied the ordinance when issuing the stop work order.

12.270.080 Notice of Violation. If the City determines that any activity, condition, *structure* or *use* exists that does not conform to the provisions of this Title, a Notice of Violation may be issued. The notice shall be directed to the owner of the property and/or to such other persons as are causing or contributing to such violation:

- A. The Notice of Violation shall be served upon the person or persons to whom it is directed either personally in the manner provided for by personal service to summons and complaint or by mailing a copy of the notice of violation by certified mail, postage prepaid, return receipt requested, to such person(s) at his/her last known address. Proof of personal service shall be made at the time of service by a written declaration under penalty of perjury executed by the person making service, declaring the time, date, and manner by which the service was made;
- B. For good cause shown, the City may extend the date set for correction of the Notice of Violation; and
- C. Appeals of Notice of Violations shall be subject to a Class 2 Review, but such Notice shall remain in full force and effect during the appeal process unless the City issues an interim or final order staying or lifting the Notice of Violation.

Chapter 12.280
Abatement of Dangerous Buildings

Sections:

- 12.280.010 Purpose.**
12.280.020 Administration.
12.280.030 Enforcement.

12.280.010 Purpose. The purpose of this Chapter is to provide a just, equitable and practicable method, whereby buildings or structures which may endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

- A. The City strongly encourages property owners to maintain and improve their properties and to preserve the historic character and development pattern of the community.
- B. The provisions of this code shall apply to all *dangerous buildings*, as herein defined, which are now in existence or which may hereafter become dangerous.
- C. These provisions shall be cumulative with and in addition to any other remedy provided by the Building Code, Fire Code, or any other means available by law,
- D. The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

12.280.020 Administration.

- A. The Mayor or his/her designee or their authorized representative, shall have authority as necessary in the interest of public health, safety and general welfare to perform inspections and enforce the provisions of this code. The City retains the authority to adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements due to local conditions. Such rules and interpretations shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.
- B. All buildings within the scope of this code and all construction work for which a permit is required shall be subject to inspection by the City, or their authorized representative in accordance with the requirements of this code, the adopted building codes, and any other laws and ordinances of the jurisdiction.
- C. When it is necessary to perform an inspection to enforce the provisions of this code, or when the City, or their authorized representative has reasonable cause to believe that there exists in a building or upon a premises a condition contrary to or in violation of this code which makes the building or premises unsafe, dangerous or

hazardous, authorized City Officials may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such a building or premises be occupied, that credentials be presented to the occupant and entry requested. If such building or premises is not occupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the City shall have recourse to the remedies provided by law to secure entry.

- D. All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of Section 3403 of the International Building Code as adopted by the jurisdiction.
- E. It shall be unlawful for any person, firm, corporation, or other entity to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, allow occupancy or otherwise maintain any building in violation of this code.

12.280.030 Enforcement.

- A. The City may declare any building or structure a *dangerous building* based on a finding that any one or more of the following conditions or defects described below exists, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or the building's occupants are endangered; or a building or structure that is found in whole or in part to be an unlawful structure; occupied by more persons than permitted by this code, the building code, or the fire code; or was erected, altered or occupied contrary to the provisions of the Building and Fire Codes as adopted by the City of Roslyn.
 - 1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
 - 2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
 - 3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the building code for new buildings of similar structure, purpose or location.
 - 4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the building code for new buildings of similar structure, purpose or location.
 - 5. Whenever any portion or member or appurtenance thereof is likely to fail, or to

become detached or dislodged, or to collapse and thereby injure persons or damage property.

6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the building code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the building code for such buildings.
7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.
8. Whenever the building or structure, or any portion thereof, because of (a) dilapidation, deterioration or decay; (b) faulty construction; (c) the removal, movement or instability of any portion of the ground necessary for the support of such building; (d) the deterioration, decay or inadequacy of its foundation; or (e) any other cause, is likely to partially or completely collapse.
9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.
10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.
11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
12. Whenever the building or structure has become so dilapidated, deteriorated or open and unsecure that it:
 - a. Is an attractive nuisance to children;
 - b. Is a harbor for vagrants, criminals or immoral persons; or as to
 - c. Enables such persons to resort thereto for the purpose of committing unlawful or immoral acts.
13. Whenever any building or structure has been constructed, exists, or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations as specified in the City of Roslyn Building and Fire Code, or of any other law or ordinance of Washington State.
14. Whenever any building or structure which, whether or not erected in accordance

with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (a) strength; (b) fire-resisting qualities or characteristics, or (c) weather-resisting qualities or characteristics required by law in the case of newly constructed building of like area, height and occupancy in the same location.

15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
 16. Whenever any building or structure, because of obsolescence, dilapidate condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
 17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.
 18. Whenever any portion of the building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
- B. All buildings or portions thereof which are determined after inspection by the City to be **dangerous** are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal.
1. Upon the determination that a building or structure is dangerous, the City shall issue a notice of violation with an order to correct the violation(s) or initiate a nuisance abatement action in the Superior Court in accordance with RCW 7.48.
- C. When there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of geologic hazard, explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Mayor or his/her designee is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith.
1. The City shall cause to be posted at each entrance to such building, structure or premises a notice essentially as follows:

DO NOT ENTER

THIS STRUCTURE IS UNSAFE AND
ITS OCCUPANCY HAS BEEN PROHIBITED
BY THE CITY OF ROSLYN.

2. It shall be a misdemeanor to remove or deface this placard; or, to occupy such structure; or, for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or for demolishing the building or structure.
- D. No person shall remove or deface any such notice after it is posted until the required repairs, demolition, or removal of hazard is complete, and the abatement has received final approval by the City.
 - E. The City may, in addition to any other remedy herein provided, cause a **dangerous building** to be repaired to the extent necessary to correct the conditions which render the building or structure unsafe as set forth in the notice and order; or, if the notice and order required demolition, to cause the building or structure to be demolished and the materials, rubble and resultant debris removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner provided in this code.
 - F. No person shall hinder, delay, obstruct or interfere with any officer, employee, contractor, or authorized representative of the City of Roslyn while performing any necessary act preliminary to or incidental to such work pursuant to this code. Any person who knowingly hinders, delays, obstructs or interferes with any employee performing official duties in abating a nuisance pursuant to this code, shall be guilty of a misdemeanor
 - G. When any work of repair or demolition is to be done pursuant to the provisions of this Title, the City shall, cause the building or structure to be repaired or demolished, and the cost of such repair or demolition shall be charged against the real estate upon which the building or structure is located, and shall be a lien upon such real estate.
 1. The City shall keep an itemized accounting of the expenses incurred by the City in the course of repair or demolition of any building or structure pursuant to the provisions of this code. Upon completion of the demolition or repair work as ordered, the City shall prepare an expense report specifying the work performed, the itemized cost of such work, and the legal description of the property upon which the work was performed.
 2. The City shall forward to the legal owner of the said property an itemized billing of the total cost for the repair or demolition as required by this code. Such billing shall be sent by certified mail, postage prepaid, addressed to the owner as the owner's name and address appear on the last equalized tax roll of Kittitas County. Said bill shall be due and payable within sixty (60) days of receipt.
 3. Upon certification of the assessment amount being due and owing, the County Treasurer shall enter the amount of the assessment upon the tax rolls against the

property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in RCW 84.56.020, as now or hereafter amended, for delinquent taxes. When collected, the amount of the assessment shall be deposited to the credit of the fund of the City from which the expenditures for abatement were paid.

4. The assessment shall constitute a lien against the property that shall be of equal rank with state, county and municipal taxes.

Chapter 12.290
Planning and Historic Preservation Commission

Sections:

- 12.290.010 Duties.**
- 12.290.020 Membership.**
- 12.290.030 Officers.**

12.290.010 Duties. There is hereby established a Roslyn Planning and Historic Preservation Commission that shall serve as an advisory body to the Mayor and City Council and shall exercise such decision making authority as may be assigned or delegated by the Mayor and City Council.

- A. The primary responsibilities of the Planning and Historic Preservation Commission include:
 - 1. Serve as an advisory body to the Mayor and City Council;
 - 2. Serve as the decision-making body for Class 1A and Class 2 Permits issued by the City;
 - 3. Conduct open record public hearings on certain Class 2 and Class 3 Permits issued by the City;
 - 4. Make recommendations to the City Council on certain Class 3 and Class 4 Permits;
 - 5. Make recommendations to the City Council on proposed amendments to the Comprehensive Plan, Development Regulations, and Official Zoning Map;
 - 6. Conduct such public meetings and discussions as may be necessary to make a recommendation to the City Council on proposed Master Planned Developments in accordance with the provisions of this Title; and
 - 7. Actively document and encourage the preservation of the City's historic character, *development* pattern, and resources.
- B. In carrying out these responsibilities, the Planning and Historic Preservation Commission shall engage in the following:
 - 1. Conduct and maintain a comprehensive inventory of historic resources within the boundaries of the City to be known as the *Roslyn Historic Inventory*, and publicize and periodically update the *Inventory*;
 - 2. Review and recommend nominations to the *Roslyn Register of Historic Places* and recommend amendments or standards for adoption by the City Council to be used to guide this review;

3. Periodically review and recommend for adoption by the City Council standards to be used to guide the design, review and approval of proposals to construct, change, alter, modify, remodel, move, demolish or significantly affect properties on the *Roslyn Register of Historic Places* and the issuance of a *Certificate of Appropriateness* or waiver;
4. Review and approve proposals to construct, change, alter, modify, remodel, move, demolish and significantly affect properties on the *Roslyn Register of Historic Places*;
5. Issue Certificates of Appropriateness and Waivers of Certificates of Appropriateness, and make exemption determinations for activities involving properties listed on the *Roslyn Register of Historic Places*;
6. Promote public information, educational, and interpretive programs pertaining to historic resources and the maintenance and rehabilitation of historic properties and advise the Mayor, City Council, City Departments, and the public on incentives and funding sources for historic resource preservation;
7. Establish liaison support, communication and cooperation with federal, state, and other local government entities in order to further historic preservation objectives, including providing information to the public on methods of maintaining and rehabilitating historic properties;
8. Advise the Mayor and City Council on land use, housing, historic preservation, and *development*;
9. Officially recognize excellence in the rehabilitation of historic *buildings, structures*, sites and districts, and new construction in historic districts; and encourage appropriate measures for such recognition;
10. Review and comment on nominations to the State and National Registers of Historic Places;
11. Serve as the local review board for the purpose of approving applications for special property tax valuation in accordance with the provisions of Chapter 84.26 RCW and entering into an agreement with the property owner for the duration of the *special valuation* during which time the review board monitors the property for continued qualification for the *special valuation* in accordance with the provisions of Chapter 84.26 RCW;
12. Perform other related functions assigned to the Commission as may be assigned by the City Council; and
13. Conduct all Commission meetings in compliance with state and local laws including Chapter 42.30 RCW, Open Public Meetings Act, to provide for adequate public participation and adopt standards in its rules to guide this action.

12.290.020 Membership. The Roslyn Planning and Historic Preservation Commission shall consist of seven (7) members appointed by the Mayor and confirmed by the City Council for four (4) year terms, provided that the Mayor may increase the membership from time to time up to a maximum of nine (9) members, with each additional member serving a four-year term. The original terms shall be staggered as specified in Ordinance 1042. Subsequent terms shall be for a four year period. Terms shall expire on the thirty-first day of December.

- A. Members of the Planning and Historic Preservation Commission must have significant ties to the community either as a resident or as the operator of a business within the City limits of Roslyn, provided that:
 - 1. In order to meet the requirement set forth in subsection (C) of this section, up to two members of the Commission may be non-residents or non-business operators of Roslyn.
- B. All members of the Planning and Historic Preservation Commission must have a demonstrated interest and competence in land use planning and/or historic preservation and possess qualities of impartiality and broad judgment.
- C. The Planning and Historic Preservation Commission shall include at least two professionals who have experience in identifying, evaluating, and protecting historic resources and are selected from among the disciplines of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, American studies, and law. The Commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or all of the professional positions, unless the commission action is related to meeting *Certified Local Government (CLG)* responsibilities cited in the Certification Agreement between the Mayor and the State Historic Preservation Officer. Furthermore, exception to the residency requirement of commission members may be granted by the Mayor and City Council in order to obtain representatives from these disciplines.
- D. In making appointments, the Mayor may consider names submitted from any source, but the Mayor shall notify history and *development* related organizations of vacancies so that names of interested and qualified individuals may be submitted by such organizations for consideration along with names from any other source.
- E. No person holding any City office shall be a member of the Planning and Historic Preservation Commission.
- F. Members may be removed by the Mayor, with the approval of the majority of the City Council, for neglect of duty, misfeasance of office, or for being absent for three consecutive meetings without approval of the Chairperson of the Planning and Historic Preservation Commission.

12.290.030 Officers. The Planning and Historic Preservation Commission shall establish and adopt their own rules of procedure and by-laws, subject to City Council review and

approval, and shall select from among its membership a chairperson and such other officers as may be necessary to conduct the Commissions' business.

- A. All members shall serve without compensation, except that reimbursement expenses may be paid in accordance with established City policies.
- B. Staff support shall be provided to the Commission by City Staff as directed by the Mayor in accordance with the approved City budget.
- C. All meetings of the Commission and any sub-committees that may be established shall be scheduled and conducted as public meetings in accordance with their approved by-laws, provided that:
 1. The Mayor or his or her designee may schedule, subject to proper public notice, special meetings of the Planning and Historic Preservation Commission in order to address matters of interest in a timely manner.

