

Dayton City Planning Commission
Regular Meeting—Agenda
Tuesday, July 16th, 2019 at 6:30 PM
114 South 2nd Street, Dayton, Washington 99328



1. Call to Order
2. Roll Call and Establish Quorum
3. Review of Minutes
 - a. May 21st, 2019
4. Communications from Citizens
5. Public Hearings
 - a. None Scheduled
6. Old Business
 - a. 2020 Comprehensive Plan
 - i. General update from staff
 - b. DPC Bylaws
 - i. Presentation of final bylaws; request for support to send to City Council to adopt by Resolution
7. New Business
 - a. Special Event Permits
 - i. Initial review of new/draft code section for the DMC
8. Adjournment
 - a. Next meeting: Tuesday, July 16th, 2019

Dayton City Planning Commission
Regular Meeting—Minutes
Tuesday, May 21st, 2019 at 6:30 PM
102 Fairgrounds Lane, Dayton, Washington 99328
(Youth Building)



1. Call to Order
 - a. Chair Kari Dingman called to order the regular meeting of the Dayton Planning Commission at 6:30 pm.
2. Roll Call and Establish Quorum
 - a. Members present: Kari Dingman, Alicia walker, Byron Kaczmarski, and Kathryn Witherington
Staff present: Meagan Bailey, Planning Director
Public present: Sign-in sheets
3. Review of Minutes
 - a. April 16th, 2019
 - i. A motion was made by Walker and seconded by Witherington to approve the April 16th, 2019 meeting minutes as presented; motion carries.
4. Communications from Citizens
 - a. None presented
5. Public Hearings
 - a. None scheduled
6. Old Business
 - a. 2020 Comprehensive Plan
 - i. Chair Kari Dingman introduced consultant Ben Floyd with White Bluffs Consulting.
 1. Floyd began the presentation with a brief overview on the GMA and identified the plan elements that were updated.
 2. Floyd offered review on the initial open house and re-visited the items that were initially discussed as needing to be discussed within the Comprehensive Plan update.
 - a. Discussion regarding the desired safety and crosswalk

improvements on Main Street commenced, with support being received from Mike Paris, Dayton Councilmember. Additionally, it was identified that additional crosswalk improvements should be considered by the grocery store/Adult Family Home on the West end of Main Street. The draft Comprehensive Plan includes a lot of discussion regarding this need, with staff responding with comment that active efforts will take place to improve safety on Main Street.

3. Floyd concluded his presentation with an overview on the tentative schedule for submittal to the State and the adoption process.
 - ii. The Planning Commission proceeded to discuss edits and recommended changes. Witherington submitted written comments and edits, as well as identified the need to update the accomplishments on page 19. Staff will incorporate those edits following the final technical edit by the consultant.
 - iii. Kaczmarski motioned that the Planning Commission support the submittal of the Comprehensive Plan draft to the Washington State Department of Commerce to initiate the 60 day review period, pending incorporation of edits received during the open house, as well as final technical edit by the Consultant; Witherington seconded. None opposed; motion carries.
- b. Meeting Date Change
 - i. Discussion continued regarding moving the meeting date from the 3rd Tuesday of the month to the 4th Tuesday of the month. With general support received, staff will prepare new bylaws for the Planning Commission for formal action in July.

7. New Business

- a. A discussion commenced regarding tentative plans following the Comprehensive Plan update, including the desire to administratively convert the Comprehensive Plan into a “work list” to guide planning efforts. The goal of adding additional responsibilities to the Planning Commission bylaws to incorporate Parks and Recreation efforts was discussed.

8. Adjournment

- a. A motion was made by Witherington and seconded by Walker to adjourn the regular meeting of the Dayton Planning Commission at 7:16 pm; none opposed. Meeting adjourned

Approved July 16th, 2019

Kari Dingman, Planning Commission Chair

Date

Attest:

Meagan Bailey, Planning Director

June 2019
 City of Dayton Comprehensive Plan Update

Comprehensive Plan

City of Dayton Comprehensive Plan Update

Wrap – Up Open House

May 21st, 2019 @ 6:30 pm; Columbia County Youth Building (102 Fairgrounds Lane, Dayton, WA 99328)

Name	Address	Contact Info: PH or E-mail
KATHRYN WITHERINGTON	702 N 1 ST STREET, DAYTON	KATHRYN@PORTOFCOOLUMBIA.ORG
Kari Dingman	219 W Dayton Ave Dayton	kari.lyn.dingman@gmail.com
Diana Kozzmeny G	1205 9.3rd St - P.O. Box 194	kymon@coz @ Gmail . Com
Alison Walker	236 E Main St Dayton WA	alicia @ noble hunt dayton . com

June 2019
 City of Dayton Comprehensive Plan Update

Comprehensive Plan

City of Dayton Comprehensive Plan Update

Wrap – Up Open House

May 21st, 2019 @ 6:30 pm; Columbia County Youth Building (102 Fairgrounds Lane, Dayton, WA 99328)

Name	Address	Contact Info: PH or E-mail
Ben Floyd	Kennewick WA	ben@whitebluffsconsulting.com
royal Baker	Dayton	rbaker@daywhitebluffs.com
Kara Floyd	Kennewick, WA	kara@whitebluffsconsulting.com

DAYTON CITY PLANNING COMMISSION

Rules of Procedure July 2019 Update

The following Rules of Procedure for the Dayton Planning Commission have been developed pursuant to Dayton Municipal Code, Chapter 1-13. Within these Rules of Procedure, Planning Commission hereby refers to the Dayton Planning Commission.

SECTION I - MEETINGS

A. General:

- a. Regular meeting – the Planning Commission shall meet regularly on the ~~3rd~~^{4th} Tuesday of each month at 6:30 p.m. ~~in the Columbia County Planning office in the Council Chambers at Dayton City Hall, 111 South 1st Street, Dayton, Washington 99328.~~
- b. When a regular meeting conflicts with a legal or religious holiday, or an election day, the Chairperson may reschedule or cancel that meeting.
- c. If no matters over which the Planning Commission has jurisdiction are pending, the Chairperson may cancel a regularly scheduled meeting after giving ~~five (5) days notice~~^{days' notice} to ~~commission~~^{Planning Commission} members. ~~Notice and notice~~ shall be posted at the meeting place.
- d. Special meetings may be called by the Chairperson or a majority of the ~~commission~~^{Planning Commission} members provided that 24 hour notice of the time specified for the proposed meeting, ~~as well as the -and the proposed agenda items~~^{business to be transacted}, is sent to all ~~commission~~^{Planning 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 matter outlined in Dayton's zoning code, Title 11.
- e. All meetings shall be open to the public pursuant to the Open Public Meetings Act as outlined in RCW 42.30.
- f. All meetings of the ~~Commission~~^{Planning Commission} ~~will~~^{shall} be presided over by the Chairperson, or in his/her absence the Vice-Chairperson.
- g. The ~~Commission~~^{Planning Commission} shall act upon business by a majority vote after establishing a quorum comprised of a majority of its membership.
- h. Citizen testimony ~~will~~^{shall} be permitted only as provided for in Section III – Order of Business, except where a majority of the ~~Commission~~^{Planning Commission} members present believe that such testimony would be beneficial to a particular subject matter.
- i. 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~~^{Planning Commission} meetings. City staff shall also distribute

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information packets to all CommissionPlanning Commission members at least 48 hours before the Planning Commission meeting.

B. Rules of Order:

- a. The following rules of order shall govern all Planning Commission meetings. In case of a dispute or need for further clarification, the CommissionPlanning Commission shall refer to the "Parliamentary Procedure Made Easier" published in 2005 by Washington State University.
- b. 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.
- c. Ex parte communications – Quasi-judicial proceeding
 - i. No member of the CommissionPlanning 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 provided notice and opportunity for all parties to participate, except as provided in this section:
 1. The commissionPlanning Commission may receive legal advice from legal counsel;
 2. The commissionPlanning Commission may communicate with staff members (except where the proceedings related to a code enforcement investigation or prosecution).
 - ii. If, before serving as the commissionPlanning Commission in a quasi-judicial proceeding, any member of the commissionPlanning Commission receives an ex parte communication of a type that could not properly be received while serving, the member of the commissionPlanning Commission, promptly after starting to serve, shall disclose the communication.
 - iii. If a member of the commissionPlanning 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.
 - iv. The commissionPlanning Commission shall advise all parties that these matters have been placed on the record. Unless 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.
- d. Disqualification/Recusal

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- i. A member of the ~~commission~~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.
- ii. If enough members of the ~~commission~~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.
- iii. 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.
- iv. 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~~Planning Commission in the event that the projected absences will produce a lack of a quorum.
- v. Only one subject may claim the attention of the ~~Commission~~Planning Commission at any one time.
- vi. No person who is not a member of the ~~Commission~~Planning Commission shall be allowed to address that body without the permission of the presiding officer.
- vii. 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.
- viii. Only one motion can be considered by the ~~Commission~~Planning Commission at any one time. No more than two amendments on a motion may be proposed at any one time.
- ix. The order of voting shall require consideration of the last amendment to a question first, the first amendment second and the original question last.
- x. 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~~Planning Commission meeting.
- xi. Each member present must vote on all questions put forth to the ~~Commission~~Planning Commission, except when a conflict of interest or appearance of fairness requires abstention.
- xii. 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~~Planning Commission meeting to:

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- A. Call the meeting to order.
- B. Keep the meeting to its order of business.
- C. State each motion and require a second to the motion before permitting discussion.
- D. Handle each discussion in an orderly way by:
 - a. Giving every CommissionPlanning 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 CommissionPlanning Commission;
 - c. Require all citizens to state their names and address before addressing the CommissionPlanning Commission;
 - d. Keeping all speakers to the rules and subject;
 - e. Giving pro and con speakers opportunity to speak;
- E. Put motions to a vote and announce the outcome;
- ~~F.~~ Suggest, but not make motions for adjournment.
- F.

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.

- A. Call to Order
- B. Roll Call
- C. Review of Minutes
- D. Communications from Citizens
- E. Public Hearing
- F. Old Business
- G. New Business
- ~~H.~~ Adjourn Meeting
- H.

SECTION IV – PROCEDURES FOR PUBLIC HEARINGS

- A. Chairperson states purpose of the hearing and declares the public hearing open.
- B. The Chairperson states that the hearing is being recorded and that prior to speaking, members of the public must state their name and address.
- C. The Chairperson will request that anyone who has any objection to any CommissionPlanning Commission member participating in the hearing will state so and give reasons for the objection.
- D. The Chairperson shall request that any member of the CommissionPlanning 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.
- E. 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

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- of the land involved, and discuss potential impacts to surrounding property. A recommendation to the Planning Commission may be provided.
- F. 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.
 - G. The Chairperson shall invite comments from citizens for the proposal.
 - H. The Chairperson shall invite comments from citizens against the proposal.
 - I. The Chairperson shall invite the applicant to rebut any opposition.
 - J. Any additional comments may be recognized.
 - K. The Chairperson shall request whether the CommissionPlanning Commission members have any questions of the applicant, staff or citizens.
 - L. The Chairperson shall declare the public hearing closed.
 - ~~M.~~ The CommissionPlanning Commission shall deliberate either following the public hearing or at a later date if necessary. All decisions of the CommissionPlanning Commission must be supported by Planning Commission minutes, documenting the comment received and following discussion.

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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 CommissionPlanning Commission.

SECTION VI – DUTIES/AUTHORITY OF ELECTED OFFICERS

- A. Chairperson
 - a. Preside at all meeting of the CommissionPlanning Commission
 - b. Call special meetings of the commissionPlanning Commission in accordance with the rules of procedure
 - c. Sign documents of the CommissionPlanning Commission
 - d. See that all actions of the CommissionPlanning Commission are properly taken
 - e. The Chairperson, as a member of the CommissionPlanning Commission, shall have the full right of his/her own vote, recorded only in a tie breaking situation.
- B. Vice-Chairperson
 - ~~C.~~ 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.

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SECTION VII– ELECTION OF OFFICERS

- A. The Officers of the Planning ~~Commission~~ Commission shall be a Chairperson and a Vice-Chairperson elected by the appointed members of the ~~planning Commission~~ Planning Commission.
- B. 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.
- ~~C.~~ The Chairperson will appoint a person, not the current Chairperson or Vice-Chairperson, to run the election of Officers.
- ~~D.~~ Nominations will be made for each position, either from the public or from members of the Planning Commission.
- ~~E.~~ Election of each Officer shall be by vote with the nominee receiving the majority of the votes ~~by the Planning Commission~~ for a particular office being declared elected.
- ~~D-F.~~ Chairs shall serve for a maximum of three consecutive years.
- ~~E.~~ In the event the Chairperson position is vacated ~~for any reason~~, the position shall be replaced by the Vice-Chairperson, and the Vice-Chairperson position shall be replaced by ~~nomination and~~ a vote of the members of the Planning ~~commission~~ Commission.
- ~~G.~~

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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~~ Planning 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.

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Approved, ~~February 20th, 2018~~ July 16th, 2019,

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~~Joseph Huether~~ Kari Dingman, City of Dayton Planning Commission Chair
Date

Attest:

Meagan Bailey, Planning Director

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DAYTON CITY PLANNING COMMISSION

Rules of Procedure

July 2019 Update

The following Rules of Procedure for the Dayton Planning Commission have been developed pursuant to Dayton Municipal Code, Chapter 1-13. Within these Rules of Procedure, Planning Commission hereby refers to the Dayton Planning Commission.

SECTION I - MEETINGS

A. General:

- a. Regular meeting – the Planning Commission shall meet regularly on the 4th Tuesday of each month at 6:30 p.m. in the Council Chambers at Dayton City Hall, 111 South 1st Street, Dayton, Washington 99328.
- b. When a regular meeting conflicts with a legal or religious holiday, or an election day, the Chairperson may reschedule or cancel that meeting.
- c. If no matters over which the Planning Commission has jurisdiction are pending, the Chairperson may cancel a regularly scheduled meeting after giving five (5) days' notice to Planning Commission members. Notice shall be posted at the meeting place.
- d. Special meetings may be called by the Chairperson or a majority of the Planning Commission members provided that 24 hour notice of the time specified for the proposed meeting, as well as the proposed agenda items, is sent to all Planning 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 matter outlined in Dayton's zoning code, Title 11.
- e. All meetings shall be open to the public pursuant to the Open Public Meetings Act as outlined in RCW 42.30.
- f. All meetings of the Planning Commission shall be presided over by the Chairperson, or in his/her absence the Vice-Chairperson.
- g. The Planning Commission shall act upon business by a majority vote after establishing a quorum comprised of a majority of its membership.
- h. Citizen testimony shall be permitted only as provided for in Section III – Order of Business, except where a majority of the Planning Commission members present believe that such testimony would be beneficial to a particular subject matter.
- i. 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 Planning Commission meetings. City staff shall also distribute information packets to all Planning Commission members at least 48 hours before the Planning Commission meeting.

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 1. The Planning Commission may receive legal advice from legal counsel;
 2. The Planning Commission may communicate with staff members (except where the proceedings related to a code enforcement investigation or prosecution).
 - ii. 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.
 - iii. 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:
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 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.
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reasons for disqualification, shall be requalified and deliberations shall proceed.

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- v. Only one subject may claim the attention of the Planning Commission at any one time.
- vi. No person who is not a member of the Planning Commission shall be allowed to address that body without the permission of the presiding officer.
- vii. 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.
- viii. Only one motion can be considered by the Planning Commission at any one time. No more than two amendments on a motion may be proposed at any one time.
- ix. The order of voting shall require consideration of the last amendment to a question first, the first amendment second and the original question last.
- x. 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 Planning Commission meeting.
- xi. Each member present must vote on all questions put forth to the Planning Commission, except when a conflict of interest or appearance of fairness requires abstention.
- xii. 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 Planning Commission meeting to:

- A. Call the meeting to order.
- B. Keep the meeting to its order of business.
- C. State each motion and require a second to the motion before permitting discussion.
- D. Handle each discussion in an orderly way by:
 - a. Giving every Planning 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 Planning Commission;
- c. Require all citizens to state their names and address before addressing the Planning Commission;
- d. Keeping all speakers to the rules and subject;
- e. Giving pro and con speakers opportunity to speak;
- E. Put motions to a vote and announce the outcome;
- F. 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.

- A. Call to Order
- B. Roll Call
- C. Review of Minutes
- D. Communications from Citizens
- E. Public Hearing
- F. Old Business
- G. New Business
- H. Adjourn Meeting

SECTION IV – PROCEDURES FOR PUBLIC HEARINGS

- A. Chairperson states purpose of the hearing and declares the public hearing open.
- B. The Chairperson states that the hearing is being recorded and that prior to speaking, members of the public must state their name and address.
- C. The Chairperson will request that anyone who has any objection to any Planning Commission member participating in the hearing will state so and give reasons for the objection.
- D. The Chairperson shall request that any member of the Planning 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.
- E. 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.
- F. 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.
- G. The Chairperson shall invite comments from citizens for the proposal.
- H. The Chairperson shall invite comments from citizens against the proposal.
- I. The Chairperson shall invite the applicant to rebut any opposition.
- J. Any additional comments may be recognized.

- K. The Chairperson shall request whether the Planning Commission members have any questions of the applicant, staff or citizens.
- L. The Chairperson shall declare the public hearing closed.
- M. The Planning Commission shall deliberate either following the public hearing or at a later date if necessary. All decisions of the Planning 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 Planning Commission.

SECTION VI – DUTIES/AUTHORITY OF ELECTED OFFICERS

- A. Chairperson
 - a. Preside at all meeting of the Planning Commission
 - b. Call special meetings of the Planning Commission in accordance with the rules of procedure
 - c. Sign documents of the Planning Commission
 - d. See that all actions of the Planning Commission are properly taken
 - e. The Chairperson, as a member of the Planning Commission, shall have the full right of his/her own vote, recorded only in a tie breaking situation.
- B. Vice-Chairperson
- C. 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

- A. The Officers of the Planning Commission shall be a Chairperson and a Vice-Chairperson elected by the appointed members of the Planning Commission.
- B. 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.
- C. The Chairperson will appoint a person, not the current Chairperson or Vice-Chairperson, to run the election of Officers.
- D. Nominations will be made for each position, either from the public or from members of the Planning Commission.
- E. Election of each Officer shall be by vote with the nominee receiving the majority of the votes by the Planning Commission for a particular office being declared elected.
- F. Chairs shall serve for a maximum of three consecutive years.

- G. In the event the Chairperson position is vacated for any reason the position shall be replaced by the Vice-Chairperson, and the Vice-Chairperson position shall be replaced by nomination and 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 Planning 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, July 16th, 2019

Kari Dingman, City of Dayton Planning Commission Chair

Date

Attest:

Meagan Bailey, Planning Director

Chapter 8-6

SPECIAL EVENT PERMITS

Sections:

- 8-6.010 Purpose.
- 8-6.020 Policy.
- 8-6.030 Intent.
- 8-6.040 Definitions.
- 8-6.050 Permits required.
- 8-6.060 Offenses.
- 8-6.070 Infraction.
- 8-6.080 Permit application and fee.
- 8-6.090 Standards for issuance, denial or revocation of permit.
- 8-6.100 Notice of granting or denial.
- 8-6.110 Appeal procedure.
- 8-6.120 Modification or revocation of permit – Emergency.
- 8-6.130 Reimbursement of activity costs.
- 8-6.140 Hold harmless.
- 8-6.150 Adoption of procedures.
- 8-6.160 Liability.

8-6.010 Purpose.

It is the purpose of this chapter to provide for the issuance of special event permits to regulate events on the public streets and public property of the city of Dayton in the interest of public health, safety and welfare; and to provide for fees, charges and procedures required to administer the permit process.

8-6.020 Policy.

It is the policy of the city, as implemented through this chapter and any procedures adopted hereunder, to recognize the substantial community benefits that result from special events. These events provide cultural enrichment, promote economic vitality, and enhance community identity and pride. They also may provide opportunities for family activities and funding for our community's nonprofit agencies. Partnerships between the city, event sponsors and the community are valuable in ensuring successful events.

The city recognizes that certain events, because they involve protected activities guaranteed under the Constitutions of the United States and the State of Washington, fall outside the scope of the ordinance codified in this chapter. The city will strive to accommodate special events. The city recognizes that events can be difficult to implement successfully and that the city requirements may represent a significant portion of an event's costs. When setting fees and conditions for events, the city will be sensitive to their impacts on the event's costs while balancing the city's obligation to protect public health and safety. It is the city's goal to have successful special events that enrich and enliven the community.

8-6.030 Intent.

It is the specific intent of this chapter and any procedures adopted hereunder to place the obligation of complying with the requirements of this chapter upon the applicant or sponsor, and no provision hereof is intended to impose any duty upon the city of Dayton or any of its officers, employees or agents. Nothing contained in this chapter or any procedures adopted hereunder is intended to be or shall be

construed to create or form the basis for liability on the part of the city of Dayton, or its officers, employees or agents, for any injury or damage resulting from the failure of the applicant or sponsor to comply with the provisions hereof.

8-6.040 Definitions.

Whenever used in this chapter, the following words shall have the following meanings:

- A. "Applicant" means the authorized agent of the sponsor who completes the application and acts as primary contract for the special event.
- B. "Application" means a notice to stage a parade or special event submitted by an applicant which informs the city of a proposed event.
- C. "Block party" means an event involving the closure of a one block residential street, for no more than eight hours, ending no later than ten p.m., for the purpose of a neighborhood social activity primarily involving the residents in the immediate area.
- D. "Event participant(s)" means a person in attendance at an event, including spectators, vendors, event staff, city staff, and all others present for the purpose of the event.
- E. "Exempt closures or uses" means exempt from the provisions of this chapter, and includes:
 - 1. Public or private street uses or closures related to construction activity or right-of-way improvements or maintenance, as authorized by the public works department;
 - 2. Long-term uses of the public right-of-way between the curb and property line approved by permit issued by the City of Dayton, such as, but not limited to, sidewalk restaurants; and
 - 3. Short-term or long-term uses of the public right-of-way as approved by the City of Dayton to support activities occurring primarily on adjacent private property, such as, but not limited to, furniture moving and building repairs.
- F. "Parade" means any march or procession consisting of people, animals, vehicles or combinations thereof, except funeral processions, upon any public street, sidewalk or alley, which affects the ordinary use of said public right(s)-of-way.
- G. "Permit" means a parade, or a special event permit issued pursuant to this chapter.
- H. "Private event" means an event which uses the public property for the purpose of monetary or personal gain by any person, partnership, group, organization, company or corporation or which is closed to the general public.
- I. "Procedure" means a procedure adopted by the city administrative staff to implement this chapter, or to carry out other responsibilities as may be required by this chapter or by other codes, ordinances or resolutions of the city or other agencies.
- J. "Special event" means any activity of a temporary nature which affects the ordinary use of public rights-of-way, public parking lots, public parks, intersections, sidewalks or streets for a short duration of time, or which would significantly impact the need for city-provided emergency services such as police, fire or medical aid, for purposes which include, but are not limited to, parades, dances, sales in

commercial zones, auctions, bikeathons, shows or exhibitions, filming/movie events, carnivals, circuses, fun runs, fairs and block parties.

K. "Sponsor" means the person or group responsible for the special event to be held.

L. "Traffic engineer" means the public works director of the city or his/her designee.

8-6.050 Permits required.

It is unlawful for any person to conduct a parade upon any public street, sidewalk or alley, or to hold a special event, as defined herein, or to knowingly participate in any such parade or special event, with the exception of exempt closures or uses as defined herein, unless a permit has been granted as provided in this chapter.

8-6.060 Offenses.

A. It is unlawful for any person to knowingly join or participate in any parade or special event conducted in violation of any term of any permit granted by this chapter.

B. It is unlawful for any person to intentionally obstruct or interfere with the orderly progress or conduct of a parade or special event conducted by virtue of a permit issued pursuant to this section.

8-6.070 Infraction.

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter shall be guilty of a civil infraction and shall be punished by a fine of not more than five hundred dollars. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any of the mandatory requirements of this chapter is committed, continued or permitted by any such person, and such person shall be punished accordingly.

8-6.080 Permit application and fee.

Applications for a special-event permit shall be made in writing to the Planning and Community Development Department at least forty-five calendar days in advance of the date of such parade or special event, accompanied by the required nonrefundable application fee; provided, however, that the Planning and Community Development Director, in his/her discretion, may reduce or waive such time limitation for any unexpected occasion or situation. The fee for special events, shall be set by resolution within the City of Dayton fee schedule. Application for the permit shall be made in writing on a form approved by the parks and recreation director. The applicant shall further comply with the following:

A. No later than fourteen calendar days before the event, the applicant shall file with the parks and recreation director the following items:

1. Evidence of liability insurance coverage, for review by the city risk manager, with the city of Dayton, its officers, employees and agents named as additional insured parties and affording death, personal injury and property damage liability coverage in an amount not less than one million dollars. Additional endorsements for host liquor liability and/or products liability may be required, in the event food, beverages and/or alcoholic beverages are to be dispensed;
2. A statement signed by the applicant that the sponsor shall defend, indemnify and otherwise hold harmless the city of Dayton, its officers, employees and agents from any and all claims or liability arising from the city's grant of permission for, or the actual conduct of, the parade or special event; and

3. For a special event involving registered participation of persons involving physical effort, an agreement that each participant, as a condition of participation, will be required to waive any and all liability against the city of Dayton, its officers, agents and employees arising from the event, which agreement shall be in language approved by the city attorney.

B. If alcoholic beverages are to be dispensed, evidence of a permit issued by the state liquor control board shall be presented to the city.

C. For those special events where an admission fee is charged to the general public, the applicant shall pay the cost of services which the city of Dayton is required to perform in connection with the special event. In addition, the fee for large private events on public property (including but not limited to circuses and carnivals) shall be negotiated between the applicant and the city.

D. When application is made for a block party involving closure of a street, the applicant shall submit a document stipulating the proposed use, area and time period approved in writing by a majority of all residences in the block proposed for closure.

E. The applicant may be required to send a letter, with a copy to the city, to affected area businesses/residents (to be determined on a case by case basis by the parks and recreation director) notifying them that a permit has been issued for the event (including date(s), time(s) and location/route), such notice to take place a minimum of fifteen days prior to the event.

F. The applicant shall provide such other information as the parks and recreation director, in consultation with the chief of police and traffic engineer, may deem necessary to provide for the processing of the permit and public safety. (Ord. 95-8 § 1(part), 1995).

8-6.090 Standards for issuance, denial or revocation of permit.

A. Standards for Issuance of Permit. Subject to the provisions of subsections B and C of this section, the parks and recreation director shall issue a special event permit, to any applicant who complies with the requirements of Section 8-6.080 of this chapter, the issuance of which permit shall be conditioned upon the applicant's written agreement to comply with the terms of the permit and all other applicable laws.

The permit may include, among other provisions, reasonable terms or conditions as to the time, place and manner of the event; compliance with health and sanitary regulations, emergency services, and security. Additional permits may be required to meet the conditions established by the permit, and/or other city codes.

In order to accommodate other concurrent events, the rights of abutting owners and the needs of the public to use streets or parks, the conditions may include, but not be limited to, reasonable adjustments in the date, time, route or location of the proposed event; accommodations of pedestrian or vehicular traffic using the street; and limitations on the duration of the event.

The city manager retains the right to refer to the city council for final consideration and approval, or denial based on the standards set forth in subsection D below, the issuance of any permit for a unique or significant parade or special event. The chief of police and the traffic engineer are authorized to close streets, alleys and sidewalks as are reasonably necessary to accomplish the purpose of a special event but which would not endanger or unreasonably inconvenience the public.

B. Variances. Pursuant to a proper application being made for a special event permit, the parks and recreation director may authorize the issuance of a permit which varies from the terms of the application

pertaining to the time, place, line of march, duration, manner of using streets, alleys and sidewalks, and assembly and disassembly, all as the parks and recreation director, in consultation with the chief of police and traffic engineer may deem necessary because of traffic conditions, the physical condition of the proposed route of the parade or event site, or the prior issuance of a permit for a special event which may conflict with that for which application is made.

C. Waiver or Reduction of Required Insurance Limits. The city risk manager may waive or reduce the insurance requirements in Section 8-6.080(A) under the following conditions:

1. The applicant or an officer of the sponsoring nonprofit organization charging no admission fee for the event, signs a sworn statement that the event could not take place unless such insurance coverage was waived or reduced. The city may require that the statement include the name and address of an insurance agent or other source of insurance coverage contacted to determine insurance premium rates for insurance coverage; or
2. The applicant or an officer of the sponsoring nonprofit organization charging no admission fee for the event signs a sworn statement that insurance coverage and the limits required is impossible to obtain. The statement shall include the name and address of an insurance agent or other source of insurance coverage contacted.

D. Standards for Denial. The parks and recreation director shall deny an application for a special event permit if:

1. Any applicant fails or refuses to comply with any provisions of this section or refuses to agree, to abide, or comply with all of the terms and conditions of the permit; or
2. The information in the application is found to be false or nonexistent in any material detail; or
3. The chief of police or traffic engineer finds that the special event will more probably than not unreasonably interfere with vehicle or pedestrian traffic flow; or
4. The chief of police or traffic engineer finds that the parade will more probably than not create an unmitigatable danger to vehicular or pedestrian traffic; or
5. The special event will cause irreconcilable interference with previously approved and/or scheduled construction, maintenance or other activities; or
6. The event would seriously inconvenience the general public's use of public property, services or facilities; or
7. There is not sufficient public safety personnel or other necessary city staff to accommodate the event so that it may occur in a reasonably safe manner; or
8. The event would endanger public safety or health; or
9. The event would be likely to cause significant damage to public property or facility; or
10. The event would engage in or encourage participants to engage in illegal acts.

E. Standard for Summary Revocation. The chief of police may summarily revoke a permit if, during the event, action on the part of the event participants or spectators results in a disturbance or behavior which presents a clear and present danger to the public health, safety or welfare. In such instance, the

event may be immediately halted by the chief of police, and the chief of police shall take such further steps as are necessary in his/her discretion to ensure the safety of the event participants and spectators alike. (Ord. 95-8 § 1(part), 1995).

8-6.100 Notice of granting or denial.

Within seven calendar days after an application has been made for a special event permit, the parks and recreation director shall notify the applicant in writing by mail, or by personal delivery, of the granting of the permit and of any terms of the permit which may vary from the request of the application, or of the denial of such permit and the reasons therefor. The notification given pursuant to this section shall include a statement of the applicant's right of appeal and an explanation of the appeal procedure provided by this section and Section 8-6.110 of this chapter. (Ord. 95-8 § 1(part), 1995).

8-6.110 Appeal procedure.

Upon denial of a special event permit application or upon the issuance of a permit which varies in its terms from the application, the applicant may appeal that action to the city manager or his designee by filing with the city manager a written notice of appeal within seven calendar days after personal delivery or mailing of the notice by the parks and recreation director as provided in Section 8-6.100 of this chapter. The notice of appeal shall contain the name and address of the applicant, together with a short written statement of the grounds for appeal.

The city manager or his/her designee shall conduct a hearing and, based upon the standards contained in Section 8-6.090 of this chapter, may reverse, affirm or modify the action from which the appeal was taken. Such hearing shall be held not later than seven calendar days prior to the date requested for the special event. Notice of the date, time and place of such hearing in which the appeal will be heard shall be given in writing by personal delivery or certified mail with return receipt requested to the applicant not less than seven calendar days prior to the time of that hearing. In the event the parks and recreation director lessens or waives the forty-five-calendar-day period mentioned in Section 8-6.080 of this chapter, notices and hearings provided in this section shall be given as quickly as possible in the discretion of the parks and recreation director, but in no event shall a notice of a hearing be less than twenty-four hours.

Upon denial of a special event permit application by the city manager, the applicant may appeal that action to the city council by filing with the city clerk a written notice of appeal within seven calendar days after personal delivery or mailing of the notice by the city manager. The notice of appeal shall contain the name and address of the applicant, together with a short written statement of the grounds for appeal. The city council shall conduct a hearing, and based upon the standards contained in Section 8-6.090 of this chapter, may reverse, affirm or modify the action from which the appeal was taken. Such hearing shall be held at the next regular city council meeting, provided that such notice of appeal is received by the city no later than seven calendar days preceding such city council meeting. (Ord. 95-8 § 1(part), 1995).

8-6.120 Modification or revocation of permit – Emergency.

Any permit for a special event issued pursuant to this section may be summarily revoked, or the terms thereof modified, by the parks and recreation director at any time when by reason of disaster, public calamity, riot or other emergency, the chief of police or traffic engineer determines that the safety of the general public or special event participants require such modification or revocation. Prompt notice of such action modifying or revoking a permit shall be delivered in writing to the permittee by personal service or by certified mail with return receipt requested. (Ord. 95-8 § 1(part), 1995).

8-6.130 Reimbursement of activity costs.

Upon completion of a special event covered by Section 8-6.080(C), the parks and recreation director shall send to all affected city of Dayton divisions a form on which each such division shall report the cost of the activity or function which that division was required to perform in connection with special event. These costs shall be compiled and a statement of account mailed to the applicant, payable within thirty calendar days. (Ord. 95-8 § 1(part), 1995).

8-6.140 Hold harmless.

As a condition to the issuance of any permit under this chapter, the applicant shall agree to defend, indemnify and hold harmless the city of Dayton, its officers, employees and agents, for any and all suits, claims or liabilities caused by, or arising out of any use authorized by any such permit. (Ord. 95-8 § 1(part), 1995).

8-6.150 Adoption of procedures.

The city may prepare and adopt procedures for the purpose of implementing this chapter or to carry out other responsibilities as may be required by this chapter or other codes, ordinances of the city or other agencies. Such procedures do not require approval by the city council. (Ord. 95-8 § 1(part), 1995).

8-6.160 Liability.

The city and employees charged with enforcement and administration of this chapter, acting for the city in good faith and without malice in the discharge of their duties shall not thereby render themselves liable personally for any damages which may accrue to persons or property as a result of any act required by or by reason of any act or omission in the discharge of such duties. (Ord. 95-8 § 1(part), 1995).