



DAYTON PLANNING COMMISSION
PRELIMINARY AGENDA
111 S. 1st Street, Dayton, WA

MEETING DATE: Tuesday, October 15, 2013
MEETING TIME: 6:30 p.m.

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES of meeting and public hearing review & approval for both 9/12/13 & 9/17/13
See attachments 3a and 3b.
4. COMMUNICATIONS FROM CITIZENS
5. UNFINISHED BUSINESS
 - a. Review and Questions regarding proposed draft development regulations and update by staff. See Attachments 5a-f.
 - b. Recommendation to City Council regarding proposed draft development regulations.
6. NEW BUSINESS
7. ADJOURN MEETING



DAYTON PLANNING COMMISSION

DRAFT MEETING MINUTES

Thursday, September 12, 2013

1. CALL TO ORDER by Joe Huether at 6:30 p.m.
2. ROLL CALL– Joe Huether, Chair; Greg Abramson, Vice Chair; Candace Jones present. Leslie Sweetwood – excused absence.
3. MINUTES REVIEW & APPROVAL – Greg made a motion and Candace seconded the motion to approve the minutes of 8/20/2013, as revised on 9/12/13 adding signature lines.

4. COMMUNICATIONS FROM CITIZENS - none

5. UNFINISHED BUSINESS –

Development Regulations: Karen provided the PC with copies of the written comments received and a memo she wrote responding to comments (memo attached).

Issues addressed at the meeting include:

Animals and Pets – Karen indicated that staff spends lots of city time taking calls and attempting to deal with the “problems” of animals and especially cats. Karen indicated she would provide more information regarding the problems at the next meeting Sept. 17th, 2013. Candace recommended speaking to the vet – Kennie Reeves regarding the cat problem in Dayton.

Karen indicated she would provide more information regarding how other jurisdictions are regulating animals and also provide a recommendation to the commission at the next meeting. Candace stated that she would like to hear from Jim Costello, Public Works as to the degree of problems associated with animals in the city.

CAO Maps – Karen explained that there are numerous CAO map screen shots provided in the packet to view hazards, and associated map legends. Maps (low quality pdf) are available for the public to view on line.

Floods - The city flood mapping project began in 2008 but was never completed. The most recent FIRM maps from FEMA are of 1988. FEMA has issued a number of “Letter of Map Amendment” documents which have revised the flood map line(s). These revisions should be recognized on a Community Flood Map for Dayton so that this information is readily available to the public and city decision makers. FEMA at this time does not intend to update the 1988 map.

Critical Aquifer Areas for Dayton are actually the well protection areas as shown on the wellhead protection maps as part of the Water System Plan for Dayton.

The city is looking into the most efficient way to map zoning, critical areas, and other within the next year.

Tent Structures – The proposed code would allow and regulate tent structures. Blue colored canvases would not be allowed. Karen guessed that this provision was added to the draft in 2008 so to exclude blue tarps used as canopies. Joe stated the issue was the quality of the canvas and that tarps can come in a variety of colors. No recommendations were made to change the wording of the draft.

Solar Panels – Candace questioned if solar panels are allowed. Karen indicated that she spoke to county staff and found out that some panels require a permit and others may not. The need for a permit is dependent on the specific solar panel, its weight, and the existing or proposed roof structure. One should contact the County Building Department if they intent to place panels on their roof.

6. PUBLIC HEARING on Proposed 2013 Draft Development Regulations:

- a. The public hearing on the proposed development regulations was opened at 7PM by the Planning Commission.

There were no objections to the Commissioners participating, receiving testimony and acting on this development regulation(s) update.

- b. STAFF/Karen Scharer presented:

- Hearing Notice was issued on Sept. 21, 2013 together with the SEPA DNS and 60 Notice to the Department of Commerce.
- A series of written comments were received by the Planning Department (see attached).
- The planning department two memos of 9/15/2013 and 9/12/2013 (attached).
- Set of Draft CAO Maps from the resources listed in the draft CAO, Title 17.

Karen gave an overview of the major changes included in the development regulations.

c. PUBLIC COMMENT & DISCUSSION:

Kathy George indicated she would review staff responses.

B&B vs Boarding House - The staff comments regarding boarding house and B&B were discussed. Karen clarified that it is probably a building code occupancy definition which would treat the two uses differently. Greg clarified that a Boarding house is a residence, while the B&B is a commercial use.

Craig George indicated that the two uses are probably taxed by the state differently. Kathy George clarified her question. Can a room be rented as a B&B room and then a Boarding Room? Only if the building codes for each are met.

Pets and Animals – Karen stated that jurisdictions vary greatly how they each regulate pets and animals.

Joe commented that under nuisance and animal control regulations the “problems” as they might come up can be regulated.

Kathy George testified that it takes a long time for responses to nuisance and animal control complaints.

Candace commented that whether using the nuisance or zoning regulations the issue is the same, as the response time to violations of code will still be an issue.

Code Enforcement – A discussion regarding code enforcement ensued. Karen clarified that some changes to the nuisance provisions are to be updated by other staff. Karen stated some conflicting code enforcement provisions currently in the Zoning Code will be repealed.

Greg stated that diagrams should be provided for the Vision Clearance Triangle. Public Hearing was closed for the night at 7:36 pm and will be continued to 7pm on 9/17/13.

7. NEW BUSINESS - None
8. MEETING ADJOURN- The meeting was adjourned at 7:36 pm.

ATTACHMENT A

Date: September 10, 2013

TO: Dayton Planning Commissioners and Mayor Craig George

FM: Karen Scharer, Planning Director

RE: Overview of Mapping & Comments Received Regarding Draft Development Regulations

MAPPING - The maps enclosed includes what staff found to be of most interest to the City and PC. This is not an exhaustive set of information held by the state and other agencies regarding critical areas and hazards.

COMMENTS -

8/22/13 Department of - Commerce	letter acknowledging receipt of notice & proposed development regulations on 8/21/13
8/21/13 Steve Martin-	e-mail regarding typo for 11-03.100 (<i>fixed before hard copies to PC</i>) Webpage link error message (<i>fixed</i>)
7/25/08 Tom Schirm, WDFW	Definition of Alternative Watercourses - <i>Revised by staff.</i> 17-06.062C. Discrepancies in creek buffers for Riparian Habitat <i>Staff has revised buffer to 150"</i>
8/23/2013 Leslie Sweetwood	11-03.100 Space needed for Chickens – referenced a website. <i>Staff reduced the minimum area for production animals from 500 sf down to 100 sf for the first animal. (50 sf remains the same for each additional animal).</i>
8/27/2013 David Moore, ECY & 8/28/2013 David Moore, ECY	Wetland CAO provisions should include best available science and Dayton should include the model ord. template. <i>Staff is in the process of incorporating the model ord. into the draft.</i>

8/26/2013 Paul Gonseth, WSDOT

No Comment

9/9/13 Katherine George

11-01.050 Can a Bed and Breakfast also be a boarding house? *No, a B&B is limited to a maximum stay of 30 days*

Should roosters, miniature goats, and potbellied pigs be allowed in the UR and AR zones? *See 11.01.050 (page 13) for pet definition and 11-03.100 B. for per limitations in the AR &UR zones. Chickens are listed as a production animal. Roosters are not mentioned in the code.*

Update will include reference to Chapter 6-8 for animal control.

11-03.020 D. Why is a Vet clinic not allowed in the AR zone? *Staff recommends that the use be allowed as a CUP.*

11-03.040 Why are tents restricted from being blue? *The tent provisions were drafted back in 2008 but never adopted. Possibly the PC at that time did not want to see blue tarps used for canopies.*

11-02.060 G sic (11.03.060) Limitations on Home Businesses – window displays – does this apply to bed & breakfast? *Yes.*

11-03.080 applicability to AR & UR. *This section refers to landscaping which applies to both zones under certain circumstances.*

11-04.020 B – Allows community centers in the CC zone but not churches (religious facilities). *Staff recommends churches be allowed as similar social/community centers are allowed (permit in the CC zone). The city may not discriminate against religious facilities. Kathy's question referenced the FC zone, the Staff is not sure whether this addresses her comment, but will follow up.*

Vision Clearance Requirements – What is the city doing about properties not in compliance? *The city is in the process of updating Chapter 9-26 and procedures regarding abatement. Please bring specific issues to the cities attention so that the city can review.*

Landscaping Downtown – How can the 1 tree for 50' be applied to downtown? *Staff will research this question, however it is unlikely any changes to the downtown street tree plan will occur in the near future.*

11.05.020 allows leather processing which is smelly in the industrial zone. *11-05.030 B 6 requires venting a minimum of 100' from a residential zone. (This is what the current code allows)*

11-05.030 reference to Church spires in the IN zone? *This is a general reference to exceptions to height limits, giving examples to the type of structures which may exceed the height. The code text can also be found in other locations regarding height exceptions.*

11-08.040 Barrier free parking space is required to be paved.
This assures the parking is indeed barrier free accessible to all.

ATTACHMENT B

Date: September 12, 2013

TO: Dayton Planning Commissioners and Mayor Craig George

FM: Karen Scharer, Planning Director

RE: Comments Received Regarding Draft Development Regulations

ADDITIONAL COMMENTS -

Verbal Comment:

City should not allow **windmills** in the residential zones do to noise they make.

Examples of regulations:

Spokane Valley – Windmills are not allowed in residential areas.

Cedar Rapids – Allowed as a CUP in residential areas

Staff recommends that windmills be only allowed as a conditional use permit in residential zones.

Verbal Comment:

City should limit the total number of **pets and small animals** on a property.

Seattle allows up to 8 chickens on a 7,200 sf lot, and more if your lot is 10,000 sf or more.

Mill Creek requires 1 acre to have any type of fowl and a max of 3 per acre. However, a total of 6 hens / rabbits are allowed on a lot 7,200 sf in size. Roosters are prohibited.

Lakewood allows up to 16 poultry, birds or rabbits per acre.

College Place – Fowl & rabbits - 25 per 6,000 sf



DAYTON PLANNING COMMISSION

DRAFT MEETING MINUTES

Tuesday, September 17, 2013

1. CALL TO ORDER by Joe Huether at 6:30 p.m.
2. ROLL CALL– Joe Huether, Chair; Greg Abramson, Vice Chair; Leslie Sweetwood present. Candace Jones absent.
3. MINUTES – Review of 9/12/2013 minutes tabled.
4. COMMUNICATIONS FROM CITIZENS - none
5. UNFINISHED BUSINESS –
Development Regulations:

Update by Staff: Karen explained the most recent proposed changes to development regulations in her 9/17/2013 memo to the PC (attached).

Matrix of pet and animal regulations were reviewed (attached)

Animals: PC discussed the amount of property needed for small production animals. Leslie stated that each chicken needs a minimum of 4 sf per chicken. Joe commented that the PC should focus on how many animals per lot, not the need of each individual animal. Karen commented that the way the proposed code is written, the city would be regulating based on the fenced area for animals not based on lot size.

6. PUBLIC HEARING on Proposed Draft Development Regulations:
The public hearing on the proposed development regulations was opened at 7:05PM by the Planning Commission. There were no citizens in attendance.

The PC continued with their discussion regarding small production animals. Karen explained that the city intends to publish a brochure next summer regarding feral cats and the responsibilities of cat owners, such as not leaving food out for any wild animals. Because of the amount of staff time going towards cat problems, city staff would like to see a maximum on the number pets, and cats per lot.

The commission directed staff to make the following changes for their review:

- Small production animals – allow as use in the UR zone with a maximum of 10 small animals. No production animals allowed on substandard lots.
- Leave the proposed codes as currently drafted for the AR zone, small production animals.
- Leave the proposed codes as drafted for pets.

City development regulation deadlines reviewed:

- Next week - Staff will draft the minutes from 9/12/2013 and 9/17/2013, update changes to the development regulations requested by the PC, copy any further

comments received and deliver packets to the PC. Copies of updates will be also be available on the City Planning Department webpage.

- October 15, 2013 - PC recommendation to the City Council
- October 28, 2013 – Recommendation presented to the City Council
- November 12, 2013 – Council to Act on the Development Regulation Ordinance

The PC chose not to schedule any special meetings before 10/15/2013 as this time. If an issue comes up before the next meeting, the PC will consider adding a meeting to the schedule.

Public Hearing was closed at 7:08 pm.

7. NEW BUSINESS - None

8. MEETING ADJOURN- The meeting was adjourned at 7:08 pm.

Attachment A

Date: September 17, 2013

TO: Dayton Planning Commissioners and Mayor Craig George

FM: Karen Scharer, Planning Director

RE: Draft Development Regulations – Staff Revisions & Background Information

A. Revisions to New Title 17/CAO:

Chapter 17-01 – Revisions were made to address updates needed to be current with definitions and BAS in association with wetland regulations

Chapter 17-05 – Almost a full replacement of the wetlands chapter has been made by staff to address the ECY comments, update provisions to include BAS, and assure consistency with federal and state standards and requirements.

Addition of a process – “Public Agency and Utility Exception” (PAUE) for public projects where there is no other feasible alternative with less impact to critical areas.

Addition of criteria for review of CAO variances, Reasonable Use, and PAUE applications

B. Revisions to New Title 10/ Admin. of Dev. Regs:

Updates to the Table in DMC 10-01.030 B were made allowing for administrative review of minor variances (less than a 10 % variation) the planning director as a Type II Application.

Elimination of the “Special” or “Wetland Application” in the table as new language of Chapter 17-05 clarifies allowed alterations.

Addition of a process – “Public Agency and Utility Exception” for public projects where there is no other feasible alternative with less impact to critical areas.

C. Animal Zoning and Control in Eastern Washington

Handout showing generally how other jurisdictions address animal densities and control.

Attachment B

DRAFT – BACKGROUND INFORMATION for ZONING Pets and Livestock regulations of other Cities in Eastern WA

	Prosser	Grandview	Sunnyside	Othello	Pullman	Cheney	Spokane Valley	Dayton
License required		Dogs only	Dogs only	Dogs only	Dog & Cat -- -- Planner review of all types	Dog & Cat	Dog & Cat	Dogs only
Max of Pet type	3 any type	3 dogs	4 dogs	3 dogs	3 dog, 3 cat	4 dogs		3 dogs
Max of Pets	6 total	3 dog max & Fowl only in AG	4 pet max	3 dog max Chicken as pet prohibited	Dogs + Cats- 4, + 4 rabbit+ other			3 dog max
More?	CUP							
Livestock		AG only	CUP	S-1 Only/ prohibited	Planner review		Min. 40,000 sf for 3	AR
Chickens		AG zone only	CUP	S-1 Only/	Planner review		1 per 2,000 sf 25 max	AR & UR
Wild		Not allowed						
Kennel		4 or more	5 or more	4 or more	5 or more	5 or more		4 or more

Date: October 13, 2013

TO: Dayton Planning Commissioners and Mayor Craig George

FM: Karen Scharer, Planning Director

RE: Overview of Code Update of Development Regulations

Please note that "**Bolded** and Bulleted items" are new additions or revisions recommended by staff.

Title 10: Administration of Development Regulations:

- Consolidation of processing regulations into a single title as recommended by Dept. of Commerce, Title 10.
- Organization of land use and permit applications by "Type" in matrix, Section 10-01.030 B.
- Matrix outlines process for permit types, Section 10-01.030 A.
- Planning Commission hears appeals of the HE for Type III and City Council hears appeals of Type IV applications, Section 10-01.030 A.
- **Adding "Essential public facilities not already permitted" as a Type III application, Section 10-01.030 B.**
- Provisions for "Consolidation" of permit reviews, Section 10-01.020 (RCW required).
- Only one open record hearing for quasi-judicial applications, Section 10-01.025.
- Applicants expire if required information or revisions are not submitted within 90 days, Section 10-02.060.
- Process for reconsideration of decisions, Section 10-05.080.
- Establishes chapter on Development Agreements - allows for innovative project design provided that a clear public benefit will result. This is a legislative process (more than one open record hearing allowed), Ch.10-08.
- Hearing Examiner (HE) to conduct public hearings on quasi-judicial applications and appeals of administrative decisions. Section 10-01.030 B
- Minor zoning & minor CAO variances of 10% or less may be decided by the Planning Director. Section 10-01.030 B.
- Comp Plan amendments and docketing once a year, Chapter 10-09. (RCW 36.70A.130 (2)).
- Establishes a deadline of January 31st for submittal of docket items, Section 10-09.030.

Title 11 - Zoning Code:

- Notice on development permits regarding resource land uses (required by state), Section 11-01.040.
- Expansion of definition section clarifying definitions for group homes, daycare centers, emergency construction, mobile homes, open space, and tent structures, Section 11-01.050.
- Addition of a maximum impervious area addressing GMA development regulation requirements, Section 11-03.030.
- **Agricultural Residential (AR) and Commercial Zones (CC) & (FC) – Addition of Adult family homes and Group homes as required by state, RCW 70.128.140(2) and RCW 36.70.990, Sections 11-03.020 and 11-04.020.**
- Residential zones – Adding tent structures, Section 11-03.040; and, clarifying numbers of small production animals allowed in AR and UR, Section 11-03.100. Also see *9/22/13 memo and table attached to the 10/15/13 Planning Commission Agenda.*
- Temporary and mobile buildings - Clarification of time limits in residential zones, Section 11-03.050.

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- **Clarification of vision clearance requirements at intersections, Sections 11.03.065, 11-04.050, 11-05.050, and 11-06.060.**

“At street intersections and at intersections of streets and alleys, in the area adjacent to each intersection shall be maintained in a clear and open condition to provide for safe vision of traffic on the intersecting streets. The area shall include all areas within a sight triangle, measured ten feet back from the intersecting property lines along each street front or alley property line. Within this triangle area no fences, bushes, structures or other vision obstructing elements may be more than three feet higher than the finished grade of the adjacent streets and no signs, tree limbs or other vision obstructing elements may be less than eight feet above the finish grade of the adjacent streets.”

- Addition of Community Residential Facilities (CRF) to the Commercial Zones, 11-04.020.
- Clarification of the location of salvage, recycling operations, wrecking or junk yards less than 2,500 sq. ft in area, Section 11-05.020
- Open Space (OS) & Public Use (PU) – Adding minimum setback standards, Section 11-06.030.
- Adding of Religious Facilities, faith centers and churches as similar uses are allowed in the CC, OS and PU zones, Sections 11-04.020 and 11-06.020
- New Chapter for Overlay, Special District, and Development Agreement- includes historic districts, futures overlay districts and development agreements for specific properties, Chapter 11-07.
- Provisions for conversion of non-conforming uses to another non-conforming use, Section 11-09.040.
- Conditional Uses& Variances – Clarification/expansion of findings, Chapter 11-10.
- New Chapter – Essential Public Facilities (EPF) as required by GMA, Chapter, 11-14.
- The hearing examiner would make a decision on most EPF, Chapter 11-14
- Removal of review processes to new Title 10.
- Revision of enforcement provisions by reference to Chapter 9-26.

Title 17 – Critical Areas:

- City is required to notify property owners of potential critical areas within one year of ordinance adoption, Section 17-01.700.
- CAO definitions added, Section 17-01.050.
- Reference to mapping by agencies dependent on best available science of agency, Section 17-01.060
- Critical area based on the definition of critical areas, whether mapped or not, Section 17-01.070
- Provisions for CAO Variances added with criteria specific to CAO, Section 17-01.090
- Provisions for Public agency and utility exceptions, Section 17-01.096.
- Special Use Permits (formerly CUP’s) allows limited uses in wetland areas, Section 17-05.070
- Wetland rating added, 17-05.030 and Riparian Habitat Area standards, Section 17-06.060
- Added Appendix A - Permit Process flow chart, Appendix A.
- Riparian Habitat Area (RHA) - Best available science by the Washington State Dept. of Fish and Wildlife (WDFW) supports a of 150 feet along the stream types listed below, Section 17-06.062:
 - Type 3; or other perennial or fish bearing streams, less than 5 feet wide.
 - Type 4 and 5; or intermittent streams and washes with low mass wasting potential.

Title 19 – Land Division:

- New Chapter for Boundary Line Adjustments, Chapter 19-08
- Expansion of the definitions: financial guaranties, development engineer, redefine short plat from 8 lots to a maximum of 4 lots, etc., Section 19-01.030.
- Consent to Access, Section 19-01.080.
- Limitation with future road corridors, Section 19-01.110.
- Minimum Improvements required, Section 19-01.180
- Hearing examiner findings, Section 19.04.060
- Addition of Plat Adjustment Procedures, Section 19-04.100.
- Survey & Development requirements for Short plats, Section 19-06.040 & 050.
- Short plat decision is administrative per state code with the planning director responsible for issuing preliminary approvals, Section 19-06.080.
- Divisions of land into 5 or more lots is a subdivision and will require a public hearing (Section 10-01.030).

Date: September 22, 2013

TO: Dayton Planning Commissioners and Mayor Craig George

FM: Karen Scharer, Planning Director

RE: **Draft Planning Commission (PC) Minutes and Latest Draft Development Regulations**

A. Enclosed for your review and comment are the following:

1. Draft Minutes of the 9/12/2013 PC Meeting and Public Hearing
2. Draft Minutes of the 9/17/2013 PC Meeting and Public Hearing
3. Chart for how animals are regulated per zoning by existing codes, previous drafts and currently drafted code. Hopefully this chart will answer any remaining questions regarding regulation of animals and assist in your final recommendation to the City Council.
4. Additional Comments – Comments were received from Tom Schirm, WDFW on 9/16/2013. Staff updated 17-06.020 [sic. 010 C.] to reference 17-06.062, and thereby addressing the conflict between 17-06.020 [sic. 010 C.] and 17-06.062.
5. Ordinance ____ Draft Update as of 9/22/2013
6. Attachment A - Title 10 – Administration of Development Regulations
7. Attachment B - Title 11- Zoning Code,
8. Attachment C - Title 17-Critical Area,
9. Attachment E - Chapter 1-22, Hearing Examiner

Please be advised that you already have a copy of "Attachment D - Title 19 - Title Land Division". It is not included in this packet as there have been no further changes to the draft of 8/20/2013.

B. Tuesday, October 15, 2013 is the next scheduled PC meeting. Please feel free to contact me if you have any questions regarding the draft development regulation before the next meeting.

Should you find the need to hold another meet to discuss the draft regulations, I would be glad to schedule an additional PC Special Meeting.

ANIMALS in the RESIDENTIAL ZONES -- Comparison of Existing Code to Drafts, and Current PC Draft

EXISTING CODE	STAFF PROPOSED 8/5/2013	PC REVISION 8/5/13	CURRENT PC DRAFT BASED ON 9/17/13 MEETING
5-12.050. Definitions and interpretation of language.	11-01.050 - Definitions and interpretation of language.	11-01.050 - Same	11-01.050 - Same
"Farming, general" means the cultivation, breeding, raising and production for commercial purposes of plants, animals, fish or fish not including feedlots.	"Farming, general" means the cultivation, breeding, raising and production for commercial purposes of plants, animals, fish and products from plants, animals and fish; but excluding feedlots.	Same	Same
"Feedlot" means any land, structure, pen or corral where more than five animals are maintained in close and confined quarters with less space than required in section 5-12.190 (animal densities).	"Feedlot" means any land, structure, pen or corral where more than five animals are maintained in close and confined quarters with less space than required in <u>DMC</u> Section 11-03.110 (animal densities).	Same	"Feedlot" means any land, structure, pen or corral where more than five animals are maintained in close and confined quarters with less space than required in <u>DMC</u> Section 11-03.110 A. (animal densities).
"Kennel" means any premises or building in which three or more dogs, cats or other household pets are kept for a commercial purpose (temporary home for a fee, raising animals to sell, etc.). This does not include a veterinary clinic where animals are kept only as a necessary part of medical treatment.	"Kennel/Cattery" means a commercial establishment which houses, cares for, breeds, raises or sells dogs or cats for profit. Four (4) or more adult dogs or cats or any combination thereof constitute a kennel. An adult dog or 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.	Same	Same
-----	"Livestock" means domesticated animals, such as horses, cows, goats, sheep, and fowl. Swine are not allowed to be raised or cared for within the city limits.	Same	"Livestock" means domesticated animals, such as horses, cows, goats, sheep, and fowl. Swine is not allowed to be raised or cared for within the city limits, except that potbelly pigs are allowed as pets.
-----	"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	Same	"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

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	<p>to the following: dogs, cats, rabbits, indoor birds, small rodents, and fish, miniature goats, potbelly pigs, and domestic fowl. Animals <u>not</u> considered to be common household pets include but are not necessarily limited to the following: horses, cows, goats, sheep, swine, donkeys, full-size swine, full-size goats, endangered or exotic species and any similar species.</p>	<p>pets include but are not necessarily limited to the following: dogs, cats, rabbits, indoor birds, small rodents, and fish, miniature goats, potbelly pigs, and domestic fowl. Animals <u>not</u> household pets include but are not necessarily limited to the following: horses, cows, goats, sheep, donkeys, full-size swine, full-size goats, endangered or exotic species and any similar species.</p>	
<p>5-12.180. Animal densities—Livestock and animal restrictions.</p>	<p>11-03.100 - Animal densities—Livestock and animal restrictions.</p> <p>A. Livestock and production animal restrictions. - Livestock and production animals such as horses, cows, goats, sheep and fowl that are allowed as follows:</p>	<p>11-03.100 Same</p>	<p>11-03.100 same</p>
<p>A. <u>Large animal</u> such as a horse, cow or similar-sized animal. A minimum of 40,000 square feet of usable pasture area is required for the first large animal with an additional minimum usable pasture area of 20,000 square feet per each additional large animal.</p>	<p>1. 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 is required for the first large animal with an additional minimum usable pasture area of 20,000 square feet per each additional large animal.</p>	<p>1. Same</p>	<p>1. same</p>
<p>B. <u>Moderate sized animal</u> such as a sheep, goat or similar-sized animal (200 pounds or less). Ten thousand square feet of usable pasture is required for the first moderate sized animal with an additional minimum usable pasture area of 5,000 square feet per each additional animal.</p>	<p>2. 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.</p>	<p>2. Same</p>	<p>2. Same</p>
<p>C. <u>Small production animal</u> such as chickens, rabbits or similar sized animals. Five hundred square feet of useable fenced or enclosed area is required for the first small production animal</p>	<p>3. Small sized production animal such as chickens, rabbits or similar sized animals require a minimum of 500 square feet of useable fenced or enclosed area for the</p>	<p>3. Small sized production animal such as chickens, rabbits or similar sized animals require a</p>	<p>3. Small sized production animal such as chickens, rabbits or similar sized animals:</p>

with an additional minimum area of 50 square feet per each additional animal.	first small production animal with an additional minimum area of 50 square feet per each additional animal.	minimum of 100 square feet of useable fenced or enclosed area for the first small production animal with an additional minimum area of 50 square feet per each additional animal.	a. A maximum of 10 small production animal in the UR zone 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.
D. No feedlots or similar dense animal-raising facilities or operations are permitted.	4. Swine are prohibited. 5. No feedlots or similar dense animal-raising facilities or operations are permitted.	4. Same. 5. Same	4. same 5. same
E. No shelter or corral for animals may be built within 25 feet of a property line or within 50 feet of an existing residential building on adjacent properties.	6. No shelter or corral for animals may be built within 25 feet of a property line or within 50 feet of an existing residential building on adjacent properties. Except that, a shelter for six (6) or fewer small production animals may be located 15 feet from a side or rear property line.	6. Same	6. same
	B. Household Pets – Household pets including dogs, cats, rabbits, caged indoor birds, small rodents, and nonvenomous reptiles or amphibians subject to the following standards and limitations:	B. Household Pets – Household pets including dogs, cats, rabbits, caged indoor birds, small rodents, and nonvenomous reptiles or amphibians subject to the following standards and limitations:	B. Household Pets – Household pets including dogs, cats, rabbits, caged indoor birds, small rodents, miniature goats, potbelly pigs, and nonvenomous reptiles or amphibians subject to the following standards and limitations:
	1. Three pets per residential lot.	1. Three dogs per residential lot, regardless of lot size.	1. Same
	2. One additional pet may be kept in if there is an accessory dwelling unit or a second dwelling on a residential lot.	2. Full-size swine and full-size goats are prohibited as pets	2. Same

----		3. On lots that are larger than 7,000 gross sq. ft., one (1) additional household pet may be kept per additional 2,000 gross sq. ft. of lot area.	3. Reptiles or amphibians weighing more than 10 pounds are prohibited.	3. same	
					C. Livestock, small production animals and pets are subject to the provisions of DMC Chapters 6.8, Animal Control.
Feed Lot	AR - X / UR - X	same	same	same	
General Farming -	AR - P / UR - A ¹	General Farming	AR - P / UR - A	same	
Kenel	AR - A ¹ / UR - X	Kenel	AR - A / UR - X	Same	
Large Sized Livestock	-----	Large Sized Livestock ²	AR - P / UR - X	same	
Moderate Sized Livestock	-----	Mod. Sized Livestock ²	AR - P / UR - X	same	
Small production animals (SPA)	-----	SPA ²	AR - P / UR - C	SPA ² AR - P / UR - A	
Pets, household	-----	Pets, household ²	AR - A / UR - A	Same	

¹Accessory uses are uses and facilities that are supportive of and normally associated with a permitted principal use. Examples of these generally accepted and permitted accessory facilities and uses are ..., shelters for pets or animals raised for the consumption by residents, barns where general farming is permitted, etc.”
²See DMC 11-03.110 for limitations to livestock, production animals and pets

~~ARTICLE III~~ **Chapter 11-03 - RESIDENTIAL ZONES**

~~5-12-100, 11-03.010~~ - INTENT AND PURPOSE OF RESIDENTIAL ZONES.

~~5-12-110, Uses, 11-03.020~~ - USES.

~~5-12-120, 11-03.030~~ - **STANDARDS** - LOT AREA, HEIGHT, SETBACK, LOT COVERAGE REQUIREMENTS AND EXCEPTIONS.

11-03.040 - TENT STRUCTURES, RESIDENTIAL

~~5-12-130, Building construction - All buildings in residential zones, 11-05.050 - BUILDING CONSTRUCTION - ALL BUILDINGS IN RESIDENTIAL ZONES.~~

~~5-12-140, Limits on businesses, 11-03.060 - LIMITS ON BUSINESSES.~~

11-03.065 - VISION CLEARANCE AREA REQUIREMENTS

~~5-12-150, Off-street parking, 11-03.070 - OFF-STREET PARKING.~~

~~5-12-160, Landscaping - Required, 11.03.080 - LANDSCAPING - REQUIRED.~~

~~5-12-170, Exterior lighting, 11-03.090 - EXTERIOR LIGHTING.~~

~~5-12-180, 11-03.100 - ANIMAL DENSITIES AND RESTRICTIONS. - LIVESTOCK, PRODUCTION and ANIMALS AND HOUSEHOLD PETS restrictions.~~

~~5-12-190, Mobile home parks, 11-03.110 - MOBILE HOME PARKS.~~

~~5-12-195, Historic District Overlay Zone.~~

~~5-12-100, 11-03.010~~ - INTENT AND PURPOSE OF RESIDENTIAL ZONES.

The intent and purpose of the residential zone is to provide for residential uses and such other uses as may be compatible to the following zones:

- A. Agricultural Residential (AR). The intent of the agricultural residential zone is to retain a single-family, low-density residential character. The base density for the agricultural residential zone is three to four (3-4) dwelling units per acre. Varied housing types may be allowed through approved planned residential development, manufactured home parks, and manufactured home subdivisions.
- B. Urban Residential (DR). The intent of the urban residential zone is to provide for a mixture of housing unit types including single-family, duplex and multifamily dwellings. The base density is four to six (4-6) dwelling units per acre. This zone also includes provisions for the manufactured home sub-divisions.

~~The residential section of the zoning code is intended to assist in the implementation of the following Comprehensive Plan goals:~~

~~• Goal LU 2: Support a strong local economy through the revitalization of Dayton's residential and commercial areas.~~

~~Objective LU 2.1: Allow home occupations in residential areas.~~

~~Objective LU 2.2: Allow bed and breakfast establishments in residential areas.~~

~~• Goal LU 5: Strengthen the City of Dayton's environmental quality of life while maintaining the character and quality of the community.~~

~~• Goal H 1: Encourage the availability of different housing types and densities compatible to the needs of the community and its individual neighborhood.~~

~~Objective H 1.1: Establish residential densities which are reflective of the area's needs.~~

~~Objective H 1.2: Allow manufactured homes in certain residential areas without damaging the historic fabric of Dayton or of a specific neighborhood.~~

~~Objective H 1.3: Provide for auxiliary apartments in residential zones.~~

~~• Goal H 3: Preserve and enhance the buildings and properties in Dayton that are historically significant or of architectural importance.~~

~~Objective H 3.1: The city should encourage development which is compatible with the existing historic integrity of the community.~~

~~Agricultural Residential (AR). The intent of the agricultural residential zone is to retain a single family, low-density residential character. The base density for the agricultural residential zone is four dwelling units per acre. Varied housing types may be allowed through approved planned residential development including multifamily dwellings, manufactured home parks and manufactured home subdivisions.~~

~~Urban Residential (UR). The intent of the urban residential zone is to provide for a mixture of housing unit types including single family and multifamily dwellings. The base density is six dwelling units per acre. This zone also includes provisions for the manufactured home subdivisions and planned residential development allowing a variety of housing unit types at increased densities.~~

5-12-110-11-03.020 - USES.

All uses in residential zones shall either be permitted as a principal use, as an accessory use or as a conditional use, or prohibited as indicated in the Use Chart of this section 110. If a use is not listed, it is prohibited unless the ~~city planner~~ **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.

USE CHART 110 Uses in Residential Zones	RESIDENTIAL ZONES	
	AR	UR
A. Residential.		
Accessory dwelling unit (ADU <u>guest house or granny apartment</u>) <u>¹ Accessory only to one primary single family dwelling, also see DMC 11-01.020 G.</u>	A ¹	A ¹
<u>Adult family home</u>	<u>P</u>	<u>P</u>
Assisted care home	A	P
Boardinghouse	A	P
Duplexes (<u>two attached dwellings units with a minimum of 3,600 square feet of lot area for each unit</u>)	X	P
Group home	X <u>P</u>	P
Manufactured and mobile home parks	C	P <u>C</u>
Multifamily (three or more <u>attached dwelling units</u>) with <u>a minimum of a required lot area of 3,600 square feet of lot area</u> for each unit)	X	P
<u>Pets, household - See DMC 11-03.100 for zoning limitations on the number of pets</u>	<u>A</u>	<u>A</u>
Private garages and storage buildings, <u>including carports</u>	A	A
Private recreational facilities (pools, patios, and similar)	A	A
Single-family house <u>Dwelling</u>	P	P
<u>Tent Structure, Residential See DMC 11-03.040 for iimitations</u>	<u>A</u>	<u>A</u>
B. Agricultural Uses.		
Feedlots	X	X
General farming ²	P	A
<u>Large Sized Livestock²</u>	<u>P²</u>	<u>X</u>
<u>Moderate Sized Livestock²</u>	<u>P²</u>	<u>X</u>

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<u>Small production animals²</u>	<u>P²</u>	<u>A²</u>
² See DMC 11-03.100 for limitations to livestock and production animals		
C. Community Facilities.		
Community centers and similar facilities	C	C
Fire and police stations	C	C
Hospitals	X	C
Medical clinics	X	C
Parks	P	P
Religious facilities, <u>faith centers and churches</u>	C	C
Schools	C	C
Utility transformers, pump station, etc.	C	C
D. Commercial Uses. (Limitations on Commercial Uses- See 11-03.060)		
Bed and breakfast guest house (three or fewer guest rooms)	A	A ³
Inn (three to ten guest rooms)	X	C
Communication towers including phone, radio, TV and similar	A	A
<u>Community Residential Facilities (CRF)</u>	<u>X</u>	<u>C</u>
Day Care <u>Facilities</u>		
Day care center	C	C
Mini Day Care Center	C	C
Family day care facility-home	A	A
Home business or occupation	A	A
Kennels	A	X
Nursing homes	C	C
Professional, administrative and service offices	A	A
Retail nurseries and greenhouses	A	A
Veterinary clinic	X	C

P - Permitted Principal use; C - Conditional use; A - Accessory use; X - Prohibited use

~~Conditional uses are uses that are permitted with conditions and restrictions that are needed to provide for the compatibility of the conditional use with permitted uses within the applicable zone and conditions needed to protect health, safety and general welfare of the public. Specific proposals for a conditional use must be approved through the procedures and requirements described in Article IX of this chapter.~~

~~Accessory uses are uses and facilities that are supportive of and normally associated with a permitted principal use. Examples of these generally accepted and permitted accessory facilities and uses are garages for vehicles owned and operated by occupants of a related residence, shops for hobby work or repairing personal property, garden buildings, shelters for pets or animals raised for the consumption by residents, barns where general farming is permitted, etc.~~

~~5-12-120-11-03.030~~ – **Standards:** Lot area, height, setback, lot coverage requirements and exceptions.

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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 210 below. If a use is not listed, it is prohibited unless the ~~city planner~~ 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.

Chart 210 Uses in Commercial Zones	ZONES	
	CC	FC
A. Commercial Uses.		
1. GENERAL RETAIL SALES AND SERVICES		
Grocery stores and general merchandise stores	P	P
Lumber, building supplies, nurseries and greenhouses	A	P
Pedestrian oriented specialty retail stores or lower volume in and out customer service such as books, music, stationary, jewelry, pet shops not including kennels, printing, second hand shops, and similar shops with related services	P	A
Specialty retail shops primarily providing in and out service that do not need major warehouse space such as cleaners, copying, laundries, convenience stores and similar	A	P
Specialty retail that needs customer and delivery access such as household appliances, heating, plumbing, hardware, locksmiths, retail nursery, paint and glass and similar	A	P
Specialty food shops such as bakeries, confectionery, ice cream and similar specialty foods	P	P
2. HOSPITALITY BUSINESSES		
Bowling alley, skating rinks, billiard halls and similar recreational uses	A	P
Drive in and take out restaurants	A	P
Eating and drinking establishments for service and consumption on site	P	P
Hotels, inns and hostels	P	X
Motels and recreational vehicle parks	X	P
Theaters and similar places of public assembly not including drive-ins	P	A
3. PROFESSIONAL AND PERSONAL SERVICES		
Banks	P	P
<u>Community Residential Facilities (CRF)."</u>	<u>C</u>	<u>P</u>
Day care center	P	P
Nursing homes	C	P
Insurance, accountants, attorneys, real estate and other professional service offices	P	P
Kennels	X	P
Medical offices and clinics	P	P
<u>Nursing homes</u>	<u>C</u>	<u>P</u>
Veterinary clinic	C	P
4. VEHICLE SALES, REPAIR AND OTHER SERVICES		

Automobile, truck and farm equipment sales, repair, fuel, and service <u>and commercial garages</u>	X	P
Bicycles and motorcycles sales, parts, repair and service	P	P
Boats, snowmobiles, recreational vehicles and similar sales, repair, parts, fuel and service	X	P
Dismantling and/or salvaging of vehicles, equipment or parts	X	C
Vehicle parts only	P	P
5. OTHER COMMERCIAL OPERATIONS		
Bus station, public garages and other public transportation facilities	C	P
Communication towers including phone, radio and TV	C	C
General warehouse	A	P
Light manufacturing and production such as cabinet shops, production bakeries and meat processing	A	P
Mini-storage	A	P
Parking and general outdoor sales lots	A	P
B. Community Facilities.		
Community centers, lodge halls and museums	P	P
Fire and police stations	P	P
Governmental equipment repair and maintenance shops	A	C
Governmental offices	C	P
Hospital	C	P
Parks and playgrounds	C	P
Recycling collection center	C	P
Religious facility, <u>faith centers and churches</u>	X P	P
Schools	C	P
Utility transformers, pump station, etc.	C	P
C. Residential. The first floor street front of a building and 60% of the building area on the first floor cannot be used for residential uses.		
<u>Adult family homes</u>	<u>P</u>	<u>P</u>
Assisted care home	P	X
Boardinghouse	P	X
Caretaker or business owner/manager's unit	A	A
Group home	C P	X P
Mobile home parks	X	P
Multi-family (three or more units)	P	P
D. Agricultural Uses.		
	X	X

P - Permitted principal use; X - Prohibited use; A - Accessory use; C - Conditional use

~~Conditional uses are uses permitted with conditions and restrictions that are needed to provide for the compatibility of the conditional use with permitted uses within the zone and conditions needed to protect health, safety and~~

C. Decision maker(s). Applications processed in accordance with subsection B of this section which have the same procedure number, but are assigned to different hearing bodies, shall be heard collectively by the highest decision maker; the city council being the highest body, followed by the Hearing Examiner, as applicable, and then the director. Joint public hearings with other agencies shall be processed according to DMC 10-01.040.

10-01.025 LIMITATIONS ON HEARINGS

Except for the appeal of a determination of significance as provided in RCW 43.21C.075, the city provides no more than one open record hearing and one closed record appeal.

10-01.030 PROJECT APPLICATION, PERMIT AND LEGISLATIVE FRAMEWORK

A. Procedures for Action Type.

PROCEDURES						
	Project Land Use Applications, Permit and SEPA					Legislative
	TYPE I	TYPE II	TYPE III	TYPE IV	TYPE IVA	TYPE V
Recommendation made by:	N/A	N/A	Planning Director	Hearing Examiner	Director	Planning Commission
Final decision by:	Director	Director	Hearing Examiner	City Council	City Council	City Council
Notice of application (NOA) Mailing	No	Yes ³	Yes	Yes	No	No
NOA Posting	No	Yes ³	Yes	Yes	No	No
NOA Newspaper	No	Yes ³	Yes	Yes	No	No
Notice of Open Record Public Hearing (NOH)	No	No	Yes ¹	Yes ¹	No	Yes ⁷
Notice of Decision (NOD) to Parties of Record	Yes	Yes	Yes	Yes	Yes	Yes ⁷
Open record public hearing:	No	No	Yes, Hearing Examiner	Yes, Hearing Examiner	No	Yes, Planning Commission ²
Open record appeal ⁶ of a final decision	No	Yes Hearing Examiner ²	No	No	No	No
Closed record appeal ⁶	No	No	Yes, Planning Commission ²	Yes, Council ²	No	Yes ⁴
Judicial appeal:	Yes ⁵	Yes ⁵	Yes ⁵	Yes	Yes	Yes

¹ Notice of Hearing to 300' Mailing radius, newspaper and posting per DMC 10.03

² See DMC Section 10.09.110 for appeal notice with and without SEPA.

³ Notice of application not required if SEPA Exempt

⁴ Council may hold its own open record hearing, see DMC 10-09.160 and RCW 36.70A.035(2).

⁵ Refer to the Dayton shoreline master program for additional shoreline application procedures.

⁶ Open and closed record appeals heard by a hearing body of the city are "administrative appeals".

⁷ Notice and Hearing Requirements of DMC Chapter 10-09.110 and RCW 36.70A.03 for legislative actions.

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B. Classification of Applications.

	TYPE I	TYPE II	TYPE III	TYPE IV	TYPE IVA	TYPE V
	Boundary line adjustment	Preliminary short plat	Conditional use permits	Site specific rezones	Final plats	Comprehensive plan amendments
		Administrative interpretations ¹				
	Building Permits	Site plan review	Variances: zoning, sign	Preliminary plats		Development regulation amendments
	Final short plat	Binding site plan				
	Sign permits	Shoreline Exemptions ²	Plat vacations and alterations	Major preliminary plat revisions		Zoning text amendments
	Zoning Certification Letter	Shoreline: substantial development ²				
	Home occupation Letter of code compliance	Variances and alternative design for road and surface water management standards for a project	Shoreline: variance, conditional use ²	Shorelines Re-designation		Area-wide zoning map amendments
	Minor site plan modifications	Minor Revisions to shoreline management permits ²	Essential public facilities not already permitted			Docketed zone reclassifications
		Minor adjustments or modifications to a preliminary plat, CUP, and Minor zoning & CAO variances (10%), and Historic Structure CAO Flood Variance	Critical area (CAO) Variance, Reasonable use exceptions, & Public Agency Exceptions			Annexations
		SEPA Threshold Determination	Mobile/manufactured home park or subdivision			Development agreements

¹ Non project administrative interpretation notice of decision shall be placed in the city official newspaper

² Refer to the Dayton shoreline master program for additional shoreline application procedures.

10-01.040 JOINT PUBLIC HEARINGS.

- A. Director's Decision to Hold Joint Hearing. The director may combine any public hearing on a project land use and permit application(s) with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action, as long as: (1) the hearing is held within the city limits; and (2) the requirements of subsection C of this section are met.
- B. Applicant's Request for a Joint Hearing. The applicant may request that the public hearing on permit and land use application(s) be combined, as long as, the joint hearing can be held within the time period for the highest application type set forth in this title. In the alternative, the applicant may agree to a particular schedule if that additional time is needed in order to complete the hearings.
- C. Prerequisites to Joint Public Hearing. A joint public hearing may be held with another local, state, regional, federal or other agency and the city, when:
 - 1. The other agency is not expressly prohibited by statute from doing so;
 - 2. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statutes, ordinances, or rules;
 - 3. The agency(s) has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the city hearing; or
 - 4. The hearing is held within the geographic boundary of the city.

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