

**CITY OF DAYTON WASHINGTON**  
**ORDINANCE NO. 1841**

AN ORDINANCE ADOPTING NEW AND AMENDED DEVELOPMENT REGULATIONS IN COMPLIANCE WITH RCW 36.70A (GMA); ESTABLISHING NEW DAYTON MUNICIPAL CODE (DMC) TITLES, AMENDING AND RENUMBERING CODE SECTIONS: DMC TITLE 10 – ADMINISTRATION OF DEVELOPMENT REGULATIONS, 11- ZONING CODE, 17- CRITICAL AREA, AND 19 -LAND DIVISION; ADDING NEW DMC CHAPTER 11-14, ESSENTIAL PUBLIC FACILITIES; AND CHAPTER 1-22, HEARING EXAMINER; AMENDING ORDINANCE 1506, 1609, 1662, 1745, AND 1803. REPEALING ORDINANCES 1829, AND 1677; AND, REPEALING CHAPTERS 5-20 (CAO) AND 5-19 (BOARD OF ADJUSTMENTS).

**WHEREAS**, the City updated the Dayton Comprehensive Plan in 2008 under Resolution 1145 and is required to update Development Regulations under GMA for consistency with the comprehensive plan by December 1, 2013, and;

**WHEREAS**, the City of Dayton issued to the Department of Commerce on August 21, 2013, its 60 day notice of intent to adopt Development Regulations and GMA review team were considered and included in this ordinance, and;

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

**WHEREAS**, the City has used best available science as the basis of its CAO, consulted with all interested parties, and balanced CAO requirements with other GMA mandates, and;

**WHEREAS**, the Dayton City Council, in an effort to improve the timeliness and quality of land use application reviews, to establish the position of Hearing Examiner to act on quasi-judicial land use applications, and appeals of administrative staff decisions, and;

**WHEREAS**, the Revised Code of Washington, Chapter 36.70 RCW, Planning Enabling Act, and RCW Chapter 3670B RCW, Regulatory Reform Act, allow for a Hearing Examiner system of review as an alternative to the Board of Adjustment, and;

**WHEREAS**, the proposed development regulations are necessary to protect the health, safety and general welfare of the community and its residents, and;

**WHEREAS**, the proposed development regulations have been found consistent with the comprehensive plan, and;

**WHEREAS**, the proposed new and amended development regulations will not result in a probable significant adverse environmental impact; and, the Planning Director issued a threshold Determination of Nonsignificance (DNS) on August 21, 2013.

**WHEREAS**, the proposed development regulations for administration of development regulations, zoning, critical areas, land division, essential public facilities and hearing examiner have been found consistent with existing development regulations and State and federal laws,

**NOW, THEREFORE, BE IT ORDAINED BY THE DAYTON CITY COUNCIL:**

**Section 1.** Ordinances 1677 (CAO Chapter 5-20); and 1829 (Administrative Decision Appeals Section 5-12.840) and Chapter 5-19 (Board of Adjustments) are hereby repealed.

**Section 2.** Under Substantive Authority of SEPA, RCW 36.70 Planning Enabling Act and RCW 36.70A GMA, Ordinance 1506, 1609, 1662, 1745 and 1803 are hereby amended; and the Dayton Municipal Code is hereby amended to add the following new titles and chapters and all provisions within, including the renumbering of existing chapters and sections. Amendments are contained in the following Attachments:

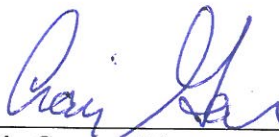
Attachment A - Title 10 – Administration of Development Regulations,  
Attachment B - Title 11 - Zoning Code,  
Attachment C - Title 17 - Critical Areas,  
Attachment D - Title 19 - Land Division,  
Attachment B - Chapter 11-14, Essential Public Facilities,  
Attachment E - Chapter 1-22, Hearing Examiner, and  
Attachment F – Title 11 – Zoning Code (Additional Corrections and Updates)

**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.** This Ordinance shall be effective from and after five (5) days after its passage and publication as required by Law.

Passed by the City Council, City of Dayton, this 12<sup>TH</sup> day of NOVEMBER, 2013.

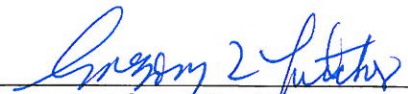
APPROVED:

  
\_\_\_\_\_  
Craig George, Mayor

ATTEST:

  
\_\_\_\_\_  
Trina D. Cole, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Gregory Lutchy, City Attorney

Attachments

**ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES**  
**ORDINANCE NUMBER 1841**

AN ORDINANCE ADOPTING NEW AND AMENDED DEVELOPMENT REGULATIONS IN COMPLIANCE WITH RCW 36.70A (GMA); ESTABLISHING NEW DAYTON MUNICIPAL CODE (DMC) TITLES, AMENDING AND RENUMBERING CODE SECTIONS: DMC TITLE 10 – ADMINISTRATION OF DEVELOPMENT REGULATIONS, 11- ZONING CODE, 17-CRITICAL AREA, AND 19 -LAND DIVISION; ADDING NEW DMC CHAPTER 11-14, ESSENTIAL PUBLIC FACILITIES; AND CHAPTER 1-22, HEARING EXAMINER; AMENDING ORDINANCE 1506, 1609, 1662, 1745, AND 1803. REPEALING ORDINANCES 1829, AND 1677; AND, REPEALING CHAPTERS 5-20 (CAO) AND 5-19 (BOARD OF ADJUSTMENTS).

The full text of Ordinance 1841, adopted the 12<sup>TH</sup> day of NOVEMBER, 2013, is available for examination at the City Clerk's Office, 111 S. 1<sup>st</sup> St., Dayton, WA during normal business hours, 9:00 a.m. to 4:00 p.m., Monday – Friday.

By: /s/ Craig George, Mayor

Attest: /s/ Trina Cole, City Clerk-Treasurer

Approved as to from: /s/ Gregory Lutchter, City Attorney

Published: 11/21/2013  
*The Times*



**ORDINANCE 1841 ATTACHMENT A**  
**DAYTON MUNICIPAL CODE**  
**New - Title 10 - ADMINISTRATION OF DEVELOPMENT REGULATIONS**

**Chapters:**

- 10-01    TYPES OF PROJECT APPLICATIONS**
- 10-02    TYPE I – IV PROJECT PERMIT PROCESSING**
- 10-03    PUBLIC NOTICE**
- 10-04    CONSISTENCY WITH DEVELOPMENT REGULATIONS AND SEPA**
- 10-05    OPEN RECORD PUBLIC HEARINGS**
- 10-06    OPEN AND CLOSED RECORD APPEALS – CLOSED RECORD DECISIONS**
- 10-07    *RESERVED***
- 10-08    DEVELOPMENT AGREEMENTS**
- 10-09    COMPREHENSIVE PLAN AMENDMENTS**
- 10-10    ENFORCEMENT OF LAND USE AND DEVELOPMENT CODES**

**Chapter 10-01    TYPES OF PROJECT APPLICATIONS**

**Sections:**

- 10-01.010    PROCEDURES FOR PROCESSING PROJECT APPLICATIONS**
- 10-01.020    DETERMINATION OF PROCEDURE TYPE**
- 10-01.025    LIMITATIONS ON HEARINGS**
- 10-01.030    PROJECT APPLICATION, PERMIT AND LEGISLATIVE FRAMEWORK**
- 10-01.040    JOINT PUBLIC HEARINGS**
- 10-01.050    LEGISLATIVE DECISIONS**
- 10-01.060    LEGISLATIVE ENACTMENTS NOT RESTRICTED**
- 10-01.070    EXEMPTIONS FROM PROJECT PERMIT APPLICATION PROCESSING**

**10-01.010            PROCEDURES FOR PROCESSING PROJECT APPLICATIONS**

For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I, Type II, Type III or Type IV. Legislative decisions are Type V actions, and are addressed in DMC 10-01.050. Exclusions from the requirements of project land use and permit application processing are contained in DMC 10-01.070.

**10-01.020            DETERMINATION OF PROCEDURE TYPE.**

- A.        Determination by Director. The planning director (hereinafter the “director”) shall determine the proper procedure for all development applications. Questions concerning the appropriate procedure shall be resolved in favor of the higher numbered procedure.
- B.        Optional Consolidated Land Use and Permit Processing. An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or may be processed individually under each of the application procedures identified in DMC 10-01.030. The applicant may determine whether the application will be processed collectively or individually. If the applications are processed individually, the highest numbered type procedure shall be undertaken first, followed by the other procedures in sequence from the highest numbered to the lowest.



- 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 <sup>3</sup>	Yes	Yes	No	No
NOA Posting	No	Yes <sup>3</sup>	Yes	Yes	No	No
NOA Newspaper	No	Yes <sup>3</sup>	Yes	Yes	No	No
Notice of Open Record Public Hearing (NOH)	No	No	Yes <sup>1</sup>	Yes <sup>1</sup>	No	Yes <sup>7</sup>
Notice of Decision (NOD) to Parties of Record	Yes	Yes	Yes	Yes	Yes	Yes <sup>7</sup>
Open record public hearing:	No	No	Yes, Hearing Examiner	Yes, Hearing Examiner	No	Yes, Planning Commission <sup>2</sup>
Open record appeal <sup>6</sup> of a final decision	No	Yes Hearing Examiner <sup>2</sup>	No	No	No	No
Closed record appeal <sup>6</sup>	No	No	Yes, Planning Commission <sup>2</sup>	Yes, Council <sup>2</sup>	No	Yes <sup>4</sup>
Judicial appeal:	Yes <sup>5</sup>	Yes <sup>5</sup>	Yes <sup>5</sup>	Yes	Yes	Yes

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

<sup>2</sup> See DMC Section 10.09.110 for appeal notice with and without SEPA.

<sup>3</sup> Notice of application not required if SEPA Exempt

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

<sup>5</sup> Refer to the Dayton shoreline master program for additional shoreline application procedures.

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

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

B. Classification of Applications.

TYPE I	TYPE II	TYPE III	TYPE IV	TYPE IVA	TYPE V
Boundary line adjustment	Preliminary short plat Administrative interpretations <sup>1</sup>	Conditional use permits	Site specific rezones	Final plats	Comprehensive plan amendments
Building Permits	Site plan review	Variances: zoning, sign	Preliminary plats		Development regulation amendments
Final short plat	Shoreline Exemptions <sup>2</sup>				
Sign permits	Shoreline: substantial development <sup>2</sup>	Plat vacations and alterations	Major preliminary plat revisions		Zoning text amendments
Zoning Certification Letter	Minor Revisions to shoreline management permits <sup>2</sup>				
Home occupation/ Letter of code compliance	Variances and alternative design for road and surface water management standards for a project	Shoreline: variance, conditional use <sup>2</sup>	Shorelines Re-designation		Area-wide zoning map amendments
Minor site plan modifications	SEPA Threshold Determination	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
		Mobile/manufactured home park or subdivision			Development agreements

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

<sup>2</sup> 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.

**10-01.050            LEGISLATIVE DECISIONS.**

- A. Decisions. The following decisions are legislative, and are not subject to the procedures in this title, unless otherwise specified:
  - 1. Zoning code text and development regulation amendments;
  - 2. Area-wide rezones to implement city policies;
  - 3. Adoption of the comprehensive plan, plan amendments and plan augmentations.
- B. Planning Commission. The planning commission shall hold a public hearing and make recommendations to the city council on the decisions in subsection (A)(3) of this section. The planning commission shall also hold public hearings and make recommendations to the city council on the decisions in subsections (A)(1) and (2) of this section, except that the city council may hold a public hearing itself on those decisions set forth in subsections (A)(1) and (2) of this section. The public hearing shall be held in accordance with the requirements of DMC Chapter 10-05 and RCW 36.70A.035 and all other applicable law.
- C. City Council. The city council may consider the planning commission's recommendation in a public hearing held in accordance with the requirements of DMC Chapter 10-05 and RCW 36.70A.035 and all other applicable law. If the city council desires to hold a public hearing on any of the decisions set forth in subsections (A)(1) and (2) of this section, it may do so without forwarding the proposed decision to the planning commission for a hearing.
- D. Public Notice. Notice of the public hearing or public meeting shall be provided to the public as set forth in DMC 10-03.030.
- E. Implementation. City council decision shall be by ordinance or resolution and shall become effective on the effective date of the ordinance or resolution.

**10.01.060            LEGISLATIVE ENACTMENTS NOT RESTRICTED.**

Nothing in this title or the processing procedures shall limit the authority of the city council to make changes to the city's comprehensive plan, or the city's development regulations as part of the annual revision process.

**10.01.070            EXEMPTIONS FROM PROJECT LAND USE AND PERMIT APPLICATION PROCESSING.**

- A. Whenever a land use or permit approval in the Dayton Municipal Code has been designated as a Type I, II, III or IV application, the procedures in this title shall be followed in project processing. The following permits or approvals are specifically excluded from the procedures set forth in this title:
  - 1. Landmark designations;
  - 2. Street vacations;
  - 3. Street use permits;
- B. Pursuant to RCW 36.70B.140(2), building permits, boundary line adjustments or other construction permits, or similar administrative approvals when categorically exempt from environmental review under SEPA Chapter 43.21C RCW, Chapter 197-11 WAC, the city's SEPA/environmental policy codes or permits/approvals for which environmental review has been completed in connection with other project permits, are excluded from the following procedures:
  - 1. Notice of application (DMC 10-02.040) unless an open record hearing is required.
  - 2. Except as provided in RCW 36.70B.140, optional consolidated project permit review processing (DMC 10.01.020(B));
  - 3. Joint public hearings (DMC 10.01.040);
  - 4. Single report stating all of the decisions and recommendations made as of the date of the report that do not require an open public record hearing (DMC 10.05.020(C));
  - 5. Notice of decision (DMC 10.02.070(A)).



## Chapter 10-02 TYPE I – IV PROJECT PERMIT PROCESSING

### Sections:

10-02.010	OPTIONAL PREAPPLICATION CONFERENCE
10-02.020	PROJECT PERMIT APPLICATION
10-02.030	ACCEPTANCE OF APPLICATION
10-02.040	NOTICE OF APPLICATION
10-02.050	RESERVED
10-02.060	EXPIRATION OF COMPLETE APPLICATIONS
10-02.070	PROJECT PROCESSING AND DECISION
10-02.080	DURATION OF PERMIT APPROVAL AND EXPIRATION
10-02.090	RESUBMISSION OF APPLICATION

### **10-02.010 OPTIONAL PREAPPLICATION CONFERENCE.**

- A. Prior to filing applications for project permit applications, the applicant may request a preapplication conference. The purpose of the preapplication conference is to acquaint the applicant with the requirements of the Dayton Municipal Code.
- B. The conference should be held within 28 days of the request.
- C. Unless additional information is needed to determine the permits required for the proposal, following the conference the director will provide the applicant with:
  1. A form which lists the requirements for a completed application;
  2. A general summary of the procedures to be used to process the application;
  3. The references to the relevant code provisions or development standards which may apply to approval of the application.
- D. Neither the discussions at the conference nor the information provided by the director to the applicant under subsection C of this section shall bind the director in any manner or prevent the director's future application or enforcement of all applicable codes, ordinances and regulations.

### **10-02.020 PROJECT PERMIT APPLICATION.**

Project land use applications and permits shall be submitted on forms provided by the director. An application shall consist of all materials required by the applicable development regulations, and shall include the following general information:

- A. A completed project land use and/or permit application form(s);
- B. A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all owners of the affected property;
- C. A property and/or legal description of the site for all applications, as required by the applicable development regulations;
- D. The applicable fee to reasonably recover costs of administration, review, inspection, publication of notice; environmental checklists and similar items associated with requests for land use and permit applications. The city council shall establish a schedule of fees pertaining to matters of this chapter. The schedule of fees shall be made available at City Hall by the city clerk and may be altered by amendment only by the city council. Any administrative city official shall be exempt from such fees when initiating requests on behalf of the city.
- E. Evidence of adequate water supply as required by RCW 19.27.097 or a copy of an application for city of Dayton water concurrency determination; and
- F. Evidence of sewer availability or an application for a city of Dayton sewer concurrency determination.

### **10-02.030 ACCEPTANCE OF APPLICATION**

- A. Determination of Completeness.
  1. Within 28 days after receiving a project land use or permit application, the city shall mail or personally deliver to the applicant a determination which states either:
    - a. That the application is complete; or
    - b. That the application is incomplete and what is necessary to make the application complete.

If an applicant chooses the optional consolidated permit review process set forth in DMC 10-01.020(B), the determination of completeness shall include all project permits being reviewed through the consolidated permit review process.

2. A project land use or permit application(s) is complete when it meets the submission requirements of DMC 10-02.020 and the submission requirements of the applicable development regulations. The determination of completeness shall be made when the application is sufficiently complete for review, even though additional information may be required or project modifications may be undertaken subsequently. The director's determination of completeness shall not preclude the director's ability to request additional information or studies whenever new information is required, or substantial changes are made to the proposed project.
- B. Incomplete Applications.
1. When the applicant receives a determination that an application is not complete, the applicant will have 90 days to submit the necessary information. Within 14 days after an applicant has submitted the requested additional information, the director must make a determination whether the application is complete and notify the applicant;
  2. If the applicant does not submit the additional information requested within the 90-day period, the director shall make findings, and issue a decision, according to the Type I procedure described in DMC 10-01, that the application has lapsed for lack of information necessary to complete the review. The decision shall state that no further action will be taken on the applications.
- C. Director's Failure to Provide Determination of Completeness. A project land use or permit application(s) shall be deemed complete under this section if the director does not provide a written determination to the applicant that the application is incomplete as provided in subsection B of this section.

**10-02.040 NOTICE OF APPLICATION**

- A. A notice of application shall be provided to all city departments, agencies with jurisdiction and public of Type II, III and IV project land use and permit applications as required in DMC 10-01.030. Notice procedures shall be provided pursuant to DMC 10-03.
- B. Issuance of Notice of Application.
1. Within 14 days after the city has made a determination of complete application, the director shall issue a notice of application.
  2. If any open record predecision hearing is required for the requested project land use and permit application(s), the notice of application shall be provided at least 15 days prior to the open record hearing.
- C. Contents. The notice of application shall be consistent with DMC 10-03.010 C.;
- D. Public Comment. All public comments received on the application must be received in the department of planning by 4:00 p.m. on the last day of the comment period, unless an open record public hearing is scheduled.
- E. SEPA Exempt Projects. A notice of application shall not be required for project land use and permit application(s) that are categorically exempt under SEPA, unless a public comment period or an open record predecision hearing is required.

**10-02.060 EXPIRATION OF COMPLETE APPLICATIONS**

- A. Whenever an applicant receives a determination from the city that additional information is needed to review a complete application or that revisions are necessary to reach code compliance, the applicant shall have 90 days to submit the necessary information or revisions, or request a decision on the application. If the applicant responds in writing and indicates that more than 90 days is required to provide the additional information or revisions, the director may accept a reasonable timeline for submittal of all information requested or revisions.
- B. If the applicant does not submit the information requested or revisions within the allowed time period, the director shall make findings and issue a decision, according to the Type I procedure described in DMC 10-01.030, that the application has expired for lack of information necessary to complete the review. The decision shall state that no further action will be taken on the expired application and that the applicant has 30 days to pick up the application materials.

**10-02.070 PROJECT PROCESSING AND DECISION**

- A. Notice circulation. A notice of decision (NOD) on a project land use and permit application(s) shall be provided to the applicant, to any person who submitted comments on the application or requested a copy of the decision, and to the Columbia County Assessor.
- B. Time Period. The director shall issue a notice of final decision on a project permit application within 120 days of the issuance of the determination of completeness pursuant to DMC 10-02.030; provided, that the time period for issuance of a notice of final decision on a short plat shall be 90 days, and for a final plat 30 days.
  - 1. The time period for issuance of the notice of final decision, shall exclude the following periods:
    - a. Any period during which the applicant has been requested by the director to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the director notifies the applicant of the need for additional information until the earlier of the date the director determines that the additional information provided satisfies the request for information, or 14 days after the date the additional information is provided to the city;
    - b. If the director determines that the information submitted is insufficient, the applicant shall be informed of the particular insufficiencies and the procedures set forth in this subsection (B)(1) for calculating the exclusion period shall apply;
    - c. Any period during which an environmental impact statement (EIS) is being prepared pursuant to Chapter 43.21C RCW and DMC Title 14.
    - d. Any period for consideration and issuance of a decision for administrative appeals of project permits, which shall be not more than 90 days for open record appeals and 60 days for closed record appeals, unless a longer period is agreed to by the director and the applicant;
    - e. Any extension of time mutually agreed to in writing by the director and the applicant.
  - 2. The time limits established in this subsection B do not apply if a project permit application:
    - a. Requires an amendment to the comprehensive plan or a development regulation;
    - b. Requires siting approval of an essential public facility as provided in RCW 36.70A.200; or
    - c. Is substantially revised by the applicant, in which case the time period shall start from the date that a determination of completeness for the revised application is issued by the director.
- C. Contents. The notice of decision shall be consistent with DMC 10-03.040.

**10-02.080 DURATION OF PERMIT APPROVAL AND EXPIRATION**

- A. Duration of Approval. A land use decision shall expire two years from the date a permit is approved, unless otherwise specified in the decision.
- B. When a project includes more than one land use approval, the expiration date of the approval with the longest approval duration shall govern all land use approvals included in a project, except Type V decisions.
- C. The duration of approval, expiration and extension of the following land use approvals shall not be governed by this section, except that subsection B of this section shall apply:
  - 1. Shoreline permits shall be governed by the city of Dayton shoreline master program and WAC 173-27-090;
  - 2. Subdivisions, short plats, binding site plans and boundary line adjustments shall be governed by DMC Title 19 and Chapter 58.17 RCW;
  - 3. Land use approvals governed by a development agreement shall be pursuant to the development agreement;
- D. Effective Date. The approval for a land use application and permit shall commence on the date of the decision; provided, that in the event of appeal, the effective date shall be the date of appeal decision. The approval for a shoreline permit shall commence on the effective date of the permit as defined in WAC 173-27-090.
- E. Expiration.
  - 1. All land use decisions become null and void and expire at the end of the permit approval period if, on the date the permit expires, a complete application for subsequent building or construction permit has not been submitted. A complete application for subsequent building or construction permit will extend the validity of said land use permit as long as the permit is active.
  - 2. Once a use or development has been legally established, the land use decision will remain valid as long as the use and development is in compliance with the terms of the land use decision
  - 3. Conditional Use Permits. If a use or activity authorized by a conditional use permit is abandoned or discontinued for a continuous period of two years, the conditional use permit shall expire and the use or activity may not be reestablished unless authorized by a new conditional use permit.



- F. Extensions. Upon written request by the property owner, prior to the date of land use permit expiration, the director may grant an extension for one year. Any extensions of time shall be based upon a finding that the land use permit is compliant with all applicable codes at the time of the extension request and there has been no material change of circumstances applicable to the property since project permit approval. No more than one permit extension may be granted.

**10-02.090 RESUBMISSION OF APPLICATION**

Any project permit application that is denied shall not be resubmitted or accepted for reconsideration for a period of 12 months from the date of the last action by the city on the application unless, there has been a significant change in the application or a significant change in conditions related to the impacts of the proposed project.

**Chapter 10-03 PUBLIC NOTICE**

Sections:

- 10-03.010 PUBLIC NOTICE OF APPLICATION.
- 10-03.015 PUBLIC NOTICE OF NON-SITE-SPECIFIC ACTION
- 10-03.020 OPTIONAL PUBLIC NOTICE.
- 10-03.030 NOTICE OF OPEN RECORD PUBLIC HEARING.
- 10-03.040 NOTICE OF DECISION.

**10-03.010 PUBLIC NOTICE OF APPLICATION.**

In addition to the notice of application for project permits required by DMC 10-02.040:

- A. Posted Notice. Posting of the property for site-specific proposals is required by the applicant and shall consist of one or more notice boards as follows:
1. The posted notice shall contain at least the project location, description, type of permit(s) required, comment period dates, and a location where the complete application and notice of application may be reviewed.
  2. A single notice board shall be placed at the street property line of the midpoint of the street fronting the site or as otherwise directed by the director for maximum visibility to pedestrians. The top of the notice board must be between five and six feet above grade.
  3. Additional notice boards may be required when the site does not abut a public road; the site is a large site; or the site abuts more than one public road.
  4. Notice boards shall be maintained in good condition by the applicant. Removal of the notice board prior to the final decision shall be cause for discontinuance of review until the notice board is replaced and remains in place until a decision is issued.
  6. An affidavit of posting must be submitted to the director by the applicant at least 10 days prior to the hearing or final comment date. If an affidavit is not filed as required, any scheduled hearing or public comment period may be postponed until compliance with notice requirements.
  7. Notice boards shall be constructed and installed by the applicant in accordance with specifications determined by the director.
- B. Published Notice. Notice shall be published in the city's official newspaper or in a newspaper of general circulation, and shall contain the project name, location, description, type of permit(s) required, comment period dates, and where the application may be viewed.
- C. Mailed Notice. Notice for site-specific proposals shall be mailed to all property owners within 300 feet of the subject property and consist of the following: The name and address of the applicant and the applicant's representative;
1. The date of application submittal, the date of completion application and the date of notice of application;
  2. A description of the proposed project and a list of all the project land use applications and permits requested, and, if applicable, a list of any studies requested under RCW 36.70B.070 or 36.70B.090;
  3. A description of other required permits not included in the application, to the extent known by the city;
  4. A description of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
  5. A statement setting forth:

- a. The public comment period, which shall be not less than 14 nor more than 30 days following the date of notice of application, except that the public comment period for a notice of application under the city's shoreline master program (SMP) shall be 30 days;
- b. The right of any person to comment on the application, receive notice and participate in any hearings, and request a copy of the application decision; and
- c. Any appeal rights;
- 6. The date, time, place and type of hearing, if a hearing has been scheduled;
- 7. A summary of the preliminary determination of consistency required by DMC 10-04.010 and a statement of preliminary determination of those development regulations that will be used for project mitigation as provided in Chapter 10-04 DMC, if made at the time of notice of application;
- 8. Any other information determined appropriate by the director.
- D. For Type III preliminary plat actions, notice shall also be mailed to:
  - 1. Appropriate officials Columbia County when boundaries are within 300' of the county;
  - 2. The Secretary of Transportation when adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport.

**10-03.015 PUBLIC NOTICE OF NON-SITE-SPECIFIC ACTION**

Public notice of non-site-specific action shall be by publication in the city's official newspaper. Public notice shall be provided within the timelines provided for in DMC 10-09.110

**10-03.020 OPTIONAL PUBLIC NOTICE**

The director, in his or her discretion, may notify the community groups: news media; newspapers, neighboring property owners. Failure to provide an optional notice shall not be grounds for invalidation of any permit decision.

**10-03.030 NOTICE OF OPEN RECORD PUBLIC HEARING**

- A. Notice of Public Hearing. The notice of a public hearing for a quasi-judicial action required by this chapter shall contain the information as required by 10-03.010:
  - 1. The name and address of the applicant and the applicant's representative;
  - 2. A description of the subject property reasonably sufficient to inform the public of its location, which may include a vicinity map, written description, or postal address.
  - 3. The nature of the proposed use or development;
  - 4. The date, time and place of the hearing;
  - 5. The sections of the code that are pertinent to the hearing procedure;
  - 6. A statement of any threshold determination made under SEPA (Chapter 43.21C RCW);
  - 7. A statement that all interested persons may provide written comments and/or provide testimony;
  - 8. The name of a city representative to contact and the telephone number where additional information may be obtained;
  - 9. A statement explaining that a copy of the staff report will be available at least five days prior to the hearing.
- B. Mailed Notice. Mailed notice of the public hearing shall be provided as follows:
  - 1. Type III and Type IV Actions. The notice of the public hearing shall be mailed to:
    - a. The applicant;
    - b. All owners of property within 300 feet of the subject property for site-specific proposals;
    - c. Any person who submits written or oral comments on an application;
    - d. For a plat alteration or a plat vacation, notice shall be as provided in RCW 58.17.080 and 58.17.090;
  - 2. General Procedure for Mailed Notice of Public Hearing.
    - a. The records of the Columbia County assessor's office shall be used for determining the property owner of record. Addresses for a mailed notice required by this code shall be obtained from the applicable county's real property tax records by the applicant. The director shall cause to be issued a sworn certificate of transmittal to all persons entitled to notice under this chapter.
    - b. All mailed public notices shall be deemed to have been received on the next business day following the day that the notice is deposited in the mail.
- C. Procedure for Posted or Published Notice of Public Hearing.
  - 1. Posted notice of the public hearing is required for all Type III project permit applications. The posted notice shall be posted as required by DMC 10-03.010(A).
  - 2. Published notice is required for all Type III and IV procedures. Notice shall be published in the city's official newspaper.

- D. Time and Cost of Notice of Public Hearing.
1. For all Type III procedures and appeals of Type II actions, notice shall be mailed, posted and first published not less than 10 nor more than 30 days prior to the hearing date. Posted notices shall be removed by the applicant within 15 days following the public hearing.
  2. For Type V procedures, published notice shall occur five days prior to the public hearing.
  3. All costs associated with the public notice shall be borne by the applicant.

#### **10-03.040 NOTICE OF DECISION.**

The director shall provide a notice of the decision on site-specific project applications by mailing the notice of decision to all parties of record. The notice of decision (NOD) shall include:

- A. A list of all project application and permits,
- B. A date and description of the decision;
- C. A statement of any threshold determination made under SEPA (Chapter 43.21C RCW);
- D. The procedures for administrative appeal (appeal to the city), if any;
- E. A statement that the affected property owners may request a change in property tax valuation notwithstanding any program of revaluation by contacting the Columbia County Assessor;
- F. The duration of permit approval and a statement summarizing the permit expiration and extension procedures provided in DMC 10-02.080;
- G. A statement that the complete project permit file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list the city representative to contact about reviewing.

### **Chapter 10-04 CONSISTENCY WITH DEVELOPMENT REGULATIONS AND SEPA**

Sections:

- 10-04.010 DETERMINATION OF CONSISTENCY
- 10-04.020 TIMING OF SEPA REVIEW
- 10-04.030 INITIAL SEPA ANALYSIS
- 10-04.040 SEPA NOTICE

#### **10.04.010 DETERMINATION OF CONSISTENCY**

During administrative project application review, the director shall determine whether the development regulations applicable to the proposed project, or in the absence of applicable development regulations: the city's comprehensive plan, intensity of uses, density, availability of services, infrastructure and whether address funding of supporting facilities as required by Chapter 36.70A RCW are adequate.

#### **10-04.020 TIMING OF SEPA REVIEW**

- A. Timing of Review. SEPA review will generally be conducted at the preliminary design phase of a project, allowing for site plan review prior to the submittal of detailed building plans. This will allow the applicant to integrate required mitigations into the project design with less cost.

Despite the general advantage to an applicant of submitting for SEPA review at the preliminary design phase, prior to submittal of detailed building plans, the City will accept and review building permit applications concurrently with SEPA review if a developer chooses to sign a specific authorization for such joint review.

- B. Site Plan Review Permit. Development projects or activities undergoing SEPA review shall go through a Site Plan Review Permit process, unless there is another Type II or III permit associated with the project or activity.

#### **10-04.030 INITIAL SEPA ANALYSIS**

- A. The director shall review the project application(s) for consistency with the State Environmental Policy Act ("SEPA"), Chapter 43.21C RCW, the SEPA Rules, Chapter 197-11 WAC, and DMC Title 14, and shall:
1. Determine whether the project is exempt under SEPA provisions;
  2. Determine whether applicable regulations require studies to adequately analyze all of the proposed project's specific probable adverse environmental impacts;
  3. Determine whether applicable regulations require mitigation measures to adequately address identified environmental impacts; and



4. Provide prompt and coordinated review by other government agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level.
- B. In its review of a project permit application, the director shall determine whether the requirements for environmental analysis, protection and mitigation measures in the applicable development regulations, comprehensive plan and/or in other applicable local, state or federal laws provide adequate analysis of and mitigation for the specific adverse environmental impacts of the proposal.
- C. If the director bases or conditions his or her approval of the project permit application on compliance with the requirements or mitigation measures described in subsection A of this section, the city shall not impose additional mitigation under SEPA during project review for the same adverse environmental impacts.
- D. A comprehensive plan, development regulation or other applicable local, state or federal law provides adequate analysis of, and mitigation for, the specific adverse environmental impacts of a proposal when:
  1. The impacts have been avoided or otherwise mitigated; or
  2. The city has designated in the plan, regulation or law that certain levels of service, land use designations, development standards or other land use conditions allowed by Chapter 36.70A RCW are acceptable.
- E. In deciding whether a specific adverse environmental impact has been addressed by an existing city plan or development regulation, or by the regulations or laws of another government agency, the director shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the director shall base or condition any project approval on compliance with these other regulations.
- F. Nothing in this section limits the authority of the director in reviewing or mitigating the impacts of a proposed project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by Chapter 43.21C RCW.
- G. The director shall also review the application under DMC Title 14, the city environmental review code; provided, that such review shall be coordinated with the underlying permit application review.

**10-04.030 SEPA NOTICE**

The planning director shall be responsible for the preparation of notices for SEPA actions be in accordance with the provisions of Chapter 197-11 RCW and Title 10 DMC.

## **Chapter 10.05 OPEN RECORD PUBLIC HEARINGS**

### **Sections:**

- 10-05.010 GENERAL
- 10-05.020 RESPONSIBILITY OF DIRECTOR FOR HEARING
- 10-05.040 DISQUALIFICATION
- 10-05.050 BURDEN AND NATURE OF PROOF
- 10-05.060 ORDER OF PROCEEDINGS
- 10-05.070 DECISION
- 10-05.080 RECONSIDERATION OF DECISION

### **10-05.010 GENERAL**

Open Record Public hearings for project land use and permit applications shall be conducted in accordance with this chapter.

### **10.05.020 RESPONSIBILITY OF DIRECTOR FOR HEARING**

The director shall:

- A. Schedule project applications for review and public hearing;
- B. Provide the required notice;
- C. Prepare a staff report on the application(s), which shall be a single report which sets forth all of the decisions made on the proposal as of the date of the report, including recommendations on project permits in the consolidated permit process that do not require an open record predecision hearing. The report shall also describe any mitigation required or proposed under the city's development regulations or SEPA authority. If the threshold determination, other than a determination of significance, has not been issued previously by the city the report shall include or append this determination;
- D. Prepare the notice of decision, if required by the hearing body, and mail a copy of the notice of decision to those entitled by this title to receive the decision.

### **10-05.040 DISQUALIFICATION**

- A. A member of the hearing body who is disqualified shall be counted for purposes of forming a quorum. Any member who is disqualified shall make full disclosure to the audience of the reason(s) for the disqualification, abstain from voting on the proposal, and physically leave the hearing.
- B. If enough members of the hearing body are disqualified so that a quorum cannot be achieved, then all members present, after stating their reasons for disqualification, shall be requalified and deliberations shall proceed.

### **10-05.050 BURDEN AND NATURE OF PROOF**

Except for Type V actions, the burden of proof is on the proponent. The project application must be supported by convincing proof that it conforms to the applicable elements of the city's codes and comprehensive plan. The proponent must also prove that any significant adverse environmental impacts have been adequately mitigated.

### **10-05.060 ORDER OF PROCEEDINGS**

The order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate.

- A. Before receiving testimony and other evidence on the issue, the following shall be determined:
  - 1. Any objections on jurisdictional grounds shall be noted on the record and if there is objection, the hearing body may proceed or terminate the proceeding;
  - 2. Any member disqualifications shall be determined.
- B. The presiding hearing body may take official notice of commonly known and accepted information, such as:
  - 1. Ordinances, resolutions, rules, officially adopted development standards, and state law;
  - 2. Public records and facts judicially noticeable by law.
- C. Information officially noticed need not be proved by submission of formal evidence to be considered by the hearing body. Parties requesting official notice of any information shall do so on the record. The hearing body, however, may take notice of matters listed in subsection B of this section at any time.
- D. The hearing body may view the proposed project site or planning area with or without notification to the parties, but shall put into the record a statement whether a site visit occurred.

- E. Staff, proponents and opponents will be given an opportunity to testify and present information. Unless the presiding hearing body specifies otherwise, approved questions will be asked by the presiding hearing body and city staff.
- F. When the public hearing portion of the hearing is closed, the hearing body may openly discuss the issue and may further question the staff or any person submitting information. An opportunity to present rebuttal shall be provided if new information is presented in the questioning. When all evidence has been presented and all questioning and rebuttal completed, the hearing body shall officially close the record and end the hearing.

**10-05.070 DECISION.**

- A. Following the public hearing, the hearing body shall approve, conditionally approve, or deny the application.
- B. The hearing body's written decision shall issue within 10 working days after close of record of the hearing, unless a longer period is agreed to by the parties.
- C. Notice of the decision shall be provided as set forth in DMC 10-02.070.
- D. If the city is unable to issue its final decision within the time limits provided, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of decision.

**10-05.080 RECONSIDERATION OF DECISION**

- A. Generally. Any person identified in DMC 10-06.030 as having standing to file an administrative appeal may also request reconsideration of a decision of the hearing body which held the open record public hearing on a project.
- B. Time to File. A request for reconsideration must be filed with the city clerk within 10 calendar days of the transmittal of the written decision. Such requests shall be delivered to the city clerk by mail, personal delivery or fax before 4:00 p.m. on the last business day of the reconsideration period. Requests for reconsideration that are received after 4:00 p.m. on the last day of this reconsideration period will be denied and returned to the party by the city clerk.
- C. If the last day of the reconsideration period is a Saturday, Sunday, or holiday designated by RCW 1.16.050, then the reconsideration may be filed on the next business day.
- D. Content of Request for Reconsideration. Requests for reconsideration shall be in writing, be accompanied by the required reconsideration fee, and contain the following information:
  - 1. The name, address, and phone number of the requestor;
  - 2. Identification of the application and final decision which is the subject of the request for reconsideration;
  - 3. Requestor's statement of grounds for reconsideration and the facts upon which the request is based;
  - 4. The specific relief requested;
  - 5. A statement that the requestor believes the contents of the request to be true, followed by his/her signature.
- E. Effect. The timely filing of a request for reconsideration shall stay the hearing body's decision until such time as the hearing body issues a decision on reconsideration.
- F. Notice of Request for Reconsideration. The director shall provide mailed notice that a request for reconsideration has been timely filed to all parties of record as defined in DMC 10-06.030.
- G. Action on Request. The hearing body shall consider the request for reconsideration based on the record without a hearing. A decision on the request for reconsideration shall issue within 30 days after receipt of the request for reconsideration by the city.  
The reconsideration decision issued by the hearing body may modify, affirm or reverse the hearing body's decision.
- I. Notice of Final Decision on Reconsideration. The director shall issue a notice of final decision on reconsideration to all parties of record and include right's to appeal.



## **Chapter 10.06 OPEN AND CLOSED RECORD APPEALS – CLOSED RECORD DECISIONS**

### **Sections:**

10-06.010	RIGHT OF APPEAL
10-06.020	CONSOLIDATED APPEALS
10-06.030	STANDING TO APPEAL
10-06.040	APPEAL OF DECISION
10-06.050	PROCEDURE FOR OPEN RECORD APPEAL HEARING
10-06.060	PROCEDURE FOR CLOSED RECORD APPEAL
10-06.070	CLOSED RECORD DECISIONS
10-06.080	JUDICIAL APPEALS

### **10-06.010 RIGHT OF APPEAL**

The right of appeal for all project applications and Type V decisions shall be as described in the matrix set forth in DMC 10-01.030.

### **10-06.020 CONSOLIDATED APPEALS**

All appeals of project application decisions, other than appeals of determinations of significance ("DS"), and exempt permits and approvals under DMC 10-01.070, shall be considered together in a consolidated appeal using the appeal procedure for the highest type permit application.

### **10-06.030 STANDING TO APPEAL**

- A. Limited to Parties of Record. Only parties of record may file an administrative appeal.
- B. Definition. The term "parties of record," for the purposes of this chapter, shall mean:
  - 1. The applicant;
  - 2. Any person who testified at the open record public hearing on the application;
  - 3. Any person who submitted written comments concerning the application (excluding persons who have only signed petitions or mechanically produced form letters);
  - 4. The Dayton city council;
  - 5. Any person who can demonstrate he/she is aggrieved by the decision.

### **10.06.040 APPEAL OF DECISION**

Appeals of a decision shall be governed by the following:

- A. Time to File. An appeal must be filed within 10 days after the issuance of the notice of decision. Appeals shall be delivered to the city clerk by mail, by personal delivery or by fax before 4:00 p.m. on the last business day of the appeal period. Appeals received by mail after 4:00 p.m. on the last day of the appeal period will be denied and returned to the party by the city clerk.
- B. Computation of Time. If the last day of the appeal period is a Saturday, Sunday, or holiday designated by RCW 1.16.050, then the appeal may be filed on the next business day.
- C. Content of Appeal. Appeals shall be in writing, be accompanied by the required appeal fee, and contain the following information:
  - 1. Appellant's name, address and phone number;
  - 2. A statement describing appellant's standing to appeal;
  - 3. Identification of the application which is the subject of the appeal;
  - 4. Appellant's statement of grounds for appeal and the facts upon which the appeal is based with specific references to the facts in the record;
  - 5. The specific relief sought;
  - 6. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.
- D. Effect. The timely filing of an appeal shall stay the hearing body's decision until such time as the appeal is concluded or withdrawn.
- E. Burden of Proof. The appellant shall bear the burden to demonstrate that substantial evidence does not exist in the administrative record to support the decision of the hearing body/officer.
- F. Standard of Review. The appeal body/officer shall determine whether there is substantial evidence in the administrative record to support the decision of the hearing body/officer. The appeal body/officer may affirm, modify or reverse the decision of the hearing body/officer. Reasonable determinations by the body or officer that made the decision shall be accorded substantial weight.

- G. Remand. Upon written agreement by the applicant to waive the requirement for a decision within the time periods set forth in DMC 10-02.070 as allowed by RCW 36.70B.080(3), the appeal body/officer may remand the decision to the hearing body for additional information.

**10-06.050 PROCEDURE FOR OPEN RECORD APPEAL HEARING**

- A. An open record appeal hearing shall be conducted in the manner set forth in Chapter 10-05 DMC for open record public hearings. The provisions of this title shall prevail in the event of conflict with Chapter 10-05 DMC.
- B. Notice of the open record appeal hearing shall be mailed pursuant to DMC 10-03.

**10-06.060 PROCEDURE FOR CLOSED RECORD APPEAL**

- A. Closed record appeals shall be on the record established at the open record hearing before the hearing body/officer whose decision is appealed, which shall include the written decision of the hearing body/officer, a transcript or tape recording of the proceedings, and copies of any exhibits admitted into the record.
- B. No new testimony or other evidence will be accepted by the appeal body/officer except: (1) new information that was unknown to the parties at the time of the hearing which could not reasonably have been discovered by the parties and is necessary for a just resolution of the appeal; and (2) relevant information that, in the opinion of the appeal body/officer, was improperly excluded by the hearing body/officer. Appellants who believe that information was improperly excluded must specifically state what information was excluded as an attachment to the appeal statement. The attachment shall describe the information excluded, its relevance to the issues appealed, the reason(s) that the information was excluded by the hearing body/officer, and why the hearing body/officer erred in excluding the information. No reference to excluded information shall be made in any presentation to the appeal body/officer on the merits, written or oral, until the appeal body/officer has determined that the information should be admitted.
- C. Parties to the appeal may present written and/or oral arguments to the appeal body/officer. Argument shall describe the particular errors committed by the hearing body/officer, with specific references to the administrative record.
- D. The hearing shall commence with a presentation by the director of the general background of the proposed development and the issues in dispute. After the director's presentation, the appellant(s) shall first present oral argument, and then the other parties of record shall make their arguments. The appeal body/officer may question any party concerning disputed issues, but shall not request information not in the administrative record.
- E. The appeal body/officer shall be subject to rules regarding conflict of interest and ex parte communications, and DMC 10-05.040, disqualification.

**10-06.070 CLOSED RECORD DECISIONS**

If the city council determines that the applicable criteria have been met for a Type IVA application, the city council shall approve the application by resolution.

**10-06.080 JUDICIAL APPEALS**

The city's final decision on an application may be appealed by a party of record with standing to file a land use petition in Columbia County superior court. Such petition must be filed as provided in Chapter 36.70C RCW.

**Chapter 10-08 DEVELOPMENT AGREEMENTS**

Sections:

- 10-08.010 AUTHORITY
- 10-08.020 GENERAL PROVISIONS OF DEVELOPMENT AGREEMENTS
- 10-08.030 ENFORCEABILITY
- 10-08.040 PROCESSING PROCEDURE FOR DEVELOPMENT AGREEMENTS
- 10-08.050 NO DEADLINE FOR FINAL DECISION

**10-08.010 AUTHORITY**

The city may consider, and enter into, a development agreement with a person having ownership or control of real property within the city limits. The city may consider a development agreement for real property outside of the city limits but within the urban growth area (UGA) as part of a proposed annexation or a service agreement.

#### **10-08.020 GENERAL PROVISIONS OF DEVELOPMENT AGREEMENTS**

- A. Comprehensive Plan. A development agreement shall be consistent with the applicable policies and goals of the City of Dayton comprehensive plan.
- B. Development Standards. Except as provided in subsection C of this section, a development agreement shall be consistent with applicable development regulations; provided, a development agreement may extend the durations of approval of project permits and allow phasing plans different from those otherwise imposed under the Dayton Municipal Code.
  - 1. Any approved development standards that differ from those in the code shall not require any further rezone, variance from city standards or other city approval apart from development agreement approval. The development standards as approved through a development agreement shall apply to and govern the development and implementation of each covered property in lieu of any conflicting or different standards or requirements elsewhere in the Dayton Municipal Code.
  - 2. Subsequently adopted standards which differ from those of a development agreement adopted by the city shall apply to the covered property only where necessary to address imminent public health and safety hazards or where the development agreement specifies a time period or phase after which certain identified standards can be modified.
  - 3. Projects subject to a development agreement are required to obtain approval for all applicable project land use applications and permits unless otherwise expressly provided for in the approved development agreement.
- C. Deviations from Development Standards. Deviations from development standards in addition to those allowed in subsection B of this section shall only be allowed as described below.
  - 1. A development agreement may allow deviations in residential zoned areas from development standards imposed under the Dayton Municipal Code for the following reasons:
    - a. To provide flexibility to achieve public benefits; or
    - b. In order to respond to changing community needs; or
    - c. To preserves significant historic structures or demonstrates preservation and enhancement of the existing historic character; and
    - d. To encourage innovative techniques or materials which will achieve and higher standards than otherwise applicable city standards.
  - 2. A development agreement related to property within the commercial, industrial, open space or public zones area may allow deviations from development standards imposed under the Dayton Municipal Code as provided for in the subsections below.
    - a. The proponent shall demonstrate consistency with the following requirements:
      - i. The project is consistent with the adopted vision for the City; and
      - ii. The project preserves significant historic structures or demonstrates preservation and enhancement of the existing historic character; and
      - iii. The project will provide public amenities above that required by the existing zoning standards, including but not limited to parks, shoreline access, plazas, and/or pedestrian connections; and
      - iv. The project will result in a superior design solution to what would otherwise be achieved by applying the specific requirements of the DMC, development and design standards; and
      - v. The proposed deviations to zoning and development standards are consistent with the public health, safety, convenience and general welfare.
    - b. All land use permits for projects developed utilizing this subsection shall be processed as a Type IV permit or higher numbered permit type if applicable. The design review application for a project utilizing this subsection shall be reviewed by the city's site plan review committee (SPRC). The SPRC's recommendation on the project shall be forwarded to hearing body for consideration as part of the underlying project permit.
  - 3. A development agreement cannot authorize deviations from the uses, minimum and maximum densities, maximum gross floor area, or maximum structure height allowed in the underlying zoning district unless approved by a majority plus one of the whole council after a minimum of public hearing on two dates for the agreement.
  - 4. In no case shall a development agreement authorize deviations from the following development standards. Variance and deviation processes contained within the following specified codes may be applied for during project permitting after the approval of a development agreement:

- a. A development agreement cannot authorize deviations from requirements of DMC Title 5, Buildings and Construction. Building permit applications shall be subject to the building codes in effect when a complete building permit application is submitted.
  - b. A development agreement cannot authorize deviations from requirements of DMC Title 14, SEPA; Title 16, Flood Prevention; and Title 17, Critical Areas.
  - c. A development agreement cannot authorize deviations from the requirements of the Dayton shoreline master program.
- D. Contents of a Development Agreement. As applicable, the development agreement shall specify the following:
  - 1. Project components which define and detail the permitted uses, residential densities, nonresidential densities and intensities and building sizes;
  - 2. The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, and dedications;
  - 3. Mitigation measures, development conditions and other requirements of Chapter 43.21C RCW;
  - 4. Design standards such as architectural treatment, maximum heights, setbacks, landscaping, drainage and water quality requirements and other development features;
  - 5. Provisions for affordable housing, if applicable;
  - 6. Parks and common open space preservation and development features;
  - 7. Phasing;
  - 8. A build-out or vesting period for applicable standards; and
  - 9. Any other appropriate development requirement or procedure which is based upon a city policy, rule, regulation or standard.
- E. As provided in RCW 36.70B.170, the development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

#### **10-08.030 ENFORCEABILITY**

Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement. The agreement may not be subject to an amendment to a zoning ordinance or development standard or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement.

#### **10-08.040 PROCESSING PROCEDURE FOR DEVELOPMENT AGREEMENTS**

- A. A development agreement associated with a legislative action such as a comprehensive plan amendment or area-wide rezone shall be processed in accordance with the procedures established in this title and subsection. The planning commission shall make recommendations on any development agreement relating to legislative action to the city council. A public hearing shall be held on the development agreement and if approved, the council shall authorize the mayor, in a resolution or ordinance, to execute the development agreement on behalf of the city.
- B. Project permits associated with an application development agreement shall be processed in accordance with the procedures established in this title and subsection. The final decision on the underlying project land use and permit application(s) shall comply with the approved development agreement and applicable codes. Nothing in this section obligates the hearing body or decision makers to approve a land use or permit application, if there is not sufficient justification to approve the application.
- C. Public Notice. All public meetings and public hearings on a development agreement shall be noticed as follows:
  - 1. Not less than 10 days prior to the public hearing date, a notice of the public hearing shall be sent to property owners within 300 feet of the property subject to the development agreement and to others who have submitted comments and/or requested notice.
  - 2. Notice of the public hearing shall be posted on the property subject to the development agreement not less than 10 days prior to the hearing date. Notice shall be posted in the manner required by DMC 10-03.010 (A).
  - 3. Notice of the public meeting shall be published in the city's official newspaper not less than 10 days prior to the meeting date.
  - 4. The notice of the public hearing shall contain all items listed in DMC 10-03.030(A).
  - 5. All costs associated with the public notice shall be borne by the applicant.

**10-08.050 NO DEADLINE FOR FINAL DECISION**

- A. Development agreements are not "project permit applications" as defined in RCW 36.70B.020. Therefore, there is no deadline for processing a development agreement. If an applicant requests that the city execute a development agreement as part of its approval of a project permit application, the applicant must agree to sign a written waiver of the deadline for issuance of a final decision of the project permit application, so that the development agreement may be processed.
- B. No development agreement shall be presented to the decision-making body unless in a form approved by the city attorney. Every development agreement shall be signed by the property owner and all other parties with a substantial beneficial interest in the property that is the subject of the development agreement, prior to any public hearing held for the purpose of authorizing execution of the development agreement.
- C. Term.
  - 1. Development agreements may be approved for a maximum period of 20 years.
  - 2. In determining the appropriate term for a development agreement, the council should consider the type, size and location of development and phasing if proposed.
  - 3. Extensions. If extensions are authorized in a development agreement, an applicant must request the extension at least 60 days prior to expiration. All requests for extensions shall be reviewed by the city council, unless another process is expressly provided for in the development agreement. In no case shall an extension be granted which would allow a development agreement to exceed 20 years.
- D. Recordation. A development agreement shall be recorded against the property, in the real property records of the Columbia County auditor's office. During the term of the development agreement, the agreement is binding on the parties and their successors, including the property owners in any area that is annexed to the city.



## **Chapter 10-09 AMENDING THE COMPREHENSIVE PLAN**

### **Sections:**

- 10-09.010 PURPOSE.
- 10-09.020 EXCEPTIONS TO THE AMENDMENT PROCESS.
- 10-09.030 SUBMISSION DEADLINES.
- 10-09.040 *RESERVED*
- 10-09.050 ANNUAL REVIEW PROCESS AND SEPA REVIEW.
- 10-09.060 INITIATION OF AMENDMENTS.
- 10-09.070 DOCKET.
- 10-09.080 AMENDMENT APPLICATIONS.
- 10-09.090 DETERMINATION OF COMPLETENESS FOR PROPOSED AMENDMENTS.
- 10-09.100 *RESERVED*
- 10-09.110 NOTICE OF PUBLIC HEARING(S).
- 10-09.120 PUBLIC HEARING ON DOCKET.
- 10-09.130 CONSIDERATIONS FOR DECISION TO INITIATE PROCESSING.
- 10-09.140 SELECTING THE APPLICATIONS FOR FURTHER PROCESSING DURING ANNUAL REVIEW.
- 10-09.150 PLANNING COMMISSION ACTION.
- 10-09.160 CITY COUNCIL ACTION.
- 10-09.170 CRITERIA FOR APPROVAL.
- 10-09.180 ADOPTION AND REJECTION.
- 10-09.190 TRANSMITTALS TO THE STATE.
- 10-09.200 APPEALS.
- 10-09.210 APPLICATIONS FOR AMENDMENTS LOCATED WITHIN THE URBAN GROWTH AREA AND OUTSIDE OF THE CITY LIMITS.
- 10-09.220 MAP AND TEXT REVISIONS.

### **10-09.010 PURPOSE**

The purpose of this chapter is to establish procedures for amending the city's comprehensive plan, including the comprehensive plan text and land use map, as well as the land use, housing, capital facilities plan, utilities, transportation, economic, and park/recreation elements of the comprehensive plan. The Growth Management Act (GMA) generally allows amendments to comprehensive plans only once per year, except as otherwise provided in RCW 36.70A.130 (2)(a), so that the cumulative impacts of all proposed amendments can be analyzed. This chapter is intended to provide a process to "docket" proposed amendments for annual review, to provide timelines, to identify public participation procedures, application requirements, and review criteria for consideration of amendments to the various comprehensive plans.

### **10-09.020 EXCEPTIONS TO THE AMENDMENT PROCESS**

The city council may amend the comprehensive plan(s) more frequently than once per year under the following circumstances (consistent with RCW 36.70A.130 (2)):

- A. Initial adoption of an identified subarea plan that does not modify the comprehensive plan policies and designations applicable to the subarea;
- B. The adoption or amendment of a shoreline master program under the procedures set forth in Chapter 90.58 RCW;
- C. The amendment of the capital facilities element of a comprehensive plan that occurs concurrently with the adoption or amendment of the city's budget; and
- D. Any other circumstance specifically described in Chapter 36.70A RCW.

### **10-09.030 SUBMISSION DEADLINES.**

Proposed amendments to the comprehensive plan or land use plan map may be submitted at any time. Applications received by January 31st, will be considered during the annual review period for that year. Applications received after the last day in January will be considered during the next annual review period.

### **10-09.050 ANNUAL REVIEW PROCESS AND SEPA REVIEW.**

- A. All comprehensive plan amendments are considered legislative processes and are not subject to deadlines for issuance of a final decision or project permit applications in Chapter 10-05 DMC. While the city may consider amendments only once a year, there is no deadline for the city's final decision on the amendments, nor is there any limitation on the number of hearings that the city may hold to consider the amendments.

- B. Annually, the comprehensive plan amendment proposals shall be considered concurrently so that the cumulative effect of all amendments may be considered. Environmental review (SEPA) shall be conducted on all proposed amendments at the same time to consider the cumulative impacts of all amendments. Proposals may be considered at separate meetings and hearings, so long as the final action taken considers the cumulative effect of all the proposed amendments.
- C. Proportional Share of Costs. Individual applicants will be required to pay for their proportionate share of the costs involved in the SEPA analysis, which may include the preparation of an environmental impact statement if deemed necessary by the responsible SEPA official. If an EIS is deemed necessary, the city will contact the applicant(s) to provide them with an estimate on the cost of the EIS and will require the applicant(s) to pay their proportionate cost before proceeding with the preparation of the EIS. Lack of payment in the time specified by the city will be deemed a withdrawal of the nonpaying applicant's application. If actual costs of the EIS exceed the estimated cost, the city may bill each applicant for their proportional share of the cost overrun. Payments exceeding actual costs shall likewise be reimbursed proportionately. If payments for all costs due to the city are not paid, the proposed comprehensive plan amendments of the nonpaying applicant shall not be approved.
- D. Assessment of Impacts. Except for those land use map amendments associated with a development agreement that limit development to specified uses and floor areas, the most intense use and development of the site allowed under the proposed land use designation will be assumed when reviewing potential impacts to the environment and to public facilities.

#### **10-09.060 INITIATION OF AMENDMENTS**

Amendments may be initiated by any interested person, including property owners, citizens, hearing examiners, city council, planning commission, city staff and staff of other agencies.

#### **10-09.070 DOCKET**

Proposed amendments will be assigned an application number and placed on a docket. A current copy of the docket shall be maintained by the planning department and shall be available for public inspection during regular city business hours.

#### **10-09.080 AMENDMENT APPLICATIONS**

- A. General Application Requirements. All map and text amendment applications shall be accompanied by a completed application form as provided by the city along with the following additional information:
  - 1. Name and address of the person or persons proposing the amendment;
  - 2. An environmental checklist (SEPA), including a completed Part D;
  - 3. All associated fees as established by the city;
  - 4. A description and/or map of the proposed amendment;
  - 5. A written statement explaining the following:
    - a. The purpose of the proposed amendment;
    - b. How the amendment is consistent with the Washington State Growth Management Act; countywide planning policies; city's comprehensive plan; as well as other adopted city plans and codes;
  - 6. Supplemental environmental review and/or critical areas review if determined by the planning director to be required;
  - 7. If the proposed amendment would increase the intensity or density of permitted development, the following capacity evaluations are required:
    - a. A report identifying anticipated traffic trip generation under the existing and proposed comprehensive plan.
    - b. A report identifying anticipated sewage generation under the existing and proposed comprehensive plan using flow projections of the city's public works standards.
    - c. A report identifying anticipated water use under the existing and proposed comprehensive plan;
  - 8. A written response to the criteria for initiation of an application contained in DMC 10-19.130 and the criteria for approval of an amendment contained in DMC 10-19.170
  - 9. A text amendment application must also state the proposed element, chapter, section, and page number of the comprehensive plan to be amended. Proposed text changes, with new text shown in an underline format, and deleted text shown in strikeout format or other format approved by the planning director.

- B. Comprehensive Plan Map Amendment Requirements. Map amendments include changes to any of the several maps included in the comprehensive plan including, but not limited to, the land use map, critical areas maps, neighborhood design areas map, roadway functional classification maps, etc. All map amendment applications shall include the information specified under general application requirements. In addition, land use map amendment applications shall be accompanied by the following information:
1. The current land use map designation for the subject parcel(s);
  2. The land use map designation requested;
  3. A complete legal description describing the combined area of all subject parcel(s);
  4. A copy of the county tax assessor's map of the subject parcel(s);
  5. A vicinity map showing:
    - a. All land use designations within 300 feet of the subject parcel(s);
    - b. All parcels within 300 feet of the subject parcel and all existing uses of those parcels;
    - c. All roads abutting and/or providing access to the subject parcel(s) including information on road classifications (arterial, minor collector, major collector) and improvements to such roads;
    - d. Location of shorelines and critical areas on or within 300 feet of the site, if applicable;
    - e. The location of existing utilities serving the subject parcels including electrical, water and sewer (including septic); and
    - f. The location and uses of existing structures located on the subject parcel(s);
  6. Topographical map of the subject parcels and abutting properties at a scale of a minimum of one inch represents 200 feet (1:200);
  7. The current official zoning map designation for the subject parcel(s);
  8. A description of any associated development proposals. Development proposals shall not be processed concurrent with comprehensive plan amendments, but the development proposals may be submitted for consideration of the comprehensive plan amendments to limit consideration of all proposed uses and densities of the property under the city's SEPA, zoning, concurrency processes and comprehensive land use plan. If no proposed development description is provided, the city will assume that the applicant intends to develop the property with the most intense development allowed under the proposed land use designation. The city shall assume the maximum impact, unless the applicant submits with the comprehensive plan amendment a development agreement to ameliorate the adverse impact of the proposed development;
  9. Public Outreach Program. The applicant shall conduct a public outreach program within the 90-day period preceding submittal of application and provide evidence of such program at the submittal of application. This requirement is waived for applications initiated by the city. The public outreach program shall be as follows:
    - a. The applicant shall conduct a minimum of one neighborhood meeting in order to solicit public comment on the desired land use map amendment;
    - b. A written notice of each neighborhood meeting shall be sent to property owners within 300 feet of the boundaries of the subject land use map amendment at least seven days prior to the meeting;
    - c. A notice of each neighborhood meeting shall be published in the city's officially designated newspaper at least seven days prior to the meeting. The published notice shall be at least one-eighth page advertisement;
    - d. All notices of neighborhood meetings shall include:
      - i. A description of the proposed land use map amendment;
      - ii. The name, address and phone number of the property owners and owner's representative;
      - iii. A description of the subject property reasonably sufficient to inform the public of its location, including but not limited to a vicinity map, written description, parcel map or physical address;
      - iv. The date, time and place of the neighborhood meeting;
      - v. A statement that all interested persons may provide written comment to the property owner or owner's representative;
      - vi. A statement that all interested persons may appear at the meeting and provide public comment;
    - e. Copies of all written comments received and the attendance sign-up sheets from the neighborhood meetings shall be included in the application to the city;
  10. Other information as may be required by the planning director to assist in accurately assessing the conformance of the application with the standards for approval.

- D. Related Applications. Comprehensive plan amendments shall be processed separately from any other related project permit applications, including but not limited to site-specific rezone applications, except that related development descriptions may be submitted as described in subsection (C)(8) of this section.

**10-09.090 DETERMINATION OF COMPLETENESS FOR PROPOSED AMENDMENTS**

The planning director shall review all docketed applications and make a determination of completeness within 30 days of receipt of application. The requirements of RCW 36.70B.080 or DMC 10-02.030 do not apply to legislative processes. Applications which are determined to be incomplete as of 45 days after the annual application deadline date identified in DMC 10.09.030 will not be considered during the current annual review process and may be considered during the next annual review period after a determination of completeness. It is highly recommended that applicants for amendments to the comprehensive plan contact the planning department and arrange for a preapplication conference prior to submittal of an application for amendment to avoid delays in processing.

**10-09.110 NOTICE OF PUBLIC HEARING(S)**

A notice of public hearing(s) on proposed amendments to the comprehensive plan shall be published in the city's officially designated newspaper, circulated to known community groups, agencies and tribes and shall also be included on the city's official website. For owner initiated site-specific land use map amendment proposals the notice of public hearing shall also be mailed to all property owners within 300 feet of the subject site and posting of the site. The applicant is responsible for obtaining the list of property owners within 300' from Columbia County and posting of the site per DMC Title 10. Notice of an open record appeal for Type II applications must be sent by mail or e-mail to all parties of record, except when SEPA would require additional notice. Notices as required (e-mailed, mailed, posted and/or published) must be issued at least 5 days prior to the scheduled public hearing, except when an appeal of SEPA would require additional notice.

**10-09.120 PUBLIC HEARING ON DOCKET**

The city council shall review and consider all of the amendments included in the docket that were submitted in time for review during the current annual review period during a regular council hearing before making a final decision on which amendments will proceed through the annual amendment process.

**10-09.130 CONSIDERATIONS FOR DECISION TO INITIATE PROCESSING**

Before rendering a decision whether the individual comprehensive plan amendment proposal may be processed during any year, the city council shall consider all relevant facts, including the application materials, as well as the following items:

- A. Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the comprehensive plan; and
- B. Whether the assumptions upon which the comprehensive plan is based are no longer valid, or whether new information is available which was not considered during the initial comprehensive plan adoption process or during previous annual amendments; and
- C. For amendments that have been considered within the last three years, whether there has been a change in circumstances that makes reconsideration of the proposed amendment now appropriate.

**10-09.140 SELECTING THE APPLICATIONS FOR FURTHER PROCESSING**

The council shall consider each application separately under the criteria set forth in DMC 10-09.130 and shall decide which applications will be processed during the current annual amendment process, and which will not be processed. The council's findings and conclusions on the applications that will not be processed shall be incorporated into a resolution. No findings and conclusions are required for those applications that are forwarded for further processing as provided in this chapter.

**10-09.150 PLANNING COMMISSION ACTION**

Once the applications are forwarded to the planning commission for further processing, the planning director shall ensure that the applications have been reviewed under SEPA, and that a SEPA threshold decision has issued. The planning commission shall then hold a public hearing(s) on the applications and consider them cumulatively under the criteria set forth in DMC 10-09.170. The commission's written recommendation on the applications shall then be forwarded to the city council.

**10-09.160 CITY COUNCIL ACTION**

The city council shall consider the planning commission's recommendation on the comprehensive plan amendments and make a decision to either adopt or deny each amendment application. If the council makes no changes to the planning commission's recommendation, the council may act on the amendments during a regular

city council meeting. If the council makes any changes to the planning commission's recommendation, the council may be required to hold a public hearing, pursuant to RCW 36.70A.035(2).

#### **10-09.170 CRITERIA FOR APPROVAL**

The city's comprehensive plan goals and policies shall be granted substantial weight when considering a proposed amendment. The city council shall make written findings regarding each application's consistency or inconsistency with the following criteria:

- A. The proposed amendment will further and be consistent with the goals, policies and objectives of the comprehensive plan; and
- B. The proposed amendment is consistent with the Growth Management Act, the countywide planning policies and other applicable local jurisdictional policies and agreements, and/or other state or local laws; and
- C. The proposed amendment will not adversely impact the city's ability to provide sewer and water, and will not adversely affect transportation facilities and other public facilities and services such as parks, police, fire, emergency medical services and governmental services; and
- D. The proposed amendment advances the public interest; and
- E. For text amendments which propose to increase density or intensity of permitted development and all land use map amendments, the following approval criteria also apply:
  1. Adequate infrastructure, facilities and services are available to serve the proposed or potential development expected as a result of this amendment, according to one of the following provisions:
    - a. The city has adequate funds for needed infrastructure, facilities and services to support new development associated with the proposed amendments; or
    - b. The city's projected revenues are sufficient to fund needed infrastructure, facilities and services, and such infrastructure, facilities and services are included in the schedule of capital improvements in the city's capital facilities plan; or
    - c. Needed infrastructure, facilities and services will be funded by the developer under the terms of a development agreement associated with the comprehensive plan amendment; or
    - d. Adequate infrastructure, facilities and services are currently in place to serve expected development as a result of this comprehensive plan amendment based upon an assessment of land use assumptions; or
    - e. Land use assumptions have been reassessed, and required amendments to other sections of the comprehensive plan are being processed in conjunction with this amendment in order to ensure that adopted level of service standards will be met; and
  2. For a land use map amendment, the subject parcels being redesignated are physically suitable for the allowed land uses in the designation being requested, including compatibility with existing and planned surrounding land uses; and
  3. The proposed amendment will not create a demand to change land use designations of other properties, unless the change in land use designation for other properties is in the long-term interest of the community in general.

#### **10-09.180 ADOPTION AND REJECTION**

The city council's decision to adopt the proposed comprehensive plan amendments shall be adopted by ordinance. The city council's decision to reject the proposed comprehensive plan amendments shall be by resolution.

#### **10-09.190 TRANSMITTALS TO THE STATE**

The planning department will transmit a copy of any proposed amendments and adopted ordinances to the Washington State Department of Commerce (COM) pursuant to the requirements of RCW 36.70A.106.

#### **10-09.200 APPEALS**

Appeals must be filed with the Growth Management Hearings Board in accordance with the provisions of Chapter 36.70A RCW.

#### **10-09.210 APPLICATIONS FOR AMENDMENTS LOCATED WITHIN THE URBAN GROWTH AREA AND OUTSIDE OF THE CITY LIMITS**

As a courtesy recommendation only, the city council will consider applications for amendment of the Columbia County comprehensive plan land use map for those parcels located within the urban growth area, but outside of the city limits. Actions of the city council will be forwarded to the Columbia County Clerk. The city council's recommendation on any amendments to the Columbia County comprehensive plan map is a recommendation only, and is not a final decision. It is therefore not appealable, either administratively or judicially.



**10-09.220 MAP AND TEXT REVISIONS**

If map and text amendments are adopted, the city council shall order that the comprehensive plan be amended to reflect the new amendments.

---

**Chapter 10-10 ENFORCEMENT AND SEVERABILITY**

Sections:

10-10.010 Enforcement

10-10.020 Severability

**10-10.010 ENFORCEMENT**

Enforcement of development code violations shall be in accordance with the provisions of Chapter 9-26 DMC, Abatement of Public Nuisances. The city planning director shall be responsible for the investigation of potential violations of development codes and shall have the authority to initiate corrective action as provided in Chapter 9-26 DMC.

**10-10.020 SEVERABILITY**

If any provision of this title or its application to any person or circumstance is held invalid, the remainder of this title or the application of the provision to other persons or circumstances shall not be affected.