

ORDINANCE NO. 1886

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, ADOPTING THE 2015 DEVELOPMENT REGULATIONS DOCKET AMENDMENTS FOR TITLE 6-ANIMAL CONTROL, TITLE 11-ZONING, TITLE 17-CRITICAL AREAS AND TITLE 20-COMPREHENSIVE PLAN IN COMPLIANCE WITH RCW 36.70A (GMA), AND AMENDING ORDINANCES 1661, 1841, 1873A.

WHEREAS, the City Council did consider the following Findings, and having fully considered all agency comments, public testimony and the entire public record, and;

WHEREAS, these amendments were identified as docket items as part of a series of amendments considered by the City under the umbrella of the 2015 Comprehensive Plan and Development Regulations Update. The final docket was approved by the City Council on September 14, 2015 at their regularly scheduled meeting.

WHEREAS, the docketed development regulation (DR) amendments in this ordinance pertain to:

DR15-001 Pets and livestock allowed

Remove miniature goats and potbellied pigs as pets; prohibit roosters; reduce the number of small production animals allowed in the UR zone; and revise standards for housing of pets and small production animals. After the revisions to the zoning code in 2013, the City received numerous complaints regarding pets and small production animals.

DR15-002 Building height

Add provisions to calculate building height consistently on sloped lots, as the current definition(s) do not identify how maximum height is determined for buildings on sloped property.

DR15-003 Swimming pools, man-made ponds, spas, and hot tubs

Add fencing and setback requirements for swimming pools, spas, hot tubs and ponds to increase public safety and reduce safety risks for children.

DR15-004 Kennel & cattery

Revise kennel & cattery definitions for code consistency. Dayton Municipal Code (DMC) 6-8.04 and DMC 11.01.050 definitions are inconsistent.

DR15-005 Variance correction

Correct reference in DMC 11-10.060 from "060" to "050" for conditions to grant a variance.

DR15-006 Vacation rental

Add as a definition and as a use in residential zones to clarify how vacation rental is allowed.

DR15-007 Transitional uses in the Central Commercial (CC) and Fringe Commercial (FC) Zones for East Clay Street.

Add the "Clay Street Transitional District (CSTD) Overlay Zone" for properties along the north side of E. Clay St. from S. 1st St. to properties on the east of S. 4th. CSTD will reduce number of current nonconforming single family homes by allowing residences as a primary allowed use, and the CSTD will encourage occupancy of buildings by expanding uses permitted.

DR15-008 Hotel Use in Fringe Commercial Zone (FC)

Allow hotels in the FC zone eliminating confusion as to how existing hotels and motels in this zone are defined under DMC 11-01.050.

DR15-009 Volcanic Hazards

Eliminate reference and requirements for "volcanic hazards" in DMC 17-04 as there are no known hazards required to be mitigated or avoided associated with development or use of land.

WHEREAS, this ordinance amends the City of Dayton Development Regulations for zoning, critical areas and the comprehensive plan as adopted by Ordinance 1841 and 1873A; and, animal controls as adopted by Ordinance 1661.

WHEREAS, on September 17, 2015, the City of Dayton issued to the Department of Commerce its 60 day notice of intent to adopt the 2015 Docket for Comprehensive Plan and Development Regulation amendments, and;

WHEREAS, the City as lead agency issued a State Environmental Policy Act (SEPA) threshold determination of non-significance (DNS) on September 17, 2015, stating that the series of amendments docketed with the 2015 Comprehensive Plan and Development Regulations Update would not have a probable significant impact on the environment. The comment and appeal period ended on October 8, 2015.

WHEREAS, public outreach to the community was performed. The public was invited to submit individual docket applications. Newspaper notice, notice to agencies, tribes and community groups; notice and docket items were posted on the City website; and, notice and docket items were available for review at City Hall. Key stakeholders identified by the City were also invited, to review and comment on the amendments.

WHEREAS, the Dayton Planning Commission conducted a public meeting on September 15, 2015 where they were presented with the draft docket amendments. On behalf of the City Council, they held a public hearing on October 20, 2015 for the Final Docketed Amendments; and considered best available science, alternatives used by other jurisdictions, written correspondence and testimony submitted prior to the close of the public hearing.

WHEREAS, the City has considered the "Minimum Guidelines" as set forth in Chapter 365-190 WAC to update Critical Areas and its decisions have been informed by this guidance, and;

WHEREAS, the Dayton Planning Commission serves the City Council making advisory recommendations to the Dayton City Council in the matters of land use, plans, policies, codes and standards, and;

WHEREAS, the Dayton Planning Commission held a public hearing on October 20, 2015, to consider public comment regarding the proposed amendments and additions to the Dayton Municipal Code (DMC), and;

WHEREAS, after the close of said public hearing, the Dayton Planning Commission recommended the Dayton City Council adopt amendments and additions to the (DMC), and;

WHEREAS, the Dayton City Council recognizes the Dayton Planning Commission's abilities to provide sound advice, together with providing benefits for the citizens of Dayton; and,

WHEREAS, the Dayton City Council considering revisions to Docket Items DR15-001 and DR15-003 finds that less extensive code amendments would be in the greatest interest of the citizens of Dayton. Code references for roosters and potbelly pigs should remain without amendment under DR15-001. Code references currently exist for safety fencing and maintenance of private swimming pools, hot tubs and spas in DMC 5-2-04, therefore DR15-001 need only address zoning setbacks.

WHEREAS, the development regulations under this ordinance are necessary to protect the health, safety and general welfare of the community and its residents, and;

WHEREAS, the development regulations under this ordinance have been found consistent with the comprehensive plan and comprehensive plan amendments, and;

WHEREAS, the amendments and additions to development regulations have been found consistent with State and federal laws,

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

SECTION 1. AMENDMENTS, INCLUDING ADDITIONS AND DELETIONS. Under substantive authority of SEPA, Ch. 36.70 RCW Planning Enabling Act, and Ch. 36.70A RCW GMA, Ordinances 1661, 1841, 1873A are hereby amended; and the Dayton Municipal Code is hereby amended as follows:

DMC 6-8.40 - Only those definitions listed below are amended or added to DMC 6-8.04. Definitions not listed are not amended or repealed. DMC 6-8.40 is amended as follows regarding definitions related to catteries and kennels (DR15-005):

6-8.04. - Definitions.

7. Cattery: An establishment having four or more cats for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, or selling. An adult cat is one of either sex, altered or unaltered, that has reached the age of six (6) months. This does not include a veterinary clinic where animals are kept only as a necessary part of medical treatment.

13. Kennel: An establishment having four or more dogs for the purpose of housing, caring for, boarding, breeding, buying, grooming, letting for hire, training for fee, or selling. An adult dog is one of either sex, altered or unaltered, that has reached the age of six (6) months. This does not include a veterinary clinic where animals are kept only as a necessary part of medical treatment.

DMC 11.01.050. Only those definitions listed below are amended or added to DMC 11.01.050.(I). Definitions not listed are not amended or repealed. DMC 11-01.050.(I). is amended as follows regarding definitions related to catteries, kennels, pets, agriculture, vacation rentals and height of structures (DR15-001, DR15-002, DR15-004, and DR15-006):

11-01.050. - DEFINITIONS AND INTERPRETATION OF LANGUAGE

All words, unless defined below, are defined by the "Webster's New World Dictionary of the American Language." As used in this title:

- A. Words in the present tense include the future;
- B. Words in the singular include the plural;
- C. The word "person" includes an individual, family, household, association, firm, partnership, trust, company or corporation;
- D. Words designating gender include all genders unless otherwise specified;
- E. The word "lot" includes parcel;
- F. The word "structure" includes buildings;

G. The words "shall," "must," and "will" are always mandatory, and

H. The word "may" is permissive.

I. The words and phrases set out in this subsection, unless the context of the title otherwise requires, shall have the meaning provided herein:

"Building or structure height" means the average height vertical distance of each façade measured from the ground elevation of the finished grade (finished foundation(s)) to the highest point of the structure or building roof.

For sloped property the average of the lowest and highest finished ground elevation along each facade shall be considered the point of measurement for the grade.

Architectural elements that do not add floor area to a building such as chimneys, vents or antennae are not part of the height of a building, but all portions of the roof are included.

Maximum height limits based on the proximity to property lines(s) are measured by calculating vertical distance from finished grade of an exterior wall to the top of the wall plate for only that portion of the building within the regulated height/setback area from a property line.

"Cattery" means an establishment having four or more cats for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, or selling. An adult cat is one of either sex, altered or unaltered, that has reached the age of six (6) months. This does not include a veterinary clinic where animals are kept only as a necessary part of medical treatment.

"Grade, finished" means the average of the finished ground level at the center of each exterior facade of the building, unless otherwise specified.

"Kennel" means an establishment having four or more dogs for the purpose of housing, caring for, boarding, breeding, buying, grooming, letting for hire, training for fee, or selling. An adult dog is one of either sex, altered or unaltered, that has reached the age of six (6) months. This does not include a veterinary clinic where animals are kept only as a necessary part of medical treatment.

"Livestock" means domesticated animals, such as horses, cows, goats, and sheep. Swine is not allowed to be raised or cared for within the city limits.

"Pet, household" means a domesticated animal of ordinary species that lives, or is commonly known to be capable of living, within the confines of a residence. Animals considered to be common household pets include but are not necessarily limited to the following: dogs, cats, rabbits, indoor birds, small rodents, nonvenomous reptiles or amphibians and fish, and potbellied pigs.

Animals not considered a domesticated animal of ordinary species that lives, or not commonly known to be capable of living within the confines of a residence are not allowed as pets. Animals not allowed as pets include but are not necessarily limited to the following: horses, cows, goats, sheep, swine, donkeys, full size swine, chickens, roosters, endangered or exotic species (not listed above) and any similar species.

"Production animals -Small" means small domesticated animals, such as chickens, roosters, rabbits, or other similar animals or fowl, but does not include pets.

"Single-family house" means a residential building containing one residential dwelling unit designed to be owned or rented as a residence and for occupancy by one family.

"Vacation rental" - Rental of single family house for vacation use, one or more days by a family as defined in this title.

J. All definitions contained in this subsection apply to this title only in relation to marijuana related use and, except as otherwise revised below, shall have the meanings established pursuant to RCW chapter 69.50, RCW chapter 69.51A and WAC 314-55-010, as the same exist now or as they may later be amended. Select definitions have been included below for ease of reference.

DMC 11-03.020. Only those uses listed regarding pets, agriculture and vacation rentals in DMC 11-03.020 are amended or added. Uses not listed below are not amended or repealed. DMC 11-03.020 is amended as follows (DR15-001 and DR15-006):

DMC 11-03.020 RESIDENTIAL USES

USE CHART	RESIDENTIAL ZONES	
	AR	UR
A. Residential.		
Pets, household	A ²	A ²
Vacation Rental	P	P
B. Agricultural Uses.		
General farming	P ²	A ²
Large Sized Livestock	P ²	X

Moderate Sized Livestock	P ²	X
Small production animals	P ²	A ²
² See DMC 11-03.100 for limitations to pets, livestock and production animals		

A = Accessory Use P = Permitted Use X = NOT Allowed

DMC 11-03.030 Standards listed below are amended or added to DMC 11-03.030. Standards of DMC 11-03.030 not listed below are not amended or repealed. DMC 11-03.030 is amended as follows regarding height (DR15-002) and swimming pools, man-made ponds, spas, and hot tubs (DR15-003):

11-03.030. - Standards—Lot area, height, setback, lot coverage requirements and exceptions.

The lot areas, setbacks, structure heights and lot coverage required or permitted in residential zones, and additional specific standards are listed below:

Maximum Height (Hgt.) for structures and buildings (exceptions listed below in A, B, F, and G):		
Buildings, portions of buildings or structures within 10 feet of a property line, shall have a maximum height from the finished grade to the top of the wall plate:	10' Hgt.	10' Hgt.
Buildings, portions of buildings or structures more than 10 feet but less than 20 feet from a property line shall have a max. height from the finished grade to the top of the wall plate:	20' Hgt.	20' Hgt.
Buildings, portions of buildings or structures shall have a max. height from the finished grade to the top of the roof:	35' Hgt.	35' Hgt.

Building height and setback exceptions in residential zones.

- A. The building height limitations above in DMC 11-03.030 do not restrict the height of water reservoirs, church spires, and other similar structures or facilities.
- B. Cornices, eaves, chimneys, belt courses, leaders, sills, pilasters or other similar architectural or ornamental features; open balconies or unenclosed stairways not covered by a roof or canopy; and open, unenclosed porches, platforms, or landings not covered by a roof or canopy, which do not extend above the level of the first floor may extend or project into a required yard up to one foot.
- C. Open, unenclosed patios, terraces, courtyards and decks or similar surfaced areas, not covered by a roof or canopy, that

do not extend more than 18 inches above the finished grade may occupy, extend or project into a required yard.

- D. If the principal residential buildings on both abutting lots have front or rear yard setbacks less than the required depth, the yard for the lot need not exceed the average yard depth of the setbacks on the abutting lots. In no case shall the front and rear yard setback be less than ten feet.
- E. On a steep site, a detached or attached garage may be constructed in a natural bank of earth without regard to front yard regulations, provided at least 75 percent of all exterior walls, except the front, are underground.
- F. One accessory structure that does not exceed 10 feet in height to the peak of the roof or 120 feet in floor area may be located within the rear yard setback.
- G. Accessory Dwelling Units (ADU's) shall be designed to preserve or complement the architectural design, style, and appearance of the principal structure with not less than two hundred twenty (220) gross square feet and no more than eight hundred (800) gross square feet of floor area. If detached from the primary residence, an exterior height of twenty five (25) feet to the top peak of the roof is allowed; providing, however, that all other the maximum lot coverage, setback and height limit limitations pursuant to DMC -11-03.030 are met. All owners must register their ADU with the City's Planning Department. An occupancy permit must be obtained, if required by building codes.
- H. Swimming pools, spas, and hot tubs:
 - 1. Setbacks. Swimming pools, spas, and hot tubs shall have a minimum setback of 5' from a property line and above ground swimming pools, spas, and hot tubs may be required to setback greater than 5' from a property line per DMC 11-03.030 setback/height restrictions.

Under DMC 5-2.04, the International Property Maintenance Code Section 303 addresses the requirements for fencing and maintenance of swimming pools, spas and hot tubs. Fencing height limitations within front setbacks and for sight triangles are applicable unless a variance is obtained.

DMC 11-03.100. DMC 11-03.100 is amended as follows (DR15-001):

DMC 11-03.100 **ANIMAL DENSITIES—LIVESTOCK AND ANIMAL RESTRICTIONS.**

- A. Livestock and production animal restrictions. - Livestock and production animals such as horses, cows, goats, sheep and fowl are allowed subject to DMC 11-03.020 and as follows:

1. In the AR zone, large sized livestock animals such as a horse, cow or similar-sized animals require a minimum of 40,000 square feet of usable pasture area for the first large animal with an additional minimum usable pasture area of 20,000 square feet per each additional large animal.
2. In the AR zone, moderate sized livestock animals such as a sheep, goat or similar-sized animals totaling 200 pounds or less require a minimum of 10,000 square feet of usable pasture for the first moderate sized animal with an additional minimum usable pasture area of 5,000 square feet per each additional animal.
3. Small sized production animal such as chickens, rabbits or similar sized animals:
 - a. In the UR zone, a maximum of six (6) small production animal are allowed on a lot 7,200 sf. or larger. A variance may be requested to allow small production animals on a substandard sized lot in the UR zone.
 - b. In the AR zone, a minimum of 100 square feet of useable fenced or enclosed area is required for the first small production animal with an additional minimum area of 50 square feet per each additional animal.
4. Swine are prohibited.
5. No feedlots or similar dense animal-raising facilities or operations are permitted.
6. Shelters, fenced areas or corrals for animals may be built 25 feet or more from a property line or 50 feet or more from an existing residential building on adjacent properties. Except that, a shelter, fenced area or corral for six (6) or fewer small production animals may be located 15 feet from a side or rear property line and 20 feet from a front property line.

B. Household Pets - Household pets including but not limited to dogs, cats, indoor birds, small rodents, nonvenomous reptiles or amphibians, fish, and potbellied pigs, subject to the following standards and limitations:

1. Three dogs per residential lot, regardless of lot size.
2. Full-size swine are prohibited,
3. Goats are prohibited.
4. Reptiles or amphibians weighing more than 10 pounds are prohibited.
5. A maximum of three (3) household pets may be housed outside the residence in a shelter or fenced area.

C. Livestock, small production animals and pets are subject to the provisions of DMC Chapters 6.8, Animal Control.

DMC 11-04.020. DMC 11-04.020 is amended to permit hotels, inns and hostels in the FC zone (DR15-008). Provisions and uses of DMC 11-04.020 not listed below are not amended or repealed:

DMC 11-04.020 - Uses

All uses in commercial zones shall either be permitted as a principal use, as an accessory use or as a conditional use, or prohibited as indicated in Use Chart below. If a use is not listed, it is prohibited unless the planning director determines that a proposed use is similar in aspects such as size, density, effect and impact on surrounding users as a listed use. All restrictions that apply to a listed use shall apply to any use which is permitted as a similar use.

Uses in Commercial Zones	ZONES	
	CC	FC
A. Commercial Uses.		
2. HOSPITALITY BUSINESSES		
Hotels, inns and hostels	P	X P

A = Accessory Use

P= Permitted Use

X= NOT Allowed

DMC 11-07.040 Clay Street Transitional District (CSTD) Overlay Zone is added to Chapter 11-07 as follows (DR15-007):

11-07.040 CLAY STREET TRANSITIONAL DISTRICT (CSTD) OVERLAY ZONE

The intent of the CSTD Overlay Zone is to allow flexibility of the type of uses along the north side of E. Clay St between S. 1st St. and lots on the east side of S. 4th St. as shown on the CSTD Overlay Map adopted under Ord. 1886. The CSTD allows existing single family homes to be recognized as permitted by zoning. The following uses are allowed as "Permitted principal uses" in addition to the uses listed for the underlining zones (Central Commercial or Fringe Commercial):

- A. Single family residence.
- B. Duplex based on 3600 sf ft. of lot area per dwelling unit.
- C. Governmental Offices.
- D. Schools.

Clay Street Transitional District (CSTD) Overlay Zoning Map as referenced in DMC 11-07.040 and attached as Exhibit 1 (DR15-007) is hereby adopted.

DMC 11-10.060. DMC 11-10.060 is amended as follows (DR15-005):

11-10.060. - Variance findings of fact.

Before a variance can be granted or denied, the hearing body must find that:

- A. The application is complete as required in title 10;
- B. The variance requested are within the conditions specified in DMC 11-10.050;
- C. The variance is the minimum variance that will make possible the reasonable use of land, building or structure; and,
- D. The granting of any particular variance will be consistent with the general purpose and intent of this title, is in compliance with the comprehensive plan and will not be injurious to any affected neighborhood or otherwise detrimental to the public welfare.

The hearing body may attach conditions to any variance if such conditions are necessary to protect the public welfare or the purpose of this title. If the hearing body finds that the applicant is not eligible for a variance or does not fulfill the requirements, the hearing body shall state the reasons for the denial of the variance.

DMC 17-04. Code sections listed regarding volcanic hazards are amended or repealed in DMC 17-04 as follows (DR15-009). DMC 17-04 sections not listed below are not amended or repealed.

17-04.001. - Geologically hazardous areas.

"Geologically hazardous areas" include areas susceptible to erosion, sliding, earthquake, or other geological events. They pose a threat to the health and safety of citizens when incompatible development is sited in areas of significant hazard. Such incompatible development may not only place itself at risk, but also may increase the hazard to surrounding development and use. Areas susceptible to one or more of the following types of hazards shall be designated as a geologically hazardous area WAC 365-190080(4) (a):

- A. Erosion hazard;
- B. Landslide hazard;
- C. Seismic hazard;
- D. Mine hazard;and
- E. Other geological events including mass wasting, debris flows, rock falls, and differential settlement.

17-04.040. - Allowed activities—Geologically hazardous areas.

Activities allowed in geologically hazardous areas:

A. Erosion and landslide hazard areas. Except for installation of fencing or as otherwise provided for in this chapter, only those activities approved and permitted consistent with an approved critical area report in accordance with this title shall be allowed in erosion or landslide hazard areas.

B. Seismic hazard areas. The following activities are allowed within seismic hazard areas, without preparation of a special study:

- 1. Construction of new buildings with less than 2,500 square feet of floor area or roof area, whichever is greater; and which are not residential structures or used as places of employment or public assembly;
- 2. Additions to existing single-story residences that are 250 square feet or less; and
- 3. Installation of fences.

17-04.063. - Geological hazards assessment.

A. Critical area report—Required information. A critical area report for a geologically hazardous area shall contain an assessment of geological hazards including the following site- and proposal-related information at a minimum:

- 1. Site, land clearing, and construction plans. The report shall include a copy of the site plans for the proposal showing:
 - a. The type and extent of geologic hazard areas, and any other critical areas, and buffers on, adjacent to, within 200 feet of, or that are likely to impact the proposal;

- b. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain, if available;
 - c. The topography, in two-foot contours, of the project area and all hazard areas addressed in the report; and
 - d. Clearing limits;
2. Assessment of geological characteristics. The report 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 accomplished in accordance with accepted classification systems in use in the region. The assessment shall include, but not be limited to:
- a. A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area and in all hazard areas addressed in the report;
 - b. A detailed overview of the field investigations, published data and references; data and conclusions from past assessments of the site; and site specific measurements, tests, investigations, or studies that support the identification of geologically hazardous areas; and
 - c. A description of the vulnerability of the site to seismic and other geologic events;
3. Analysis of proposal. The report shall contain a hazards analysis including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties;
4. Minimum buffer and building setback. The report shall make a recommendation for the minimum no-disturbance buffer and minimum building setback from any geologic hazard based upon the geo-technical analysis;
5. Incorporation of previous study. Where a valid critical areas report has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, said report may be incorporated into the required critical area report. The applicant shall submit a hazards assessment detailing any changed environmental conditions associated with the site; and,
6. Mitigation of long-term impacts. When hazard mitigation is required, the mitigation plan shall specifically address how the activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation). Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function. Mitigation may also be required to

avoid any increase in risk above the pre-existing conditions following abandonment of the activity.

B. Critical area report—Additional technical information requirements for specific hazards. Critical area reports for geologically hazardous areas must meet the requirements of this chapter. Critical area reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area.

1. Erosion and landslide hazard areas. In addition to the basic critical area report requirements, the technical information for an erosion hazard or landslide hazard area shall include the following information at a minimum:

2. Site plan. The critical area report shall include a copy of the site plan for the proposal showing:

- a. The height of slope, slope gradient, and cross-section of the project area;
- b. The location of springs, seeps, or other surface expressions of ground water on or within 200 feet of the project area or that have potential to be affected by the proposal; and
- c. The location and description of surface water runoff features;

3. Hazards analysis. The hazards analysis component of the critical areas report shall specifically include:

- a. A description of the extent and type of vegetative cover;
- b. A description of subsurface conditions based on data from site-specific explorations;
- c. Descriptions of surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural improvements;
- d. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;
- e. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a 100-year storm event;
- f. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down slope properties;
- g. A study of slope stability including an analysis of proposed cuts, fills, and other site grading;
- h. Recommendations for building siting limitations; and
- i. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion;

4. Geo-technical engineering report. The technical information for a project within a landslide hazard area shall include a geo-technical engineering report prepared by a licensed engineer or geologist licensed by the state that presents engineering recommendations for the following:

- a. Parameters for design of site improvements including appropriate foundations and retaining structures. These should include allowable load and resistance capacities for

bearing and lateral loads, installation considerations and estimates of settlement performance;

- b. Recommendations for drainage and sub-drainage improvements;
- c. Earthwork recommendations including clearing and site preparation criteria, fill placement and compaction criteria, temporary and permanent slope inclinations and protection, and temporary excavation support, if necessary; and
- d. Mitigation of adverse site conditions including slope stabilization measures and seismically unstable soils, if appropriate.

5. Erosion and sediment control plan. For any development proposal on a site containing an erosion hazard area, an erosion and sediment control plan shall be required.

6. Drainage plan. The drainage plan should consider on-site septic system disposal volumes where the additional volume will affect the erosion or landslide hazard area;

7. Mitigation plans. Hazard and environmental mitigation plans for erosion and landslide hazard areas shall include the location and methods of drainage, surface water management, locations and methods of erosion control, a vegetation management and/or replanting plan, and/or other means for maintaining long-term soil stability; and

8. Monitoring surface waters. If the planning director determines that there is a significant risk of damage to downstream receiving waters due to potential erosion from the site, based on the size of the project, the proximity to the receiving waters, or the sensitivity of the receiving waters, the technical information shall include a plan to monitor the surface water discharge from the site. The monitoring plan shall include a recommended schedule for submitting monitoring reports to the city.

C. Seismic hazard areas. In addition to the basic report requirements, a critical area report for a seismic hazard area shall also meet the following requirements:

1. The site map shall show all known and mapped faults within 200 feet of the project area or that have potential to be affected by the proposal.

2. The hazards analysis shall include a complete discussion of the potential impacts of seismic activity on the site (for example, forces generated and fault displacement).

3. A geo-technical engineering report shall evaluate the physical properties of the subsurface soils, especially the thickness of unconsolidated deposits and their liquefaction potential. If it is determined that the site is subject to liquefaction, mitigation measures appropriate to the scale of the development shall be recommended and implemented.

D. Other geologically hazardous areas. In addition to the basic requirements, the planning director may require additional technical information to be submitted when determined to be necessary to the review the proposed activity and the subject

hazard. Additional technical information that may be required, includes, but is not limited to:

1. Site plan. The site plan shall show all hazard areas located within 200 feet of the project area or that have potential to be affected by the proposal; and

2. Hazards analysis. The hazards analysis shall include a complete discussion of the potential impacts of the hazard on the project area and of the proposal on the hazard.

DMC 20-01.010. DMC 20-01.010 is amended as follows:

DMC 20-01.010 - Established.

A. 2014 Comprehensive Plan - The 2008 City of Dayton Comprehensive Plan and Comprehensive Plan Maps adopted by Resolution 1145 on July 28, 2008; has been recognized and amended as the "2014 Comprehensive Plan Update" by Ordinance 1873 adopted on February 9, 2015 to comply with the Growth Management Act. The 2014 Comprehensive Plan Update is incorporated herein by reference. In part, the update includes the following. A complete copy of the updated comprehensive plan is available at the City of Dayton, City Hall.

1. Commercial Street Corridor Master Plan (subarea plan);
2. Downtown Dayton Historic District (subarea plan);
3. Comprehensive Plan Land Use Map - Figure LU-1;
4. Existing Land Use Map - Figure LU-2;
5. Historic preservation as an element of the comprehensive plan.

B. 2015 Comprehensive Plan - The City of Dayton 2014 Comprehensive Plan and Comprehensive Plan Maps adopted by Ordinance 1873 on February 9, 2015 has been recognized and amended as the "2015 Comprehensive Plan Update" by Ordinance 1885 adopted on December 9, 2015 to comply with the Growth Management Act. The 2015 Comprehensive Plan Update is incorporated herein by reference. In part, the update includes the following. A complete copy of the updated comprehensive plan is available at the City of Dayton, City Hall.

1. Dayton Wayfinding Signage Design Policy; and,
2. 2015 Comprehensive Solid Waste and Moderate Risk Waste Management Plan (SWMP) as approved under Resolution 1263, as an augmentation to the Comprehensive Plan.

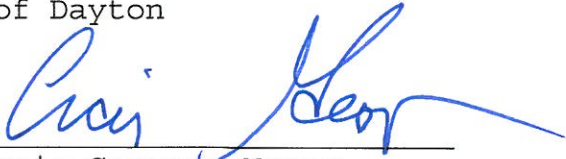
SECTION 2. ORDINANCE TO BE TRANSMITTED TO DEPARTMENT. Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington State Department of Commerce.

SECTION 3. VALIDITY. If any section, paragraph, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that they would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses, or phrases may subsequently be found by competent authority to be unconstitutional or invalid.

SECTION 4. EFFECTIVE DATE. A summary of this Ordinance consisting of its title 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 its publication.

PASSED by the City Council of the City of Dayton this
7TH day of DECEMBER, 2015.

City of Dayton


By: Craig George, Mayor

Authenticated By:


Trina Cole, City Clerk-Treasurer

Approved as to form:
Menke Jackson Beyer, LLP


Quinn Plant, City Attorney

ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES
ORDINANCE NO. 1886

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, ADOPTING THE 2015 DEVELOPMENT REGULATIONS DOCKET AMENDMENTS FOR TITLE 6-ANIMAL CONTROL, TITLE 11-ZONING, TITLE 17-CRITICAL AREAS AND TITLE 20-COMPREHENSIVE PLAN IN COMPLIANCE WITH RCW 36.70A (GMA), AND AMENDING ORDINANCES 1661, 1841, 1873A.

SECTION 1. AMENDMENTS, INCLUDING ADDITIONS AND DELETIONS.
SECTION 2. ORDINANCE TO BE TRANSMITTED TO DEPARTMENT.
SECTION 3. VALIDITY.
SECTION 4. EFFECTIVE DATE.

The full text of Ordinance 1886 adopted the 7th day of December, 2015 is available for examination at the City Clerk's Office, 111 S. 1st St., Dayton, WA during normal business hours, 9:00 a.m. to 4:00 p.m.

By: /s/ Craig George, Mayor
Attest: /s/ Trina Cole, City Clerk-Treasurer
Approved as to form: /s/ Quinn P. Plant, City Attorney

Published: 12/24/2015
The Times

Attached Exhibit:

EXHIBIT 1 - Clay Street Transitional District (CSTD) Overlay Zoning Map

ORD. 1886 EXHIBIT 1

CLAY STREET TRANSITIONAL DISTRICT (CSTD) OVERLAY ZONE

Location:

The north side of E. Clay St between S. 1st St. and lots on the east side of S. 4th St., DMC 11-07.040.

CSTD: Outlined in **Black**

Zones:

RED – Central Commercial / **Pink**– Fringe Commercial / **Yellow** – Urban Residential

