

CITY OF ROSLYN

WASHINGTON

ORDINANCE NO. 1096

AN ORDINANCE OF THE CITY OF ROSLYN, WASHINGTON, AMENDING ROSLYN MUNICIPAL CODE SUBSECTION 18.20.020(D) RELATING TO THE DEFINITION OF TERMS IN THE DEVELOPMENT REGULATIONS CODE; AMENDING RMC SECTION 18.80.050 RELATING TO THE TABLE OF PERMITTED USES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City, through its development regulations, prohibits uses related to the keeping of animals within the City, including but not limited to animal shelters and kennels; and

WHEREAS, it is necessary to have an animal shelter to temporarily place animals picked up as part of the City's animal control enforcement; and

WHEREAS, the City has been working with ARRF Animal Rescue, a nonprofit organization, to build an animal shelter within the City and provide services including low cost spay/neuter, adoption, fostering, supplying pet food, aiding lost and found pets, and humane education; and

WHEREAS, the Roslyn Municipal Code does not provide for animal shelter use in any zone and further does not allow uses not specifically permitted; and

WHEREAS, the Roslyn Municipal Code Section 18.24.020 permits the City Council to initiate amendments to the text, standards, procedures or other provisions of the Development Regulation code; and

WHEREAS, in accordance with WAC 365-196-630, a Notification of Intention to Adopt Development Regulation Amendments was sent to the State of Washington Department of Commerce and to other state agencies on August 14, 2013 for a required 60-day review period; and

WHEREAS, on September 25, 2013, the responsible official issued a determination of non-significance (DNS) under SEPA (Chapter 43.21C RCW) related to this Ordinance and notice of said DNS was published in the NKC Tribune on October 3, 2013; and

WHEREAS, as a result of the City's efforts, the public has had opportunities to participate throughout the development regulation amendment process and all persons desiring to comment on the amendments were given a full and complete opportunity to be heard; and

WHEREAS, the amendments to the animal code and development regulations have been prepared in compliance with applicable City policy and State Laws;

WHEREAS, the City Council finds it is in the best interest of the public health, welfare, and safety to amend and clarify related definitions in the development regulations and animal codes for consistency;

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

Section 1. Roslyn Municipal Code Subsection 18.20.020(D) (Definitions), Amended. RMC Subsection 18.20.020(D) is hereby amended (with legislative revision marks) to read as follows:

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 household as a living accommodation independent from any other household. It must include permanent provisions for living, sleeping, eating, cooking, and sanitation.

4. “Adult family home” means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

5. “Animal shelter” means a facility that is used to house or contain stray, homeless, abandoned or unwanted domestic animals and that is owned, operated or maintained by the City of Roslyn, or an established humane society, animal welfare society for the prevention of cruelty to animals or other nonprofit organization devoted to the welfare, protection and humane treatment of animals. “Animal shelter” does not include facilities used to house or contain stray, homeless, abandoned or unwanted domestic animals for-profit or “kennels”.

6. “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 100 years.

67. “Bed and breakfast inn,” “bed and 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.

78. “Best available science” means current scientific information used in the process to designate, protect, or restore critical areas, that is derived from a valid, peer-reviewed scientific process as defined by WAC 365-195-900 through 365-195-925. 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 Commerce.

89. “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 groundwater 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 revegetation of disturbed areas; and

d. Provide standards for proper use of chemical herbicides within critical areas.

910. “Boarding house” means a residential structure for long-term stays without individual cooking facilities.

~~1011.~~ “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.

~~1112.~~ “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~~13. “Building code” means the Uniform and/or International Building Code and related codes as amended and adopted by the city of Roslyn.

~~13~~14. “Building dripline” means a vertical plane defined by the eave, roof overhang, cornice or other permanent ornamental feature extending furthest from the building.

~~14~~15. “Building footprint” or “footprint” means the area of the lot that is covered by the total horizontal surface area of the foundation and enclosed overhanging living spaces and/or the area supported by posts and piers as well as covered attached patios of the building or structure excluding eaves, chimneys, and covered stairs or decks.

~~15~~16. “Caretaker dwelling” means a single-family dwelling unit accessory to an agricultural, professional, commercial or industrial use for occupancy by the owner/caretaker.

~~16~~17. “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 affect the historic characteristics of the property which contribute to its designation.

~~17~~18. “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~~19. “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 24 hours that does not meet the definition of a “family day care provider.”

~~19~~20. “Clearing” means the pruning, trimming, topping, limbing, cutting or removal of vegetation or other organic matter by physical, mechanical, chemical or other means.

~~20~~21. “Co-location” means the placement and arrangement of multiple wireless communication providers’ antennas and equipment on a single support structure or equipment pad area.

~~21~~22. “Critical areas” means the critical areas including 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 Chapter 36.70A RCW and this title.

~~2223~~. “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 rendering 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.

~~2324~~. “Development” or “development activity” means any manmade 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.

~~2425~~. “Domestic animal/pet” means dogs, cats, small household 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.

~~2526~~. “Dwelling unit – multifamily” or “multifamily residence” 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.

~~2627~~. “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~~28. “Electromagnetic field (EMF)” means the field produced by the operation of wireless communication equipment used in transmitting and receiving radio frequency signals.

~~28~~29. “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~~30. “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~~31. “Exotic pets” means any animals not native to or not usually found as domestic pets or livestock 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~~32. “Family day care provider” means a child day care provider who regularly provides child day care and early learning services for not more than 12 children in the provider’s home in the family living quarters.

~~32~~33. “Foster home” means a dwelling unit in which foster care is provided for unrelated children as part of the family where the total number of children, 18 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~~34. “Freestanding support structure,” or “support structure,” or “freestanding wireless communication facility (WCF)” means any built structure, including any guy wires and anchors, to which an antenna and other necessary associated hardware is mounted.

~~34~~35. “Frequently flooded areas” means lands in the floodplain subject to a one percent or greater chance of flooding in any given

year, as designated by the Federal Emergency Management Agency and the National Flood Insurance Program.

3536. “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; groundwater recharge and discharge; erosion control; wave attenuation; protection from hazards; historical, archaeological, and aesthetic value protection; educational opportunities; and recreation.

3637. “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.

3738. “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.

3839. “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.

3940. “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, or any tree receiving a nine or 10 rating under this method at the discretion of the town.

4041. “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 antennas. For calculation of average elevation, existing predevelopment grades shall be used.

4142. "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.

4243. Hostels. Reserved.

4344. "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.

4445. "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.

4546. "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.

4647. "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.

4748. "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.

49. "Kennel" means a place where four or more dogs and/or four or more cats at least four months of age are kept, whether by owners of the dogs or by persons providing facilities and care, whether or not for compensation, but not including a pet store. "Kennel" also includes a facility that is used to house or contain stray, homeless, abandoned or unwanted domestic animals for profit. "Kennel" does not include "animal shelters."

4850. "Livestock" means animals not meeting the definition of domestic animal/pet or exotic animal kept either in open fields or structures for training, boarding, home use, sales, or breeding and production use or profit, including, but not limited to, horses, mules, donkeys, ponies, cattle, llamas, emus, goats, pygmy goats, sheep, fowl, bees, rabbits, swine, or other animals as determined by the city to be similar in nature and size.

4951. "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.

5052. "Manufactured home" means a residential unit which is at least 40 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.

5153. "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.

5254. "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.

Mitigation for individual actions may include a combination of the above measures.

5355. “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.

5456. “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.

5557. “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.

5658. “Mural” means graphic art without commercial text, logo, brand, or message.

5759. “Native vegetation” means plant species that are indigenous to the area in question.

~~58~~60. “Nonconforming 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 nonconforming lot” means a lot that was established lawfully in full compliance with the laws in effect at the time it was created.

~~59~~61. “Nonconforming 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 nonconforming structure” means a structure that was lawfully established in full compliance with the laws in effect at the time it was created.

~~60~~62. “Nonconforming use” means 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 nonconforming use” means a use that was lawfully established in full compliance with the laws in effect at the time it was created.

~~61~~63. “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.

~~62~~64. “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.

~~63~~65. “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.

6466. "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.

6567. "Open space, common usable" 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."

6668. "Party of record" means a person who has provided verbal or written testimony in or regarding a public hearing on a land use action.

6769. "Patio" means a slab on grade made of concrete, brick, pavers, or similar rock material used for gathering of people, and shall not be used for storage of animals, materials, supplies, equipment, or automobiles. "Attached patios" shall include patios connected to the primary residence.

6870. "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.

6971. "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.

7072. "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.

7173. "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 title. "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.

7274. "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.

7375. "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.

7476. "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.

7577. "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.

7678. “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.

7779. “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.

7880. “Riparian habitat” means areas adjacent to aquatic systems that contain elements of both aquatic and terrestrial ecosystems that mutually influence each other.

7981. “Root protection zone” means an area extending five feet beyond or outside of the dripline of a tree.

8082. “Roslyn historic inventory” or “inventory” means properties approved by the city council as being suitable for nomination to the Roslyn register of historic places.

8183. “Roslyn register of historic places” refers to the local register of historic properties approved by the Roslyn city council.

8284. “Salmonids” means a member of the Salmonidae family of fishes, including regionally important species such as salmon, steelhead, and trout.

8385. “Satellite dish TV antennas” 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.

8486. “Secure community transition facility (SCTF),” consistent with the requirements and state 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. SCTFs 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.

8587. “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.

8688. “Setback” means the minimum horizontal distance required between the property line and the building footprint.

8789. “Short subdivision” or “short plat” is the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

8890. Short-Term Rental. Please see “Vacation rental.”

8991. “Sign” means the specific definitions listed in RMC 15.25.030

9092. “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.

9193. “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 20 inches or more measured at four and one-half feet above the adjacent ground level.

b. Other native and nonnative species, including black cottonwood and quaking aspen, which have a diameter of 10 inches or more measured at four and one-half feet above the adjacent ground level.

9294. “Soil survey” means the most recent soil survey for the local area by the National Resources Conservation Service, U.S. Department of Agriculture.

9395. “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 10 years, the actual cost of the rehabilitation.

9496. “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.

9597. “Species of local importance” means those species of local concern designated by the city of Roslyn in RMC 18.90.210(C) due to their population status or their sensitivity to habitat manipulation.

9698. “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.

9799. “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.

98100. “Steep slope” means an area that is equal to or in excess of 40 percent slope, meaning that it rises 10 feet or more for every 25 feet horizontal, with a total vertical relief greater than 10 feet. A slope is delineated by establishing its toe and top.

99101. “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.

100102. “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.

~~101~~103. “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.

~~102~~104. “Subdivision” or “long plat” is the division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

~~103~~105. “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 45 feet or less in length and eight feet in width.

~~104~~106. “Unstable slope” means a naturally occurring slope with a gradient between 15 and 39 percent (dividing the vertical rise by the horizontal extent), with a total vertical relief greater than 10 feet, where spring 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 40 percent or more, see “Steep slope.”

~~105~~107. “Use” shall mean the nature of occupancy, type of activity or character and form of improvements to which land or building is devoted.

~~106~~108. “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 30 days.

~~107~~109. “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.

~~108~~110. “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 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 nondangerous 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 70.105.210.

~~109~~111. "Wetlands" means those areas that are inundated or saturated by surface or groundwater 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 nonwetland 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 nonwetland areas to mitigate the conversion of wetlands.

~~110~~112. "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 100 feet from each other; and areas delineated as vegetated wetland are more than 50 percent of the total area of the entire mosaic, including uplands and open water.

~~111~~113. "Wireless communication facility – major" or "major wireless communication facility" means a wireless communication

facility regulated by the FCC that requires a freestanding support structure or that otherwise exceeds the standards for a minor wireless communication facility.

~~112~~114. “Wireless communication facility – minor” or “minor wireless communication facility” means a wireless communication facility consisting of up to three antennas, each of which is either:

a. A panel antenna four feet in height and with an area of not more than 580 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 18 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 48 square feet in floor area; or

d. Nonresidential 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.

~~113~~115. “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.

~~114~~116. “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.

Section 2. Roslyn Municipal Code Section 18.80.050 (Table of permitted uses), Amended.
RMC Section 18.80.050 is hereby amended (with legislative revision marks) to read as follows:

18.80.050 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

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

	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 family home	P	P	X	X	X	X
Boarding house	C	C	X	X	X	X
Dwelling unit – multifamily	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						
<u>Animal Shelter, Kennel</u>	<u>X</u>	<u>X</u>	<u>C</u>	<u>X</u>	<u>X</u>	<u>X</u>
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

Table of Permitted Uses

<p align="center">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.</p>						
	Residential Zone (R)	Commercial Zone (C)	Light Industrial Zone (LI)	Urban Forest (UF)	City Watershed (W)	Historic Cemetery District (HC)
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 associated facilities	P	P	P	P(5)	X	C(11)
Public transportation 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

Table of Permitted Uses

<p align="center">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.</p>						
	Residential Zone (R)	Commercial Zone (C)	Light Industrial Zone (LI)	Urban Forest (UF)	City Watershed (W)	Historic Cemetery District (HC)
Motel	X	P	P	X	X	X
New and used vehicle and boat sales	X	X	C	X	X	X
Nonconforming 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
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

Table of Permitted Uses

<p align="center">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.</p>						
	Residential Zone (R)	Commercial Zone (C)	Light Industrial Zone (LI)	Urban Forest (UF)	City Watershed (W)	Historic Cemetery District (HC)
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
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)	S(10)	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 communication facilities – major	X	X	X	X	X	X
Wireless communication facilities – minor	C(12)	C(12)	C(12)	X	X	X
Wireless communication 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 18.50.030(C).
- (2) Multifamily 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 Chapter 18.50 RMC.
- (3) Multifamily 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 18.140.020.
- (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 18.140.020(A).
- (9) Vacation rentals must comply with the provisions of RMC 18.140.040.
- (10) Special uses and events and temporary uses must comply with the provisions of Chapter 8.40 RMC.
- (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 Chapter 18.170 RMC.
- (13) Personal wireless communication facilities may be permitted in accordance with the provisions of Chapter 18.50 RMC, Architectural Design Review.
- (14) Must also comply with the provisions of Chapter 43.215 RCW.
- (15) Existing single-family residences are permitted.
- (16) The following uses are permitted:
 - a. Child care facilities;

b. Educational activities; and

c. Community events.

(17) Livestock may be permitted in accordance with the provisions of Chapter 6.15 RMC. Livestock—Kennels are prohibited in all circumstances.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. 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 22nd DAY OF OCTOBER, 2013.

CITY OF ROSLYN



Geoff Scherer, Mayor Pro-Tempore

ATTEST/AUTHENTICATED:



Brandi Taklo, Deputy Clerk - Treasurer

Approved as to form:

Ann Marie Soto, City Attorney

Filed with the City Clerk: August 13, 2013
Passed by the City Council: October 22, 2013
Date of Publication: October 31, 2013
Effective Date: November 5, 2013