

ORDINANCE NO. 1956

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON,  
REVISING CHAPTER 10-09. - AMENDING THE COMPREHENSIVE PLAN, AS PART OF  
THE 2019 COMPREHENSIVE PLAN UPDATE

**WHEREAS**, RCW 36.70A, ALSO KNOWN AS THE GROWTH MANAGEMENT ACT ("THE ACT"), REQUIRES LOCAL GOVERNMENTS SUBJECT TO THE REQUIREMENTS OF THE ACT TO ADOPT COMPREHENSIVE PLANS AND IMPLEMENT REGULATIONS CONSISTENT WITH THE ACT; AND,

**WHEREAS**, IN ACCORDANCE WITH THE ACT, THE MOST RECENT UPDATE TO THE CITY OF DAYTON COMPREHENSIVE PLAN WAS COMPLETED IN 2015; AND,

**WHEREAS**, THE ACT REQUIRES THE CITY OF DAYTON TO TAKE LEGISLATIVE ACTION TO REVIEW AND, IF NEEDED, REVISE ITS COMPREHENSIVE PLAN AND DEVELOPMENT REGULATION TO ENSURE THEIR CONTINUED COMPLIANCE WITH THE REQUIREMENTS IN CHAPTER 36.70A BY JUNE 30, 2020 (ALSO KNOWN AS THE "PERIODIC REVIEW"); AND

**WHEREAS**, THE DAYTON CITY COUNCIL ADOPTED RESOLUTION NO. 1354 ON OCT. 10, 2018, REJECTING ITEMS FOR PROCESSING DURING THE PERIODIC UPDATE PER DAYTON MUNICIPAL CODE CHAPTER 10-09 - AMENDING THE COMPREHENSIVE PLAN; AND,

**WHEREAS**, THE ITEMS THEREFORE NOT REJECTED CREATED THE FINAL DOCKET LIST FOR THE 2019 COMPREHENSIVE PLAN UPDATE, AND INCLUDED ITEMS SUBMITTED BY MEMBERS OF THE PUBLIC, AS WELL AS STAFF SUBMITTED REQUESTS AND STATE MANDATED UPDATES; AND,

**WHEREAS**, THE CITY PROVIDED PUBLIC NOTICE AND INVITED AND ENCOURAGED PUBLIC PARTICIPATION IN THE CONSIDERATION OF THE PROPOSED UPDATES, INCLUDING THE USE OF AN EMAIL REGISTRY, BROAD AND EFFECTIVE NOTICING MEASURES, AND COLOR POSTERS IN HIGHLY VISITED AREAS IN THE COMMUNITY; AND,

**WHEREAS**, ON MAY 28, 2019, THE PLANNING DIRECTOR TRANSMITTED TO THE WASHINGTON STATE DEPARTMENT OF COMMERCE ("COMMERCE") THE PROPOSED UPDATES AS PART OF THE 2019 PERIODIC PLAN AND CODE UPDATE; AND SAID TRANSMITTAL HAVING SATISFIED THE REQUIREMENTS OF THE GROWTH MANAGEMENT ACT; AND,

**WHEREAS**, COMMERCE RECEIVED THE DRAFTED AMENDMENTS AT LEAST 60 DAYS PRIOR TO THE ANTICIPATED ADOPTION OF THE UPDATES; AND,

**WHEREAS**, ON JULY 15, 2019 COMMERCE PROVIDED A COMMENT LETTER INDICATING GENERAL ACCEPTANCE OF THE DRAFT PLAN, WITH SUGGESTED CHANGES, WITH NO MANDATORY CHANGES IDENTIFIED; AND,

**WHEREAS**, UNDER THE STATE ENVIRONMENTAL POLICY ACT ("SEPA"), THE PLANNING DIRECTOR ISSUED A DETERMINATION OF NONSIGNIFICANCE ("DNS") ON JULY 11, 2019; AND

**WHEREAS**, NO COMMENTS WERE RECEIVED DURING THE COMMENT PERIOD FOR THE ISSUED DNS; AND,

**WHEREAS**, THE CITY OF DAYTON HELD DULY ADVERTISED PUBLIC MEETINGS CONCERNING VARIOUS ITEMS AS WELL AS ITEMS ASSOCIATED WITH THE 2019 COMPREHENSIVE PLAN UPDATE BETWEEN NOVEMBER 2018 AND OCTOBER 2019; AND,

**WHEREAS**, THE DAYTON PLANNING COMMISSION REVIEWED THE PROPOSED REVISIONS HEREIN AT DULY ADVERTISED PUBLIC MEETINGS ON DECEMBER 18, 2018 AND JANUARY 15, 2019, AND THE CHAIR SIGNED FINDINGS OF FACT AND CONCLUSIONS OF LAW ON JANUARY 15, 2019, RECOMMENDING THE REVISIONS HEREIN BE ADOPTED AS PART OF THE 2019 COMPREHENSIVE PLAN UPDATE; AND,

**WHEREAS**, NOTICE OF PUBLIC HEARING WAS PUBLISHED IN THE NEWSPAPER OF RECORD ON OCTOBER 10, 2019 AND OCTOBER 17, 2019, PUBLISHED ON THE CITY WEBSITE, POSTED AT CITY HALL AND THE DAYTON MEMORIAL LIBRARY AT LEAST 14 DAYS PRIOR TO THE HEARING, OFFERING BROAD AND EFFECTIVE NOTICING FOR THE HEARING SCHEDULED FOR OCTOBER 22, 2019; AND,

**WHEREAS**, AT THE SCHEDULED PUBLIC HEARING, THE CITY OF DAYTON PLANNING COMMISSION CONSIDERED ALL TESTIMONY FOR OR AGAINST THE PROPOSED AMENDMENTS; AND,

**WHEREAS**, THE CITY OF DAYTON PLANNING COMMISSION THEREAFTER MADE THEIR RECOMMENDATION TO ADOPT THE 2019 COMPREHENSIVE PLAN AND ASSOCIATED AMENDMENTS TO THE DEVELOPMENT REGULATIONS AS PRESENTED.

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

SECTION 1: FINDINGS AND CONCLUSIONS. THE CITY COUNCIL OF THE CITY OF DAYTON BASES ITS FINDINGS AND CONCLUSIONS ON THE ENTIRE RECORD OF TESTIMONY AND EXHIBITS, INCLUDING THE RECOMMENDATION FROM THE CITY OF DAYTON PLANNING COMMISSION. PART OF THE RECORD CONSIDERED IS THE FINAL STAFF REPORT FROM THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT ("STAFF REPORT"), HEREIN ADOPTED BY REFERENCE AS "EXHIBIT A".

SECTION 2: ADOPTION. THE CITY COUNCIL OF THE CITY OF DAYTON HEREBY ADOPTS AMENDED CHAPTER 10-09 OF THE DAYTON MUNICIPAL CODE, REFERENCE AS "EXHIBIT B".

SECTION 3: TRANSMITTAL TO COMMERCE. THIS ORDINANCE AND ASSOCIATED EXHIBITS SHALL BE TRANSMITTED TO COMMERCE WITHIN 10 DAYS OF ADOPTION.

SECTION 4: SEVERABILITY. IF ANY SECTION, SENTENCE, CLAUSE, OR PHRASE OF THIS ORDINANCE SHOULD BE HELD TO BE INVALID BY A COURT OF COMPETENT JURISDICTION, SUCH INVALIDITY OR UNCONSTITUTIONALITY SHALL NOT AFFECT

THE VALIDITY OR CONSTITUTIONALITY OF ANY OTHER SECTION, SENTENCE, OR PHRASE OF THIS ORDINANCE.

SECTION 5: EFFECTIVE DATE. THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECTIVE FIVE (5) DAYS AFTER ITS PASSAGE AS REQUIRED BY LAW.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF DAYTON, WASHINGTON, AT A REGULAR MEETING THIS 13<sup>TH</sup> DAY OF NOVEMBER 2019.

APPROVED:

  
Zac Weatherford, Mayor

ATTEST:

  
Trina D. Cole, City Clerk

APPROVED AS TO FORM:

  
Quinn Plant, City Attorney



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**ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES**  
**ORDINANCE NO. 1956**  
**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON,**  
**AMENDING CHAPTER 10-09 OF THE DAYTON MUNICIPAL CODE AS PART OF THE**  
**2019 COMPREHENSIVE PLAN UPDATE**

The full text of the Ordinance No. 1956 adopted the 13<sup>TH</sup> day of November 2019, is available for examination at the Dayton City Hall, 111 South 1<sup>st</sup> Street, Dayton, WA during normal business hours, 7:00 a.m. to 4:00 p.m., Monday - Thursday.

By: /s/ Zac Weatherford, Mayor

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

Approved as to from: /s/ Quinn Plant, City Attorney

Published: 11/27/19  
*The Dayton Chronicle*

2020 COMPREHENSIVE PLAN AMENDMENTS - CODE AMENDMENTS RELATING TO  
DOCKETING PROCEDURES FOR AMENDING THE COMPREHENSIVE PLAN  
(AMENDED CODE SECTION)

**Chapter 10-09 - Comprehensive Plan/Development Regulation Review  
and Amendment Procedures**

**10-09.010 - Purpose.**

The purpose of this chapter is to establish procedures, pursuant to Chapter 36.70A RCW, for the review and amendment of the comprehensive plan and implementing development regulations found in specific chapters of Dayton Municipal Code, titles 10, 11, 12, 15, 17, 19, and 20.

**10-09.020 - Applicability.**

This chapter shall govern comprehensive plan map and text amendments, excepting revisions which under state law may be adopted out of cycle. Development regulation amendments that are associated with comprehensive plan amendments being processed through this chapter shall utilize the same review process.

**10-09.030 - Definitions.**

Unless expressly noted otherwise, words and phrases that appear in this chapter shall be given the meaning attributed to them by this section, or chapters contained in Title 11. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural and the plural the singular; the word "shall" is always mandatory and the words "may" and "should" indicate a use of discretion in making a decision.

**Annual review docket** means the annual list of proposed comprehensive plan amendments and related development regulations that the City Council determines, after review and consultation with the Planning Director and Planning Commission, to be included for review and consideration for any given year. It excludes items listed on the periodic review docket.

**Application**, for purposes of this chapter, means the application to amend the comprehensive plan or related development regulations.

**Comprehensive plan (plan)** means the comprehensive plan adopted to comply with Chapter 36.70A RCW, including all mandatory and adopted optional elements and subarea plans as they exist or hereafter may be amended by Dayton City Council.

**Comprehensive plan amendment** means an amendment or change to the text or maps of the comprehensive plan.

**Development regulation** means the controls placed on development or land use activities including, but not limited to, zoning ordinances, critical area ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and site plan ordinances, together with any amendments thereto. A development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020.

**Docketing** refers to compiling and maintaining a list of proposed changes to the comprehensive plan or implementing development regulations either annually or for a periodic update cycle in a manner that will ensure such suggested changes will be considered by the city and will be available for review by the public.

**Findings of fact and legislative intent** means the formally adopted document that establishes both the factual basis for the comprehensive plan amendment and amendment to development regulations and serves as the interpretive guide for legislative intent.

**Periodic review or update** refers to the review and, if needed, resulting revisions to the comprehensive plan and development regulations required at multi-year intervals by RCW 36.70A.130 or other state law.

**Periodic review docket** refers to the docket developed by the Planning Director and approved by the Dayton City Council that includes the proposed periodic review work items that are required at multi-year intervals by RCW 36.70A.130 or other state law.

**Planning Director** means the person appointed by council to fulfill the long and short range planning duties of the city.

**Site specific amendment** means an amendment to the comprehensive plan or development regulations that affects one (1) or a small group of parcels, most frequently an amendment to the land use map and/or zoning atlas.

**Work plan or work plan items** refers to a list of proposed department tasks, maintained by the Planning Director and approved by council, that may be related to commitments made during previous updates, review, research, and/or updates to policies and regulations for which no amendment to the comprehensive plan is required. City-initiated plan amendments



not a part of the periodic review will also be a part of the work plan, to be evaluated for inclusion on a future annual docket. Work plan items may span multiple years and may be proposed by Council, Planning Commission, Planning Director, or the Department Head responsible for the administration of a development regulation. Members of the public may also request an item to be placed on the work plan, on the same schedule as plan amendment applications per section 10-09.060(A). Work plan items are exempt from the "once a year" plan amendment adoption requirement.

#### **10-09.040 - Review process and approving authority.**

All amendments to the comprehensive plan and development regulations shall be approved by Dayton City Council, processed as a Type V decision pursuant to chapter 10-01. SEPA threshold determinations associated with Type V decisions that are reviewed under this chapter shall be processed as Type II decisions that may be appealed to the hearing examiner. Appeals or further review of the hearing examiner's written decision shall be by the Growth Management Hearings Board according to the procedures set forth in Chapter 36.70A RCW.

#### **10-09.050 - General procedures.**

- A. Amendments to the plan text or maps may be initiated by the public, Council, the Planning Commission, the Planning Director, or the Department Director responsible for the administration of a development regulation.
- B. An amendment must be included on a docket before it can be considered by Council. Items will first be docketed, followed by review, public hearing, and recommendation by the Planning Commission, and then considered for final approval, denial, or deferral by City Council.
- C. A rezoning application that requires a plan amendment shall be treated as a Type IV application, subject to amendment application and docketing procedures under this chapter.
- D. Plan amendments may be considered by Council no more frequently than once a year and all proposed amendments, as included on the annual docket and periodic docket, shall be considered concurrently so that the cumulative effect of

the various amendments can be ascertained, with the exception of the following:

- a. The adoption of emergency amendments or interim maps or regulations or moratoria pursuant to RCW 36.70A.390;
  - b. The adoption of amendments to resolve an appeal of the comprehensive plan or development regulations filed with the Growth Management Hearings Board or with the courts;
  - c. The initial adoption of a subarea plan;
  - d. The adoption of amendments to the capital facilities element of the comprehensive plan that occurs concurrently with the adoption or amendment of the city budget;
  - e. The adoption or amendment of development regulations that implement the comprehensive plan and for which no amendment to the comprehensive plan is required;
  - f. Amendments to the comprehensive plan that are only procedural in nature or affect only procedural requirements;
  - g. Amendments to this chapter 10-09; and
  - h. Amendments to the comprehensive plan that are merely to correct errors.
- E. All plan amendments adopted by Council shall be consistent with Chapter 36.70A RCW and shall comply with Chapter 36.70A RCW and Chapter 43.21C RCW.
- F. All development regulations adopted to implement the comprehensive plan and amendments thereto shall be consistent with the adopted comprehensive plan.
- G. Unless specifically authorized by Council, no docketed plan amendment application from the public that is denied by Council may be reinitiated for three (3) years after its consideration by the Council.



- a. The Council may approve an earlier reapplication if the applicant demonstrates a substantial change in circumstances. In no case may such a petition be considered in consecutive years.
- b. This limitation does not apply to amendments previously proposed by Council, Planning Commission, Planning Director, or the Department Director responsible for the administration of a development regulation.

**10-09.060 - Annual docket application review procedures.**

- A. The annual docket application review will occur pursuant to the schedule below:

**TABLE A. ANNUAL DOCKET APPLICATION REVIEW**

| <b>DUE BY</b> | <b>PROCESS</b>  |
|---------------|---|
| July 1        | Notice shall be published no less than 28 days prior to the docket application due date informing the public of the current calendar year docket close date |
| August 1      | Applications due  |
| September 1   | List of all amendments (public, Council, Planning Commission, or staff requests) presented to the Planning Commission                                       |
| October 1     | Planning Commission reviews the proposed docket items, holds public hearing on docket items, and makes recommendation to Council                            |
| November 30   | Council determines the docketing request outcomes (include, exclude, or defer)  |
| November 30   | Council approval of docket by Resolution no later than the end of November  |

- B. For inclusion on any given annual docket, applications initiated by the public must be submitted before August 1 of the prior year. Applications received on or after August 1 of each calendar year shall be reviewed during the next annual docket cycle. A legal ad noting the close date of the current calendar year docket cycle should be published in the paper of record no less than 28 days before the close date
- C. The Planning Director shall forward to the Planning Commission a complete listing of all new applications for amendments requested by the public, Council, Planning Commission, or the Planning Director, no later than September 1 of each year. The list shall also include any applications deferred from a previous docket.
- D. The Planning Director shall review the proposed annual docket items with the Planning Commission by October 1 of each year. The Planning Commission shall review and, after holding a duly advertised public hearing, make a recommendation to Council of any proposed amendments that should be included on or excluded from the annual review docket, or be deferred to the next annual cycle or periodic review docket cycle pursuant to section 10-09.090.
- a. **Include.** The Council's decision to include an application in the annual docket is procedural only and does not constitute a decision by the Council as to whether the proposed amendment will ultimately be approved.
  - b. **Exclude.** The Council's decision to exclude an application from the docket terminates the application without prejudice to the applicant or the proposal.
  - c. **Defer.** The Council's decision to defer an application means the application may be considered, as specified by the Council, either for the next annual docket cycle or the next periodic review docket cycle.
- E. In making its docket recommendation, the Planning Commission should consider the following:
- a. The application is deemed complete;
  - b. The application, in light of all proposed amendments being considered for inclusion in the year's annual docket, can be reasonably reviewed within the staffing resources and operational budget allocated to the Department by Council;



- c. The proposed amendment would not require additional amendments to the comprehensive plan or development regulations not otherwise addressed in the application, and is consistent with other goals, objectives, and policies of the comprehensive plan;
  - d. The proposed plan amendment raises policy, land use, or scheduling issues, or that the proposal is comprehensive enough in nature that it would more appropriately be addressed as part of a periodic review cycle;
  - e. The application proposes a regulatory or process change that for which no amendment to the comprehensive plan is required and should be reviewed for potential consideration as a part of the work plan;
  - f. The application lacks sufficient information or adequate detail to review and assess whether or not the proposal meets the applicable approval criteria. A determination that the proposal contains sufficient information and adequate detail for the purpose of docketing does not preclude the Department from requesting additional information at a later time.
- F. The selected proposed amendments collectively shall be known as the annual review docket for the next calendar year, and shall be adopted by Council Resolution, preferably by October 31 but no later than November 30 of each calendar year.

**10-09.070 - Application requirements.**

- A. All applications for amendment of the comprehensive plan or development regulations submitted by the public shall, in a format established by the city, contain the following:
- a. Application form signed by the owner(s) of record, address, telephone numbers and agent information;
  - b. A description of the proposed amendment including proposed map or text changes;
  - c. The location of the proposed amendment shown on an assessor's map dated and signed by the applicant, if the proposal is for a land use map or zoning atlas amendment;
  - d. A legal description and a notarized signature of one (1) or more owners, if a change in the zoning atlas is



requested by owner(s) concurrent with a requested land use map amendment;

- e. An explanation of why the amendment is being proposed and, if applicable, how or why the map or text is in error;
- f. An explanation of anticipated impacts to be caused by the change;
- g. An explanation of how the proposed amendment is consistent with GMA, the countywide planning policies, the comprehensive plan and adopted findings of fact and legislative intent;
- h. An explanation of how the change affects development regulations or how the amendment brings the development regulations into compliance with the plan;
- i. If applicable, an explanation of why existing comprehensive plan language should be added, modified, or deleted;
- j. A SEPA checklist, if required; and
- k. Fees as set by the Council.

B. The city may prescribe additional application requirements.

C. Persons wishing to initiate an amendment are encouraged, but not required, to use the pre-application procedures of section 10-02.010.

**10-09.080 - Plan amendments—Review and public notice procedures.**

A. Review of annual docket items shall occur pursuant to the schedule below:

**TABLE B. REVIEW OF DOCKETED PROPOSED AMENDMENTS**

| <b>DUE BY</b>             | <b>PROCESS</b>   |
|---------------------------|--|
| November 30 of prior year | Docket approval, per section 10-09.060 and posted to web site                                      |
| Throughout the year       | Planning Commission to hold work sessions public hearing(s) on proposed amendment(s)               |
| No later than             | Council to review and make a decision to approve, deny, or defer action on each item on the docket |

November 30

(may include identification of items that will be continued into next docket cycle)

- B. Public Notification. Information regarding any proposal pursuant to this chapter shall be broadly disseminated to the public at minimum as provided in subsection 1 below, as well as by any of the other following methods as determined to be appropriate by the Planning Director.
- a. Publishing a paid public notice at least ten (10) days prior to a public hearing in the official newspaper of record;
  - b. Distributing a press release;
  - c. Posting notice on the Department's website;
  - d. Posting notice at City Hall, the County Courthouse, and/or the local library, and other "hot spots" of public involvement.
- C. Public Notification - Site-specific comprehensive plan map and zoning atlas amendments. Where public notice is otherwise required by this chapter, such notice shall be mailed directly to the owners of the affected properties, and to all property owners within 300 feet of the subject property.
- D. Public Participation. In addition to public notice as otherwise required by this chapter, the public shall have the opportunity to participate in the city legislative matters via public hearing before the Planning Commission, via public hearing before the Council if the Council opts to hold its own public hearing, by written comment, and by other forums as appropriate (per RCW 36.70A.140).
- E. The Planning Commission shall evaluate the proposed amendments as follows:
- a. Does the proposed amendment or revision maintain consistency with other plan elements or development regulations? If not, are amendments or revisions to other plan elements or regulations necessary to maintain consistency also under annual review by the Planning Commission and Council?;
  - b. Do all applicable elements of the comprehensive plan support the proposed amendment or revisions?;
  - c. Does the proposed amendment or revision more closely meet the goals, objectives and policies of the comprehensive plan?;
  - d. Is the proposed amendment or revision consistent with the countywide planning policies?;



- e. Does the proposed amendment or revision comply with the requirements of the GMA?; and
  - f. Are the assumptions underlying the applicable portions of the comprehensive plan or development regulations no longer valid because new information is available which was not considered at the time the plan or regulation was adopted?
- F. The Planning Commission shall hold one (1) public hearing on the proposed amendments and shall forward Council its recommendations and findings of fact and legislative intent.
- G. Upon receipt of a recommendation on all or any part of a plan, plan amendment or development regulation from the Planning Commission, Council shall schedule review of the proposal to consider and take action on the proposed amendments. The Council's decision to either approve, deny, or defer action on each item in the annual review docket concludes that year's annual docket cycle, which should occur no later than November 30 of each calendar year.
- H. With each adopted amendment Council shall also adopt findings of fact and legislative intent to support the change in the comprehensive plan and/or development regulations. Council may choose to incorporate by reference the findings of fact and legislative intent prepared by either the Department or the Planning Commission if Council so agrees and desires. Council may also decide to adopt its own findings of fact and legislative intent.
- I. Findings shall identify, as applicable, the following:
- a. The local circumstances, if any, that have been relied on in reaching a decision on the proposed amendment; and
  - b. How the planning goals of Chapter 36.70A RCW have been balanced in the decision on the proposed amendment.
- J. The Planning Director shall notify the State of Washington pursuant to RCW 36.70A.106 prior to the adoption of comprehensive plan amendments, development regulations or annual review amendments.
- K. Within ten (10) days of adoption, the Planning Director shall transmit the adopted plan amendment(s) to the state.



**10-09.90 - Periodic review and update procedures.**

A. The periodic review cycle is established in accordance with RCW 36.70A.130. The periodic review docket shall include:

- a. A comprehensive review to provide for a cumulative analysis of the twenty-year plan and its implementing regulations based upon official population growth forecasts and other relevant data in order to consider substantive changes to planning policies language, and changes to the urban growth areas;
- b. Items deferred by the Dayton Council in a prior year to be placed on the periodic review docket;
- c. City priority review and update items that can be reasonably reviewed within the staffing resources and operational budget allocated to the Department by the Council; and
- d. Items identified for review and updates due to legislative changes, as identified on the Department of Commerce periodic review checklist.

B. The periodic review docket shall be separate from the annual review docket; the dockets may, however, be considered concurrently as per section 10-09.050(D).

**10-09.100 - Appeals.**

Appeals of decisions to amend the comprehensive plan or development regulations shall comply with the procedures set forth in Chapter 36.70A RCW.

**10-09.110 - Severability.**

If any provision or provisions of this chapter or its/their application to any person or circumstance is held invalid, the remainder of this chapter and the application of such provision or provisions to other persons or circumstances shall not be affected.

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FOR COMPREHENSIVE PLAN DOCKETING PROCEDURES

**WHEREAS:** The City of Dayton Planning Commission having held public meetings on December 18<sup>th</sup>, 2018, and January 15<sup>th</sup>, 2019, and having fully considered the entire record and all public testimony, correspondence, Growth Management requirements and all those matters of record presented to the Planning Commission, recommends adoption of these amendments to the Dayton Municipal Code during the 2020 Comprehensive Plan amendment cycle.

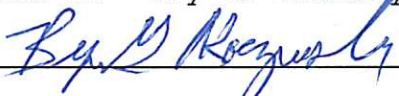
**NOW:** The City of Dayton Planning Commission recommends to Dayton City Council its approval of the Comprehensive Plan Docketing Procedures as supported by the following findings:

1. Discussion regarding these proposed amendments took place during the Dayton Planning Commission regular meetings on 12/18/2018 and 1/15/2019; and,
2. Notice of the regular meeting schedule, including location, date, and time was advertised in the Paper of Record on January 25<sup>th</sup>, 2018; and,
3. Notice of the regular meeting schedule for 2019, including location, date, and time was advertised in the paper of record on December 27<sup>th</sup>, 2018; and
4. It is unlikely that adopting the policies will have a disruptive effect on the stability and continuation of land use patterns on land in Columbia County; and,
5. The policies do not unreasonably restrict or prevent use of land within the City of Dayton; and,
6. The public interest will best be served by the policies.
7. Final adoption of the Docketing Procedures herein will occur in conjunction with the adoption of the City of Dayton's 2020 periodic update to the Comprehensive Plan and associated development regulations.

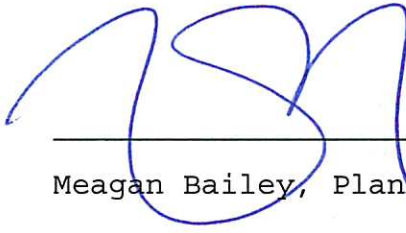
CONCLUSIONS

Based on the above Findings, and following review of the record, and the recommendations of the Planning Director and after consideration of the City of Dayton Comprehensive Plan, consideration for the public health, safety and welfare of the citizens of the City of Dayton, the Planning Commission recommends approval of the Comprehensive Plan Docketing Procedures herein to the Dayton City Council, to be adopted as part of the 2020 Comprehensive Plan and associated development regulations.

Dated this 15<sup>th</sup> day of January, 2019



Byron Kaczmariski, Chair



Meagan Bailey, Planning Director