



DAYTON CITY COUNCIL
114 S. 1st Street, Dayton, WA 99328

PRELIMINARY AGENDA
REGULAR MEETING
Wednesday, March 14, 2018
7:00 p.m.
Craig George, Mayor

MEETING WILL BE HELD AT 114 S. 1ST STREET, DAYTON, WA.

1. CALL TO ORDER
 - A. Roll Call
2. CONSENT AGENDA – ACTION:
 - A. Approve City Council Minutes for:
 - i. January 10, 2018
 - ii. February 14, 2018
 - B. Approve of Voucher Warrants as audited by the Finance Committee:
 - C. Approve of Payroll Warrants:
 - D. Affirm Mayor’s Re-appointment of Carol Rahn to the Dayton Planning Commission for a four-year term, expiring March 2022
 - E. Affirm Mayor’s re-appointment of Michael Smith to the Dayton Historic Preservation Commission for a three-year term expiring February 2021
3. SPECIAL GUESTS AND PUBLIC COMMENT
 - A. American Legion proposal to install a memorial niche wall in the Dayton Cemetery – Terry Schlacter
 - B. Dayton’s Financial Health/Rate Study Presentation - Angie Sanchez, FCS Group
4. COMMITTEE/BOARD/COMMISSION REPORTS
5. REPORTS OF CITY OFFICERS
 - A. Mayor Craig George:
 - i. AWC Training opportunity
 - ii. March 27, 2018 Special City Council Meeting
6. UNFINISHED BUSINESS
 - A. ACTION: Approve Dayton Short Plat 2018-001 - Skiffington Short Plat – Meagan Bailey, Planning Director
7. NEW BUSINESS
 - A. ACTION: Authorize grant agreement with Transportation Improvement Board for Relight Washington Project Grant totaling \$63,967
 - B. ACTION: Authorize 1927 - Amending certain sections of Chapter 19 of the Dayton Municipal Code (DMC) – Land Divisions, adding Sections 19-07.010 through 19-07.090 in reference to a Planned Unit Development Process – Meagan Bailey, Planning Director
 - C. ACTION: Authorize Ordinance No. 1928 - Repealing Ordinance No. 1727; and, Amending Chapter 1-21 Of the Dayton Municipal Code, entitled “Public Indexes and Records Requests under the Public Disclosure Act”
 - D. ACTION: Resolution No. 1335 – Adopting the Dayton City Planning Commission Rules of Procedure – Meagan Bailey – Planning Director

E. ACTION: Authorize Resolution No. 1336 – planning services for the 2020 City of Dayton Comprehensive Plan Update

8. FINAL PUBLIC COMMENT

9. ADJOURN

Next Regular Meeting is April 11, 2018 at 7:00 p.m. at Dayton City Hall 111 S. 1st Street, Dayton, WA 99328.

DAYTON CITY COUNCIL MINUTES
Regular Meeting
Wednesday, January 10, 2018
111 S. 1st Street
Dayton, WA 99328

1. CALL TO ORDER: Mayor Craig George calls the meeting to order at approximately 7:00 p.m.
Roll Call: Present: Mike Paris, Kathy Berg, Delphine Bailey, Matt Wiens, Dain Nysoe, Zac Weatherford, Byron Kaczmarek
Staff: Meagan Bailey, Columbia County Planning Director; Trina Cole, City Clerk-Treasurer; Jim Costello, Public Works Director

2. CONSENT AGENDA:

ACTION: D. Bailey makes a motion; Paris seconds the motion, and the motion carries unanimously approving the Consent Agenda as presented:

A. Approval of the December 6, 2017 City Council Meeting Minutes;
Approval of the following vouchers for payment:

B. Claims:	45086 – 45095; 45125	\$ 203,915.15
C. Payroll:	44994 – 45009; 45096 - 45124	\$ 88,504.31
	Total	\$ 292,419.46

3. SPECIAL GUESTS/PUBLIC COMMENT

There are no special guests or public comment.

4. COMMITTEE/BOARD/ COMMISSIONER REPORTS

ACTION: Paris nominates Zac Weatherford to serve as Mayor Pro-Tem. Berg nominates Delphine Bailey to serve as Mayor Pro-Tem. Discussion surrounds the process of electing a Mayor Pro-Tem including an informal vote by the raising of hands in favor of each candidate. Nysoe makes a motion: Berg seconds the motion to appoint Delphine Bailey to serve as Mayor Pro-Tem in 2018. There is no discussion. The motion carries unanimously.

Public Safety – There is no report.

Public Works – There is no report.

Finance – There is no report.

Parks/Public Grounds – There is no report.

Planning/Economic Development – There is no report.

Personnel – There is no report.

Emergency Management – There is no report.

Chamber of Commerce – Kathy Berg has been appointed to Chamber Director and currently recruiting for a new Chamber Director.

Commissioners – There is no report.

5. REPORTS OF CITY OFFICERS

Sheriff – Nysoe asks what the Sheriff’s policy is on traffic control specifically excessive speeding on Main Street. Wiens explains his patrolling efforts; however, Wiens will report back to Sheriff Miller on community traffic control concerns. D. Bailey reports that the County and State Patrol are patrolling Main Street regularly.

Public Works – Costello reports that a power pole and fire hydrant were damaged by an accident that involved a vehicle.

Planning Director/Code Compliance – M. Bailey reports on the Dayton Planning Commission hard work: 1) Will hold a public hearing on an ordinance updating Title 5 DMC and other administrative updates; 2) Continue working on a Planned Unit Development ordinance; 3) Crafting a Pre-Zone policy for annexed land; and, 4) Starbuck, Dayton and County are working on a multi-jurisdictional Comprehensive Plan Update partnership to meet the 2020 Comprehensive Plan Update deadline for completion. Cole reports that the City obtained \$5,000 grant from Department of Commerce to assist with the update.

Nysoe asks what Columbia County Planning Department's current staffing level is. M. Bailey states there are two staff members. County is in the process of hiring a third staff member for administrative detail. Nysoe asks if the County will be able to provide adequate code compliance for the City based on staffing levels. M. Bailey states yes and there should not be an impact on code compliance services. George states that the City will be looking at the hours put forth towards City code compliance services and reviewing said services with Commissioners in 3-6 months.

City Clerk-Treasurer – Cole reports: 1) Request for proposals for prosecuting attorney services were distributed by the City Attorney, City received two responses, Public Safety Committee will be reviewing the responses and making a selection recommendation at the February 14 City Council meeting; 2) Columbia County will be submitting a grant application in cooperation with the City for street/road improvements of S. 4th Street and N. Touchet Road; and, 3) The City's risk management provider, Association of Washington Cities RMSA, will be performing property appraisals on all of the city's facilities/land mid-year 2018, report should be provided by 2019 and will assist the City with creating an capital improvement plan for our facilities.

Mayor Pro-Tempore – There is no report.

Mayor – Mayor George reports/summarizes on the following: 1) Community Economic Development Strategy Annual meeting. The Wastewater Treatment Plant project was selected as the number one priority for the Economic Development Committee (EDC) moving into 2018. Also in the top 5 selected as economic developed strategies - School Facilities Improvements and its Levies/Bonds, Workforce, Senior care housing, the Boys and Girls Club and recycling; 2) Jake Hollopeter and John Wells attended the monthly EDC meeting in January on behalf of the City to provide detailed history and projected outcome of the Wastewater Treatment Plant Upgrade Project Mayor George reports that their were questions on the City direction regarding land application versus re-use. George explains the difference between the two and the costs for each. D. Bailey suggests, to better serve our constituents, that the City provide talking points regarding the improvements and why the City is moving towards land application versus land re-use. She also recommends that the City conduct a public outreach program. Nysoe asks for a timeline for completing the project. George states that design is slated to be completed in 2019 and construction to begin in 2020 and to be completed by 12/31/2021. George reports that the City made application to Department of Ecology for preliminary design funding of approximately \$1,000,000. Cole reports that the City has open communication with DOE on the City's efforts and failures to purchase property; 4) City and County continue working with Pertee Engineering on a ballot measure to create a county-wide Flood Control Zone District; 5) City of Dayton's 2014 – 2016 Audit had positive results. George reports the City will be moving to a two-year audit; 6) He will be attending City Action Days talking about the City needs from the State legislature including funding for a wastewater treatment plant upgrade project; 7) Welcomes Matt Wiens to the City Council; 8) Attended a Blue Mountain Regional Trails Project meeting and learned that the Dayton to Waitsburg Trail is the number one priority of the south eastern region. On January 22 there is an open house being held at Walla Walla County Fairgrounds to review all the region's projects; 9) Boys and Girls Club is now a 501c (3), bids go out in the next week for improvements to their facility, and grand opening date is scheduled for September 4, 2018; and 10) Columbia County Health Systems is now providing palliative care services.

6. UNFINISHED BUSINESS

There is no unfinished business.

7. NEW BUSINESS

ACTION: Berg makes a motion; Nysoe seconds the motion to authorize Resolution No. 1331, extending temporary planning services with Columbia County through July 31, 2018. There is no discussion. The motion carries unanimously.

ACTION: Paris makes a motion; Kaczmarek seconds the motion to authorize Resolution No. 1332, contracting with Columbia County for Code Compliance services. D. Bailey asks what the City’s financial responsibility will be if the County were to increase the code compliance officer’s pay. Cole explains the contract states that it will be the County’s responsibility to pay for any increases associated with their salary wage scale, excluding benefit and cost of living increases. Nysoe asks if the City will receive code compliance status reports. Cole states yes, the contract includes a provision specific to reporting requirements. Nysoe asks who the community should contact regarding code compliance issues. M. Bailey states County Planning. There is no further discussion. The motion carries unanimously.

ACTION: D. Bailey makes a motion; Paris seconds the motion to authorize the Transportation Improvement Board Fuel Tax Agreement for grant funding for the FY 2019 Rehabilitation Project, Multiple Locations, Project No. P-E-924(006)-1 for \$132,500 for the 2018 FEMA repair. There is no discussion. The motion carries unanimously.

8. FINAL PUBLIC COMMENT

Mayor George thanks Councilmember Christine Broughton for her years of service to the community of Dayton and her hard work towards improving our parks specifically her role in the completion of Dayton Dog Park.

9. ADJOURN

With no further business to come before the Council, the regular meeting is adjourned at 8:53 p.m.

City of Dayton

By: Craig George, Mayor

Attested:

Approved:

03/14/2018

Trina Cole, City Clerk-Treasurer

Date

COLUMBIA COUNTY WASHINGTON
PLANNING & BUILDING DEPARTMENT
114 S. SECOND ST., DAYTON, WA 99328
PHONE 509-382-4676 FAX 509-382-3125

PLANNING DEPARTMENT STAFF MEMORANDUM

TO: Mayor Craig George

BY: Planning Director Megan Bailey

SUBJECT: Dayton Planning Commission Re-Appointment

FOR: Dayton City Council Meeting, March 14, 2018

INTRODUCTION:

There is one Dayton Planning Commission seat up for re-appointment. That seat is held by Carol Rahn, who has completed a full term which expires March, 2018. Planning Commissioners are appointed for a term of four years by the Mayor.

DISCUSSION:

Commissioner Rahn has expressed a desire to be re-appointed to the Dayton Planning Commission.

The Dayton Planning Commission met on Feb. 20, 2018 and it was unanimously that Rahn be re-appointed to the Planning Commission for a four-year term to expire March, 2022.

RECOMMENDED ACTION:

It is requested that the Mayor re-appoint Dayton Planning Commissioner Carol Rahn to a four-year term to expire March, 2022.

Meagan Bailey
Planning Director

COLUMBIA COUNTY WASHINGTON
PLANNING & BUILDING DEPARTMENT
114 S. SECOND ST., DAYTON, WA 99328
PHONE 509-382-4676 FAX 509-382-3125

**PLANNING DEPARTMENT
STAFF MEMORANDUM**

TO: Mayor Craig George

BY: Planning Director Megan Bailey

SUBJECT: Dayton Historic Preservation Commission Re-Appointment

FOR: Dayton City Council Meeting, March 14, 2018

INTRODUCTION:

There is one Dayton Historic Preservation Commission seat up for re-appointment. That seat is held by Mike Smith, who has completed a full term which expires February, 2018. Historic Preservation Commissioners are re-appointed for a term of three years by the Mayor.

DISCUSSION:

Commissioner Smith has expressed a desire to be re-appointed to the Dayton Historic Preservation Commission. The Commission met on Feb. 28, 2018 and it was motioned unanimously that Smith be re-appointed to the Historic Preservation Commission for a three-year term to expire February, 2021.

RECOMMENDED ACTION:

It is requested that the Mayor re-appoint Dayton Historic Preservation Commissioner Mike Smith to a three-year term to expire February, 2021.

Meagan Bailey
Planning Director



City of Dayton Council Meeting



Water & Sewer Rate Study

Angie Sanchez Virnoche, Managing Principal

March 14, 2018





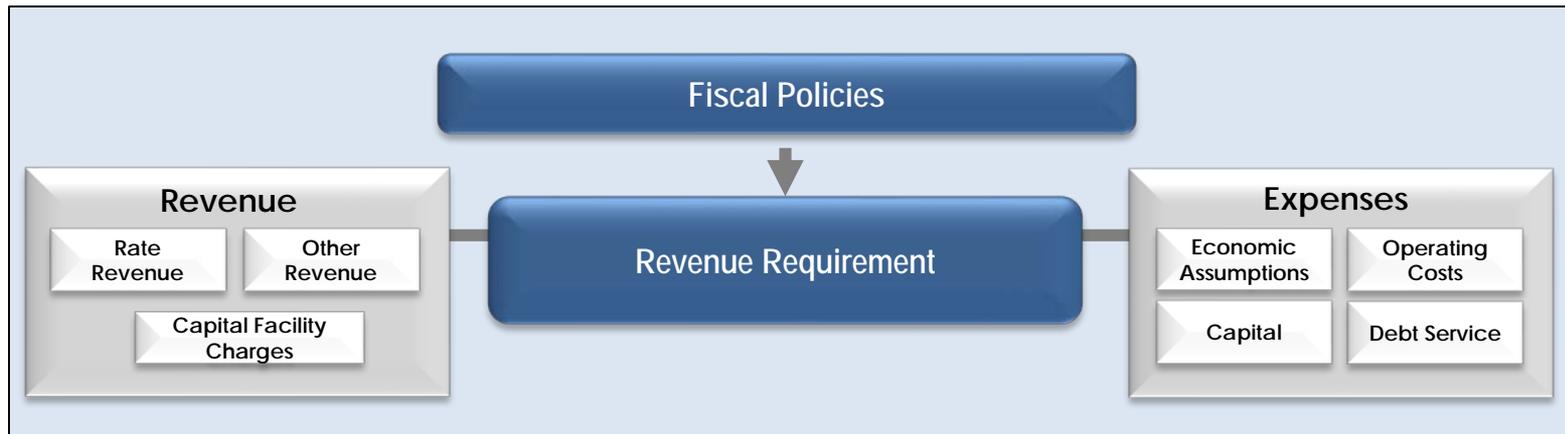
Background

- ◆ FCS Group retained to complete a water and sewer rate study
- ◆ Good timing for a rate study
- ◆ Recently completed comprehensive planning documents
 - Water System Plan (September 2015)
 - Wastewater Facilities Plan (August 2016)
- ◆ **Infrastructure needs vary by utility**
 - Water: \$5 million (2018-2026)
 - Sewer: \$14 million (2018-2026)
 - New WWTP to comply with TMDL regulations for the Touchet River
- ◆ Revenue Sufficiency & debt decisions



Why is a Rate Study Important?

- ◆ Helps maintain long-term health of the utilities
- ◆ Quantifies policies, priorities, and initiatives
- ◆ Determine the “true” cost of providing service
- ◆ Communicates financial decisions and their impacts
- ◆ Serves as a management tool





Discussion Outline for Today

- ◆ Study methodology
- ◆ Key assumptions
- ◆ Financial policies
- ◆ Revenue requirement results
 - Water (with scenarios)
 - Sewer
- ◆ Rate Comparison



Role of a Revenue Requirement Analysis

- ◆ Multi-year financial plan beyond budget year
- ◆ Determines the amount of revenue necessary to meet all financial obligations
 - Fiscal policies
 - Operating costs
 - Capital cost
 - Debt service
- ◆ Evaluates sufficiency of current rates on a stand-alone basis
- ◆ Develops annual rate implementation strategy



Utility Fiscal Policies

Policy	Purpose	Target
Operating Reserve	Accommodate differences in revenue/expenses cycles	Water: 60-90 Days of O&M (\$100-150k) Sewer: 45-60 Days of O&M (\$67-90k)
Capital Contingency Reserve	To meet emergency repairs, unanticipated capital, and project cost overruns	Water: \$200,000 Sewer: \$100,000 (Based on discussions with City staff)
Rate Funded System Reinvestment	Promote ongoing system integrity through reinvestment in the system	Water: \$425k (Phased in gradually) Sewer: \$150k (Fully phased in after last payment of 2010 bond payments) (Based on average annual repair and replacement projects)
Debt Service Coverage	Compliance with existing debt covenants and maintain credit worthiness for future debt needs	Typical Minimum Requirement: 1.25



Revenue Requirement Key Factors

Study Foundation

Operating Cost	2017 Actuals
Fund Balances	2017 Year-End
Capital Expenditures	Capital Improvement Programs (CIP)
Revenues	2018 Budget (Water) 2018 Forecasts (Sewer)

Forecast Assumptions

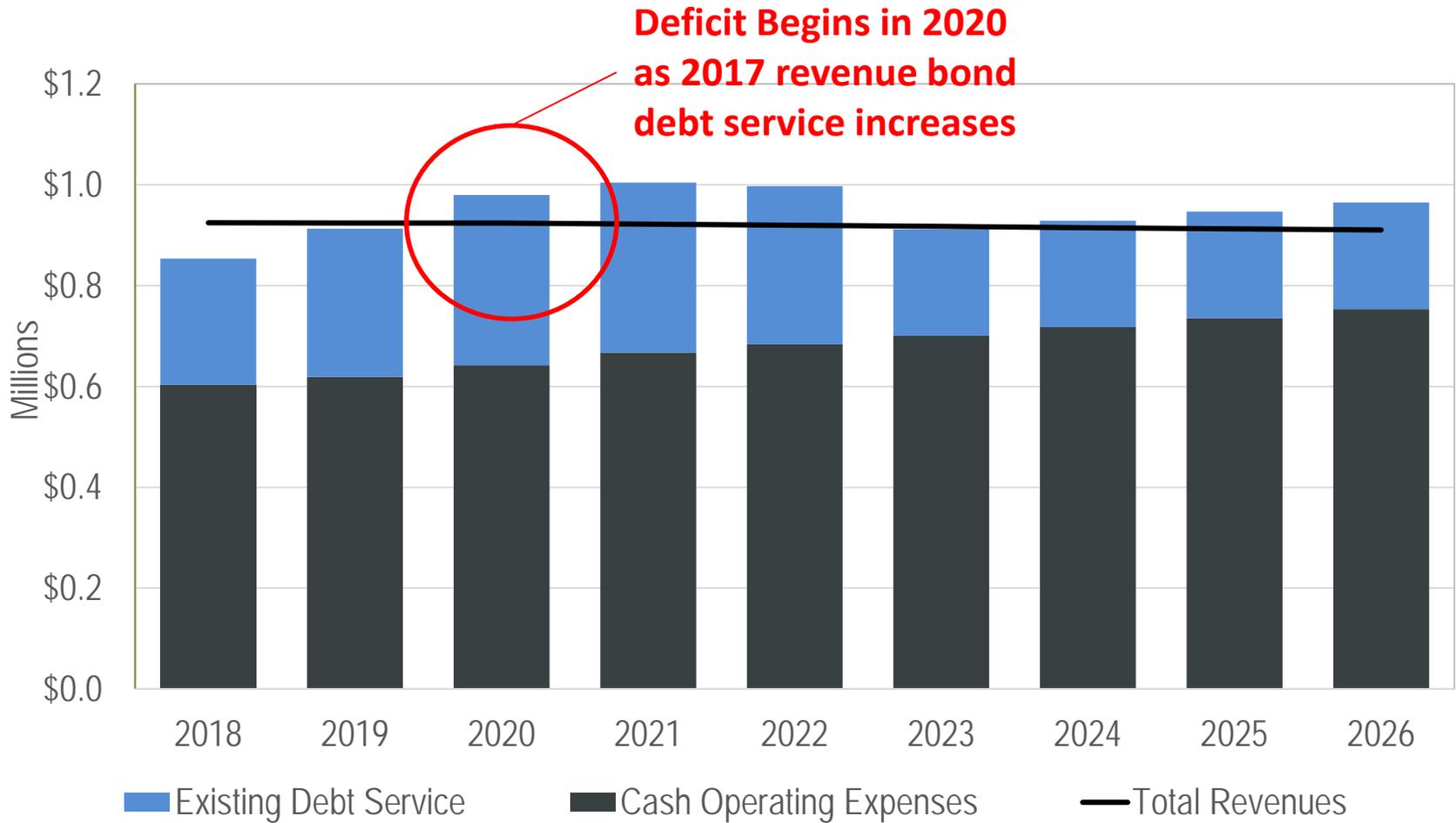
General Cost Inflation (2.5%)	Consumer Price Index
Salaries (5% in 2018...2.0% after)	Employment Cost Index (Wages & Salaries)
Benefits (5% in 2018...3.5% after)	Employment Cost Index (Benefits)
Capital Expenditures (3.25%)	ENR Construction Cost Index
Customer Growth	Flat then Slight Decline (Wtr Sys. Plan: Table 2-11)



Water



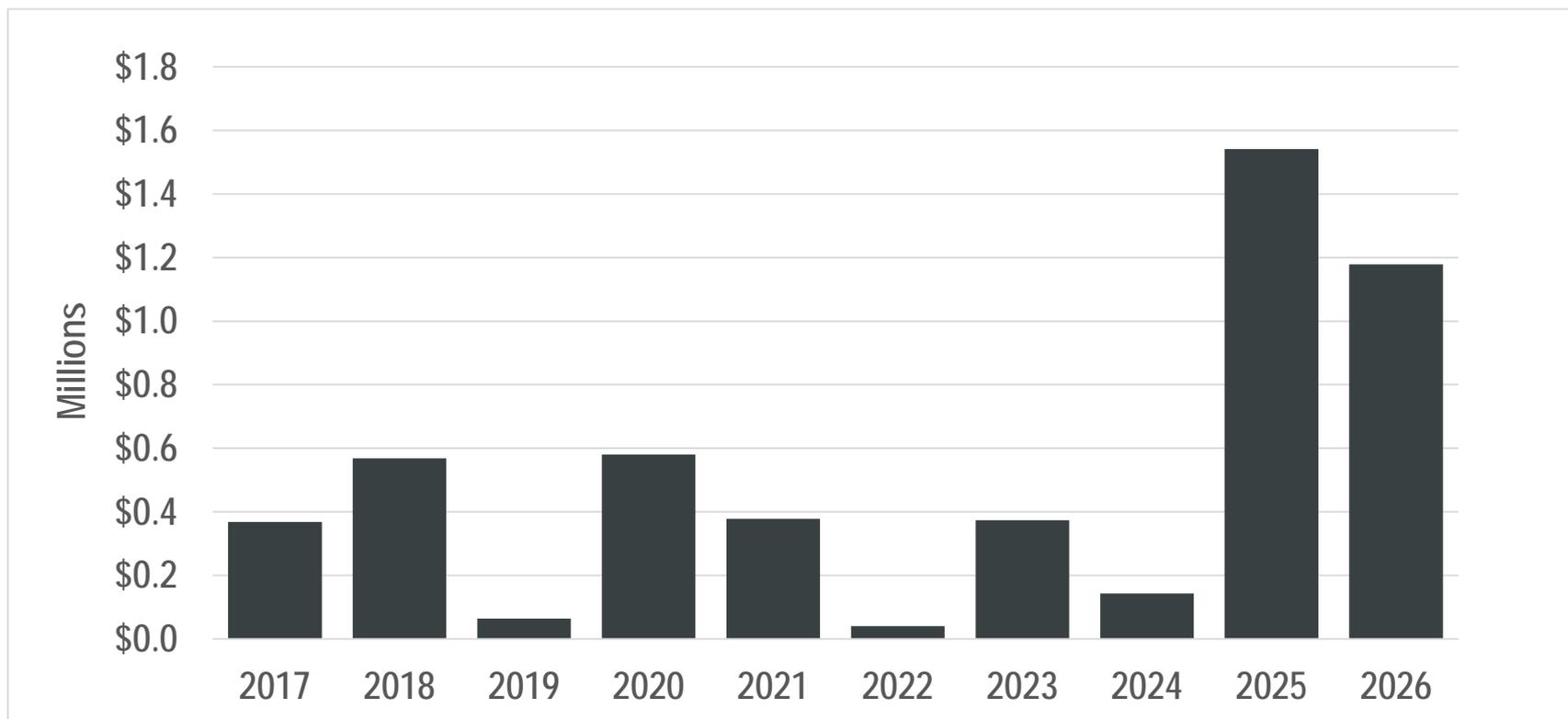
Existing Operations w/o New Capital





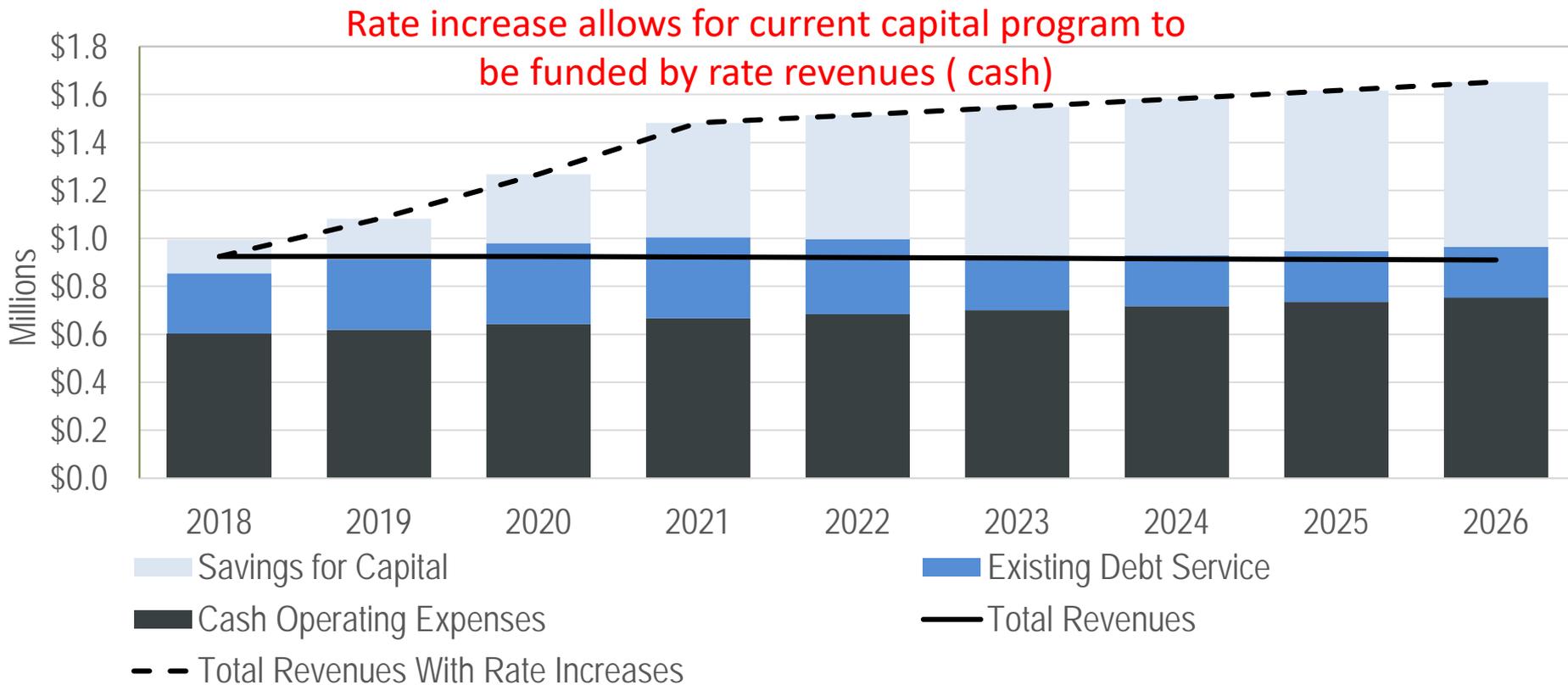
10-Year Capital Spending by Year (Full Capital)

- ◆ Water utility capital program assumed to be cash funded
- ◆ Timing based on planning documents





Revenue Requirement Assuming Full CIP



	2018	2019	2020	2021	2022	2023	2024	2025	2026
3/4" Monthly Bill @ 7ccf	\$ 39.95	\$ 46.94	\$ 55.16	\$ 64.81	\$ 66.43	\$ 68.09	\$ 69.79	\$ 71.54	\$ 73.32
% Increase		17.50%	17.50%	17.50%	2.50%	2.50%	2.50%	2.50%	2.50%



Water Monthly Bill Comparisons

Monthly Sample Bill @ 7 ccf

Recommended Rate Schedule									
	2018	2019	2020	2021	2022	2023	2024	2025	2026
Annual Rate Increase		17.5%	17.5%	17.5%	2.5%	2.5%	2.5%	2.5%	2.5%
Meter Size (Inside City Limits)									
1-1/4" or less									
Fixed Charge	\$39.95	\$46.94	\$55.16	\$64.81	\$66.43	\$68.09	\$69.79	\$71.54	\$73.32
Meter Surcharge	-	-	-	-	-	-	-	-	-
Volume Charge	-	-	-	-	-	-	-	-	-
Total Monthly Charge	\$39.95	\$46.94	\$55.16	\$64.81	\$66.43	\$68.09	\$69.79	\$71.54	\$73.32
Monthly Change		\$6.99	\$ 8.21	\$ 9.65	\$ 1.62	\$ 1.66	\$ 1.70	\$ 1.74	\$ 1.79
1-1/2" - 2"									
Fixed Charge	\$39.95	\$46.94	\$55.16	\$64.81	\$66.43	\$68.09	\$69.79	\$71.54	\$73.32
Meter Surcharge	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00
Volume Charge	-	-	-	-	-	-	-	-	-
Total Monthly Charge	\$64.95	\$71.94	\$80.16	\$89.81	\$91.43	\$93.09	\$94.79	\$96.54	\$98.32
Monthly Change		\$6.99	\$ 8.21	\$ 9.65	\$ 1.62	\$ 1.66	\$ 1.70	\$ 1.74	\$ 1.79
3"									
Fixed Charge	\$39.95	\$46.94	\$55.16	\$64.81	\$66.43	\$68.09	\$69.79	\$71.54	\$73.32
Meter Surcharge	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00	50.00
Volume Charge	-	-	-	-	-	-	-	-	-
Total Monthly Charge	\$89.95	\$96.94	\$105.16	\$114.81	\$116.43	\$118.09	\$119.79	\$121.54	\$123.32
Monthly Change		\$6.99	\$ 8.21	\$ 9.65	\$ 1.62	\$ 1.66	\$ 1.70	\$ 1.74	\$ 1.79



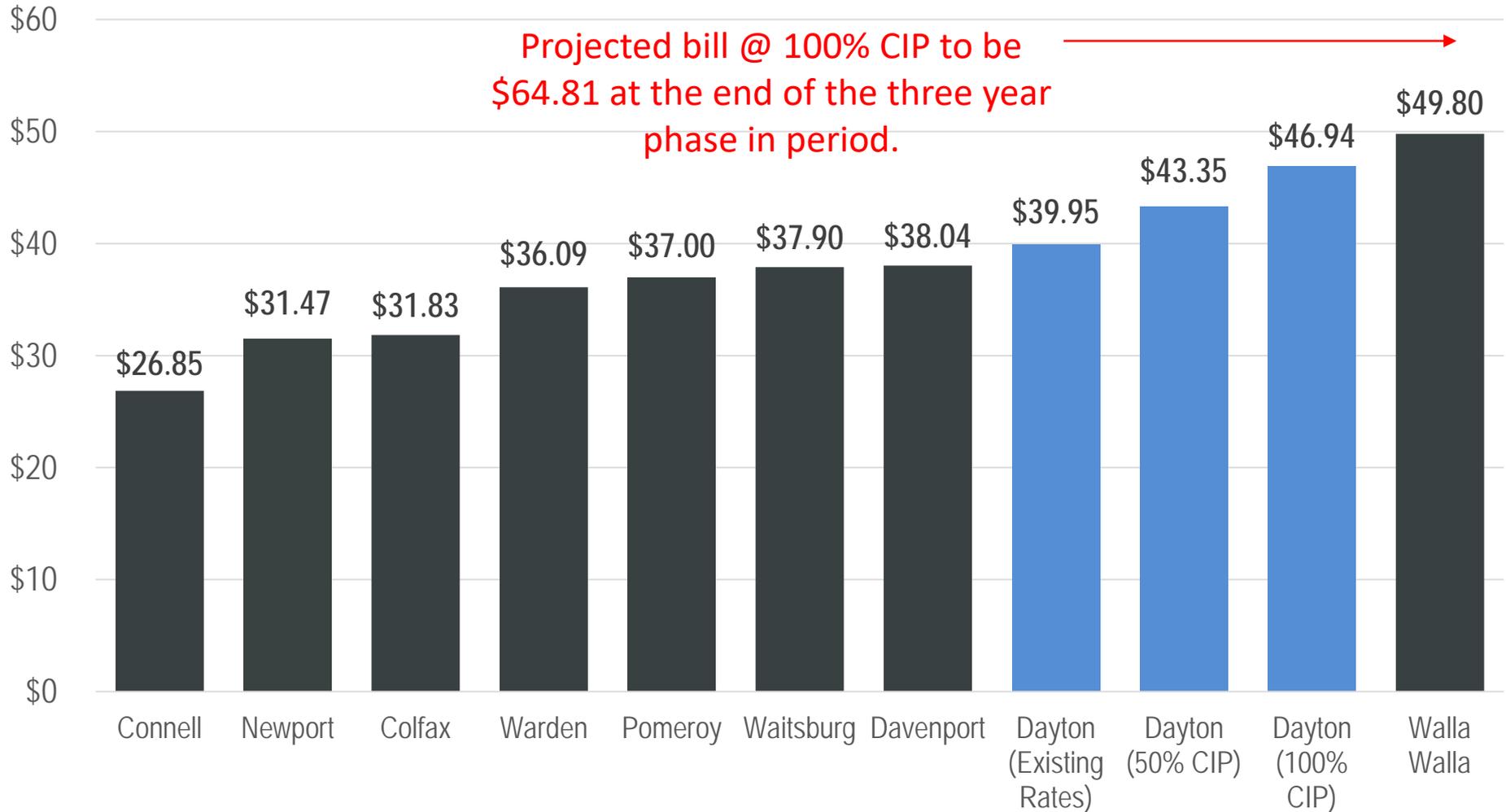
Capital Budget Rate Scenarios

- ◆ Four “Capital Budget” Scenarios
 - 0% (no planned capital); 50% of CIP; 75% of CIP; and 100% of CIP
 - 100% of CIP scenario covered in preceding slides

Scenarios: Adjust CIP %	2019	2020	2021	2022	2023	2024	2025	2026	Total
0% Spend of CIP									
% Rate Increase	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	1.25%	
Capital Spending per Yr	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Cash Funded Capital	\$ 28,000	\$ -	\$ -	\$ -	\$ 34,000	\$ 80,000	\$ 74,000	\$ 66,000	\$ 282,000
50% Spend of CIP									
% Rate Increase	8.50%	8.50%	8.50%	2.50%	2.50%	2.50%	2.50%	2.50%	
Capital Spending per Yr	\$ 32,000	\$ 289,000	\$ 188,000	\$ 19,000	\$ 186,000	\$ 71,000	\$ 770,000	\$ 589,000	\$ 2,144,000
Cash Funded Capital	\$ 90,000	\$ 109,000	\$ 178,000	\$ 211,000	\$ 324,000	\$ 333,000	\$ 343,000	\$ 354,000	\$ 1,942,000
75% Spend of CIP									
% Rate Increase	12.75%	12.75%	12.75%	2.50%	2.50%	2.50%	2.50%	2.50%	
Capital Spending per Yr	\$ 48,000	\$ 434,000	\$ 283,000	\$ 29,000	\$ 280,000	\$ 107,000	\$ 1,155,000	\$ 883,000	\$ 3,219,000
Cash Funded Capital	\$ 126,000	\$ 189,000	\$ 311,000	\$ 346,000	\$ 463,000	\$ 475,000	\$ 489,000	\$ 502,000	\$ 2,901,000
100% Spend of CIP									
% Rate Increase	17.50%	17.50%	17.50%	2.50%	2.50%	2.50%	2.50%	2.50%	
Capital Spending per Yr	\$ 64,000	\$ 579,000	\$ 377,000	\$ 39,000	\$ 373,000	\$ 142,000	\$ 1,540,000	\$ 1,178,000	\$ 4,292,000
Cash Funded Capital	\$ 167,000	\$ 282,000	\$ 471,000	\$ 511,000	\$ 632,000	\$ 648,000	\$ 665,000	\$ 683,000	\$ 4,059,000



Single Family: Monthly Water Charges



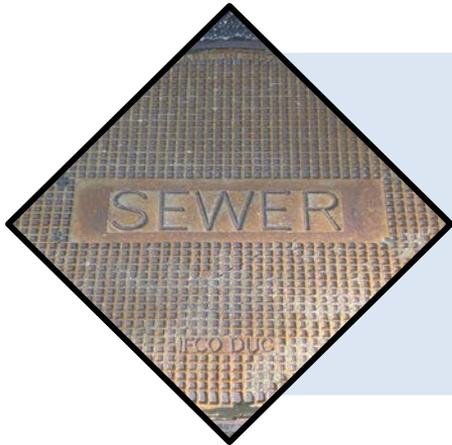


Water Meter Surcharge

- ◆ Water meter surcharge not historically increased with rate increase
- ◆ Consider combining surcharge with basic fixed charge to create a uniform fixed charge schedule, increasing by meter size
- ◆ Existing surcharges

Meter Size	Surcharge
1-1/4" or less	\$ -
1-1/2" - 2"	\$ 25.00
3"	\$ 50.00
4"	\$ 75.00
6"	\$ 150.00

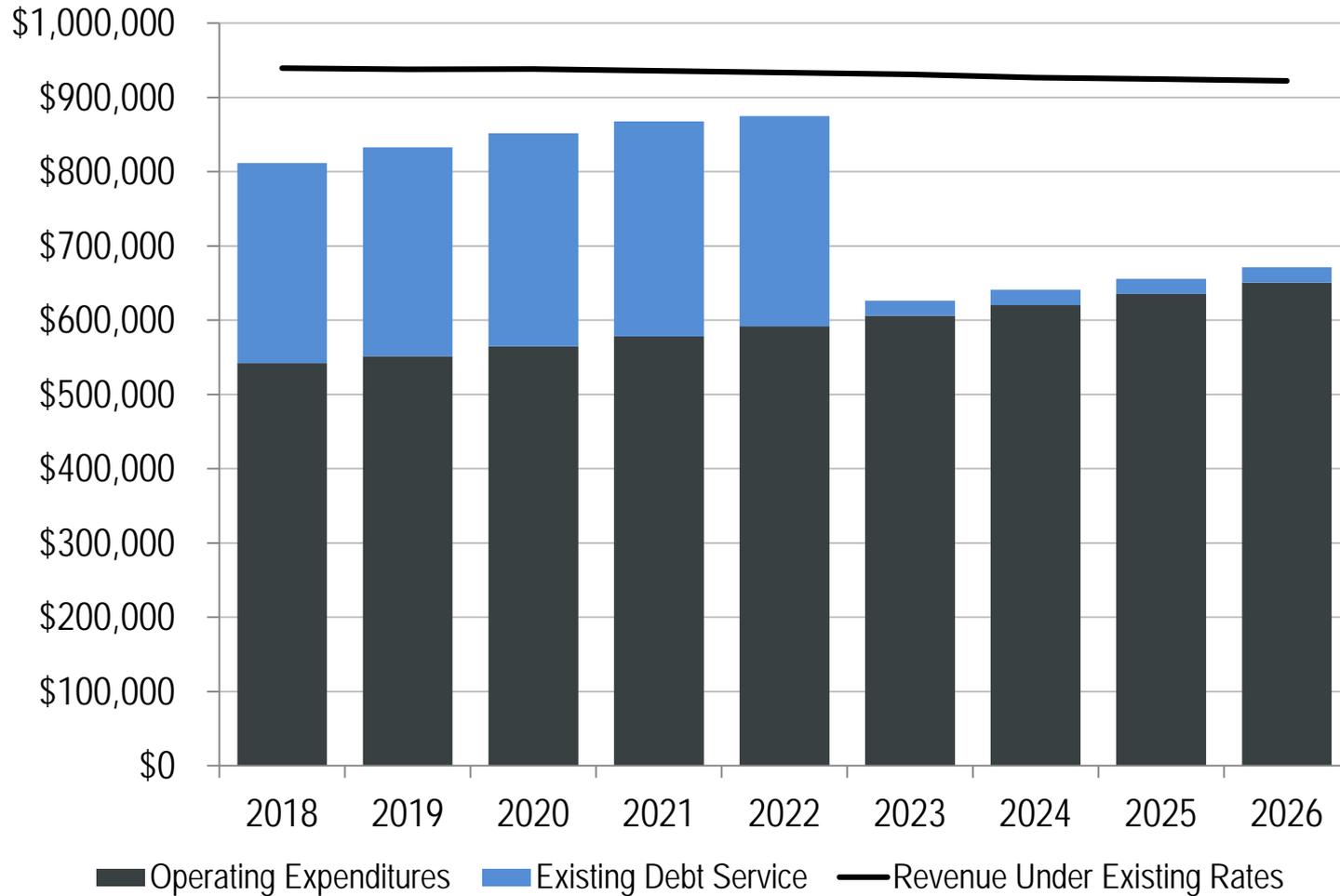
- ◆ Example for 3-inch Meter with 2018 rates
 - Basic fixed charge \$39.95 + surcharge of \$50.00
 - Combined meter charge \$89.95



Sewer



Existing Operations w/o New Capital





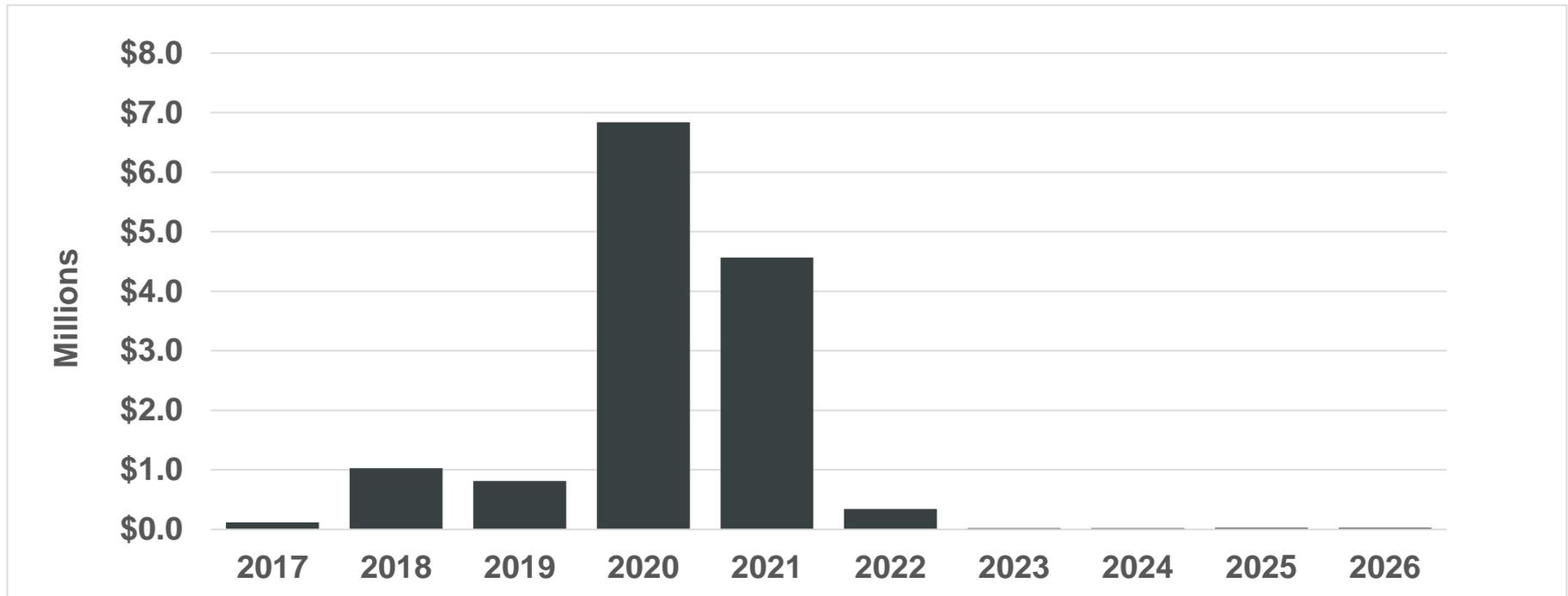
Capital Improvement Plan

Project	2017 Cost	Year
Waste Water Treatment Plant		
Land Acquisition	\$901,700	2018
Pre-Construction	\$1,016,000	2019 – 2020
Construction	\$9,779,000	2020 – 2022
Equipment Replacement/Additions	\$76,200	2018 – 2021
Collection System		
Utility/Street Plan with GIS Components	\$45,000	2018
Levee Improvements to Protect Sewer Infrastructure Project	\$159,000	2018 – 2021
E. Washington Avenue Sewer Main Line Replacement	\$205,400	2021 – 2022
Rolling Stock Equipment Replacement/Additions	\$361,000	Every Year



10-Year Capital Spending by Year (Full Capital)

- ◆ Sewer utility capital program assumed to be funded by mixture of debt and cash
- ◆ Timing based on planning documents
- ◆ CIP document only goes out to 2022
 - Years after spending is limited to rolling stock equipment replacements





Capital Funding Assumptions

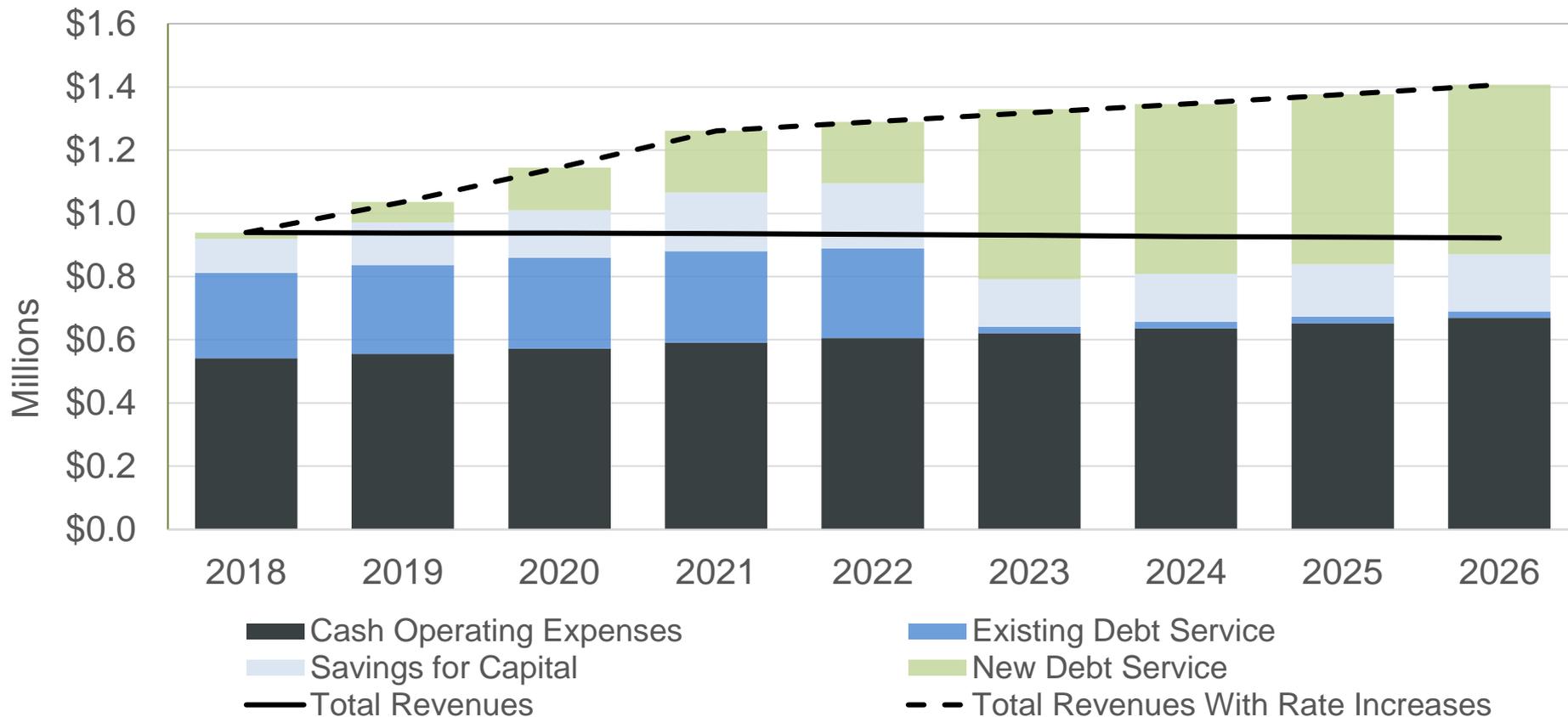
- ◆ **Collection System Repairs & Replacement**
 - Cash funded through rate revenue

- ◆ **Wastewater Treatment Plant**
 - Estimated to cost \$13 million
 - Approximately \$13 million in DOE/USDA/Other Loans
 - \$5 million of this \$13 million assumed to be forgivable
 - Principal repayment assumed to start one year after construction ends (2023)
 - New debt service expected to be nearly \$540,000 per year

- ◆ **Unknowns: Direct appropriation from state?**



Sewer Revenue Requirement



	2018	2019	2020	2021	2022	2023	2024	2025	2026
Water [700 cubic feet]	\$56.60	\$62.54	\$69.11	\$76.37	\$78.28	\$80.23	\$82.24	\$84.29	\$86.40
% Increase		10.50%	10.50%	10.50%	2.50%	2.50%	2.50%	2.50%	2.50%



Sewer Monthly Bill Comparisons

- ◆ ATB = Across the Board
 - All rates increase equally

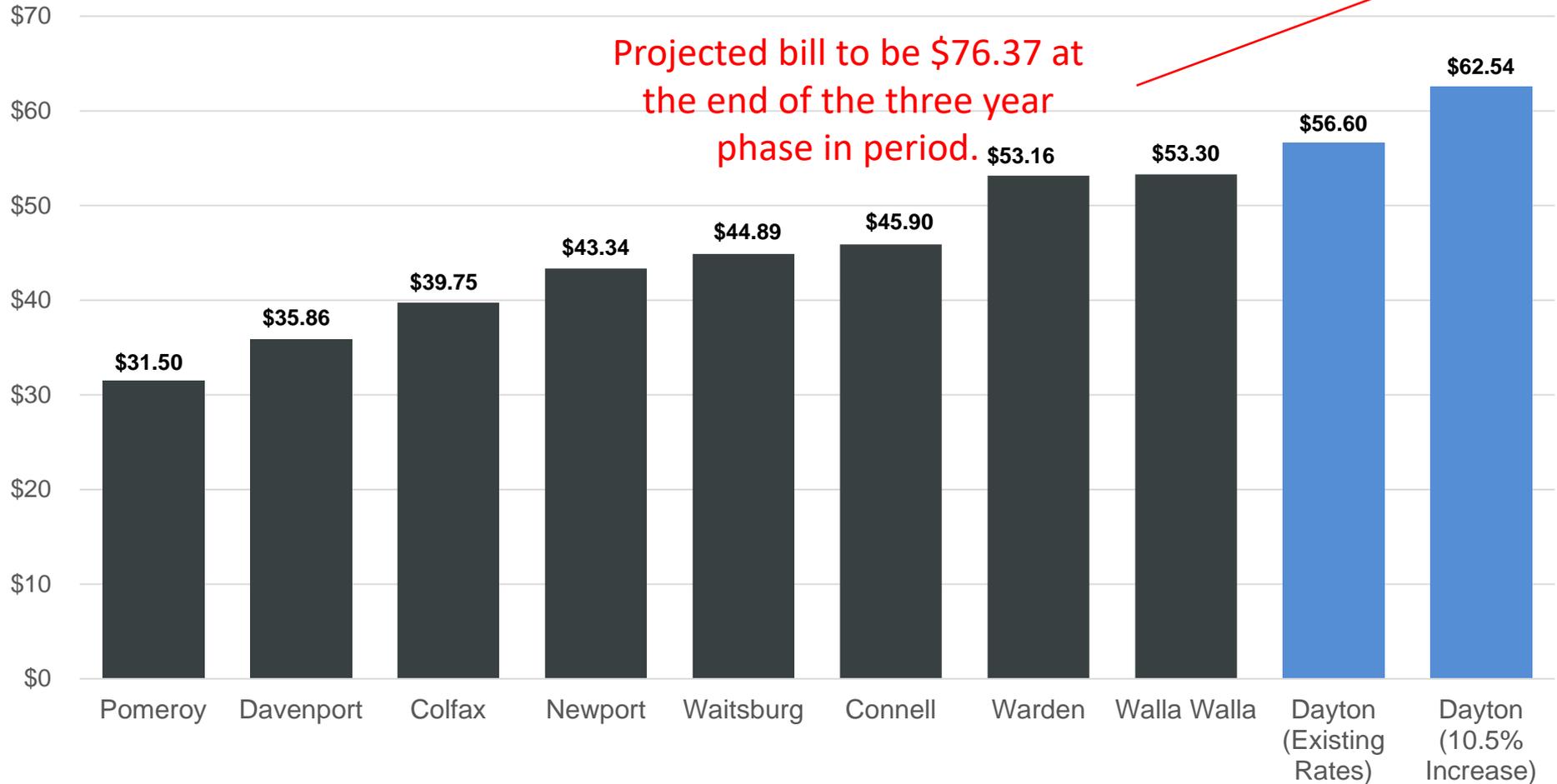
- ◆ Rates would take effect January 1st of each year

Recommended Rate Schedule	Existing	ATB	ATB	ATB	ATB	ATB	ATB	ATB	ATB
Monthly Flat Rates	2018	2019	2020	2021	2022	2023	2024	2025	2026
Annual System-Wide Rate Increase		10.5%	10.5%	10.5%	2.5%	2.5%	2.5%	2.5%	2.5%
<u>User Description</u>									
Residence within the city limits	\$56.60	\$62.54	\$69.11	\$76.37	\$78.28	\$80.23	\$82.24	\$84.29	\$86.40
Apartment houses (per apartment)	\$56.60	\$62.54	\$69.11	\$76.37	\$78.28	\$80.23	\$82.24	\$84.29	\$86.40
Hotels and motels (per room)	\$20.00	\$22.10	\$24.42	\$26.98	\$27.66	\$28.35	\$29.06	\$29.79	\$30.53
Laundries, dry cleaning, creameries	\$72.45	\$80.06	\$88.46	\$97.75	\$100.20	\$102.70	\$105.27	\$107.90	\$110.60
Restaurants	\$109.35	\$120.83	\$133.52	\$147.54	\$151.23	\$155.01	\$158.88	\$162.85	\$166.93



Single Family: Monthly Sewer Charges

Single Family: Monthly Sewer Bills

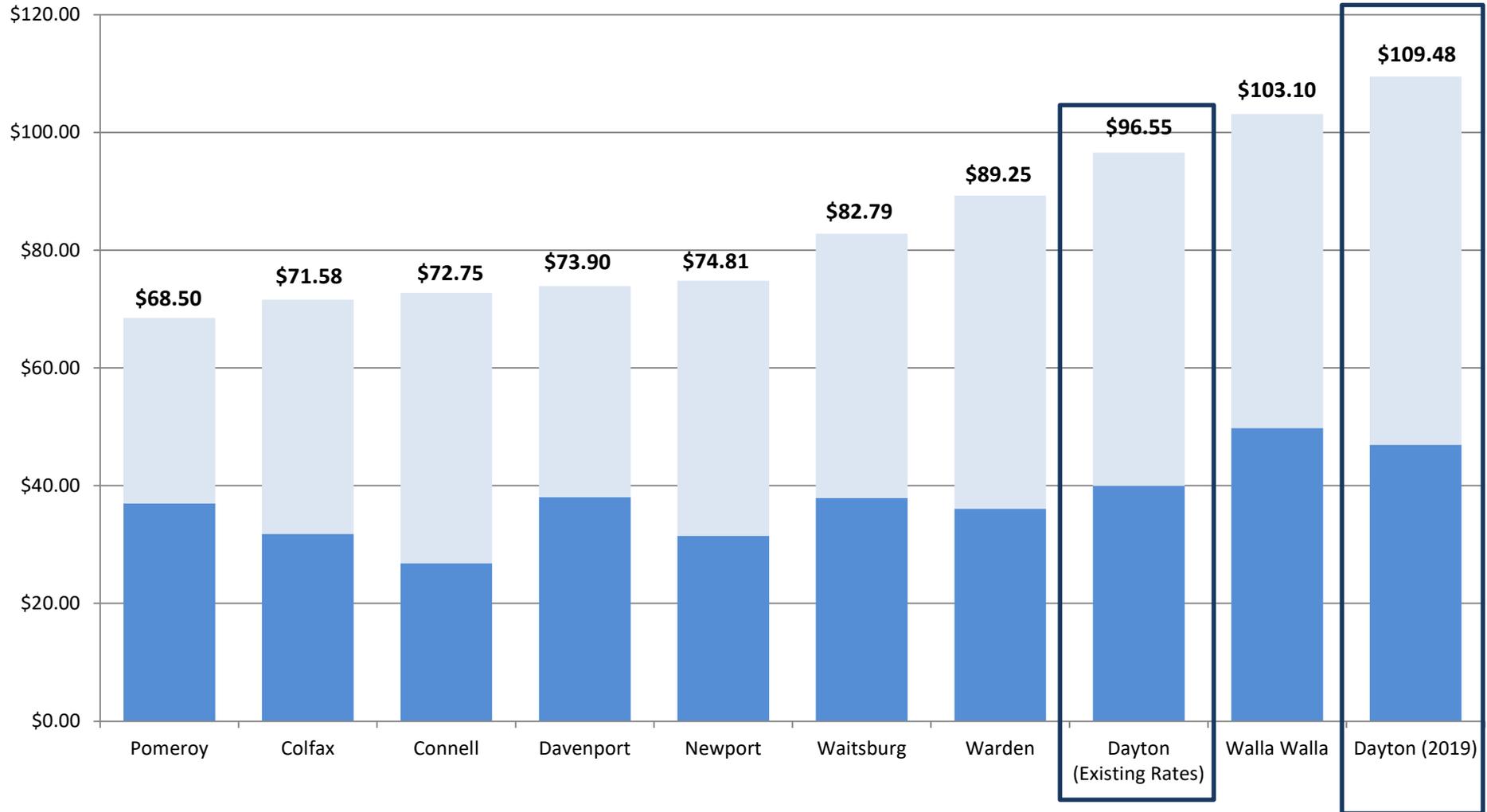




Impacts



Combined SF Bill Comparison





Affordability

- ◆ EPA affordable rate definition
 - Less than 2.0% of median household income for combined sewer & stormwater
 - Less than 2.5% of median household income for water

Rate Affordability	2018	2019	2020	2021	2022	2023	2024	2025	2026
Median Household Income	\$38,049	\$39,000	\$39,975	\$40,975	\$41,999	\$43,049	\$44,125	\$45,228	\$46,359
Affordability Index	4.5%	4.5%	4.5%	4.5%	4.5%	4.5%	4.5%	4.5%	4.5%
Monthly Bill Threshold	\$142.68	\$146.25	\$149.91	\$153.65	\$157.50	\$161.43	\$165.47	\$169.61	\$173.85
Combined Monthly Res. Bill at Proposed Rates	\$96.55	\$109.48	\$124.27	\$141.17	\$144.70	\$148.32	\$152.03	\$155.83	\$159.73
% of MHI	3.0%	3.4%	3.7%	4.1%	4.1%	4.1%	4.1%	4.1%	4.1%
Combined Mo. Res. Bill if WWTP funded by Rev. Bonds	\$96.55	\$181.65	\$193.23	\$202.88	\$204.50	\$206.16	\$207.87	\$209.61	\$211.40
% of MHI	3.0%	5.6%	5.8%	5.9%	5.8%	5.7%	5.7%	5.6%	5.5%



Rate increases allow the utility to...

- ◆ Cover operating expenses plus inflation
- ◆ Cover existing debt service obligations
- ◆ Maintain operating reserves at minimum targets
- ◆ Fund replacement capital with cash from rate revenues



Next Steps

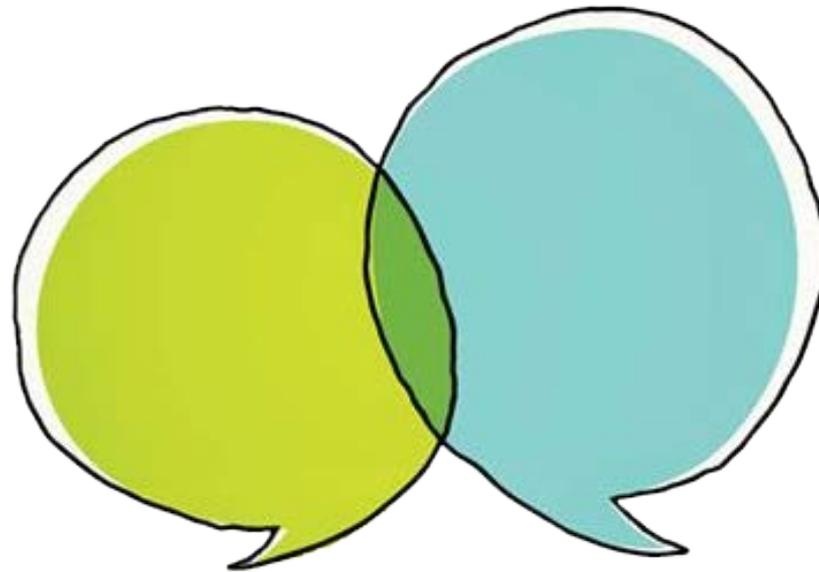
- ◆ Consider rate increase recommendations as presented

Utility	2019	2020	2021	2022	2023	2024	2025	2026
Water	17.50%	17.50%	17.50%	2.50%	2.50%	2.50%	2.50%	2.50%
Sewer	10.50%	10.50%	10.50%	2.50%	2.50%	2.50%	2.50%	2.50%

- ◆ Adopt water/sewer increases effective January 1, 2019
- ◆ Looking ahead...
 - Revisit inflation assumptions, revenues, and expenditures on an annual basis to align projections with reality
 - Especially important to evaluate WWTP cost and funding sources
 - Monitor and implement rate strategy



Questions and Discussions



Angie Sanchez Virnoche

Managing Principal

angies@fcsgroup.com

(425) 336-4157

Contact FCS GROUP:

(425) 867-1802

www.fcsgroup.com



20-Year Water Capital Improvement Plan (1 of 2)

Project	2017 Dollars
N. 5th Street and Patit Avenue	\$ 394,000
N. Hill Pressure System	\$ 311,250
N. Touchet Road Area Water Line	\$ 50,000
Brooklyn Ave/N. 1st Street Waterline Replacement	\$ 151,800
Clay Street Waterline Replacement	\$ 70,100
Patit Avenue Waterline Replacement	\$ 122,600
Tremont Street Waterline Replacement	\$ 70,100
Hanan Street Waterline Replacement	\$ 70,100
Upper Syndicate Hill Pressure System	\$ 660,600
S. Cottonwood Street Waterline Replacement	\$ 344,700
Washington Avenue	\$ 267,400
N. 1st Street Waterline Replacement	\$ 139,700
S. 6th Street Waterline Replacement	\$ 194,800
E. Main Street Transfer Services	\$ 77,234
W Main Street Waterline Replacement	\$ 414,900
S. 8th St Waterline Replacement	\$ 127,000
Harlem Road/Hwy 12 Waterline Replacement	\$ 366,700
Stockton Rd. Waterline Replacement	\$ 194,800



20-Year Water Capital Improvement Plan (2 of 2)

Project	2017 Dollars
Stedman Road Waterline Replacement	\$ 166,200
W. Dayton Avenue Waterline Replacement	\$ 62,300
Labor Camp Road Loop Waterline Extension	\$ 210,100
Pittman Road Waterline Improvements	\$ 214,000
Miscellaneous Fire Hydrants	\$ 50,000
Recalibrate or Replace Water Meters	\$ 60,000
Rolling Stock Equipment Replacement	\$ 261,800
Telemetry System Replacement	\$ 100,000
Repair/Recoat Water Reservoirs	\$ 220,000
Utility/Street Plan with GIS Components	\$ 25,000
Levee Improvements to Protect Water Infrastructure Project	\$ 144,000
Water Well Pumps Service and Recondition	\$ 70,000
Test and Calibrate Production Meters	\$ 75,000
Leak Detection Survey of Distribution System	\$ 66,500
Recalibrate/Service Source Meters	\$ 12,125
Locate and Repair Water Main Leak off N. Touchet Rd. Water System	\$ 32,000
Water System Plan Update	\$ 150,000



Water Rate Schedule

Recommended Rate Schedule									
	2018	2019	2020	2021	2022	2023	2024	2025	2026
Annual Rate Increase		17.5%	17.5%	17.5%	2.5%	2.5%	2.5%	2.5%	2.5%
Fixed Charge By Meter Size (Inside City Limits):									
1-1/4" or less	\$39.95	\$46.94	\$55.16	\$64.81	\$66.43	\$68.09	\$69.79	\$71.54	\$73.32
1-1/2" - 2"	\$39.95	\$46.94	\$55.16	\$64.81	\$66.43	\$68.09	\$69.79	\$71.54	\$73.32
3"	\$39.95	\$46.94	\$55.16	\$64.81	\$66.43	\$68.09	\$69.79	\$71.54	\$73.32
4"	\$39.95	\$46.94	\$55.16	\$64.81	\$66.43	\$68.09	\$69.79	\$71.54	\$73.32
6"	\$39.95	\$46.94	\$55.16	\$64.81	\$66.43	\$68.09	\$69.79	\$71.54	\$73.32
Fixed Charge By Meter Size (Outside City Limits):									
1-1/4" or less	\$55.20	\$64.86	\$76.21	\$89.55	\$91.79	\$94.08	\$96.43	\$98.84	\$101.31
1-1/2" - 2"	\$55.20	\$64.86	\$76.21	\$89.55	\$91.79	\$94.08	\$96.43	\$98.84	\$101.31
3"	\$55.20	\$64.86	\$76.21	\$89.55	\$91.79	\$94.08	\$96.43	\$98.84	\$101.31
4"	\$55.20	\$64.86	\$76.21	\$89.55	\$91.79	\$94.08	\$96.43	\$98.84	\$101.31
6"	\$55.20	\$64.86	\$76.21	\$89.55	\$91.79	\$94.08	\$96.43	\$98.84	\$101.31
Water Meter Surcharge:									
1-1/4" or less	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
1-1/2" - 2"	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00
3"	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00	\$50.00
4"	\$75.00	\$75.00	\$75.00	\$75.00	\$75.00	\$75.00	\$75.00	\$75.00	\$75.00
6"	\$150.00	\$150.00	\$150.00	\$150.00	\$150.00	\$150.00	\$150.00	\$150.00	\$150.00
Volume Charge:									
0-801 cf (allowance)	\$0.000000	\$0.000000	\$0.000000	\$0.000000	\$0.000000	\$0.000000	\$0.000000	\$0.000000	\$0.000000
801-50,000 cf	\$0.008340	\$0.009800	\$0.011514	\$0.013529	\$0.013868	\$0.014214	\$0.014570	\$0.014934	\$0.015307
50,001-100,000 cf	\$0.009170	\$0.010775	\$0.012660	\$0.014876	\$0.015248	\$0.015629	\$0.016020	\$0.016420	\$0.016831
100,000+ cf	\$0.009530	\$0.011198	\$0.013157	\$0.015460	\$0.015846	\$0.016243	\$0.016649	\$0.017065	\$0.017491



Sewer Rate Schedule

Recommended Rate Schedule	Existing	ATB							
Monthly Flat Rates	2018	2019	2020	2021	2022	2023	2024	2025	2026
Annual System-Wide Rate Increase		10.5%	10.5%	10.5%	2.5%	2.5%	2.5%	2.5%	2.5%
User Description									
Residence within the city limits	\$56.60	\$62.54	\$69.11	\$76.37	\$78.28	\$80.23	\$82.24	\$84.29	\$86.40
Residence outside the city limits	\$88.20	\$97.46	\$107.69	\$119.00	\$121.98	\$125.03	\$128.15	\$131.36	\$134.64
Apartment houses (per apartment)	\$56.60	\$62.54	\$69.11	\$76.37	\$78.28	\$80.23	\$82.24	\$84.29	\$86.40
Hotels and motels (per room)	\$20.00	\$22.10	\$24.42	\$26.98	\$27.66	\$28.35	\$29.06	\$29.79	\$30.53
Temporary Travel Trailers or RVs	\$20.50	\$22.65	\$25.03	\$27.66	\$28.35	\$29.06	\$29.79	\$30.53	\$31.29
Schools	\$537.20	\$593.61	\$655.93	\$724.81	\$742.93	\$761.50	\$780.54	\$800.05	\$820.05
Privately owned canneries	\$619.85	\$684.93	\$756.85	\$836.32	\$857.23	\$878.66	\$900.63	\$923.14	\$946.22
Service stations and garages	\$72.45	\$80.06	\$88.46	\$97.75	\$100.20	\$102.70	\$105.27	\$107.90	\$110.60
Laundries, dry cleaning, creameries	\$72.45	\$80.06	\$88.46	\$97.75	\$100.20	\$102.70	\$105.27	\$107.90	\$110.60
Self-service laundry	\$104.65	\$115.64	\$127.78	\$141.20	\$144.73	\$148.35	\$152.05	\$155.86	\$159.75
Restaurants	\$109.35	\$120.83	\$133.52	\$147.54	\$151.23	\$155.01	\$158.88	\$162.85	\$166.93
Lunch counters	\$109.35	\$120.83	\$133.52	\$147.54	\$151.23	\$155.01	\$158.88	\$162.85	\$166.93
Taverns, pool halls	\$72.45	\$80.06	\$88.46	\$97.75	\$100.20	\$102.70	\$105.27	\$107.90	\$110.60
Clubs, cocktail lounges	\$72.45	\$80.06	\$88.46	\$97.75	\$100.20	\$102.70	\$105.27	\$107.90	\$110.60
Churches	\$28.45	\$31.44	\$34.74	\$38.39	\$39.35	\$40.33	\$41.34	\$42.37	\$43.43
Hospitals	\$509.55	\$563.05	\$622.17	\$687.50	\$704.69	\$722.31	\$740.36	\$758.87	\$777.84
Nursing Homes	\$152.70	\$168.73	\$186.45	\$206.03	\$211.18	\$216.46	\$221.87	\$227.42	\$233.10
Greywater Treatment (per gallon)	\$0.08	\$0.09	\$0.10	\$0.11	\$0.11	\$0.11	\$0.12	\$0.12	\$0.12
All other unclassified users	\$56.60	\$62.54	\$69.11	\$76.37	\$78.28	\$80.23	\$82.24	\$84.29	\$86.40

◆ ATB = Across the Board, all rates increase equally

Agenda Item No. 6(A)

COLUMBIA COUNTY WASHINGTON
PLANNING & BUILDING DEPARTMENT

114 SOUTH 2nd STREET, DAYTON, WASHINGTON 99328

PHONE 509-382-4676

STAFF REPORT

Dayton Short Plat 2018-001

BY: Meagan Bailey
DATE: March 14th 2018
RE: Dayton Short Plat 2018-001

RECOMMENDING BODY: Planning Director
PUBLIC HEARING: Not Required per Dayton Municipal Code Title 10
APPROVAL BODY: City of Dayton, Washington City Council
APPEAL BODY: Hearing Examiner

+++++

APPLICANT: Greg and Cheryl Skiffington; 608 East Clay Street, Dayton, Washington 99328
LANDOWNER: Hendrickson Family Trust; 628 Strom Road, Dayton, Washington 99328
PROJECT LOCATION: 209 North Cherry Street, Dayton, Washington 9928
Assessor's Parcel: 1150100200000
Zoning: UR (Urban Residential)

PROJECT DESCRIPTION: Request has been submitted by Greg and Cheryl Skiffington, with signed authorization from Hendrickson Family Trust, to subdivide the existing parent parcel of 76,230 square feet into three lots. The three lot sizes are proposed as follows: lot one-15,000 square feet; lot two-24,000 square feet; and lot three-37,200 square feet. There are no requests for new development at this time.

FINDINGS OF FACT:

1. The application for the Short Plat was received and deemed complete on February 5th 2018.
2. Per the City of Dayton Zoning map, ordinance 1873A, this property is zoned as Urban Residential.
3. The minimum lot size per section 11-03-030 of the Dayton Municipal Code in the Urban Residential zoning district is 7,200 square feet. Review of the application confirms this standard is met by all newly platted lots.
4. The minimum lot dimension per section 11-03-030 of the Dayton Municipal Code in the Urban Residential zoning district is 50' wide by 100' deep. Review of the application confirms this standard is met by all lots.
5. Per the RCW 58.17.020(6), a Short Plat "is the division or redivision of land into four or fewer lots ...". Review of the application, providing the request to subdivide one lot into three, indicates that this

application is indeed a Short Plat.

6. Per Section 10-01.020(B) of the Dayton Municipal Code, the preliminary Short Plat land use application shall be processed as a Type II application.
7. Per WAC 197-11-800(6)(d), Short Plats are categorically exempt from SEPA review.
8. As a Type II application, the Notice of Application Mailing, Posting, and Newspaper processes are not required given the SEPA exemption.
9. Request for comments to Department Heads and Officials was sent on February 5th 2018, with received comments noted below.
10. Per Dayton Municipal Code section 10-01-030(A), final approval of the preliminary Short Plat is made by the Director.
11. On February 14th 2018, the Planning Director presented the approved preliminary Short Plat to City Council.
12. Per the Dayton Municipal Code, section 10-01.030, approval of the Final Short Plat is a Type I, with final approval by the Director.

ENVIRONMENTAL REVIEW: The project is categorically exempt from SEPA review as a *Minor Land Use Decision* under WAC 197-11-800(6). There are no adjacent shorelines, critical areas, or flood hazard areas on the site to initiate any other environmental review.

COMMENTS RECEIVED:

Audrey McLean-Columbia County Treasurer

"All taxes must be paid in full for 2018."

Chris Mills-Columbia County Assessor

"Split will be processed in my office upon taxes being paid in full and survey recorded."

Anderson Perry & Associates, Inc., City Engineer-City of Dayton

General Comments:

1. Provide the legal description for the lot to be divided and the lots created by the Short Plat.
2. Include the Section, Township, and Range (STR) on the Short Plat.
3. Add the contact information for the owner on the Short Plat.
4. Add the existing zoning designation to the Short Plat.
5. Add the Residential Table described on the Submittal Checklist.
6. Provide a blank 4" x 4" box for City to date and to add other stamps.
7. Correct the drawing scale. The Short Plat must be drawn to scale.
8. The 20-foot access easement shown needs to be revised to be a 20-foot access and utility easement.
9. Label the curves in the curve table.

Add the following notes to the Short Plat:

1. The water and sewer services for Lot 3 shall be located in the 20-foot access and utility easement.
2. The water meter for Lot 3 shall be located in the Cherry Street right-of-way adjacent to the 20-foot access and utility easement.

FINDINGS AND CONCLUSION: The Short Plat application has been reviewed in its' entirety by the Columbia County Planning Director. The Final Plat has been circulated through the interested departments and final signatures have been received. The proposal is compliant with all applicable City of Dayton and Washington State Codes. The Department of Planning and Building hereby recommends final approval by City Council Dayton Short Plat 2018-001.

Meagan Bailey, Planning Director

Date



City of Dayton
S-E-924(001)-1
LED Streetlight Conversion

STATE OF WASHINGTON
TRANSPORTATION IMPROVEMENT BOARD
AND
City of Dayton
GRANT AGREEMENT

THIS GRANT AGREEMENT ("Agreement") is made and entered into between the WASHINGTON STATE TRANSPORTATION IMPROVEMENT BOARD ("TIB") and the City of Dayton, a Washington state municipal corporation ("RECIPIENT").

WHEREAS, the TIB has developed a grant program, Relight Washington, to provide for the conversion of standard streetlights to LED lighting ("Project") for eligible cities and towns to reduce municipal electrical costs, and

WHEREAS, the above-identified city/town is eligible to receive a Project grant and attests that it has the legal authority to receive such grant and to perform the Project pursuant to the terms of this grant,

NOW, THEREFORE, pursuant to chapter 47.26 RCW and chapter 479 WAC, the above recitals that are incorporated herein as if fully set forth below, and in consideration of the terms, conditions, and performances contained herein, and the attached Exhibits, if any, which are made a part hereof,

IT IS MUTUALLY AGREED AS FOLLOWS:

1. GRANT

TIB agrees to grant funds in the amount of Sixty Three Thousand Nine Hundred Sixty Seven AND NO/100 dollars (\$63,967) for the Project pursuant to terms contained herein, and the RECIPIENT agrees to accept such grant funds and agrees to perform and be subject to the terms and conditions of this Agreement

2. USE OF TIB GRANT FUNDS

TIB grant funds may come from Motor Vehicle Fuel Tax revenue. Any use of these funds for anything other than for highway or street Project improvements is prohibited and shall subject the RECIPIENT to the terms, conditions and remedies set forth in Section 9.

3. PROJECT AND BUDGET

The Project shall provide for the conversion of identified streetlights within RECIPIENT's city limits. The RECIPIENT agrees to enter into an agreement with or otherwise provide for a service provider to perform the actual conversion work. The RECIPIENT further agrees that it shall be solely responsible for and shall pay its service provider's invoices for costs of the work. The Project and Budget may be amended by the Parties, pursuant to Section 7.



4. PROJECT DOCUMENTATION

The RECIPIENT agrees to and shall make reasonable progress and submit timely Project documentation, as applicable, throughout the term of this Agreement and Project.

Required documents include, but are not limited to the following:

- a) Documentation to support all costs expended for the Project.
- b) Project Closeout Form.

5. BILLING AND PAYMENT

The RECIPIENT may submit progress payment requests to the TIB as necessary. If billable amounts are greater than \$50,000, RECIPIENT shall submit requests for payments on a quarterly basis. If progress payments are not regularly requested, reimbursements may be delayed or scheduled in a to be determined payment plan.

6. RECORDS MAINTENANCE

6.1 The RECIPIENT shall maintain books, records, documents, data and other evidence relating to this Agreement and performance of the Project work described herein, including but not limited to accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement. RECIPIENT shall retain such records for a period of six years following the date of final payment. At no cost to TIB, these records shall be provided when requested, including materials generated under the Agreement, and shall be subject at all reasonable times to inspection, review or audit by TIB personnel, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

6.2 If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

7. INCREASE OR DECREASE IN TIB GRANT FUNDS

RECIPIENT may request an increase in the TIB grant funds for the Project. Requests must be made in writing and will be considered by TIB and awarded at the sole discretion of TIB. An increase in grant funds shall be by amendment pursuant to Section 14. If an increase is denied, the recipient shall be solely liable for costs incurred in excess of the Agreement grant amount.

8. TERM OF AGREEMENT

This Agreement shall be effective upon execution by the Parties and shall continue through closeout of the grant amount, or modification thereof, or unless terminated as provided herein. In no event shall the Agreement term exceed two years, unless extended by Agreement amendment pursuant to Section 14.

9. DEFAULT AND TERMINATION



9.1 NON-COMPLIANCE

- a) In the event TIB determines, in its sole discretion, the RECIPIENT has failed to comply with the terms and conditions of this Agreement, TIB shall notify the RECIPIENT, in writing, of the non-compliance.
- b) RECIPIENT shall provide a written response within ten (10) business days of receipt of TIB's notice of non-compliance, which shall include either a detailed plan to correct the non-compliance, a request to amend the Project, or a denial accompanied by supporting details. An agreement to amend the Project must be pursuant to Section 14.
- c) RECIPIENT shall have thirty (30) days in which to make reasonable progress toward compliance pursuant to its plan to correct or implement an amendment to the Project.
- d) Should RECIPIENT dispute non-compliance, TIB will investigate the dispute and may withhold reimbursement payments or prohibit the RECIPIENT from incurring additional reimbursable costs during the investigation.

9.2 DEFAULT

RECIPIENT may be considered in default if TIB determines, in its sole discretion, that

- a) RECIPIENT is not making reasonable progress toward correction and compliance.
- b) TIB denies the RECIPIENT's request to amend the Project.
- c) After investigation, TIB confirms RECIPIENT'S non-compliance.

TIB reserves the right to order RECIPIENT to immediately stop work on the Project and TIB may stop Project progress payments until the requested corrections have been made or if the Agreement is terminated.

9.3 TERMINATION

- a) In the event of default as determined pursuant to Section 9.2, TIB shall serve RECIPIENT with a written notice of termination of this Agreement, which may be served in person, by email or by certified letter. Upon service of notice of termination, the RECIPIENT shall immediately stop work and/or take such actions necessary as may be directed by TIB.
- b) In the event of default and/or termination, the RECIPIENT may be liable for damages as authorized by law including, but not limited to, repayment of grant funds.
- c) The rights and remedies of TIB provided in this Agreement are not exclusive and are in addition to any other rights and remedies provided by law.

9.4 TERMINATION OR SUSPENSION FOR NECESSITY

TIB may, with ten (10) days written notice, terminate or suspend this Agreement, in whole or in part, because funds are no longer available for the purpose of meeting TIB's obligations. If this Agreement is so terminated, TIB shall be liable only for payment required under this Agreement for Project work performed or costs incurred prior to the effective date of termination.



10. DISPUTE RESOLUTION

- a) The Parties shall make good faith efforts to quickly and collaboratively resolve any dispute arising under or in connection with this Agreement. The dispute resolution process outlined in this Section applies to disputes arising under or in connection with the terms of this Agreement.
- b) Informal Resolution. The Parties shall use their best efforts to resolve disputes promptly and at the lowest organizational level.
- c) In the event that the Parties are unable to resolve the dispute, the Parties shall submit the matter to non-binding mediation facilitated by a mutually agreed upon mediator. The Parties shall share equally in the cost of the mediator.
- d) Each Party agrees to participate to the fullest extent possible in resolving the dispute in order to avoid delays or additional incurred cost to the Project.
- e) The Parties agree that they shall have no right to seek relief in a court of law in accordance with Section 11 until and unless the Dispute Resolution process has been exhausted.

11. GOVERNANCE, VENUE, AND ATTORNEYS FEES

This Agreement shall be construed and interpreted in accordance with the laws of the state of Washington and venue of any action brought hereunder shall be in the Superior Court for Thurston County. The Parties agree that each Party shall be responsible for its own attorneys' fees and costs.

12. INDEMNIFICATION, HOLD HARMLESS, AND WAIVER

12.1 Each Party, shall protect, defend, indemnify, and save harmless the other Party, its officers, officials, employees, and authorized agents, while acting within the scope of their employment as such, from any and all costs, claims, judgments, and/or awards of damages (both to persons and/or property), arising out of, or in any way resulting from, a Party's own negligent acts or omissions which may arise in connection with its performance under this Agreement. No Party will be required to indemnify, defend, or save harmless the other Party if the claim, suit, or action for injuries, death, or damages (both to persons and/or property) is caused by the sole negligence of the other Party. Where such claims, suits, or actions result from the concurrent negligence of the Parties, the indemnity provisions provided herein shall be valid and enforceable only to the extent of a Party's own negligence.

12.2 Each Party agrees that its obligations under this section extends to any claim, demand and/or cause of action brought by, or on behalf of, any of its officers, officials, employees or authorized agents. For this purpose, each Party, by mutual negotiation, hereby waives, with respect to the other Party only, any immunity that would otherwise be available to it against such claims under the Industrial Insurance provision of Title 51 RCW.

12.3 The obligations of this indemnification and waiver Section shall survive termination of this Agreement.

13. ASSIGNMENT

ORDINANCE NUMBER 1927

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, AMENDING CERTAIN SECTIONS OF CHAPTER 19 OF THE DAYTON MUNICIPAL CODE (DMC) – LAND DIVISIONS, ADDING SECTIONS 19-07.010 THROUGH 19-07.090 IN REFERENCE TO A PLANNED UNIT DEVELOPMENT PROCESS FOR THE CITY OF DAYTON.

WHEREAS, THE CITY OF DAYTON, WASHINGTON IS A FULLY PLANNING CITY UNDER RCW 36.70A, GROWTH MANAGEMENT ACT; AND,

WHEREAS, COLUMBIA COUNTY PLANNING AND BUILDING IS CONTRACTED WITH THE CITY OF DAYTON TO PROVIDE BUILDING SERVICES AND PLANNING SERVICES FOR THE CITY OF DAYTON; AND,

WHEREAS, IT IS NECESSARY TO UPDATE AND AMEND THE CITY CODE TO PROVIDE FLEXIBILITY AND BENEFIT TO PROMOTE GROWTH WITHIN THE CITY OF DAYTON; AND,

WHEREAS, THE PROPOSED AMENDMENTS DO NOT CHANGE ANY ADOPTED COMPREHENSIVE PLANS POLICIES OR LAND USE DESIGNATIONS; AND,

WHEREAS, THE ADOPTION OF THIS ORDINANCE IS A NON-PROJECT ACTION AND A SEPA CHECKLIST WAS PREPARED AND A DETERMINATION OF NONSIGNIFICANCE WAS GRANTED; AND,

WHEREAS, A NOTICE OF THE SEPA DETERMINATION WAS DULY ADVERTISED WITHIN THE PAPER OF RECORD, WITH NO COMMENTS BEING RECEIVED; AND,

WHEREAS, EXPEDITED REVIEW WITH THE DEPARTMENT OF COMMERCE WAS REQUESTED AND GRANTED FOR THIS PROPOSAL, ENSURING COMPLIANCE WITH RCW 36.70A.106; AND,

WHEREAS, THE DAYTON PLANNING COMMISSION DULY ADVERTISED AND HELD A PUBLIC HEARING ON FEBRUARY 20TH, 2018 REGARDING THE PROPOSED CHANGES; AND,

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

SECTION 1. AMENDMENT:

Chapter 19-07
Planned Unit Developments (PUD)

Sections:

19-07.010	Purpose and Goals
19-07.015	Who May Apply
19-07.020	Procedure for Approval
19-07.025	Decision Criteria
19-07.030	Development and Design Standards
19-07.035	Density Standards
19-07.040	Density Standards – Residential Zone
19-07.045	Density Standards – Nonresidential Zone.
19-07.050	PUD Application
19-07.055	Staff Recommendations to Planning Commission
19-07.060	Final Approval - Effect
19-07.065	Zoning Map Notation
19-07.070	Permits
19-07.075	Subdivision Requirements
19-07.080	Termination of PUD - Failure to Commence or Continue
19-07.085	Minimum Site Area
19-07.090	Filing Fees

19-07.010 Purpose and Goals. A Planned Unit Development (PUD) is a regulatory process by which the City may permit a variety in type, design, and arrangement of structures. A Planned Unit Development allows for innovations and special features in site development.

The purpose of the PUD is to provide greater flexibility and encourage more design creativity than is generally accomplished under conventional standards and development approaches. The PUD concept is intended to promote efficient land use, provide amenities, and preserve natural values and qualities to a greater extent than conventional development schemes. The PUD is also used to facilitate development adaptations to meet anticipated market demands and/or better utilize sites with special features such as environmentally sensitive areas or unusual size and slope of the lands. This is accomplished by using development design alternatives such as clustering or grouping lots or housing types to maximize common open space and amenities.

To be approved as a PUD under this Chapter, a development proposal should accomplish the following general goals:

- A. Produce a development as good or better than that resulting from traditional lot-by-lot development by permitting flexibility in design and development standards, design and placement of buildings, circulation facilities, parking areas, and other elements of the development to best use the characteristics of the site.
- B. Encourage a creative approach in the development of land which will result in an efficient, aesthetic and desirable use of land area, while at the same time maintaining substantially the

same unit density and area coverage, or in the case on nonresidential, the same area coverage, as that permitted on non-PUD developments in the zone in which the project is located.

- C. Avoid overburdening public utilities, services and roads.
- D. Encourage developments that will provide a desirable and stable development in harmony with surrounding land uses.
- E. Allow development that, on balance, will be more desirable than the traditional lot-by-lot development of the underlying land use and/or will enhance the enjoyment and use of the property and of the adjoining nearby area.

19-07.015 Who May Apply. The property owner, or a developer with the property owner's consent and signed authorization, may apply for a PUD

19-07.020 Procedure for Approval. The PUD application will be processed as a Type V application per DMC 10-01.030, in which the following steps are taken prior to approval:

- A. The applicant must file with the Department of Planning and Building a complete application for PUD approval, in which staff will forward to the City Planning Commission.
- B. The City Planning Commission will consider the application and conduct a public, open-record hearing on the application. After the hearing the City Planning Commission will make findings and a recommendation to the City Council.
- C. The City Council will conduct a closed-record review and will take final action on the application.
- D. The decision of the City Council is final, and may be appealed by a party of record with standing to file a land use petition in Columbia County Superior Court. Just petition must be filed as provided in RCW 36.70C.

The specific procedures to be followed in receiving an application for a PUD, determining whether the application is complete, review of the application, holding hearings, making findings and recommendations, taking final action, and similar procedural actions, all shall be governed by 10-01.030 of this Code.

19-07.025 Decision Criteria. The City Council may approve or approve with modifications a PUD application if:

- A. The PUD accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development; and
- B. The PUD results in no greater burden on present and projected public utilities and services than would result from traditional development; and
- C. There are adequate public utilities and facilities including streets, fire protection, water, storm water control, and sanitary sewer, to serve the PUD; and
- D. Landscaping within and along the perimeter of the PUD enhances the visual compatibility of the development with the surrounding neighborhood; and
- E. At least two major circulation points are functionally connected to a public right-of-way; and
- F. As a minimum, the development provided open space as follows:

- a. Common open space shall comprise at least 30 percent of the gross area of the PUD, and shall be used as an amenity for collective enjoyment by occupants of the development. Up to 30 percent of the required open space may be composed of open space on contiguous privately owned properties reserved by easement or covenant to assure that the open space will be permanent.
- b. At least 50 percent of the common open space area must be usable for active or passive recreation.
- c. Common open space may contain such structures and improvement as are necessary and appropriate for the out-of-doors enjoyment of the residents of the PUD; and
- d. Open space is an identifiable greenbelt area that is accessible and available to all occupants of dwelling units for whose use the space is intended. This includes private as well as common open space.
- e. Open space does not include:
 - i. An area of the site covered by buildings, streets, roads, sidewalks, parking structures or accessory structures.
 - ii. Proposed public rights-of-way.
 - iii. Open parking areas and driveways for dwellings.
 - iv. School sites.
 - v. Commercial areas.
- f. The total area of the development, minus undevelopable area and bodies of water, is the gross site area.
- g. Open space within the PUD is an integrated part of the project rather than an isolated element of the project.
- h. Required open space must be permanently designated in restrictive covenants; and
- G. The PUD is harmonious and appropriate in design, character and appearance with the existing or intended character of development in the immediate vicinity of the subject property and with the physical characteristics of the subject property; and
- H. The proposed development presents a unified and organized arrangement of buildings, service facilities and open spaces; and
- I. Roads and streets, whether public or private, within and contiguous to the site comply with guidelines for construction of streets that are contained in the other Chapters of this Subdivision Article; and
- J. Streets and sidewalks, existing and proposed, are suitable and adequate for pedestrian traffic and comply with applicable WMC Titles, Articles, and Chapters relating to the same; and
- K. The development contains the adequate parking spaces, open space, recreation space, landscaping and utility areas necessary for creating and sustaining a desirable and stable environment; and
- L. The proposed project will not be detrimental to present and potential surrounding land use, but will have a beneficial effect which could not be achieved except for the proposed PUD; and
- M. The site is physically suitable for the type and intensity of land use being proposed; and
- N. The negative impacts of the proposed use are mitigated; and
- O. The proposed location, size and design of the development would not be detrimental to the public interests, health, safety or welfare of the City; and
- P. Commercial or industrial land uses shall be primarily to serve the residential uses within the PUD and shall be compatible with the residential uses within the PUD and the land uses within

the surrounding area to the extent that no occupancy shall be permitted which produces unusually loud noise, emits large amounts of smoke or gases, uses highly inflammable or explosive materials, or which would generate heavy traffic congestion. Commercial use within a PUD shall be limited to the commercial uses permitted, outright or by conditional use, within the R-1 Zone by Chapter 10.1K of Article 10.1 of this Title; and

- Q. All land with the PUD shall be subject to such contractual agreements or recorded covenants as the City Council may deem necessary to protect the public interest; and
- R. The development, or the portion thereof for which approval is sought, shall be completely planned and the City Council may require the inclusion of such facilities as sidewalks, street lights, storm sewers, sanitary sewers, water lines, underground power and telephone lines and other utilities, landscaping, adequate off-street parking, natural open space, parks, playgrounds and other recreational facilities.

19-07.030 Development and Design Standards. Provided that the overall development plan of a proposed PUD satisfies the Goals of this Chapter, as stated in Section 19-07.010 above, and the Criteria of this Chapter, as stated in Section 19-07.025 above, then in a PUD. any requirements of the Zoning Article of this Title may be varied or reduced, provided that structures located on the perimeter of the PUD shall be set back in accordance with front yard setbacks of the underlying zone.

19-07.035 Density Standards.

- A. The following standards apply to a PUD in any zone:
- B. The PUD shall:
 - a. Contain at least 10,000 square feet of real property located in the city limits;
 - b. Be connected to existing roads to provide safe and reasonable access;
 - c. Have new utilities underground;
 - d. Have properly controlled storm water drainage which does not adversely affect adjoining property nor degrade the quality of natural storm runoff into the flood control area;
 - e. Have landscaping for all areas not covered by structures, parking lots, sidewalks or other improvements;
 - f. Meet or exceed all city standards, regulations and uniform codes; and
 - g. Public improvements for streets and utilities shall be in accordance with the latest edition of Standard Specifications for Roads, Bridges and Municipal Construction (WSDOT & APWA) and the City of Dayton Municipal Code
 - h. Have paved roads.

19-07.040 Density Standards – Residential Zone

The following standards further apply to a PUD in any residential zone:

- A. A density of one dwelling unit per 2,000 square feet lot size is permitted if the following features are included:
 - a. Compatible design;
 - b. Preservation of open space, natural features and views;
 - c. Energy conscious construction;
 - d. Private open space;
 - e. One covered parking space/unit; and
 - f. Sidewalk, curb and street construction.

- B. A density of one dwelling unit per 1,250 square feet lot size is permitted if the following features are included:
 - a. Compatible design;
 - b. Preservation of open space, natural features and views;
 - c. A minimum 20,000 square foot parcel;
 - d. Energy conscious construction;
 - e. Private open space;
 - f. One covered parking space per unit;
 - g. Sound transmission reduction; and
 - h. Sidewalk and curb construction and asphalt streets.
- C. In the event the PUD does not satisfy all of the standards in either subparagraph A or B of this section, then any use of the property must comply with the density standards otherwise applicable to that zone.
- D. A minimum of twenty-five percent of the site will be usable open space. A minimum of ten percent and a maximum of fifty percent will be personal open space. In multi-story dwellings balconies and decks can be used to calculate personal open space.
- E. A buffer containing landscaping, fencing, walks and/or plants shall be located along any boundary which is adjacent to a nonresidential area or arterial road.
- F. Uses permitted in a residential zone PUD include residential, residential accessory, neighborhood convenience, personal and professional use, recreation, religious or educational. The location, size and type of any nonresidential use shall be specified on all site plans and specifically evaluated by the planning commission.

19-07.045 Density Standards – Nonresidential Zone.

The following standards further apply to a PUD in any nonresidential zone:

- A. A minimum of twenty percent of the site shall be open space.
- B. Buffers shall be constructed to include visual screening and sound attenuation if the PUD is within one hundred feet of a residential area or an arterial road.
- C. Noise reduction barriers shall be constructed if the use produces or may likely produce sounds in excess of one hundred decibels.

19-07.050 PUD Application. The applicant shall submit a formal application to the City Planning Commission for review. The application shall include the following:

- A. A written program for development setting out detailed information concerning the following subjects:
- B. Name, address, zip code and telephone number of the applicant; and if applicable, the names, addresses zip codes and telephone numbers of all persons who have a real or possessory interest in the subject property.
- C. A description of the plans for operation and maintenance of the project (i.e. homes, associations, condominium, co-op, or other), and the intent as to final ownership, including plans for rental, sale or combination.
- D. Site areas, including:
 - a. Total site area
 - b. Area of bodies of water
 - c. Gross area of site [a minus b]

- d. Total number of dwelling units
- e. Density [d divided by c]
- f. Usable open space [expressed as a % of a]
- g. Common open space [expressed as a % of f]
- E. Proposed land uses, intensities and densities, including the total number of units and the purpose or use of each.
- F. Legal description of site and statement of present ownership.
- G. Description of the natural setting, including slope, topography, soil type, trees and other vegetation, surrounding buildings, and areas requiring substantial recontouring or grading.
- H. Development schedule including dates of start, completion and phasing.
- I. Elevation and perspective drawings of structures and improvements showing scale, bulk and architectural character of structures; provided that a general description of building size and architectural features may be substituted where the PUD plan contemplates that individual owners will select their own residential structures at a later time.
- J. The proposed method of insuring permanent retention and maintenance of open space areas. The manner in which open space, parks, playgrounds, or other recreational facilities are to be maintained shall be presented with the plans for the development project.
- K. The proposed treatment of the perimeter of the PUD, including materials and techniques used such as landscaping, fences and walls.
- L. Provisions to assure permanence and maintenance of common open spaces through homeowner association formation, condominium development, or other means acceptable to the city.
- M. Proposed methods to mitigate development impacts.
- N. Site development map(s) depicting:
 - a. Topographic lines at 20-foot intervals.
 - b. Natural features including major landforms and flood hazard areas.
 - c. Areas of significant vegetation and how they are affected by the plan.
 - d. Property lines; easements.
 - e. Existing street names.
 - f. Configuration and function of all existing and proposed buildings, noting proposed heights of each and distance between property lines and nearest buildings; provided that a general description of building size and architectural features may be substituted where the PUD plan contemplates that individual owners will select their own residential structures at a later time.
 - g. Vehicular circulation, parking area, and storage areas (including number of parking spaces for each use and which parking is intended for occupants versus visitors).
 - h. Proposed pedestrian and vehicular circulation pattern and proposed types of circulation facilities.
 - i. Areas of private open space.
 - j. Recreational facilities, if any.
 - k. Landscaping.
 - l. Areas requiring substantial grading or recontouring.
 - m. Graphic scale with north arrow, date and title.
 - n. A legible sketch of the vicinity within 500 feet of the proposed development showing significant features and buildings.
 - o. Proposed public dedications.

- p. Lighting.
 - q. Utility lines and easements (water, sewer, electric, etc.).
 - r. Lot lines, proposed lot lines, and the size and dimensions of each lot.
 - s. The road lineage, and acreage of road area and percentage it represents of the total land area.
- O. Environmental Checklist.
 - P. An application for Shoreline Substantial Development permit if the proposed site is within a Shoreline Management jurisdiction.
 - Q. Application for Floodplain Permit, if required.
 - R. Any other local, state, or federal permit applications.
 - S. A description of the means by which the proposed PUD meets the criteria of 19-07.010 above, and the Criteria of this Chapter, as stated in Section 19-07.025 above, Decision Criteria, including a description of the rationale behind the assumptions and choices made by the applicant.
 - T. Where only a portion of the site is submitted for approval, a preliminary plan indicating in general the proposed layout for the portions of the site proposed to be developed in the future shall be submitted with the complete plans of the area proposed to be immediately improved.
 - U. A market analysis for any PUD application for five or more residential units; or, a market analysis for any PUD application that includes one or more commercial site.

19-07.055 Staff Recommendations to City Planning Commission. After receiving a complete PUD application, the Department of Planning and Building shall route the same to all appropriate city, county, and state departments, and each department shall submit its' comments to the Department of Planning and Building. Those comments and recommendations shall be presented to the City Planning Commission at the open-record public hearing.

19-07.060 Final Approval - Effect. Approval by the City Council of a PUD pursuant to this Chapter shall authorize the owner or owners to proceed with the project, and shall bind such owner or owners to implement the final approved development plan and carry out the construction and maintenance of the PUD in strict accordance with the approved plan and the provisions of this Chapter.

19-07.065 Zoning Map Notation. Upon approval of the final development plan, a notation shall be affixed to the official zoning map to:

- A. Reflect the existing underlying zoning for the parcel or parcels involved; and
- B. Indicate the approval of a PUD thereon.

19-07.070 Permits.

- A. The building official shall issue building permits for buildings and structures which conform with the approved final approved development plan for the PUD. and with all of the applicable City codes, ordinances and regulations. The building official shall issue a certificate of occupancy for completed buildings or structures that conform to the requirements of the approved final development plans and all other applicable City codes, ordinances and

regulations. The construction and development of all the open spaces and facilities of each project phase must be completed or bonded before any certificate of occupancy will be issued.

- B. The City shall issue no permit or certificate of occupancy for any public improvement that does not conform to the plans approved by the City Council.

19-07.075 Subdivision Requirements. Approval of a subdivision shall be required of all projects that involve or contemplate the subdivision of land, and the procedures set forth in the Chapters of this Article pertaining to subdivisions shall be followed concurrently herewith. Lots in a platted PUD may be sold to separate owners according to the separate lots shown in the plat approved in connection therewith. No sale shall be permitted which subdivides a lot in such a manner as will create a new lot line, except as permitted by the City's short plat or long plat provisions of this Article.

19-07.080 Termination of PUD - Failure to Commence or Continue.

- A. If no construction has begun within six months of final approval of the PUD, the authorization granted for the PUD project shall terminate and all permits and approval issued pursuant to such authorization shall expire and be null and void. The City Planning Commission may extend approval for an additional six-month period if an application for extension is received before the authorization expires. If no construction has begun at the end of this extension, the final development plan shall become null and void, and a new one shall be required for any development on the subject property. In cases that require platting, the six-month period shall not begin to run until a final plat is approved.
- B. The time period for commencing or continuing construction shall not include periods of time during which commencement of construction or continuation of construction was reasonably halted or reasonably delayed due to the pendency of legal action challenging an approval granted by the City pursuant to this Chapter.

19-07.085 Minimum Site Area. The minimum site area for a PUD shall be 10,000 square feet.

19-07.090 Filing Fee.

- A. The Fee for processing a PUD will be set forth by resolution.

SECTION 2. SEVERABILITY. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the other remaining parts which shall remain in full force and effect.

SECTION 3. EFFECTIVE DATE. A summary thereof of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF DAYTON, WASHINGTON, AT A REGULAR MEETING THIS _____ DAY OF _____, 2018.

City of Dayton

By: Craig George, Mayor

Attested By:

By: Trina Cole, City Clerk-Treasurer

Approved as to form:
Menke Jackson Berry, LLP

By: Quinn Plant, City Attorney

ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES
ORDINANCE NO. 1927

The full text of Ordinance 1926 adopted the _____ day of _____, 2018 is available for examination at the City Clerk's Office, 111 S. 1st St., Dayton, WA during normal business hours, Monday – Thursday, 8:00 a.m. to 4:00 p.m. Full text of the Ordinance shall be mailed upon request.

SECTION 1. AMENDMENT.
SECTION 2. AMENDMENT.
SECTION 3. AMENDMENT.
SECTION 4. REPEAL.
SECTION 5. AMENDMENT.
SECTION 6. SEVERABILITY.
SECTION 7. EFFECTIVE DATE.

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

Published:
Dayton Chronicle, _____

ORDINANCE NO. 1928

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, REPEALING ORDINANCE NO. 1727; AND, AMENDING CHAPTER 1-21 OF THE DAYTON MUNICIPAL CODE, ENTITLED “PUBLIC INDEXES AND RECORDS REQUESTS UNDER THE PUBLIC DISCLOSURE ACT”

WHEREAS, pursuant to the Public Records Act ("Act"), codified at Ch. 42.56 RCW, the Washington Legislature requires that each local agency shall provide rules of procedure for the guidance of the public in obtaining public records; and

WHEREAS, the City of Dayton is required by RCW 42.56.100 to adopt and enforce reasonable rules and regulations to provide full public access to public records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the City, consistent with the intent of the Public Records Act (PRA), referenced in RCW Chapter 42.56 and the Public Records Act - Model Rules of WAC 44-14, and

WHEREAS, the City may redact or withhold public records from production in response to public records requests when doing so is authorized or required by applicable; and

WHEREAS, pursuant to the RCW 42.56.580, the City must appoint and publicly identify a public records officer whose responsibility is to serve as a point of contact for members of the public in requesting disclosure of public records and to oversee the agency's compliance with the public records disclosure requirements of the Public Records Act.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON do ordain as follows:

SECTION 1. REPEAL. Ordinance No. 1727 is hereby repealed in its entirety.

SECTION 2. AMEND. Chapter 1-21 of the Dayton Municipal Code is hereby amended as follows:

**Chapter 1-21
PUBLIC RECORDS**

Sections:

- 1.21.010 Authority and purpose.**
- 1.18.020 Location of Dayton City Hall – Contact information – Public records officer appointed.**
- 1.21.030 Availability of public records.**
- 1.21.040 Processing of public records requests – General.**
- 1.21.050 Processing of public records requests – Electronic records.**
- 1.21.060 Exemptions.**
- 1.21.070 Costs of providing copies of public records.**

1.21.080 Review of denials of public records.

1.21.010 Authority and purpose.

- A. RCW 42.56.070(1) requires each agency to make available for inspection and copying nonexempt “public records” in accordance with published rules. The Public Records Act (“PRA”), at RCW 42.56.010(3), defines “public record” to include any “writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained” by the agency regardless of physical form or characteristics, and specifically excludes records that are not otherwise required to be retained by the agency. RCW 42.56.070(2) requires each agency to set forth “for informational purposes” every law, in addition to the Public Records Act, that exempts or prohibits the disclosure of public records held by that agency.
- B. The purpose of this chapter is to establish the procedures the city of Dayton will follow in order to provide full access to public records. These rules provide information to persons wishing to request access to public records of the city of Dayton and establish processes for both requestors and City of Dayton staff that are designed to best assist members of the public in obtaining such access.
- C. The purpose of the PRA is to provide the public full access to information concerning the conduct of government, mindful of individuals’ privacy rights and the desirability of the efficient administration of government. The PRA and these rules will be interpreted in favor of disclosure. In carrying out its responsibilities under the Act, the city of Dayton will be guided by the provisions of the PRA describing its purposes and interpretation.
- D. The provisions of this chapter shall not apply to court case records and administrative court records maintained by the Dayton municipal court in connection to judicial proceedings and records related to the management, supervision, or administration of the court. Access to these records is governed by Washington State Court Rules General Rule 31, General Rule 31.1, and case law.
- E. The provisions of this chapter shall not be construed to create any additional legal obligations upon the City or an independent cause of action against the City.

1-21.020 Location of Dayton City Hall – Contact information – Public records officer appointed.

- A. Dayton City Hall is located at: 111 S. 1st Street, Dayton, WA 99328.
- B. The city clerk is hereby designated as the public records officer for the City of Dayton. Any person wishing to request access to public records or seeking assistance in making a request should contact the City’s public records officer at:

Public Records Officer: Dayton City Clerk
City of Dayton
111 S. 1st Street
Dayton, WA 99328

The mayor may, in his or her discretion, assign additional staff and/or the city attorney to assist the city clerk in responding to public records requests.

- C. The public records officer will oversee compliance with the act but another employee or the city attorney may process the request. Therefore, these rules will refer to the public records officer “or designee.” The public records officer or designee and the City will provide the “fullest assistance” to requestors; ensure that public records are protected from damage or disorganization; and prevent fulfilling public records requests from causing excessive interference with essential functions of the City.

1.21.030 Availability of public records.

- A. Hours for Inspection of Records. Pursuant to the provisions of DMC 1.18.040(7), once public records are available for inspection and copying, they shall be made available to the requestor during normal business hours of the City of Dayton, 7:00 a.m. to 4:00 p.m., Monday through Thursday, excluding legal holidays. Records to be inspected must be viewed at the offices of the City of Dayton.
- B. Records Index. The City of Dayton finds that maintaining an index is unduly burdensome and would interfere with City operations. The requirement would unduly burden or interfere with City operations in the following ways: the magnitude and diversity of documents produced by city of Dayton departments and the employees within the departments, all utilizing their own computers, has resulted in the creation of many different indexes as created by the computer user. The diversity in computer program applications utilized on each personal computer and the organization of documents created by those applications is impossible to organize into a single index. The City of Dayton’s overall mission does not allow for the addition, revision, or reassignment of duties for existing personnel so that a single index can be developed and maintained without hiring additional staff. Anticipated revenue, along with adopted priorities for expenditures, does not allow for the hiring of additional staff whose job would be solely devoted to creating and maintaining a single, all-inclusive index.
- C. Organization of Records. The City of Dayton will maintain its records in a reasonably organized manner. The City of Dayton will take reasonable actions to protect records from damage and disorganization. A requestor shall not take original City of Dayton records from any of the City of Dayton’s offices.
- D. Internet Access to Records. Many records are also available on the City’s website. Requestors are encouraged to view the documents available on the website prior to submitting a public records request.
- E. Making a Request for Public Records. A public records request must be for identifiable records. A request for “all or substantially all records” prepared, owned, used, or retained by the City is not a valid request for identifiable records; provided, that a request for all records regarding a particular topic or containing a particular keyword or name shall not be considered a request for all of the City’s records. Any person wishing to inspect or copy public records of the City of Dayton should make the request in writing on the City of Dayton public records request form, by letter, fax, or email addressed to the public records officer to include the information listed below:

1. Name of requestor;

2. Address of requestor, if applicable;
 3. Other contact information, including telephone number and/or email address;
 4. Sufficient identification/description of the public records being sought;
 5. The date of the request; and
 6. Whether the requestor wishes to:
 - a) Inspect the records (inspection of records is free of charge);
 - b) Have copies made of the records (cost charged to requestor);
 - c) Have the records copied to disc, if technically feasible (cost of disc charged to requestor);
 - d) Have the records scanned and provided via email or copied to disc (scanning cost and disc cost charged to requestor); or
 - e) Have the records provided via email, if technically feasible (cost charged to requestor).
- F. Request Form. A form for requesting public records is available for use by requestors at City Hall and online at the City’s website.
- G. The City may deny a bot request that is one of multiple requests from the requestor within a 24-hour period, as responding to multiple requests of this nature would cause excessive interference with other essential functions of the city. “Bot request” means a request for public records that the city reasonably believes was automatically generated by a computer program or script.
- H. Accepting Public Records Requests. The public records officer or designee may accept requests for public records that contain the above information by telephone, fax, email, mail services, or in person. Faxed, emailed, and mailed requests are accepted based on the time that they were received not delivered.
- I. Readily Available Public Records. In the event the records requested in any department are readily available, of a routine nature, and do not involve the interest of any other person, the public records officer or designee may authorize the immediate inspection and/or copying of such record without the necessity of filing the request as provided in subsection (E) of this section.

1.21.040 Processing of public records requests – General.

- A. Prompt Response. The public records officer or designee will process requests in the order allowing the most requests to be processed promptly and in the most efficient manner.
- B. Acknowledging Receipt of Request. Within five business days of receipt of the request, the public records officer will acknowledge the request in one of the ways provided in this subsection:
 1. Provide the record;

2. Provide an Internet address and link on the City's website to the specific records request, unless the requestor notifies the agency they cannot access the records through the Internet, then the City must provide copies of the record or allow the requester to view the copies; if copies are requested, provide the copies to the requestor after payment for the copies has been made by the requestor, or, if copies are being released in installments, after payment of a deposit is made pursuant to DMC 1.18.070;
 3. Acknowledge the request and provide a reasonable estimate of time the City will require to respond to the request. Additional time needed to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the documentation requested, to notify third persons or agencies affected by the request, or to determine whether any of the information in the documentation requested is exempt and that a denial should be made as to all or part of the request;
 4. Acknowledge the request and ask for clarification of a request that is unclear, and providing, to the greatest extent possible, a reasonable estimate of the time needed to respond to the request if it is not clarified;
 5. If the request is unclear or does not sufficiently identify the requested records, request clarification from the requestor. Such clarification may be requested and provided by telephone. The public records officer or designee may revise the estimate of when records will be available based on the clarification from the requestor. If the requestor fails to respond to the request to clarify and the entire request is unclear, the City of Dayton need not respond to the request. Otherwise the City will respond to the portions of the request that are clear; or
 6. Deny the request accompanied by a written statement of the specific reasons.
- C. Consequences of Failure to Respond. If the City of Dayton does not respond in writing within five business days of receipt of the request for disclosure, the requestor should consider contacting the public records officer to determine the reason for the failure to respond.
- D. Protecting Rights of Others. In the event that the requested records contain information that may affect the rights of others and may be exempt from disclosure, the public records officer may, prior to providing the records, give notice to such others whose rights may be affected by the disclosure. Such notice should be given so as to make it possible for those other persons to seek an order from a court to prevent or limit the disclosure. The notice to the affected persons will include a copy of the request.
- E. Records Exempt from Disclosure. Some records are exempt from disclosure, in whole or in part. If the City believes that a record is exempt from disclosure and should be withheld, the public records officer will state the specific exemption and provide a brief explanation of why the record or a portion of the record is being withheld. If only a portion of a record is exempt from disclosure, but the remainder is not exempt, the public records officer will redact the exempt portions, provide the nonexempt portions, and indicate to the requestor why portions of the record are being redacted.

F. Privilege Log. If the City determines that a record is exempt and should be withheld, in whole or in part, the city will create and maintain a privilege log of those records. The privilege log will identify:

1. Type of record withheld;
2. Date of record;
3. Number of pages;
4. Author and/or recipient;
5. The exemption invoked; and
6. Brief explanation of the exemption.

A copy of the privilege log will be produced to the records requestor.

G. Inspection of Records. If a requestor seeks an opportunity to inspect public records, and once the records are available for inspection, the following provisions apply:

1. Consistent with other demands, the City of Dayton shall promptly provide space to inspect public records. No member of the public may remove a document from the viewing area or disassemble or alter any document. The requestor shall indicate which documents he or she wishes the agency to copy. The public records officer or designee will be present when records are being inspected.
2. The requestor must claim or review the assembled records within 30 days of the City of Dayton notification to him or her that the records are available for inspection or copying. The City will notify the requestor in writing of this requirement and inform the requestor that he or she should contact the City to make arrangements to claim or review the records. If the requestor or a representative of the requestor fails to claim or review the records within the 30-day period or make other arrangements, the City of Dayton may close the request and refile the assembled records. Other public records requests can be processed ahead of a subsequent request by the same person for the same or almost identical records, which can be processed as a new request.

H. Providing Copies of Records. After inspection is complete, the public records officer or designee shall make any requested copies or arrange for copying.

I. Providing Records in Installments. When the request is for a large number of records, the public records officer or designee will provide access for inspection and copying in installments, if he or she reasonably determines that it would be practical to provide the records in that way. If, within 30 days, the requestor fails to inspect either the entire set of records made available, or one or more of the installments made available, the public records officer or designee may stop searching for the remaining records and close the request.

J. Completion of Inspection. When the inspection of the requested records is complete and all requested copies are provided, the public records officer or designee will indicate that the City of Dayton has completed a diligent search for the requested records and made any located nonexempt records available for inspection and/or copying.

- K. Closing Withdrawn or Abandoned Request. When the requestor either withdraws the request or fails to fulfill his or her obligations to inspect the records or pay the deposit or final payment for the requested copies, the public records officer will close the request and indicate to the requestor that the City of Dayton has closed the request.
- L. Later Discovered Documents. If, after the City of Dayton has informed the requestor that it has provided all available records, the City of Dayton becomes aware of additional responsive documents existing at the time of the request, it will promptly inform the requestor of the additional documents and make the records available for inspection or copying.
- M. No Duty to Create Records. The City is not obligated to create a new record in order to satisfy a request for records.

1.21.050 Processing of public records requests – Electronic records.

- A. Requesting Electronic Records. The process for requesting electronic public records is the same as the process for requesting paper public records.
- B. Providing Electronic Records. When a requestor requests records in an electronic format, if technically feasible, the public records officer will provide the nonexempt records or portions of such records that are reasonably locatable in an electronic format that is used by the City of Dayton and is generally commercially available; or will provide the records in a format that is reasonably translatable from the format in which the City keeps the record.

1.21.060 Exemptions.

- A. Some categories of information and records may not be produced to the public pursuant to state and federal law. A list of such laws is available at the office of the city clerk and may be available at the city's website.
- B. The city of Dayton is prohibited by statute from disclosing lists of individuals for commercial purposes.

1.21.070 Costs of providing copies of public records.

- A. The City of Dayton finds that calculating the actual cost to charge the requestor is unduly burdensome and would interfere with the City operations. The amount of work involved in calculating the cost in providing copies for all separate requests would require a significant portion of one employee's time. The City of Dayton's overall mission does not allow for the addition, revision, or reassignment of duties for existing personnel so that these calculations can be done without hiring additional staff. Anticipated revenue, along with adopted priorities for expenditures, does not allow for the hiring of an additional employee for this purpose.

The City will charge the requestor for photocopies or electronically produced copies of public records in accordance with the charges set forth in RCW 42.56.120(2). Pursuant to that statute, the City will provide, upon request, a summary of the applicable charges before any copies are made to allow the requestor to revise the request to reduce the number of copies to be made and reduce the applicable charges.

- B. If a request requires the use of a commercial copy service, including but not limited to large-copy projects, color copies, and over-sized copies, the costs for copies will be the actual cost of the copies charged by such outside vendor.

The public records officer or designee may require a deposit of up to 10 percent of the estimated costs of copying the records selected or requested, including customized service charges. The public records officer or designee may also require payment in full of the remainder of the copying costs before providing all the records, after deducting any deposit paid. The public records officer or designee may request payment in full of the cost of copying an installment of records before providing that installment. The City will not charge sales tax when copies of public records are reproduced at City Hall; however, if copies must be sent to an outside vendor for copying, the cost of sales tax will be charged to the requestor.

- C. Costs for Electronic Records. The cost of providing electronic copies of records on a CD-ROM disc will be the actual cost. If electronically produced copies are being provided by email, cost for the records will be in accordance with RCW 42.56.120.
- D. Costs of Mailing. The City of Dayton may charge actual costs of mailing, including the cost of a shipping container and postage; and the actual cost of long distance fax transmission.
- E. Payment. Payment for the costs of records may be made by cash, check, or money order made payable to the City of Dayton.
- F. The requestor may challenge the City's fee estimate when the requestor believes the city has not made a "reasonable estimate of the charges to produce the copies of records" by seeking judicial review of the City's action by filing a motion in Columbia County superior court pursuant to the provisions of RCW 42.56.550.
- G. The City of Dayton has the discretion to waive charges for photocopies or electronically produced copies of public records. The City may also enter into a contract, memorandum of understanding, or other agreement with a requestor that provides an alternative fee arrangement to the charges authorized in RCW 42.56.120, or in response to a voluminous or frequently occurring request.

1.21.080 Review of denials of public records.

- A. Petition for Internal Administrative Review of Denial of Access. Any person who objects to the initial denial or partial denial of a records request may petition in writing (including email) to the public records officer for a review of that decision. The petition shall include a copy of, or reasonably identify, the written statement by the public records officer or designee denying the request.
- B. Consideration of Petition for Review. The public records officer shall promptly provide the petition and any other relevant information to the city attorney with a copy to the Mayor. The city attorney will consider the petition and either affirm or reverse the denial within two business days following the city of Dayton's receipt of the petition, or within such other time as the city attorney and the requestor mutually agree.

C. Judicial Review. Any person may obtain court review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of two business days after the initial denial regardless of any internal administrative review.

1. 21.090 Disclaimer of Liability.

Neither the City nor any officer, employee, official or custodian shall be liable, nor shall a cause of action exist, for any loss or damage based upon a release of public records if the person releasing the records acted in good faith in attempting to comply with Chapter 1.21 DMC.

SECTION 3. SEVERABILITY. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the other remaining parts which shall remain in full force and effect.

SECTION 4. EFFECTIVE DATE. A summary thereof of this Ordinance consisting of its title shall be published in the official newspaper of the City of Dayton, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF DAYTON, WASHINGTON, THIS _____ DAY OF _____, 2018.

THE CITY OF DAYTON

By: _____
Craig George, Mayor

Attest:

Trina Cole, City Clerk-Treasurer

Approved as to Form:

Quinn Plant, City Attorney

RESOLUTION NO. 1335

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTON, COLUMBIA COUNTY, WASHINGTON ADOPTING THE DAYTON CITY PLANNING COMMISSION RULES OF PROCEDURE

WHEREAS, the City of Dayton Planning Commission is governed by the Dayton Municipal Code Section 1-13; and,

WHEREAS, the City of Dayton Planning Commission is governed by Dayton Ordinance number 1443; and,

WHEREAS, review of the existing Dayton Planning Commission Rules of Procedure has determined the need for some corrections; and,

WHEREAS, the Dayton Planning Commission reviewed the current Rules of Procedure and made administrative edits; and,

WHEREAS, the Dayton Planning Commission made a motion to present the amended Dayton City Planning Commission Rules of Procedure to Dayton City Council for adoption.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

ATTACHMENT 1: Dayton City Council hereby adopts by reference the Dayton City Planning Commission Rules of Procedure.

PASSED by the City Council of the City of Dayton, Washington on this ____day of, _____, 2018.

City of Dayton

By: Craig George, Mayor

Attest:

Trina Cole, City Clerk-Treasurer

Approved as to form:

Quinn Plant, City Attorney

DAYTON CITY PLANNING COMMISSION

RULES OF PROCEDURE

Pursuant to Dayton City Ordinance Nos. 1443 and 1508, the following rules and regulations were developed and have been revised to avoid confusion and to aid the expeditious handling of business at Planning Commission meetings.

SECTION I - MEETINGS

A. General:

1. Regular meetings – The Planning Commission shall meet regularly on the 3rd Tuesday of each month at 6:30 p.m. in the Columbia County Planning Office..
2. When a regular meeting conflicts with a legal or religious holiday, or an election day, the Chairperson may reschedule or cancel that meeting.
3. If no matters over which the Planning Commission has jurisdiction are pending, the Chairperson may cancel a regularly scheduled meeting after giving 5 days notice to commission members and notice shall be posted at the meeting place.
4. Special meetings may be called by the Chairperson or a majority of the commission members provided that 24 hour notice of the time specified for the proposed meeting and the business to be transacted is sent to all commission members and to the media who have filed a written request for notice. No Ordinance or policy shall be passed involving real property at any special meeting unless proper notification procedures have been given in the manner outlined in Dayton’s zoning Code, Title 11.
5. All meetings shall be open to the public pursuant to the Open Public Meetings act as outlined in the RCW 42.30.
6. All meetings of the Commission will be presided over by the Chairperson, or in his/her absence the Vice-Chairperson.
7. The Commission shall act upon business by a majority vote after establishing a quorum comprised of a majority of its membership.
8. Citizen testimony will be permitted only as provided for in Section III-Order of Business, except when a majority of the Commission members present believe that such testimony would be beneficial to a particular subject matter.
9. City Staff shall provide at least 24 hour notification to all area newspapers requesting such notification regarding the subject matter to be discussed at all Commission Meetings. City Staff shall also distribute informational packets to all Commission Members at least 48 hours before the Planning Commission meeting.

B. Rules of Order:

1. The following rules of order shall govern all Planning Commission meetings. In case of a dispute or need for further clarification, the Commission shall refer to the “**Parliamentary Procedure Made Easier**” published in 2005 by Washington State University.
2. **Conflict of interest.** - The planning commission shall be subject to the code of ethics and prohibitions on conflict of interest as set forth in RCW 35A.42.020 and Chapter 42.23 RCW, as the same now exists or may hereafter be amended.
3. **Ex parte communications** – Quasi-judicial proceeding
 - a. No member of the planning commission may communicate, directly or indirectly, regarding any issue in a quasi-judicial proceeding before him or her, other than to participate in communications necessary to procedural aspects of maintaining an orderly process, unless he or she provides notice and opportunity for all parties to participate; except as provided in this section:

- 1.) The planning commission may receive advice from legal counsel;
- 2.) The planning commission may communicate with staff members (except where the proceeding relates to a code enforcement investigation or prosecution).
- b. If, before serving as the planning commission in a quasi-judicial proceeding, any member of the planning commission receives an ex parte communication of a type that could not properly be received while serving, the member of the planning commission, promptly after starting to serve, shall disclose the communication.
- c. If a member of the planning commission receives an ex parte communication in violation of this section, he or she shall place on the record:
 - 1.) All written communications received;
 - 2.) All written responses to the communications;
 - 3.) The substance of all oral communications received, and all responses made; and
 - 4.) The identity of each person from whom the member received any ex parte communication.

The planning commission shall advise all parties that these matters have been placed on the record. Upon request made after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a rebuttal statement on the record.

4. Disqualification.

- a. A member of the planning commission 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 planning commission 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.
5. Appearances of Fairness – The Planning Commission shall comply with chapter 42.36 RCW, when reviewing quasi-judicial land use actions, as defined in RCW 42.36.010.
 6. Each member of the Planning Commission who cannot attend a scheduled meeting of the Planning Commission shall notify the Planning Department at the earliest possible opportunity and at the latest, prior to 4:30 p.m. on the date of the meeting. The Planning Director shall notify the Chairperson of the Commission in the event that the projected absences will produce a lack of a quorum.
 7. Only one subject may claim the attention of the Commission at any one time.
 8. No person who is not a member of the Commission shall be allowed to address that body without the permission of the presiding officer.
 9. All questions regarding the rules of order shall be decided by the presiding officer with the right of appeal to the body as a whole by any member. Such appeal shall be granted if the majority of the members agree.
 10. Only one motion can be considered by the Commission at any one time. No more than two amendments on a motion may be proposed at any one time.
 11. The order of voting shall require consideration of the last amendment to a question first, the first amendment second and the original question last.
 12. Motions to reconsider must be made by a member who voted with the majority and, the motion must occur at the same or next succeeding Commission meeting.
 13. Each member present must vote on all questions put forth to the Commission, except when a conflict of interest or appearance of fairness requires abstention.

14. The rules of order may be altered, amended or temporarily suspended by a vote of two-thirds of the members present.

A motion of adjournment shall always be in order.

SECTION II – ROLE OF THE PRESIDING OFFICER

It shall be the role of the presiding officer of the Commission meeting to:

1. Call the meeting to order.
2. Keep the meeting to its order of business.
3. State each motion and require a second to the motion before permitting discussion.
4. Handle each discussion in an orderly way by:
 - a. Giving every Commission member who wishes to speak an opportunity to speak;
 - b. Permitting audience participation at appropriate times and limiting such participation to five minutes per person unless further time is approved by the Commission;
 - c. Require all citizens to state their names and address before addressing the Commission;
 - d. Keeping all speakers to the rules and subject;
 - e. Giving pro and con speakers opportunity to speak;
5. Put motions to a vote and announce the outcome;
6. Suggest, but not make motions for adjournment.

SECTION III – ORDER OF BUSINESS

The following procedure will normally be observed; however, it may be rearranged by the Chairperson for individual items if necessary for the expeditious conduct of business.

1. Call to Order
2. Roll Call
3. Review of Minutes
4. Communications from Citizens
5. Public Hearing
6. Old Business
7. New Business
8. Adjourn Meeting

SECTION IV – PROCEDURES FOR PUBLIC HEARINGS

1. Chairperson states purpose of the hearing and declares the public hearing open.
2. The Chairperson states that the hearing is being recorded and that prior to speaking, members of the public must state their name and address.
3. The Chairperson will request that anyone who has any objection to any Commission member participating in the hearing will state so and give reasons for the objection.
4. The Chairperson shall request that any member of the Commission place in the record the substance of any communications a member may have had outside of the hearing on the issue to be heard.
5. The Chairperson then shall request the Planning Department staff to present its report: introduce issues, recite those steps taken to insure proper notice was given, description of the land involved, and discuss potential impacts to surrounding property. A recommendation to the Planning Commission may be provided.
6. The applicant, if any, is invited to comment. At this time testimony of technical experts in support of the position such as engineers or planners may be heard.
7. The Chairperson shall invite comments from citizens for the proposal.
8. The Chairperson shall invite comments from citizens against the proposal.
9. The Chairperson shall invite the applicant to rebut any opposition.
10. Any additional comments may be recognized.
11. The Chairperson shall request whether the Commission members have any questions of the applicant, staff or citizens.
12. The Chairperson shall declare the public hearing closed.

13. The Commission shall deliberate either following the public hearing or at a later date if necessary. All decisions of the Commission must be supported by Planning Commission minutes, documenting the comment received and following discussion.

SECTION V – QUORUM

A majority of the membership, three of the five members of the Planning Commission, shall constitute a quorum for the transaction of business. Any action taken by a majority of those present, when those present constitute a quorum, at any regular or special meeting of the Planning Commission, shall be deemed and taken as the action of the Commission.

SECTION VI – DUTIES/AUTHORITY OF ELECTED OFFICERS

A. Chairperson

1. Preside at all meeting of the Commission
2. Call special meetings of the commission in accordance with the rules of procedure
3. Sign documents of the Commission
4. See that all actions of the Commission are properly taken
5. The Chairperson, as a member of the Commission, shall have the full right of his/her own vote, recorded only in a tie breaking situation.

B. Vice-Chairperson

1. During the absence, disability, or disqualifications of the Chairperson, the Vice-Chairperson shall exercise or perform all duties and be subject to all the responsibilities of the Chairperson.

SECTION VII- ELECTION OF OFFICERS

1. The Officers of the Planning Commission shall be a Chairperson and a Vice-Chairperson elected by the appointed members of the planning Commission.
2. The election of Officers shall take place each year in the month of March. The term of each Officer shall run until the subsequent election.
3. The Chairperson will appoint a person, not the current Chairperson or Vice-Chairperson, to run the election of Officers.
4. Election of each Officer shall be by vote with the nominee receiving the majority of the votes for a particular office being declared elected.
5. In the event the Chairperson position is vacated, the position shall be replaced by the Vice-Chairperson, and the Vice-Chairperson position shall be replaced by a vote of the members of the Planning commission.

SECTION VIII- ABSENCE OF MEMBERS

In the event of a member having three (3) consecutive absences, the member's record shall be forwarded by the Chairperson to the Mayor for consideration of asking for the member's resignation.

SECTION IX- MODIFICATION OF RULES

The rules of procedure may be amended at any meeting of the Planning Commission by a majority of a quorum of the Commission, provided that notice of said amendments is given to each member in writing at least 5 days prior to said meeting.

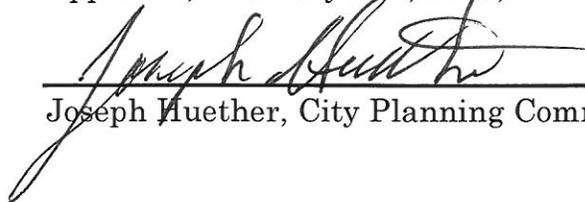
SECTION X- COMPENSATION

As specified in R.C.W. 35.63.030, the members of the Planning Commission, including the Chairperson and Vice-Chairperson while acting as such, shall serve without compensation.

SECTION XI- APPOINTMENT OF PLANNING COMMISSION TENURE

Under Chapter 1-13 of the City of Dayton municipal code the Planning Commission will have five members. The Mayor shall appoint the members of the Planning Commission, subject to confirmation by the City Council. Members shall be selected without respect to political affiliation and serve without compensation. Not more than one-third of the members of the Planning Commission may be ex-officio members by virtue of office. Initial appointments are staggered and thereafter the term of each appointive member is for four years. Any vacancies occurring otherwise than through the expiration of terms are to be filled for the unexpired term.

Approved, February 20th, 2018,



Joseph Huether, City Planning Commission Chair Date 2/23/18

Attest:



Meagan Bailey, Planner

ORIGINAL

RESOLUTION NO. 1336

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT FOR 2020 CITY OF DAYTON COMPREHENSIVE PLAN UPDATE PLANNING SERVICES WITH COLUMBIA COUNTY

WHEREAS, the City and County are public agencies, as defined by Chapter 39.34 RCW, and are authorized to enter into interlocal agreements based on mutual advantage and thereby provide services and facilities in the manner and pursuant to forms of government organizations that will accord best with geographic, economic, population, and other factors influencing the needs of local communities; and,

WHEREAS, the City has contracted with the County to provide Planning Services per City of Dayton Resolution No. 1331; and,

WHEREAS, the City is planning under the Growth Management Act under RCW 36.70A; and,

WHEREAS, the City must update their Comprehensive Plan through the Department of Commerce periodically; and,

WHEREAS, the City has accepted an extension for the mandated Comprehensive Plan Update for 2020; and,

WHEREAS, the City has contracted with the Department of Commerce for grant funding; and,

WHEREAS, Columbia County Planning Department has offered to provide planning services to prepare the 2020 City of Dayton Comprehensive Plan Update.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAYTON, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. That the Mayor is hereby authorized to execute on behalf of the City of Dayton an interlocal agreement for 2020 City of Dayton Comprehensive Plan Update Planning Services with Columbia County in the form attached hereto as Exhibit "A."

Section 2. That the Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 3. That this resolution shall take effect and be in full force upon passage and signatures hereon.

Dated and signed this _____ day of _____, 2018.

CITY OF DAYTON

Craig George, Mayor

Attest:

Trina Cole, City Clerk-Treasurer

Interlocal Agreement

Between the City of Dayton, Washington and Columbia County Washington for Planning Services for the 2020 City of Dayton Comprehensive Plan Update as Required by the Growth Management Act

This interlocal agreement is made and entered into on this ____ day of _____, 2018, by and between the City of Dayton, Washington, a municipal corporation (“City”), and Columbia County, Washington, a political subdivision of Washington State (“County”).

WHEREAS, the City and County are public agencies, as defined by Chapter 39.34 RCW, and are authorized to enter into interlocal agreements on the basis of mutual advantage and thereby provide services and facilities in the manner and pursuant to forms of government organizations that will accord best with geographic, economic, population, and other factors influencing the needs of local communities; and,

WHEREAS, the City has contracted with the County to provide Planning Services per City of Dayton Resolution No. 1331; and,

WHEREAS, the City is planning under the Growth Management Act under RCW 36.70A; and,

WHEREAS, the City must update their Comprehensive Plan through the Department of Commerce periodically; and,

WHEREAS, the City has accepted an extension for the mandated Comprehensive Plan Update for 2020; and,

WHEREAS, the City has contracted with the Department of Commerce for grant funding; and,

NOW, THEREFORE, the parties hereto recite, covenant, and agree as follows:

1. Services to be Provided: Subject to the terms and conditions set forth below, the County agrees to provide the City with the mandated 2020 Comprehensive Plan Update. The County will staff the process and follow applicable RCW’s for said update, meeting necessary scheduling timeframes and processes. The County may hire a consultant if deemed necessary. The County will act as Lead Agency for the update and will use the City Planning Commission for the entire update. County staff will present updates monthly to City Council unless there is no City Council meeting available in any given month.
2. Term: The term of this agreement shall begin on the dates of the signature as followed, and continue to the end of the Comprehensive Plan Update, no later than 12/31/2019.

3. Compensation: The County shall bill monthly the hours and resources spent on the City Comprehensive Plan per the Department of Commerce contract. Payment processing shall be guided by the City submitting billing to the Department of Commerce and directing payment directly to the County. The maximum billed/paid shall not exceed \$5,000.00.
4. Termination: Either party may terminate this agreement with thirty (30) days written notice. Upon termination, the City shall only be obligated to submit for and reimburse the County for services rendered pursuant to this agreement.
5. Breach: Should either party fail to substantially fulfill the requirements of this Agreement, the non-breaching party may give the breaching party at least 30 days' prior written notice, provided that such notice will not result in termination if the breaching party cures that breach before the 30-day period elapses. In the case of termination pursuant to this section, the City is only obligated to pay for services provided by the County on a pro rata basis up to the day of termination.
6. Funding: Notwithstanding any other terms of this Agreement, if sufficient funds are not appropriated or allocated for performance under this contract by either party for any future fiscal period, the party will not be obligated to perform and/or make payment for amounts after the end of the fiscal period through which funds have been appropriated and allocated, unless authorized by county ordinance. No penalty or expense shall accrue to either party in the event this provision applies.
7. Compliance with Laws: The Parties agree to comply with all applicable federal, state and local laws, rules and regulations in performing this Agreement.
8. Independent Contractor: It is understood that the County shall be an independent contractor of the City. This agreement shall not give rise to an employment relationship between the City and any employee or agent of the County who may perform this agreement on behalf of the County.
9. Modification: This agreement may only be modified by writing that has been agreed to and signed by the parties hereto.
10. Indemnification/Hold Harmless: Each party to this agreement shall defend, indemnify, and hold the other party, including its agents and employees, harmless from claims, actions, injuries, damages, losses or suits, including attorney's fees, arising or alleged to have arisen directly or indirectly out of or in consequence of the performance of this agreement to the extent caused by the fault or negligence of the indemnitor, or its agents or employees. Each party herein represents to the other that it is sufficiently self-insured, is a member of a collective risk pool, or has insurance that covers the activities

pursuant to this Agreement. A Party shall provide proof of such insurance coverage upon demand by the other party.

In any and all claims against the County, its officers, officials, employees and agents by any employee of the City or a City subcontractor, agent or representative, the indemnification obligation under this Section shall not be limited in any way by the limitation on the amount or type of damages, compensation, or benefits payable by or for the City or the City's subcontractor, agent or representative under Workers Compensation acts, disability benefits acts, or other employee benefits acts, it being clearly agreed and understood by the parties hereto that the he City expressly waives any immunity the City might have had under such laws. By executing this Agreement, the City acknowledges that the foregoing waiver has been mutually negotiated by the parties.

11. Applicable Law and Venue: This agreement shall be construed and interpreted in accordance with the laws of the state of Washington. The venue for any dispute or lawsuit between the parties regarding this agreement shall be in the Superior Court of Walla Walla County, Washington.
12. Non-Discrimination: In the performance of their obligations under this agreement, neither party may discriminate in any manner on the basis of race, color, national origin, sex, religion, age, marital status, pregnancy, disability, creed, sexual orientation, or honorable discharged veteran or military status in employment or the provision of services.
13. Severability: If any portion of this agreement is held to be invalid, such a finding will not have any effect on the remainder of the agreement, which shall remain fully in effect and enforceable.
14. Waiver: Non-enforcement of any provision or condition of this Agreement shall not be deemed a waiver and the parties can enforce said provisions or condition.
15. Filing/Posting: Prior to its entry into force, this agreement shall be filed with the Columbia County Auditor or, in the alternative, listed by each party on its website or other electronically retrievable public source, as required by RCW 39.34.040.

City of Dayton, Washington

Craig George, Mayor Date

Attest:

Trina Cole, City Clerk-Treasurer Date

Approved as to form:

Quinn Plant, City Attorney Date

Columbia County, Washington

Michael Talbott, Commissioner Date

Merle Jackson, Commissioner Date

Norm Passmore, Commissioner Date

Attest:

Leanne Peters, Clerk Date

Per to as form:

Rea Culwell, Prosecuting Attorney Date