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**FACT SHEET/STAFF REVIEW**  
**Closed Record Hearing before the Dayton City Council**  
**Tuesday, April 11, 2023**  
**Preliminary Plat Application by Mitchell Mathews**

***NOTE TO CITY COUNCIL:***  
***THIS IS A QUASI-JUDICIAL PUBLIC HEARING***  
***PLEASE AVOID, AND DISCLOSE, ANY EX-PARTE COMMUNICATIONS (CH 42.36 RCW)***

- ATTACHMENTS:**
1. Hearing Examiner Recommendation
  2. Hearing Examiner Staff Report
    - a. Submitted Plat Map and Application Materials
    - b. State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) & SEPA Checklist
    - c. Public Notice
    - d. Agency, Department, and Public Comments

**RECOMMENDED MOTION:**

“I move to adopt the Findings of Fact and Conclusions of Law contained in the staff report and approve the Jasper Pines Preliminary Plat to Dayton with the listed Conditions of Approval as recommended by the Hearing Examiner.”

**PROCESS OVERVIEW:**

Preliminary Plats are Type IV decisions in accordance with DMC 10-01.030. The Hearing Examiner is to hold an open record hearing on the matter and forward a recommendation to the City Council. Then the City Council is to hold a closed record hearing on the quasi-judicial matter and issue the final decision.

The Hearing Examiner held the open record hearing on March 15, 2023 to take in evidence. Subsequently, on March 17, 2023, the Hearing Examiner issued the recommended 26 findings of fact, recommended 5 conclusions of law, and recommended approval of the preliminary plat pursuant to the 8 recommended conditions of approval.

## **APPLICATION DESCRIPTION:**

The proposal is to subdivide two adjacent parcels into six single-family residential lots, ranging in size from 17,607 square feet to 35,284 square feet, in the AR (Agricultural Residential) zone. Portions of the proposal area were recently annexed into the City in December 2022 via Ordinance 1955.

There is one existing structure that is to remain: a shop approximately 30 feet by 40 feet. The site is generally surrounded by similar residential uses and lies on the eastern boundary of the City. Adjacent City zoning includes Agricultural Residential (AR) to the southeast and northwest and Urban Residential to the southwest. Adjacent County zoning includes Agricultural Residential to the northeast and southeast; this area has an agricultural use compared to the other residential uses surrounding the site.

The developer is proposing the new lots be connected to domestic water and sewer from the City of Dayton. The proposed plat is located within the Pacific Power service area for electrical/power service. The Dayton School District serves the area included in the plat. Garbage collection is by Basin Disposal.

Preliminary plat approval, if granted, will allow the applicant five years to complete and record the final subdivision plat.

## **RECOMMENDED FINDINGS OF FACT:**

1. The Applicants and owners, Mitchell and Kathleen Mathews, submitted an application for a preliminary plat located at two parcels, 1505 S. 5th Street (parcel 1-070-05-007-0000) and an adjacent unaddressed parcel (parcel 2-530-00-045-0000). The site is situated in Section 32, Township 10 North, Range 39 East, W.M. The parcels are accessed via S. 5th Street and are generally located east of the intersection of S. 5th Street and E. Day Street. Parcel 2-530-00- 045-0000 was recently annexed by into City (via Ordinance 1995, November 2022).
2. Legal Description: Lot five (5), six (6), and seven (7) in Guernsey's Block of Guernsey's Addition to Dayton, Washington.

TOGETHER WITH all water and water rights adjudicated by decree of the Superior Court of the State of Washington for Columbia County, entered September 19, 1929, and evidenced by Certificate of Water Right dated May 6, 1930 and recorded in Book 28 of Deeds at Page 546, records of Columbia.

SAVE AND EXCEPT a parcel of land located in the Northeast Quarter of the Northwest Quarter of Section 32, Township 10 North, Range 39, East of the Willamette Meridian, Columbia County being more particularly described as follows:

Commencing at the center line intersection of Fourth and Day Streets in the City of Dayton; thence North 59° 25' 46" East along the center line of Day Street a distance of 425.24 feet to the center line intersection of Fifth and Day Streets; thence North 59° 27' 28" East a distance of 30.00 feet to the easterly right of way of Fifth Street; thence North 30° 32' 32" West along the easterly right of way of Fifth Street a distance of 139.03 feet to the Northwest corner of Lot 5 of the Guernsey's Block in Guernsey's Addition to Dayton and the true point of beginning for this description; thence North 59° 27' 32" East a distance of 459.62 feet to the Northeast corner thereof; thence South 00° 50' 18" East along the easterly line of said Lot 5 a distance of 22.14 feet; thence South 60° 42' 24" West a distance of 448.76 feet to the easterly right of way of Fifth Street; thence North 30° 32' 32" West along the easterly right of way of Fifth Street a distance of 9.46 feet to the True Point of Beginning.

A fraction of the Northwest quarter of the Northeast quarter of Section 32, Township 10 North, Range 39 East, Willamette Meridian, more particularly described as follows: Beginning at the quarter corner on the North line of Section 32, Township 10 North, Range 39 East, Willamette Meridian; thence South 00° 55' 33" East, along the North-South center line of said Section, for a distance of 314.40 feet to the True Point of Beginning; thence continuing along the North-South center line of said Section, South 00° 55' 33" East for a distance of 397.48 feet; thence North 59° 27' 33" East for a distance of 169.72 feet; thence North 18° 38' 37" West for a distance of 12.19 feet; thence North 26° 23' 37" West for a distance of 334.50 feet to the True Point of Beginning. Situated in the State of Washington, County of Columbia.

3. Property Size/Characteristics: Parcel 1-070-05-007-0000 is approximately 3.27 acres in size, and parcel 2-530-00-045-0000 is approximately 0.73 acres. The portion of the site fronting 5th Street is flat, while the rear (eastern) portion of the property contains an irrigation ditch and up to 57 percent slopes. There is no planned development for the property to the east of the irrigation ditch.
4. Land Use: The applicant listed an existing house and shop in the SEPA Checklist.
5. Comprehensive Plan Designation: Parcel 1-070-05-007-0000 is Low Density Residential, and parcel 2-530-00-045-0000 is Urban Density Residential. The zoning is Agricultural Residential (AR).
6. The proposal is subject to environmental review. The applicant provided a SEPA checklist; City planning staff made additions/corrections to the checklist and determined measures necessary to mitigate the impacts of the proposed subdivision. The City (SEPA Lead Agency) used the optional DNS process per WAC 197-11-355 and issued the O-DNS with the Notice of Application and Notice of Hearing on February 16, 2023. Subsequently, the City issued a Determination of Non-Significance (DNS) with several mitigation measures on March 8, 2023. This SEPA determination was not appealed.
7. The proposal is to subdivide two adjacent parcels into six single-family residential lots, ranging in size from 17,607 square feet to 35,284 square feet, in the AR (Agricultural Residential) zone.
8. Preliminary Plats are Type IV decisions in accordance with DMC 10-01.030. The Hearing Examiner held an open record hearing on the matter and now forwards a recommendation to the City Council. Then the City Council is to hold a closed record hearing on the quasi-judicial matter, and issue the final decision.
9. The SEPA Checklist indicated there are two existing structures: a shop approximately 30 feet by 40 feet and an old house. The house is to be demolished and the shop will remain. County mapping indicates there are potentially additional structures. The site is generally surrounded by similar residential uses and lies on the eastern boundary of the City. Adjacent City zoning includes Agricultural Residential (AR) to the southeast and northwest and Urban Residential to the southwest. Adjacent County zoning includes Agricultural Residential to the northeast and southeast; this area has an agricultural use compared to the other residential uses surrounding the site.
10. The developer is proposing the new lots be connected to domestic water and sewer from the City of Dayton. The proposed plat is located within the Pacific Power service area for electrical/power service. The Dayton School District serves the area included in the plat. Garbage collection is by Basin Disposal.

11. Preliminary plat approval, if granted, will allow the applicant five years to complete and record the final subdivision plat.
12. The joint Notice of Application, Notice of Public Hearing, and Notice of Optional DNS published/posted/mailed to the following:
  - 12.1 Published in the Waitsburg Times on February 16, 2023.
  - 12.2 Posted to the online SEPA Register under #202300743 on February 16, 2023.
  - 12.3 Posted to the City's website on February 16, 2023.
  - 12.4 Posted to a public notice sign on the project site on February 13, 2023.
  - 12.5 Mailed to property owners within 300 feet on February 16, 2023.
13. City staff emailed review packets to technical agencies on February 15, 2023, along with the Joint Notice of Application, Notice of Public Hearing, and Notice of Optional DNS.
14. A SEPA DNS was distributed to agencies and commentors (if any) on March 8, 2023 and posted to the online SEPA Register under #202301067.
15. No comments were received as of the date of this decision from the following partners or agencies, departments, or groups, to which notice was given:
  - 15.1 Washington State Department of Transportation (WSDOT) South Central Region - Planning
  - 15.2 Confederated Tribes of the Umatilla Indian Reservation
  - 15.3 Blue Mountain Land Trust
  - 15.4 Columbia County Assessor's Office
  - 15.5 Columbia County Sheriff's Office
  - 15.6 Columbia County Health District
  - 15.7 Columbia County Fire District 3
  - 15.8 Columbia County Treasurer
  - 15.9 Columbia County Emergency Management
  - 15.10 Columbia Conservation District
  - 15.11 Columbia County Planning and Building
  - 15.12 Dayton School District
  - 15.13 Dayton Building Department
16. Comments were received from the following:
  - 16.1 Washington State Department of Ecology: See letter dated March 1, 2023
  - 16.2 Washington State Department of Archeology and Historic Preservation:
    - 16.2.1 (Reference: DAHP Project Tracking# 2023-03-01348)
    - 16.2.2 Our statewide predictive model indicates that there is a high probability of encountering cultural resources within the proposed project area. However, due to the small footprint of the project, DAHP is not requesting a cultural resources survey at this time. We do ask that you prepare an Inadvertent Discovery Plan (IDP) and prepare construction crews for the possibility of encountering archaeological material during ground disturbing activities.
    - 16.2.3 Please note that the recommendations provided in this letter reflect only the opinions of DAHP. Any interested Tribes may have different recommendations. We appreciate receiving any correspondence or comments



from Tribes or other parties concerning cultural resource issues that you receive.

- 16.3 Columbia County Public Works/County Engineer:
- 16.3.1 Add Resource Lands Statement per DMC 19-01.200.
  - 16.3.2 Add Legal description of land being subdivided per DMC 19-04.040(B), WAC 332-130-050(f)(v), and RCW 58.09.060(1)(c).
  - 16.3.3 It appears from aerial imagery that additional buildings exist on Lots 1 & 2 and buildings exist immediately adjacent to lots 3 & 4. If these structures still exist, then they need to be shown on the preliminary plat per DMC 19-04.040(F) and WAC 332-130-050(1)(f)(vii).
  - 16.3.4 Add Block designation to the plat per DMC 19-04.040(1). Add the Section-Township-Range and quarter-quarter of sections per WAC 332-130-050(1)(A) and RCW 58.09.060(1)(c).
  - 16.3.5 Auditors Certificate - Change date to 2023.
  - 16.3.6 Notary Acknowledgement- Change date to 2023.
- 16.4 Dayton City Planning (by ABHL, Inc.):
- 16.4.1 Mitchell Mathews, property owner, submitted an application for a preliminary plat on April 26, 2022 and resubmitted on February 2, 2023 after one of the parcels was annexed by the City. The City deemed the application complete as of February 2, 2023.
  - 16.4.2 The proposal is located at 1505 S. 5th Street (parcel 1-070-05-007-0000) and unaddressed S. 5th Street (parcel 2-530-00-045-0000). The site is situated in Section 32, Township 10 North, Range 39 East, W.M. Parcel 2-530-00-045-0000 was recently annexed by the City.
  - 16.4.3 The proposal is to subdivide two adjacent parcels into six single-family residential lots, ranging in size from 17,607 square feet to 35,284 square feet, in one phase.
  - 16.4.4 The land is zoned AR-Agricultural Residential. There are two existing structures on the site.
  - 16.4.5 The soil is classified as Athena silt loam and Patit Creek silt loam per the Natural Resources Conservation Service.
  - 16.4.6 A portion of the site contains steep slopes. The site is a Critical Aquifer Recharge Area (CARA) with a five-year time of travel, but no negative impacts to the CARA are anticipated due to the residential development. There are no other critical areas present.
  - 16.4.7 The site is served by the Columbia County's Sheriff's Office and Columbia County Fire District #3.
  - 16.4.8 The applicant plans to connect the development to the City of Dayton water and sanitary sewer systems. The City has affirmed that adequate water supply and service capacity and adequate sewer processing capacity and service ability is available to the plat.
  - 16.4.9 A State Environmental Policy Act (SEPA) review has been completed for this project. The Optional Determination of Non-Significance (O-DNS) process was used, and the Notice was published by February 16, 2023. Interested public and agencies were requested to submit comments by March 2, 2023. A Determination of Non-Significance (DNS) was issued on March 8, 2023, with six mitigation measures, including a requirement for a note to be included on the final plat indicating that the area of steep slopes is not buildable unless a critical areas analysis is performed to identify what

mitigation measures may be necessary.

- 16.4.10 Future development on the site will be subject to standards and requirements in effect at the time application is made for building permits except as otherwise established per the state's vesting doctrine.
- 16.4.11 Lot Access - Per DMC 19-01.170, "Every lot within a subdivision shall be provided with satisfactory access by a city street, a private street built or improved to city standards or by an easement which is permanent and inseparable from the lot served and connects with a city or private street."
  - 16.4.11.1 Lots 1, 2, and 3 would directly connect to the 5th Street right-of-way. Lots 4, 5, and 6 would connect to the 5th Street right-of-way by two proposed, 20-foot access/utility easements.
- 16.4.12 Lot Area-Per DMC 11-03.030 (Development Standards for the AR zoning designation), a minimum lot area of 10,800 square feet is required. The smallest lot proposed is 17,607 square feet in size and therefore the proposal meets the requirement.
- 16.4.13 Lot Width- Per DMC 11-03.030, a minimum lot width of 80 feet is required. The narrowest lot proposed is 117.38 feet wide and therefore the proposal meets the requirement.
- 16.4.14 Lot Depth- Per DMC 11-03.030, a minimum lot depth of 120 feet is required. The shallowest lot proposed is 150 feet deep and therefore the proposal meets the requirement.
- 16.4.15 Parking- Per DMC 11-08.020, each single-family dwelling unit requires two off-street parking stalls. The proposed new lots will be of sufficient size to accommodate this requirement.
- 16.4.16 Performance Requirements- Per DMC 19-01.160, "all subdivisions shall be required to provide, but not be limited to, paved streets, installed curbs and gutters, sidewalks, transit stops, storm drains, city approved sewers, streetlights, water mains, and street signs."
  - 16.4.16.1 A transit stop is not suitable for the subdivision, given the location and lack of transit service to the site.
  - 16.4.16.2 Access is provided via S. 5th Street which is a paved street but is not built to current city standards as the pavement width is substandard and there is no curb, gutter or sidewalk. However, we note that the roads in the vicinity of the proposal are not improved to city standards and the project is at the edge of the City Limits / Urban Growth Area and as such some relief from the standards could be considered according to the city's process for Deviations to Public Works standards.
  - 16.4.16.3 Sidewalks are required in accordance with code requirements, the City's Complete Street standards, and the City's Public Works Standards to ensure safe walking conditions for students to walk to and from schools or school bus stops. Furthermore, the *City of Dayton Comprehensive Plan Update (November 2019)* lists Goal A (from section 6.2.2 Neighborhoods): "Improve and maintain the physical appearance of the neighborhoods" and also includes Policy A1: "Improve and repair streets, curbs and sidewalks that maintain the appearance and safety of the neighborhood." However, we note that the roads in the vicinity of the proposal are not improved with sidewalks, and the project is at the edge of the

City Limits/ Urban Growth Area and as such some relief from the standards could be considered according to the city's process for Deviations to Public Works standards.

- 16.4.17 Addressing -DMC Chapter 8-3 includes guidance for addressing the new lots.
- 16.4.18 The applicant should coordinate with the United States Post Office regarding centralized box unit (CBU) locations for the development, if used.
- 16.4.19 The land should be in compliance with the City Nuisance codes (DMC Chapter 6-9) at all times.
- 16.4.20 Preliminary plat approval is valid for a five (5) year period following approval by the City Council.
- 16.4.21 The submitted preliminary plat map shows a "Right to Farm" statement per Columbia County Ordinance 96-01. That statement should be removed, since the proposed new lots are within City Limits. Instead, because the subject site abuts an agricultural use a note should be placed on the plat per **DMC 19-01.200** stating: *The subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.*

16.5 Dayton Public Works Department (by Anderson Perry & Associates, Inc.):

- 16.5.1 Update all the dates to reflect 2023.
- 16.5.2 Per City Code 19-04.120 (G) Please update the Surveyors Certificate on page 1 to include language as required under said section G: *THIS SURVEY COMPLIES WITH ALL THE STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT" CHAPTER 58.09 RCW AND WAC 332-130*
- 16.5.3 The Preliminary Plat still shows parcel 2-530-00-045-0000 in Columbia County. Please have the surveyor update his plat to reflect the new City limits.

17. The proposed subdivision will serve the public interest, promote the general welfare and does not deter from the public health and safety of the City of Dayton.

- 17.1 The project site is served by the Columbia County Fire District 3. The City has adopted the 2018 International Fire Code. The Fire Department was a reviewing agency during the preliminary plat review.
- 17.2 The development is not expected to result in any public health, safety, or general welfare impacts that are not sufficiently mitigated by the conditions of this recommendation or through the SEPA determination.

18. The proposed subdivision will comply with and does further the purpose of the comprehensive plan, environmental policy, shoreline management policy, and zoning codes of the City of Dayton.

- 18.1 The subdivision, as proposed, is in compliance with (and is capable of being developed in compliance with) the City of Dayton Comprehensive Plan and Zoning Code.
  - 18.1.1 The City's Comprehensive Plan designates the property as "Low Density Residential" and "Urban Density Residential."
  - 18.1.2 The property is zoned AR - Agricultural Residential and the development of residential lots conforms to the zoning designation.

- 18.1.3 The proposed subdivision conforms to the minimum lot size requirements of the Dayton Zoning Code.
- 18.1.4 The proposed subdivision conforms to the minimum lot width and depth requirements of the Dayton Zoning Code and the lots are configured such that adequate setbacks will be maintained from an existing structure, such that a non-conformity will be not be introduced.
- 18.1.5 The proposed plat will provide for housing needs in the City.
- 18.2 The proposed subdivision **does** conform to the environmental and shoreline policies which have been adopted by the City of Dayton City Council.
  - 18.2.1 A State Environmental Policy Act (SEPA) review has been completed for this project and a DNS has been issued containing several mitigation measures.
  - 18.2.2 Direct impacts caused by the proposed subdivision have been identified, and the necessary mitigation provisions address such impacts.
  - 18.2.3 The proposal is not situated within shoreline jurisdiction.
- 18.3. Adequate provisions are made for open space and sufficient building sites.
  - 18.3.1 The developer does not propose the creation of open spaces; however, given the location and size of the development it is not practical to require any such dedication.
  - 18.3.2 The lots sizes meet the minimum lot size per the City's Zoning Code.
- 18.4 Adequate provisions are made for public streets, alleys, and other public ways sufficient in number and size, consistently named, properly aligned, and designed in accordance with City specifications, and the specifications of Title 19.
  - 18.4.1 The development will have access via an existing street with sufficient right-of-way width.
  - 18.4.2 Plat development will require S. 5<sup>th</sup> Street to be improved to city standards for the portion of the road (approx. 413 feet) that fronts the development, unless relief is granted via the city's process for considering and approving deviations.
- 18.5 Adequate provisions are made for water supply.
  - 18.5.1 The lots are proposed to be connected to the City of Dayton municipal water supply.
- 18.6. Adequate provisions are made for sewage disposal.
  - 18.6.1 The lots are proposed to be connected to the City of Dayton sanitary sewer system.
- 18.7 Adequate provisions are made for surface water drainage, including natural drainage courses.
- 18.8 Adequate provisions are made for parks, recreation, playgrounds, schools, transit, and all other relevant facts including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.
  - 18.8.1 School impact fees have not been adopted by City Council. However, any impact fees in effect at the time a building permit is applied for will apply.
  - 18.8.2 The project is located within the Dayton School District boundaries. Appropriate provisions for schools/school grounds are provided through public approved levies and general obligation bond measures. These funding mechanisms fund property acquisitions, fulfill maintenance and operations obligations, and fund new school construction. Washington state capital construction funds are commonly available on a match basis for school related construction.

- 18.9 Park impact fees have not been adopted by City Council. However, any impact fees in effect at the time a building permit is applied for will apply.
- 18.9.1 Plat development will require S. 5<sup>1</sup> Street to be improved to city standards for the portion of the road (approx. 413 feet) that fronts the development, unless relief is granted via the city's process for considering and approving deviations.
19. The public interest will be served by the subdivision and dedication.
- 19.1 The application is in compliance with the City of Dayton Code Title 16, Land Divisions.
- 19.2 The proposed preliminary plat is designed in a manner that is compatible with the physical characteristics of the subject property and the proposed preliminary plat contributes to the orderly development and land use patterns in the area.
- 19.3 No dedication of land for public purposes is necessary.
20. No written correspondence from members of the public was received.
21. After due legal notice an open record public hearing was held via Zoom teleconference on March 15, 2023.
22. Appearing at the hearing was Mitch Mathews who stated he is the property owner and applicant. Mr. Mathews testified he agreed with the staff report and proposed Conditions of Approval, but that he did have concerns with the proposed stormwater and road/sidewalk improvements. He stated that there would be no development on property located on the east side of the irrigation ditch.
23. No member of the public testified at the hearing.
24. The Hearing Examiner considered the entire record of the City of Dayton Department of Planning & Community Development in rendering his decision.
25. At the open record public hearing the following exhibits were entered into the record:
- 25.1 Ex. 1 Submitted Plat Map and Application Materials
- 25.2 Ex. 2 State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) & SEPA Checklist
- 25.3 Ex. 3 Public Notice
- 25.4 Ex. 4 Agency, Department, and Public Comments
- 25.5 Ex. 5 Staff Report
- 25.6 Ex. 6 Staff PowerPoint
26. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

**RECOMMENDED CONCLUSIONS OF LAW:**

1. The Hearing Examiner has been granted authority to render this Decision.
2. An application was received for the Jasper Pines Preliminary Plat on April 26, 2022. The application was not processed because the applicant needed to first go through annexation for the

proposed subdivision. The Dayton City Council passed Ordinance 1995 on November, 22, 2022 which was subsequently recorded with the Columbia County Auditor on December, 7, 2022. This allowed parcel 2-530-00-045-0000 to be annexed by the City of Dayton, passed and supplemented with additional submittals/information on March 2, 2022, and March 29, 2022; the application was deemed complete for processing on February 2, 2023. The project is vested to February 2, 2023.

3. The SEPA process has been completed and a DNS was issued with mitigation measures.
4. Following an open record pre-decision hearing on a proposed preliminary plat, the Hearing Examiner shall render a recommendation to the City Council as to whether the proposal based on the findings shall be denied, approved, or approved with modifications or conditions.
5. Any Finding of Fact is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

### **RECOMMENDED DECISION:**

Based on the above Findings of Fact and Conclusions of Law, the Hearing Examiner recommends the Jasper Pines Preliminary Plat for approval to the City of Dayton City Council pursuant to the following Conditions of Approval.

### **RECOMMENDED CONDITIONS OF APPROVAL:**

1. Environmental Mitigation; All SEPA mitigation measures under the SEPA DNS decision issued March 8, 2023 (or as may be subsequently amended) shall apply as conditions to the plat.
2. A final plat meeting all the requirements of DMC Chapter 19-04, the Survey Recording Act, and State Auditor recording requirements must be submitted to the City Council for approval within five years of preliminary plat approval (unless an extension is granted pursuant to DMC 19-04.160). A paper copy of the final plat shall be submitted for review with the final plat application, before the mylar [or copy on a medium acceptable for recording with the County Auditor] is printed for signatures.
3. Any required improvements including but not limited to sewer improvements shall be designed and constructed by the developer per the City of Dayton Public Works Standards. Further, the construction plans and installations for all public improvements shall be reviewed, inspected, and approved by the Public Works Department. Plan Review Fees and/or inspection fees shall apply per the City's adopted fee schedule.
  - 3.1 The City of Dayton Public Works standards ("STANDARDS"), Section 2.9 "Deviation from Public Works Standards" sets out the purpose, process, justification, and application procedures for the applicant to pursue potential relief from some the city's standards.
4. Streets:
  - 4.1 The applicant must widen the pavement surface S. 5th for the entire frontage of the development (approximately 412 linear feet) according to City Public Works standards, unless specific relief from the requirement is granted per STANDARDS Section 2.9.
  - 4.2 Curbs and gutters are required per DMC 19-01.160 and must be designed and built to the City of Dayton Public Works Standards, unless specific relief from the requirement is granted per STANDARDS Section 2.9.

- 4.3 Sidewalks shall be provided along the portion of 5th Street fronting the development in accordance with code requirements, the City's Complete Street standards (DMC 8- 10), and the City's Public Works Standards and such construction must occur at the same time that street improvements are made, unless specific relief from the requirement is granted per STANDARDS Section 2.9.
  - 4.4 Streetlights must be installed by the developer to the approval of the City, in conformance with DMC 11-03.090 and according to City Public Works standards, unless specific relief from the requirement is granted per STANDARDS Section 2.9.
  - 4.5 A stormwater system must be installed for the affected portion of S. 5th Street, unless specific relief from the requirement is granted per STANDARDS Section 2.9. Stormwater and surface runoff generated by this project must be retained and treated on site.
5. Lots: Up to six residential lots may be created. Nothing in this approval shall limit the developer's ability to modify the plat under a plat amendment, reducing the number of authorized residential lots, in order to sell property for other permitted uses and uses allowed only under an approved conditional use permit. All uses shall be limited to those allowed as permitted, accessory, or conditional uses in the zoning district.
6. Utilities:
- 6.1 A public water system will be required to be installed for the plat. Individual service must be provided to each lot. The use of private wells or water systems is prohibited. The developer of the proposal shall bear the cost of and shall provide for individual domestic water service as well as fire protection (including the installation of a new fire hydrant as may be required to service future structures including those on proposed lots 4, 5, and 6) to each lot. Hydrant placement shall be in conformance with the International Fire Code (IFC), as amended, and as coordinated with the City.
  - 6.2 A public sewer system will be required to be installed for the plat. Individual service must be provided to each lot. Use of individual on-site disposal systems shall not be authorized. The developer of the proposal shall bear the cost of providing the required services to the lots.
  - 6.3 Stormwater design must be reviewed and approved by the City. Stormwater improvements the City of Dayton Public Works Standards and Washington State Department of Ecology for Stormwater Management Manual for Eastern Washington.
  - 6.4 All stormwater control measures must be shown on the preliminary utility plan to confirm that adequate area is built into the plat layout to accommodate all features.
    - 6.4.1 The applicant is responsible for obtaining any Ecology permits. It appears that a Notice of Intent shall be submitted for construction activity under Ecology's Construction Stormwater General Permit for stormwater discharges. The Notice of Intent should be made at least 60 days prior to soil disturbance. You can access the permit application and related documents online.
  - 6.5 The collection, removal, and disposal of solid waste within the City is compulsory and shall be made by the City's contractor, Basin Disposal, Inc. (or as modified).
  - 6.6 Final plat approval will be predicated upon implementation of a stormwater system for the streets. The system is to be designed by a licensed civil engineer to a 25-year, 24-hour storm standard in accordance with the Washington State Department of Ecology's NPDES Phase II requirements. Stormwater and surface runoff generated by this project must be retained and treated on site and not allowed to flow onto WSDOT rights-of-way.



7. Final Plat:
  - 7.1 Include a Legal description of the land being subdivided per WAC 332-130- 050(f)(v), and RCW 58.09.060(l)(c)
  - 7.2 Per City Code 19-04.120(G) Please update the Surveyors Certificate on page 1 to include language as required: THIS SURVEY COMPLIES WITH ALL THE STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT" CHAPTER 58.09 RCW AND WAC 332-130.
  - 7.3 Show any existing structures and other applicable features per WAC 332-130-050(1)(f)(vii).
  - 7.4 Add the Section-Township-Range and quarter-quarter of sections per WAC 332-130-050(1)(A) and RCW 58.09.060(l)(c); this information needs to be on the first page and visible at the top of the page for indexing purposes.
  - 7.5 Include the following note on the face of the plat: "The subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration."
  - 7.6 The plat shall otherwise conform to all applicable local, state, and federal regulations.
  - 7.7 All easements (pre-existing and as dedicated) must be shown.
  - 7.8 The applicant shall coordinate with the City Planner for the pre-assignment of lot addresses which shall be shown on the final plat.
  - 7.9 Any plat notes required as a SEPA DNS mitigation measure must be included on the face of the final plat document.
  - 7.10 Prior to final review and approval, the applicant shall submit a copy of the Final Plat and a current title certificate to the County Assessor's Office for Cartographer review of the Final Plat Survey. The Plat shall be reviewed for legal descriptions, signature blocks, dedications, etc.
  - 7.11 In order to receive the County Treasurer's signature on the plat, all property taxes and special assessments shall be paid on the property through the full year in which the plat is recorded (DMC 19-04.180(C)(4)).
  - 7.12. After final plat recording, one (1) paper copy and one (1) electronic copy of the recorded plat shall be provided to the City Clerk.
8. The Applicant shall prepare an Inadvertent Discovery Plan that shall be approved by DAHP prior to any ground disturbing activities.

**RECOMMENDED MOTION:**

“I move to adopt the Findings of Fact and Conclusions of Law contained in the staff report and approve the Jasper Pines Preliminary Plat to Dayton with the listed Conditions of Approval as recommended by the Hearing Examiner.”

**CITY OF DAYTON  
LAND USE HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>RECOMMENDED FINDINGS OF</b>
	)	<b>FACT, RECOMMENDED</b>
	)	<b>CONCLUSIONS OF LAW,</b>
<b>JASPER PINES PRELIMINARY PLAT</b>	)	<b>RECOMMENDED CONDITIONS</b>
	)	<b>OF APPROVAL AND</b>
	)	<b>RECOMMENDED DECISION</b>

THIS MATTER having come before the City of Dayton Hearing Examiner on March 15, 2023, the Hearing Examiner having taken evidence hereby submits the following Recommended Findings of Fact, Conclusions of Law, Conditions of Approval, and Decision as follows:

**I. RECOMMENDED FINDINGS OF FACT**

1. The Applicants and owners, Mitchell and Kathleen Mathews, submitted an application for a preliminary plat located at two parcels, 1505 S. 5th Street (parcel 1-070-05-007-0000) and an adjacent unaddressed parcel (parcel 2-530-00-045-0000). The site is situated in Section 32, Township 10 North, Range 39 East, W.M. The parcels are accessed via S. 5th Street and are generally located east of the intersection of S. 5th Street and E. Day Street. Parcel 2-530-00-045-0000 was recently annexed by into City (via Ordinance 1995, November 2022).
  
2. Legal Description: Lot five (5), six (6), and seven (7) in Guernsey's Block of Guernsey's Addition to Dayton, Washington.  
 TOGETHER WITH all water and water rights adjudicated by decree of the Superior Court of the State of Washington for Columbia County, entered September 19, 1929, and evidenced by Certificate of Water Right dated May 6, 1930 and recorded in Book 28 of Deeds at Page 546, records of Columbia.  
 SAVE AND EXCEPT a parcel of land located in the Northeast Quarter of the Northwest Quarter of Section 32, Township 10 North, Range 39, East of the Willamette Meridian, Columbia County being more particularly described as follows:  
 Commencing at the center line intersection of Fourth and Day Streets in the City of Dayton; thence North 59° 25' 46" East along the center line of Day Street a distance of 425.24 feet to the center line intersection of Fifth and Day Streets; thence North 59° 27' 28" East a distance of 30.00 feet to the easterly right of way of Fifth Street; thence North 30° 32' 32" West along the easterly right of way of Fifth Street a distance of 139.03 feet to the Northwest corner of Lot 5 of the Guernsey's Block in Guernsey's Addition to Dayton and the true point of beginning for this description; thence North 59° 27' 32" East a distance of 459.62 feet to the Northeast corner thereof; thence South 00° 50' 18" East along the easterly line of said Lot 5 a distance of 22.14 feet; thence South 60° 42' 24" West a distance of 448.76 feet to the easterly right of way of Fifth Street; thence North 30° 32' 32" West along the easterly right of way of Fifth Street a distance of 9.46 feet to the True Point of Beginning.  
 A fraction of the Northwest quarter of the Northeast quarter of Section 32, Township 10 North, Range 39 East, Willamette Meridian, more particularly described as follows:  
 Beginning at the quarter corner on the North line of Section 32, Township 10 North, Range 39 East, Willamette Meridian; thence South 00° 55' 33" East, along the North-South center line of said Section, for a distance of 314.40 feet to the True Point of Beginning; thence continuing along the North-South center line of said Section, South 00° 55' 33" East for a

distance of 397.48 feet; thence North 59° 27' 33" East for a distance of 169.72 feet; thence North 18° 38'37" West for a distance of 12.19 feet; thence North 26° 23' 37" West for a distance of 334.50 feet to the True Point of Beginning. Situated in the State of Washington, County of Columbia.

3. Property Size/Characteristics: Parcel 1-070-05-007-0000 is approximately 3.27 acres in size, and parcel 2-530-00-045-0000 is approximately 0.73 acres. The portion of the site fronting 5th Street is flat, while the rear (eastern) portion of the property contains an irrigation ditch and up to 57 percent slopes. There is no planned development for the property to the east of the irrigation ditch.
4. Land Use: The applicant listed an existing house and shop in the SEPA Checklist.
5. Comprehensive Plan Designation: Parcel 1-070-05-007-0000 is Low Density Residential, and parcel 2-530-00-045-0000 is Urban Density Residential. The zoning is Agricultural Residential (AR).
6. The proposal is subject to environmental review. The applicant provided a SEPA checklist; City planning staff made additions/corrections to the checklist and determined measures necessary to mitigate the impacts of the proposed subdivision. The City (SEPA Lead Agency) used the optional DNS process per WAC 197-11-355 and issued the O-DNS with the Notice of Application and Notice of Hearing on February 16, 2023. Subsequently, the City issued a Determination of Non-Significance (DNS) with several mitigation measures on March 8, 2023. This SEPA determination was not appealed.
7. The proposal is to subdivide two adjacent parcels into six single-family residential lots, ranging in size from 17,607 square feet to 35,284 square feet, in the AR (Agricultural Residential) zone.
8. Preliminary Plats are Type IV decisions in accordance with DMC 10-01.030. The Hearing Examiner held an open record hearing on the matter and now forwards a recommendation to the City Council. Then the City Council is to hold a closed record hearing on the quasi-judicial matter, and issue the final decision.
9. The SEPA Checklist indicated there are two existing structures: a shop approximately 30 feet by 40 feet and an old house. The house is to be demolished and the shop will remain. County mapping indicates there are potentially additional structures. The site is generally surrounded by similar residential uses and lies on the eastern boundary of the City. Adjacent City zoning includes Agricultural Residential (AR) to the southeast and northwest and Urban Residential to the southwest. Adjacent County zoning includes Agricultural Residential to the northeast and southeast; this area has an agricultural use compared to the other residential uses surrounding the site.
10. The developer is proposing the new lots be connected to domestic water and sewer from the City of Dayton. The proposed plat is located within the Pacific Power service area for electrical/power service. The Dayton School District serves the area included in the plat. Garbage collection is by Basin Disposal.
11. Preliminary plat approval, if granted, will allow the applicant five years to complete and record the final subdivision plat.
12. The joint Notice of Application, Notice of Public Hearing, and Notice of Optional DNS published/posted/mailed to the following:
  - 12.1 Published in the Waitsburg Times on February 16, 2023.
  - 12.2 Posted to the online SEPA Register under #202300743 on February 16, 2023.

- 12.3 Posted to the City's website on February 16, 2023.
- 12.4 Posted to a public notice sign on the project site on February 13, 2023.
- 12.5 Mailed to property owners within 300 feet on February 16, 2023.
- 13. City staff emailed review packets to technical agencies on February 15, 2023, along with the Joint Notice of Application, Notice of Public Hearing, and Notice of Optional DNS.
- 14. A SEPA DNS was distributed to agencies and commentors (if any) on March 8, 2023 and posted to the online SEPA Register under #202301067.
- 15. No comments were received as of the date of this decision from the following partners or agencies, departments, or groups, to which notice was given:
  - 15.1 Washington State Department of Transportation (WSDOT) South Central Region – Planning
  - 15.2 Confederated Tribes of the Umatilla Indian Reservation
  - 15.3 Blue Mountain Land Trust
  - 15.4 Columbia County Assessor's Office
  - 15.5 Columbia County Sheriff's Office
  - 15.6 Columbia County Health District
  - 15.7 Columbia County Fire District 3
  - 15.8 Columbia County Treasurer
  - 15.9 Columbia County Emergency Management
  - 15.10 Columbia Conservation District
  - 15.11 Columbia County Planning and Building
  - 15.12 Dayton School District
  - 15.13 Dayton Building Department
- 16. Comments were received from the following:
  - 16.1 Washington State Department of Ecology: See letter dated March 1, 2023
  - 16.2 Washington State Department of Archeology and Historic Preservation:
    - 16.2.1 (Reference: DAHP Project Tracking # 2023-03-01348)
    - 16.2.2 Our statewide predictive model indicates that there is a high probability of encountering cultural resources within the proposed project area. However, due to the small footprint of the project, DAHP is not requesting a cultural resources survey at this time. We do ask that you prepare an Inadvertent Discovery Plan (IDP) and prepare construction crews for the possibility of encountering archaeological material during ground disturbing activities.
    - 16.2.3 Please note that the recommendations provided in this letter reflect only the opinions of DAHP. Any interested Tribes may have different recommendations. We appreciate receiving any correspondence or comments from Tribes or other parties concerning cultural resource issues that you receive.
  - 16.3 Columbia County Public Works/County Engineer:
    - 16.3.1 Add Resource Lands Statement per DMC 19-01.200.
    - 16.3.2 Add Legal description of land being subdivided per DMC 19-04.040(B), WAC 332-130-050(f)(v), and RCW 58.09.060(1)(c).
    - 16.3.3 It appears from aerial imagery that additional buildings exist on Lots 1 & 2 and buildings exist immediately adjacent to lots 3 & 4. If these structures still exist, then they need to be shown on the preliminary plat per DMC 19-04.040(F) and WAC 332-130-050(1)(f)(vii).
    - 16.3.4 Add Block designation to the plat per DMC 19-04.040(I).



- 16.3.5 Add the Section-Township-Range and quarter-quarter of sections per WAC 332-130-050(1)(A) and RCW 58.09.060(1)(c).
- 16.3.6 Auditors Certificate – Change date to 2023.
- 16.3.7 Notary Acknowledgement – Change date to 2023.
- 16.4 Dayton City Planning (by ABHL, Inc.):
  - 16.4.1 Mitchell Mathews, property owner, submitted an application for a preliminary plat on April 26, 2022 and resubmitted on February 2, 2023 after one of the parcels was annexed by the City. The City deemed the application complete as of February 2, 2023.
  - 16.4.2 The proposal is located at 1505 S. 5th Street (parcel 1-070-05-007-0000) and unaddressed S. 5th Street (parcel 2-530-00-045-0000). The site is situated in Section 32, Township 10 North, Range 39 East, W.M. Parcel 2-530-00-045-0000 was recently annexed by the City.
  - 16.4.3 The proposal is to subdivide two adjacent parcels into six single-family residential lots, ranging in size from 17,607 square feet to 35,284 square feet, in one phase.
  - 16.4.4 The land is zoned AR – Agricultural Residential. There are two existing structures on the site.
  - 16.4.5 The soil is classified as Athena silt loam and Patit Creek silt loam per the Natural Resources Conservation Service.
  - 16.4.6 A portion of the site contains steep slopes. The site is a Critical Aquifer Recharge Area (CARA) with a five-year time of travel, but no negative impacts to the CARA are anticipated due to the residential development. There are no other critical areas present.
  - 16.4.7 The site is served by the Columbia County’s Sheriff’s Office and Columbia County Fire District #3.
  - 16.4.8 The applicant plans to connect the development to the City of Dayton water and sanitary sewer systems. The City has affirmed that adequate water supply and service capacity and adequate sewer processing capacity and service ability is available to the plat.
  - 16.4.9 A State Environmental Policy Act (SEPA) review has been completed for this project. The Optional Determination of Non-Significance (O-DNS) process was used, and the Notice was published by February 16, 2023. Interested public and agencies were requested to submit comments by March 2, 2023. A Determination of Non-Significance (DNS) was issued on March 8, 2023, with six mitigation measures, including a requirement for a note to be included on the final plat indicating that the area of steep slopes is not buildable unless a critical areas analysis is performed to identify what mitigation measures may be necessary.
  - 16.4.10 Future development on the site will be subject to standards and requirements in effect at the time application is made for building permits except as otherwise established per the state’s vesting doctrine.
  - 16.4.11 Lot Access – Per DMC 19-01.170, “Every lot within a subdivision shall be provided with satisfactory access by a city street, a private street built or improved to city standards or by an easement which is permanent and inseparable from the lot served and connects with a city or private street.”
    - 16.4.11.1 Lots 1, 2, and 3 would directly connect to the 5th Street right-of-way. Lots 4, 5, and 6 would connect to the 5th Street right-of-way by two proposed, 20-foot access/utility easements.
  - 16.4.12 Lot Area – Per DMC 11-03.030 (Development Standards for the AR zoning designation), a minimum lot area of 10,800 square feet is required. The

- smallest lot proposed is 17,607 square feet in size and therefore the proposal meets the requirement.
- 16.4.13 Lot Width – Per DMC 11-03.030, a minimum lot width of 80 feet is required. The narrowest lot proposed is 117.38 feet wide and therefore the proposal meets the requirement.
  - 16.4.14 Lot Depth – Per DMC 11-03.030, a minimum lot depth of 120 feet is required. The shallowest lot proposed is 150 feet deep and therefore the proposal meets the requirement.
  - 16.4.15 Parking – Per DMC 11-08.020, each single-family dwelling unit requires two off-street parking stalls. The proposed new lots will be of sufficient size to accommodate this requirement.
  - 16.4.16 Performance Requirements – Per DMC 19-01.160, “all subdivisions shall be required to provide, but not be limited to, paved streets, installed curbs and gutters, sidewalks, transit stops, storm drains, city approved sewers, streetlights, water mains, and street signs.”
    - 16.4.16.1 A transit stop is not suitable for the subdivision, given the location and lack of transit service to the site.
    - 16.4.16.2 Access is provided via S. 5th Street which is a paved street but is not built to current city standards as the pavement width is substandard and there is no curb, gutter or sidewalk. However, we note that the roads in the vicinity of the proposal are not improved to city standards and the project is at the edge of the City Limits / Urban Growth Area and as such some relief from the standards could be considered according to the city’s process for Deviations to Public Works standards.
    - 16.4.16.3 Sidewalks are required in accordance with code requirements, the City’s Complete Street standards, and the City’s Public Works Standards to ensure safe walking conditions for students to walk to and from schools or school bus stops. Furthermore, the *City of Dayton Comprehensive Plan Update (November 2019)* lists Goal A (from section 6.2.2 Neighborhoods): “Improve and maintain the physical appearance of the neighborhoods” and also includes Policy A1: “Improve and repair streets, curbs and sidewalks that maintain the appearance and safety of the neighborhood.” However, we note that the roads in the vicinity of the proposal are not improved with sidewalks, and the project is at the edge of the City Limits / Urban Growth Area and as such some relief from the standards could be considered according to the city’s process for Deviations to Public Works standards.
  - 16.4.17 Addressing – DMC Chapter 8-3 includes guidance for addressing the new lots.
  - 16.4.18 The applicant should coordinate with the United States Post Office regarding centralized box unit (CBU) locations for the development, if used.
  - 16.4.19 The land should be in compliance with the City Nuisance codes (DMC Chapter 6-9) at all times.
  - 16.4.20 Preliminary plat approval is valid for a five (5) year period following approval by the City Council.
  - 16.4.21 The submitted preliminary plat map shows a “Right to Farm” statement per Columbia County Ordinance 96-01. That statement should be removed,

since the proposed new lots are within City Limits. Instead, because the subject site abuts an agricultural use a note should be placed on the plat per DMC 19-01.200 stating: *The subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.*

- 16.5 Dayton Public Works Department (by Anderson Perry & Associates, Inc.):
- 16.5.1 Update all the dates to reflect 2023.
  - 16.5.2 Per City Code 19-04.120 (G) Please update the Surveyors Certificate on page 1 to include language as required under said section G: *THIS SURVEY COMPLIES WITH ALL THE STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT" CHAPTER 58.09 RCW AND WAC 332-130*
  - 16.5.3 The Preliminary Plat still shows parcel 2-530-00-045-0000 in Columbia County. Please have the surveyor update his plat to reflect the new City limits.
17. The proposed subdivision will serve the public interest, promote the general welfare and does not deter from the public health and safety of the City of Dayton.
- 17.1 The project site is served by the Columbia County Fire District 3. The City has adopted the 2018 International Fire Code. The Fire Department was a reviewing agency during the preliminary plat review.
  - 17.2 The development is not expected to result in any public health, safety, or general welfare impacts that are not sufficiently mitigated by the conditions of this recommendation or through the SEPA determination.
18. The proposed subdivision will comply with and does further the purpose of the comprehensive plan, environmental policy, shoreline management policy, and zoning codes of the City of Dayton.
- 18.1 The subdivision, as proposed, is in compliance with (and is capable of being developed in compliance with) the City of Dayton Comprehensive Plan and Zoning Code.
    - 18.1.1 The City's Comprehensive Plan designates the property as "Low Density Residential" and "Urban Density Residential."
    - 18.1.2 The property is zoned AR – Agricultural Residential and the development of residential lots conforms to the zoning designation.
    - 18.1.3 The proposed subdivision conforms to the minimum lot size requirements of the Dayton Zoning Code.
    - 18.1.4 The proposed subdivision conforms to the minimum lot width and depth requirements of the Dayton Zoning Code and the lots are configured such that adequate setbacks will be maintained from an existing structure, such that a non-conformity will not be introduced.
    - 18.1.5 The proposed plat will provide for housing needs in the City.
  - 18.2 The proposed subdivision **does** conform to the environmental and shoreline policies which have been adopted by the City of Dayton City Council.
    - 18.2.1 A State Environmental Policy Act (SEPA) review has been completed for this project and a DNS has been issued containing several mitigation measures.
    - 18.2.2 Direct impacts caused by the proposed subdivision have been identified, and the necessary mitigation provisions address such impacts.
    - 18.2.3 The proposal is not situated within shoreline jurisdiction.



- 18.3. Adequate provisions are made for open space and sufficient building sites.
  - 18.3.1 The developer does not propose the creation of open spaces; however, given the location and size of the development it is not practical to require any such dedication.
  - 18.3.2 The lots sizes meet the minimum lot size per the City's Zoning Code.
- 18.4. Adequate provisions are made for public streets, alleys, and other public ways sufficient in number and size, consistently named, properly aligned, and designed in accordance with City specifications, and the specifications of Title 19.
  - 18.4.1 The development will have access via an existing street with sufficient right-of-way width.
  - 18.4.2 Plat development will require S. 5<sup>th</sup> Street to be improved to city standards for the portion of the road (approx. 413 feet) that fronts the development, unless relief is granted via the city's process for considering and approving deviations.
- 18.5. Adequate provisions are made for water supply.
  - 18.5.1 The lots are proposed to be connected to the City of Dayton municipal water supply.
- 18.6. Adequate provisions are made for sewage disposal.
  - 18.6.1 The lots are proposed to be connected to the City of Dayton sanitary sewer system.
- 18.7. Adequate provisions are made for surface water drainage, including natural drainage courses.
- 18.8. Adequate provisions are made for parks, recreation, playgrounds, schools, transit, and all other relevant facts including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.
  - 18.8.1 School impact fees have not been adopted by City Council. However, any impact fees in effect at the time a building permit is applied for will apply.
  - 18.8.2 The project is located within the Dayton School District boundaries. Appropriate provisions for schools/school grounds are provided through public approved levies and general obligation bond measures. These funding mechanisms fund property acquisitions, fulfill maintenance and operations obligations, and fund new school construction. Washington state capital construction funds are commonly available on a match basis for school related construction.
- 18.9. Park impact fees have not been adopted by City Council. However, any impact fees in effect at the time a building permit is applied for will apply.
  - 18.9.1 Plat development will require S. 5<sup>th</sup> Street to be improved to city standards for the portion of the road (approx. 413 feet) that fronts the development, unless relief is granted via the city's process for considering and approving deviations.
- 19. The public interest will be served by the subdivision and dedication.
  - 19.1 The application is in compliance with the City of Dayton Code Title 16, Land Divisions.
  - 19.2 The proposed preliminary plat is designed in a manner that is compatible with the physical characteristics of the subject property and the proposed preliminary plat contributes to the orderly development and land use patterns in the area.
  - 19.3 No dedication of land for public purposes is necessary.
- 20. No written correspondence from members of the public was received.

21. After due legal notice an open record public hearing was held via Zoom teleconference on March 15, 2023.
22. Appearing at the hearing was Mitch Mathews who stated he is the property owner and applicant. Mr. Mathews testified he agreed with the staff report and proposed Conditions of Approval, but that he did have concerns with the proposed stormwater and road/sidewalk improvements. He stated that there would be no development on property located on the east side of the irrigation ditch.
23. No member of the public testified at the hearing.
24. The Hearing Examiner considered the entire record of the City of Dayton Department of Planning & Community Development in rendering his decision.
25. At the open record public hearing the following exhibits were entered into the record:
  - 25.1 Ex. 1 Submitted Plat Map and Application Materials
  - 25.2 Ex. 2 State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) & SEPA Checklist
  - 25.3 Ex. 3 Public Notice
  - 25.4 Ex. 4 Agency, Department, and Public Comments
  - 25.5 Ex. 5 Staff Report
  - 25.6 Ex. 6 Staff Powerpoint
26. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

## II. RECOMMENDED CONCLUSIONS OF LAW

1. The Hearing Examiner has been granted authority to render this Decision.
2. An application was received for the Jasper Pines Preliminary Plat on April 26, 2022. The application was not processed because the applicant needed to first go through annexation for the proposed subdivision. The Dayton City Council passed Ordinance 1995 on November, 22, 2022 which was subsequently recorded with the Columbia County Auditor on December, 7, 2022. This allowed parcel 2-530-00-045-0000 to be annexed by the City of Dayton, passed and supplemented with additional submittals/information on March 2, 2022, and March 29, 2022; the application was deemed complete for processing on February 2, 2023. The project is vested to February 2, 2023.
3. The SEPA process has been completed and a DNS was issued with mitigation measures.
4. Following an open record pre-decision hearing on a proposed preliminary plat, the Hearing Examiner shall render a recommendation to the City Council as to whether the proposal based on the findings shall be denied, approved, or approved with modifications or conditions
5. Any Finding of Fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

### III. RECOMMENDED DECISION

Based on the above Findings of Fact and Conclusions of Law, the Hearing Examiner recommends the Jasper Pines Preliminary Plat for approval to the City of Dayton City Council pursuant to the following recommended Conditions of Approval.

### IV. RECOMMENDED CONDITIONS OF APPROVAL

1. Environmental Mitigation: All SEPA mitigation measures under the SEPA DNS decision issued March 8, 2023 (or as may be subsequently amended) shall apply as conditions to the plat.
2. A final plat meeting all the requirements of DMC Chapter 19-04, the Survey Recording Act, and State Auditor recording requirements must be submitted to the City Council for approval within five years of preliminary plat approval (unless an extension is granted pursuant to DMC 19-04.160). A paper copy of the final plat shall be submitted for review with the final plat application, before the mylar [or copy on a medium acceptable for recording with the County Auditor] is printed for signatures.
3. Any required improvements including but not limited to sewer improvements shall be designed and constructed by the developer per the City of Dayton Public Works Standards. Further, the construction plans and installations for all public improvements shall be reviewed, inspected, and approved by the Public Works Department. Plan Review Fees and/or inspection fees shall apply per the City's adopted fee schedule.
  - 3.1 The City of Dayton Public Works standards ("STANDARDS"), Section 2.9 "Deviation from Public Works Standards" sets out the purpose, process, justification, and application procedures for the applicant to pursue potential relief from some the city's standards.
4. Streets:
  - 4.1 The applicant must widen the pavement surface S. 5th for the entire frontage of the development (approximately 412 linear feet) according to City Public Works standards, unless specific relief from the requirement is granted per STANDARDS Section 2.9.
  - 4.2 Curbs and gutters are required per DMC 19-01.160 and must be designed and built to the City of Dayton Public Works Standards, unless specific relief from the requirement is granted per STANDARDS Section 2.9.
  - 4.3 Sidewalks shall be provided along the portion of 5th Street fronting the development in accordance with code requirements, the City's Complete Street standards (DMC 8-10), and the City's Public Works Standards and such construction must occur at the same time that street improvements are made, unless specific relief from the requirement is granted per STANDARDS Section 2.9.
  - 4.4 Streetlights must be installed by the developer to the approval of the City, in conformance with DMC 11-03.090 and according to City Public Works standards, unless specific relief from the requirement is granted per STANDARDS Section 2.9.
  - 4.5 A stormwater system must be installed for the affected portion of S. 5th Street, unless specific relief from the requirement is granted per STANDARDS Section 2.9. Stormwater and surface runoff generated by this project must be retained and treated on site.

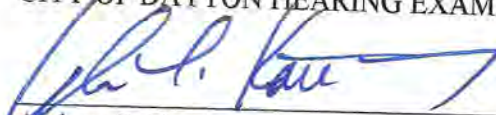
5. Lots: Up to six residential lots may be created. Nothing in this approval shall limit the developer's ability to modify the plat under a plat amendment, reducing the number of authorized residential lots, in order to sell property for other permitted uses and uses allowed only under an approved conditional use permit. All uses shall be limited to those allowed as permitted, accessory, or conditional uses in the zoning district.
6. Utilities:
  - 6.1 A public water system will be required to be installed for the plat. Individual service must be provided to each lot. The use of private wells or water systems is prohibited. The developer of the proposal shall bear the cost of and shall provide for individual domestic water service as well as fire protection (including the installation of a new fire hydrant as may be required to service future structures including those on proposed lots 4, 5, and 6) to each lot. Hydrant placement shall be in conformance with the International Fire Code (IFC), as amended, and as coordinated with the City.
  - 6.2 A public sewer system will be required to be installed for the plat. Individual service must be provided to each lot. Use of individual on-site disposal systems shall not be authorized. The developer of the proposal shall bear the cost of providing the required services to the lots.
  - 6.3 Stormwater design must be reviewed and approved by the City. Stormwater improvements the City of Dayton Public Works Standards and Washington State Department of Ecology for Stormwater Management Manual for Eastern Washington.
  - 6.4 All stormwater control measures must be shown on the preliminary utility plan to confirm that adequate area is built into the plat layout to accommodate all features.
    - 6.4.1 The applicant is responsible for obtaining any Ecology permits. It appears that a Notice of Intent shall be submitted for construction activity under Ecology's Construction Stormwater General Permit for stormwater discharges. The Notice of Intent should be made at least 60 days prior to soil disturbance. You can access the permit application and related documents online.
  - 6.5 The collection, removal, and disposal of solid waste within the City is compulsory and shall be made by the City's contractor, Basin Disposal, Inc. (or as modified).
  - 6.6 Final plat approval will be predicated upon implementation of a stormwater system for the streets. The system is to be designed by a licensed civil engineer to a 25-year, 24-hour storm standard in accordance with the Washington State Department of Ecology's NPDES Phase II requirements. Stormwater and surface runoff generated by this project must be retained and treated on site and not allowed to flow onto WSDOT rights-of-way.
7. Final Plat:
  - 7.1 Include a Legal description of the land being subdivided per WAC 332-130-050(f)(v), and RCW 58.09.060(1)(c)
  - 7.2 Per City Code 19-04.120(G) Please update the Surveyors Certificate on page 1 to include language as required: **THIS SURVEY COMPLIES WITH ALL THE STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT" CHAPTER 58.09 RCW AND WAC 332-130.**
  - 7.3 Show any existing structures and other applicable features per WAC 332-130-050(1)(f)(vii).



- 7.4 Add the Section-Township-Range and quarter-quarter of sections per WAC 332-130-050(1)(A) and RCW 58.09.060(1)(c); this information needs to be on the first page and visible at the top of the page for indexing purposes.
- 7.5 Include the following note on the face of the plat: "The subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration."
- 7.6 The plat shall otherwise conform to all applicable local, state, and federal regulations.
- 7.7 All easements (pre-existing and as dedicated) must be shown.
- 7.8 The applicant shall coordinate with the City Planner for the pre-assignment of lot addresses which shall be shown on the final plat.
- 7.9 Any plat notes required as a SEPA DNS mitigation measure must be included on the face of the final plat document.
- 7.10 Prior to final review and approval, the applicant shall submit a copy of the Final Plat and a current title certificate to the County Assessor's Office for Cartographer review of the Final Plat Survey. The Plat shall be reviewed for legal descriptions, signature blocks, dedications, etc.
- 7.11 In order to receive the County Treasurer's signature on the plat, all property taxes and special assessments shall be paid on the property through the full year in which the plat is recorded (DMC 19-04.180(C)(4)).
- 7.12. After final plat recording, one (1) paper copy and one (1) electronic copy of the recorded plat shall be provided to the City Clerk.
8. The Applicant shall prepare an Inadvertent Discovery Plan that shall be approved by DAHP prior to any ground disturbing activities.

Dated this 17<sup>th</sup> day of March, 2023.

CITY OF DAYTON HEARING EXAMINER



Andrew L. Kottkamp



City of Dayton  
111 S. 1st Street, Dayton, WA 99328  
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Fax 509.382.2539  
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**FACT SHEET/STAFF REVIEW**  
**Open Record Hearing before the Dayton Hearing Examiner**

**Attachments:**

1. Submitted Plat Map and Application Materials
2. State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) & SEPA Checklist
3. Public Notice
4. Agency, Department, and Public Comments

**Case File:** Jasper Pines Preliminary Plat

**Hearing Date:** March 15, 2023

**Applicant:** Mitchell Mathews

**Owner:** Mitchell and Kathleen Mathews

**Location:** The proposal is located at two parcels, 1505 S. 5th Street (parcel 1-070-05-007-0000) and an adjacent unaddressed parcel (parcel 2-530-00-045-0000). The site is situated in Section 32, Township 10 North, Range 39 East, W.M. The parcels are accessed via S. 5th Street and are generally located east of the intersection of S. 5th Street and E. Day Street.

Parcel 2-530-00-045-0000 was recently annexed by into City (via Ordinance 1995, November 2022).

**Legal Description:** Situated in the State of Washington, County of Columbia:

Lot five (5), six (6), and seven (7) in Guernsey's Block of Guernsey's Addition to Dayton, Washington

TOGETHER WITH all water and water rights adjudicated by decree of the Superior Court of the State of Washington for Columbia County, entered September 19, 1929, and evidenced by Certificate of Water Right dated May 6, 1930 and recorded in Book 28 of Deeds at Page 546, records of Columbia. SAVE AND EXCEPT a parcel of land located in the Northeast Quarter of the Northwest Quarter of Section 32, Township 10 North, Range 39, East of the Willamette Meridian, Columbia County being more particularly described as follows:

Commencing at the center line intersection of Fourth and Day Streets in the City of Dayton; thence North 59° 25' 46" East along the center line of Day Street a distance of 425.24 feet to the center line intersection of Fifth and Day Streets; thence North 59° 27' 28" East a distance of 30.00 feet to the easterly right of way of Fifth Street; thence North 30° 32' 32" West along the easterly right of way of Fifth Street a distance of 139.03 feet to the Northwest corner of Lot 5 of the Guernsey's Block in Guernsey's Addition to Dayton and the true point of beginning for this description; thence North 59° 27' 32" East a distance of 459.62 feet to the Northeast corner thereof; thence South 00° 50' 18" East along the easterly line of said Lot 5 a distance of 22.14 feet; thence South 60° 42' 24" West a distance of 448.76 feet to the easterly right of way of Fifth Street; thence North 30° 32' 32" West along the easterly right of way of Fifth Street a distance of 9.46 feet to the True Point of Beginning.

A fraction of the Northwest quarter of the Northeast quarter of Section 32, Township 10 North, Range 39 East, Willamette Meridian, more particularly described as follows:

Beginning at the quarter corner on the North line of Section 32, Township 10 North, Range 39 East, Willamette Meridian; thence South 00° 55' 33" East, along the North-South center line of said Section, for a distance of 314.40 feet to the True Point of Beginning; thence continuing along the North-South center line of said Section, South 00° 55' 33" East for a distance of 397.48 feet; thence North 59° 27' 33" East for a distance of 169.72 feet; thence North 18° 38' 37" West for a distance of 12.19 feet; thence North 26° 23' 37" West for a distance of 334.50 feet to the True Point of Beginning.

**Property Size/  
Characteristics:**

Parcel 1-070-05-007-0000 is approximately 3.27 acres in size, and parcel 2-530-00-045-0000 is approximately 0.73 acres. The portion of the site fronting 5th Street is flat, while the rear (eastern) portion of the property contains an irrigation ditch and up to 57 percent slopes.

**Land Use:**

The applicant listed an existing house and shop in the SEPA Checklist. There may be additional structures on the site.

**Comprehensive Plan  
Designation:**

Parcel 1-070-05-007-0000 is Low Density Residential, and parcel 2-530-00-045-0000 is Urban Density Residential.

**Zoning:**

Agricultural Residential (AR)

**SEPA**

**Determination:**

The proposal is subject to environmental review. The applicant provided a SEPA checklist; City planning staff made additions/corrections to the checklist and determined measures necessary to mitigate the impacts of the proposed subdivision. The City (SEPA Lead Agency) used the optional DNS process per WAC 197-11-355 and issued the O-DNS with the Notice of Application and Notice of Hearing on February 16, 2023. Subsequently, the City issued a Determination of Non-Significance (DNS) with several mitigation measures on March 8, 2023.



**Suggested**

**Recommendation:** Positive recommendation with nine findings of fact and seven conditions of approval.

**APPLICATION DESCRIPTION:**

The proposal is to subdivide two adjacent parcels into six single-family residential lots, ranging in size from 17,607 square feet to 35,284 square feet, in the AR (Agricultural Residential) zone.

**Preliminary Plats are Type IV decisions in accordance with DMC 10-01.030. The Hearing Examiner is to hold an open record hearing on the matter and forward a recommendation to the City Council. Then the City Council is to hold a closed record hearing on the quasi-judicial matter<sup>1</sup>, and issue the final decision.**

The SEPA Checklist indicated there are two existing structures: a shop approximately 30 feet by 40 feet and an old house. The house is to be demolished and the shop will remain. County mapping indicates there are potentially additional structures. The site is generally surrounded by similar residential uses and lies on the eastern boundary of the City. Adjacent City zoning includes Agricultural Residential (AR) to the southeast and northwest and Urban Residential to the southwest. Adjacent County zoning includes Agricultural Residential to the northeast and southeast; this area has an agricultural use compared to the other residential uses surrounding the site.

The developer is proposing the new lots be connected to domestic water and sewer from the City of Dayton. The proposed plat is located within the Pacific Power service area for electrical/power service. The Dayton School District serves the area included in the plat. Garbage collection is by Basin Disposal.

Preliminary plat approval, if granted, will allow the applicant five years to complete and record the final subdivision plat.

**PUBLIC NOTICE:**

1. The joint Notice of Application, Notice of Public Hearing, and Notice of Optional DNS published/posted/mailed to the following:
  - a. Published in the Waitsburg Times on February 16, 2023.
  - b. Posted to the online SEPA Register under #202300743 on February 16, 2023.
  - c. Posted to the City's website on February 16, 2023.
  - d. Posted to a public notice sign on the project site on February 13, 2023.
  - e. Mailed to property owners within 300 feet on February 16, 2023.
2. City staff emailed review packets to technical agencies on February 15, 2023, along with the Joint Notice of Application, Notice of Public Hearing, and Notice of Optional DNS.
3. A SEPA DNS was distributed to agencies and commentors (if any) on March 8, 2023 and posted to the online SEPA Register under #202301067.

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<sup>1</sup> Review of a Preliminary Plat application is a quasi-judicial action (actions which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding) and is therefore subject to the Appearance of Fairness Doctrine (RCW 42.36); as such ex-parte communications are prohibited as set out in RCW 42.36.060.

## APPLICABLE STANDARDS/ORDINANCES:

1. City of Dayton Comprehensive Plan
2. City of Dayton Public Works Standards (June 2017)
3. Dayton Municipal Code (DMC) Title 4 – Public Services
4. Dayton Municipal Code Title 5 – Buildings
5. Dayton Municipal Code Title 8 – Streets and Public Ways
6. Dayton Municipal Code Title 10 – Administration of Development Regulations
7. Dayton Municipal Code Title 11 – Zoning Code
8. Dayton Municipal Code Title 17 – Critical Areas Code
9. Dayton Municipal Code Title 19 – Land Divisions

## VICINITY MAP:



## **AGENCY COMMENTS/CRITERIA FOR FINDINGS OF FACT:**

(Comments from the SEPA process are included here)

No comments were received as of the date of this report from the following partners or agencies, departments, or groups, to which notice was given:

- Washington State Department of Transportation (WSDOT) South Central Region – Planning
- Confederated Tribes of the Umatilla Indian Reservation
- Blue Mountain Land Trust
- Columbia County Assessor’s Office
- Columbia County Sheriff’s Office
- Columbia County Health District
- Columbia County Fire District 3
- Columbia County Treasurer
- Columbia County Emergency Management
- Columbia Conservation District
- Columbia County Planning and Building
- Dayton School District
- Dayton Building Department

1. **Washington State Department of Ecology:**

*See attached letter dated March 1, 2023*

2. **Washington State Department of Archeology and Historic Preservation:**

- a. (Reference: DAHP Project Tracking # 2023-03-01348)
- b. Our statewide predictive model indicates that there is a high probability of encountering cultural resources within the proposed project area. However, due to the small footprint of the project, DAHP is not requesting a cultural resources survey at this time. We do ask that you prepare an Inadvertent Discovery Plan (IDP) and prepare construction crews for the possibility of encountering archaeological material during ground disturbing activities.
- c. Please note that the recommendations provided in this letter reflect only the opinions of DAHP. Any interested Tribes may have different recommendations. We appreciate receiving any correspondence or comments from Tribes or other parties concerning cultural resource issues that you receive.

3. **Columbia County Public Works/County Engineer:**

- a. Add Resource Lands Statement per DMC 19-01.200.
- b. Add Legal description of land being subdivided per DMC 19-04.040(B), WAC 332-130-050(f)(v), and RCW 58.09.060(1)(c).
- c. It appears from aerial imagery that additional buildings exist on Lots 1 & 2 and buildings exist immediately adjacent to lots 3 & 4. If these structures still exist, then they need to be shown on the preliminary plat per DMC 19-04.040(F) and WAC 332-130-050(1)(f)(vii).

- d. Add Block designation to the plat per DMC 19-04.040(I)<sup>2</sup>.
  - e. Add the Section-Township-Range and quarter-quarter of sections per WAC 332-130-050(1)(A) and RCW 58.09.060(1)(c)<sup>3</sup>.
  - f. Auditors Certificate – Change date to 2023.
  - g. Notary Acknowledgement – Change date to 2023.
4. **Dayton City Planning (by ABHL, Inc.):**
- a. Mitchell Mathews, property owner, submitted an application for a preliminary plat on April 26, 2022 and resubmitted on February 2, 2023 after one of the parcels was annexed by the City. The City deemed the application complete as of February 2, 2023.
  - b. The proposal is located at 1505 S. 5th Street (parcel 1-070-05-007-0000) and unaddressed S. 5th Street (parcel 2-530-00-045-0000). The site is situated in Section 32, Township 10 North, Range 39 East, W.M. Parcel 2-530-00-045-0000 was recently annexed by the City.
  - c. The proposal is to subdivide two adjacent parcels into six single-family residential lots, ranging in size from 17,607 square feet to 35,284 square feet, in one phase.
  - d. The land is zoned AR – Agricultural Residential. There is at least one existing structures on the site.
  - e. The soil is classified as Athena silt loam and Patit Creek silt loam per the Natural Resources Conservation Service.
  - f. A portion of the site contains steep slopes. The site is a Critical Aquifer Recharge Area (CARA) with a five-year time of travel, but no negative impacts to the CARA are anticipated due to the residential development. There are no other critical areas present.
  - g. The site is served by the Columbia County’s Sheriff’s Office and Columbia County Fire District #3.
  - h. The applicant plans to connect the development to the City of Dayton water and sanitary sewer systems. The City has affirmed that adequate water supply and service capacity and adequate sewer processing capacity and service ability is available to the plat.
  - i. A State Environmental Policy Act (SEPA) review has been completed for this project. The Optional Determination of Non-Significance (O-DNS) process was used, and the Notice was published by February 16, 2023. Interested public and agencies were requested to submit comments by March 2, 2023. A Determination of Non-Significance (DNS) was issued on March 8, 2023, with six mitigation measures, including a requirement for a note to be included on the final plat indicating that the area of steep slopes is not buildable unless a critical areas analysis is performed to identify what mitigation measures may be necessary.

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<sup>2</sup> AHBL note: We have not included this as a condition of approval because the requirement is for Preliminary Plats, not Final Plats, and further a block designation appears to be unnecessary since there is not more than one block.

<sup>3</sup> AHBL note: This information appears on the preliminary plat but is not well placed for quick reference.

- j. Future development on the site will be subject to standards and requirements in effect at the time application is made for building permits except as otherwise established per the state's vesting doctrine.
- k. **Lot Access** – Per DMC 19-01.170, “Every lot within a subdivision shall be provided with satisfactory access by a city street, a private street built or improved to city standards or by an easement which is permanent and inseparable from the lot served and connects with a city or private street.”
  - Lots 1, 2, and 3 would directly connect to the 5th Street right-of-way. Lots 4, 5, and 6 would connect to the 5th Street right-of-way by two proposed, 20-foot access/utility easements.
- l. **Lot Area** – Per DMC 11-03.030 (Development Standards for the AR zoning designation), a minimum lot area of 10,800 square feet is required. The smallest lot proposed is 17,607 square feet in size and therefore the proposal meets the requirement.
- m. **Lot Width** – Per DMC 11-03.030, a minimum lot width of 80 feet is required. The narrowest lot proposed is 117.38 feet wide and therefore the proposal meets the requirement.
- n. **Lot Depth** – Per DMC 11-03.030, a minimum lot depth of 120 feet is required. The shallowest lot proposed is 150 feet deep and therefore the proposal meets the requirement.
- o. **Parking** – Per DMC 11-08.020, each single-family dwelling unit requires two off-street parking stalls. The proposed new lots will be of sufficient size to accommodate this requirement.
- p. **Performance Requirements** – Per DMC 19-01.160, “all subdivisions shall be required to provide, but not be limited to, paved streets, installed curbs and gutters, sidewalks, transit stops, storm drains, city approved sewers, streetlights, water mains, and street signs.”
  - i. A transit stop is not suitable for the subdivision, given the location and lack of transit service to the site.
  - ii. Access is provided via S. 5th Street which is a paved street but is not built to current city standards as the pavement width is substandard and there is no curb, gutter or sidewalk. However, we note that the roads in the vicinity of the proposal are not improved to city standards and the project is at the edge of the City Limits / Urban Growth Area and as such some relief from the standards could be considered according to the city's process for Deviations to Public Works standards.
  - iii. Sidewalks are required in accordance with code requirements, the City's Complete Street standards, and the City's Public Works Standards to ensure safe walking conditions for students to walk to and from schools or school bus stops. Furthermore, the *City of Dayton Comprehensive Plan Update (November 2019)* lists Goal A (from section 6.2.2 Neighborhoods): “Improve and maintain the physical appearance of the neighborhoods” and also includes Policy A1: “Improve and repair streets, curbs and sidewalks that maintain the appearance and safety of the neighborhood.” However, we note that the roads in the vicinity of the proposal are not improved with



sidewalks, and the project is at the edge of the City Limits / Urban Growth Area and as such some relief from the standards could be considered according to the city's process for Deviations to Public Works standards.

- q. **Addressing** –DMC Chapter 8-3 includes guidance for addressing the new lots.
  - r. The applicant should coordinate with the **United States Post Office** regarding centralized box unit (CBU) locations for the development, if used.
  - s. The land should be in compliance with the City Nuisance codes (DMC Chapter 6-9) at all times.
  - t. Preliminary plat approval is valid for a **five (5) year period** following approval by the City Council.
  - u. The submitted preliminary plat map shows a “Right to Farm” statement per Columbia County Ordinance 96-01. That statement should be removed, since the proposed new lots are within City Limits. Instead, because the subject site abuts an agricultural use a note should be placed on the plat per DMC 19-01.200 stating: *The subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.*
5. **Dayton Public Works Department (by Anderson Perry & Associates, Inc.):**
- a. Update all the dates to reflect 2023.
  - b. Per City Code 19-04.120 (G) Please update the Surveyors Certificate on page 1 to include language as required under said section G: *THIS SURVEY COMPLIES WITH ALL THE STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT" CHAPTER 58.09 RCW AND WAC 332-130*
  - c. The Preliminary Plat still shows parcel 2-530-00-045-0000 in Columbia County. Please have the surveyor update his plat to reflect the new City limits.

## **PUBLIC COMMENTS/ADDITIONAL BASIS FOR FINDINGS:**

The City did not receive any written correspondence from members of the public prior to the preparation of this report.

## **STAFF RECOMMENDATION:**

According to **Chapter 19-04 (SUBDIVISIONS)** of the Dayton Municipal Code, the Hearing Examiner shall determine whether the proposed subdivision (DMC 19-04.060(A)):

1. Serves the public interest, promotes the general welfare and does not deter from the public health and safety of the City of Dayton;
2. Complies with and furthers the purpose of the comprehensive plan, environmental policy, shoreline management policy and zoning codes of the City of Dayton;

3. Makes adequate provisions for:
  - a. Open space and sufficient building sites;
  - b. Public streets, alleys and other public ways sufficient in number and size, consistently named, properly aligned and designed in accordance with city specifications, and the specifications of title 19;
  - c. Water supply;
  - d. Sewage disposal;
  - e. Surface water drainage, including natural drainage courses;
  - f. Parks, recreation, playgrounds, schools, transit and all other relevant facts including sidewalks and other planning features that assure safe walking condition for students who only walk to and from school; and,
  - g. Whether the public interest will be served by the subdivision and dedication.

Not later than 14 days following conclusion of the hearing, the Hearing Examiner will submit his written report and recommendations to the City Council. The Examiner may recommend that the preliminary plat be approved, conditionally approved pending changes or additions, or disapproved. The final decision will be made by the City Council.

Staff recommends that the Hearing Examiner hold a public hearing on the matter and consider any public comment. Based on the information available at the time that this staff report was prepared, staff recommends the Planning Commission forward a **POSITIVE RECOMMENDATION**, with conditions, to the City Council for the Jasper Pines Preliminary Plat application. This **POSITIVE RECOMMENDATION** may be forwarded with the following suggested findings of fact, conclusions of law, and suggested conditions of approval.

### **SUGGESTED FINDINGS OF FACT:**

1. The proposed subdivision **will** serve the public interest, promote the general welfare and **does not** deter from the public health and safety of the City of Dayton.
  - a. The project site is served by the Columbia County Fire District 3. The City has adopted the 2018 International Fire Code. The Fire Department was a reviewing agency during the preliminary plat review.
  - b. The development is not expected to result in any public health, safety, or general welfare impacts that are not sufficiently mitigated by the conditions of this recommendation or through the SEPA determination.
2. The proposed subdivision **will** comply with and **does further** the purpose of the comprehensive plan, environmental policy, shoreline management policy, and zoning codes of the City of Dayton.
  - a. The subdivision, as proposed, **is in compliance with** (and is capable of being developed in compliance with) the City of Dayton Comprehensive Plan and Zoning Code.
    - i. The City’s Comprehensive Plan designates the property as “Low Density Residential” and “Urban Density Residential.”
    - ii. The property is zoned AR – Agricultural Residential and the development of residential lots conforms to the zoning designation.



- iii. The proposed subdivision conforms to the minimum lot size requirements of the Dayton Zoning Code.
  - iv. The proposed subdivision conforms to the minimum lot width and depth requirements of the Dayton Zoning Code and the lots are configured such that adequate setbacks will be maintained from an existing structure, such that a non-conformity will be not be introduced.
  - v. The proposed plat will provide for housing needs in the City.
- b. The proposed subdivision **does** conform to the environmental and shoreline policies which have been adopted by the City of Dayton City Council.
- i. A State Environmental Policy Act (SEPA) review has been completed for this project and a DNS has been issued containing several mitigation measures.
  - ii. Direct impacts caused by the proposed subdivision have been identified, and the necessary mitigation provisions address such impacts.
  - iii. The proposal is not situated within shoreline jurisdiction.
3. Adequate provisions **are** made for open space and sufficient building sites.
- a. The developer does not propose the creation of open spaces; however, given the location and size of the development it is not practical to require any such dedication.
  - b. The lots sizes meet the minimum lot size per the City’s Zoning Code.
4. Adequate provisions **are** made for public streets, alleys, and other public ways sufficient in number and size, consistently named, properly aligned, and designed in accordance with City specifications, and the specifications of Title 19.
- a. The development will have access via an existing street with sufficient right-of-way width.
  - b. Plat development will require S. 5<sup>th</sup> Street to be improved to city standards for the portion of the road (approx. 413 feet) that fronts the development, unless relief is granted via the city’s process for considering and approving deviations.
5. Adequate provisions **are** made for water supply.
- a. The lots are proposed to be connected to the City of Dayton municipal water supply.
6. Adequate provisions **are** made for sewage disposal.
- a. The lots are proposed to be connected to the City of Dayton sanitary sewer system.
7. Adequate provisions **are** made for surface water drainage, including natural drainage courses.
8. Adequate provisions are made for parks, recreation, playgrounds, schools, transit, and all other relevant facts including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.

- a. School impact fees have not been adopted by City Council; however, any impact fees in effect at the time a building permit is applied for will apply.
  - b. The project is located within the Dayton School District boundaries. Appropriate provisions for schools/school grounds are provided through public approved levies and general obligation bond measures. These funding mechanisms fund property acquisitions, fulfill maintenance and operations obligations, and fund new school construction. Washington state capital construction funds are commonly available on a match basis for school related construction.
  - c. Park impact fees have not been adopted by City Council; however, any impact fees in effect at the time a building permit is applied for will apply.
  - d. Plat development will require S. 5<sup>th</sup> Street to be improved to city standards for the portion of the road (approx. 413 feet) that fronts the development, unless relief is granted via the city's process for considering and approving deviations.
9. The public interest **will** be served by the subdivision [and dedication].
- a. The application is in compliance with the City of Dayton Code Title 16, Land Divisions.
  - b. The proposed preliminary plat is designed in a manner that is compatible with the physical characteristics of the subject property and the proposed preliminary plat contributes to the orderly development and land use patterns in the area.
  - c. No dedication of land for public purposes is necessary.

### **CONCLUSIONS OF LAW:**

1. An application was received for the Jasper Pines Preliminary Plat on April 26, 2022. The application was not processed because the applicant needed to first go through annexation for the proposed subdivision. The Dayton City Council passed Ordinance 1995 on November, 22, 2022 which was subsequently recorded with the Columbia County Auditor on December, 7, 2022. This allowed parcel 2-530-00-045-0000 to be annexed by the City of Dayton, passed and supplemented with additional submittals/information on March 2, 2022, and March 29, 2022; the application was deemed complete for processing on February 2, 2023. The project is vested to February 2, 2023.
2. The SEPA process has been completed and a DNS was issued with mitigation measures.
3. Following an open record pre-decision hearing on a proposed preliminary plat, the Hearing Examiner shall render a recommendation to the City Council as to whether the proposal based on the findings shall be denied, approved, or approved with modifications or conditions.

### **SUGGESTED CONDITIONS OF APPROVAL:**

1. **Environmental Mitigation:** All SEPA mitigation measures under the SEPA DNS decision issued March 8, 2023 (or as may be subsequently amended) shall apply as conditions to the plat.

2. A final plat meeting all the requirements of DMC Chapter 19-04, the Survey Recording Act, and State Auditor recording requirements must be submitted to the City Council for approval within five years of preliminary plat approval (unless an extension is granted pursuant to DMC 19-04.160). A paper copy of the final plat shall be submitted for review with the final plat application, before the mylar [or copy on a medium acceptable for recording with the County Auditor] is printed for signatures.
3. Any required improvements including but not limited to sewer improvements shall be designed and constructed by the developer per the City of Dayton Public Works Standards. Further, the construction plans and installations for all public improvements shall be reviewed, inspected, and approved by the Public Works Department. Plan Review Fees and/or inspection fees shall apply per the City's adopted fee schedule.
  - a. The City of Dayton Public Works standards ("STANDARDS"), Section 2.9 "Deviation from Public Works Standards" sets out the purpose, process, justification, and application procedures for the applicant to pursue potential relief from some the city's standards.
4. **Streets:**
  - a. The applicant must widen the pavement surface S. 5<sup>th</sup> for the entire frontage of the development (approximately 412 linear feet) according to City Public Works standards, unless specific relief from the requirement is granted per STANDARDS Section 2.9.
  - b. Curbs and gutters are required per DMC 19-01.160 and must be designed and built to the City of Dayton Public Works Standards, unless specific relief from the requirement is granted per STANDARDS Section 2.9.
  - a. Sidewalks shall be provided along the portion of 5<sup>th</sup> Street fronting the development in accordance with code requirements, the City's Complete Street standards (DMC 8-10), and the City's Public Works Standards and such construction must occur at the same time that street improvements are made, unless specific relief from the requirement is granted per STANDARDS Section 2.9.
  - c. Streetlights must be installed by the developer to the approval of the City, in conformance with DMC 11-03.090 and according to City Public Works standards, unless specific relief from the requirement is granted per STANDARDS Section 2.9.
  - d. A stormwater system must be installed for the affected portion of S. 5<sup>th</sup> Street, unless specific relief from the requirement is granted per STANDARDS Section 2.9. Stormwater and surface runoff generated by this project must be retained and treated on site.
5. **Lots:** Up to six residential lots may be created. Nothing in this approval shall limit the developer's ability to modify the plat under a plat amendment, reducing the number of authorized residential lots, in order to sell property for other permitted uses and uses allowed only under an approved conditional use permit. All uses shall be limited to those allowed as permitted, accessory, or conditional uses in the zoning district.
6. **Utilities:**
  - a. A public water system will be required to be installed for the plat. Individual service must be provided to each lot. The use of private wells or water systems is prohibited. The

developer of the proposal shall bear the cost of and shall provide for individual domestic water service as well as fire protection (including the installation of a new fire hydrant as may be required to service future structures including those on proposed lots 4, 5, and 6) to each lot. Hydrant placement shall be in conformance with the International Fire Code (IFC), as amended, and as coordinated with the City.

- b. A public sewer system will be required to be installed for the plat. Individual service must be provided to each lot. Use of individual on-site disposal systems shall not be authorized. The developer of the proposal shall bear the cost of providing the required services to the lots.
- c. Stormwater design must be reviewed and approved by the City. Stormwater improvements the City of Dayton Public Works Standards and Washington State Department of Ecology for Stormwater Management Manual for Eastern Washington.
  - i. All stormwater control measures must be shown on the preliminary utility plan to confirm that adequate area is built into the plat layout to accommodate all features.
  - ii. The applicant is responsible for obtaining any Ecology permits. It appears that a Notice of Intent shall be submitted for construction activity under Ecology's Construction Stormwater General Permit for stormwater discharges. The Notice of Intent should be made at least 60 days prior to soil disturbance. You can access the permit application and related documents online.
- d. The collection, removal, and disposal of solid waste within the City is compulsory and shall be made by the City's contractor, Basin Disposal, Inc. (or as modified).
- e. Final plat approval will be predicated upon implementation of a stormwater system for the streets. The system is to be designed by a licensed civil engineer to a 25-year, 24-hour storm standard in accordance with the Washington State Department of Ecology's NPDES Phase II requirements. Stormwater and surface runoff generated by this project must be retained and treated on site and not allowed to flow onto WSDOT rights-of-way.

7. **Final Plat:**

- a. Include a Legal description of the land being subdivided per WAC 332-130-050(f)(v), and RCW 58.09.060(1)(c)
- b. Per City Code 19-04.120(G) Please update the Surveyors Certificate on page 1 to include language as required: THIS SURVEY COMPLIES WITH ALL THE STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT" CHAPTER 58.09 RCW AND WAC 332-130.
- c. Show any existing structures and other applicable features per WAC 332-130-050(1)(f)(vii).
- d. Add the Section-Township-Range and quarter-quarter of sections per WAC 332-130-050(1)(A) and RCW 58.09.060(1)(c); this information needs to be on the first page and visible at the top of the page for indexing purposes.

- e. Include the following note on the face of the plat: “The subject property is within or near designated agricultural lands, forest lands, or mineral resource lands on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration.”
- f. The plat shall otherwise conform to all applicable local, state, and federal regulations.
- g. All easements (pre-existing and as dedicated) must be shown.
- h. The applicant shall coordinate with the City Planner for the pre-assignment of lot addresses which shall be shown on the final plat.
- i. Any plat notes required as a SEPA DNS mitigation measure must be included on the face of the final plat document.
- j. Prior to final review and approval, the applicant shall submit a copy of the Final Plat and a current title certificate to the County Assessor’s Office for Cartographer review of the Final Plat Survey. The Plat shall be reviewed for legal descriptions, signature blocks, dedications, etc.
- k. In order to receive the County Treasurer’s signature on the plat, all property taxes and special assessments shall be paid on the property through the full year in which the plat is recorded (DMC 19-04.180(C)(4)).
- l. After final plat recording, one (1) paper copy and one (1) electronic copy of the recorded plat shall be provided to the City Clerk.

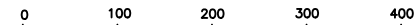
Jasper Pines Preliminary Plat  
Attachment 1. Submitted Plat Map and Application Materials

# JASPER PINES



SCALE

1 INCH = 100 FEET



## BASIS OF BEARINGS

SOUTH 30°32'27" EAST, ALONG THE CENTERLINE OF FIFTH STREET BETWEEN THE MONUMENTS FOUND AT RACE STREET AND DAY STREET AS SHOWN ON THE NEALEY SHORT PLAT/B.L.A. RECORDED IN BOOK 8 OF SURVEYS AT PAGES 52-54.

## SURVEY NOTES

- ☒ FOUND MONUMENT AS SHOWN HEREON
- FOUND TOMKINS REBAR WITH PLASTIC CAP AS SHOWN ON BOOK 3 AT PAGE 31
- SET 5/8"x24" REBAR WITH PLASTIC CAP STAMPED "BRYAN PLS 39568"
- POINT OF CALCULATION, NOTHING SET

--- FENCE LINE

## SURVEY NOTES

- 1) THIS SURVEY WAS PERFORMED AT THE REQUEST OF MITCH MATHEWS TO CREATE THE JASPER PINES SUBDIVISION AS SHOWN HEREON.
- 2) THIS SURVEY WAS PERFORMED WITH A TOPCON HIPER 6a GPS SYSTEM UTILIZING THE REAL TIME KINEMATIC METHOD. MONUMENTS SHOWN AS FOUND HEREON WERE TIED WITH 60epoch FAST STATIC OBSERVATIONS.
- 3) THE MONUMENTS SHOWN HEREON WERE VISITED IN APRIL OF 2022.
- 4) THIS SURVEY MEETS OR EXCEEDS THE PRECISION STANDARDS OF WAC 332-130

## REFERENCES

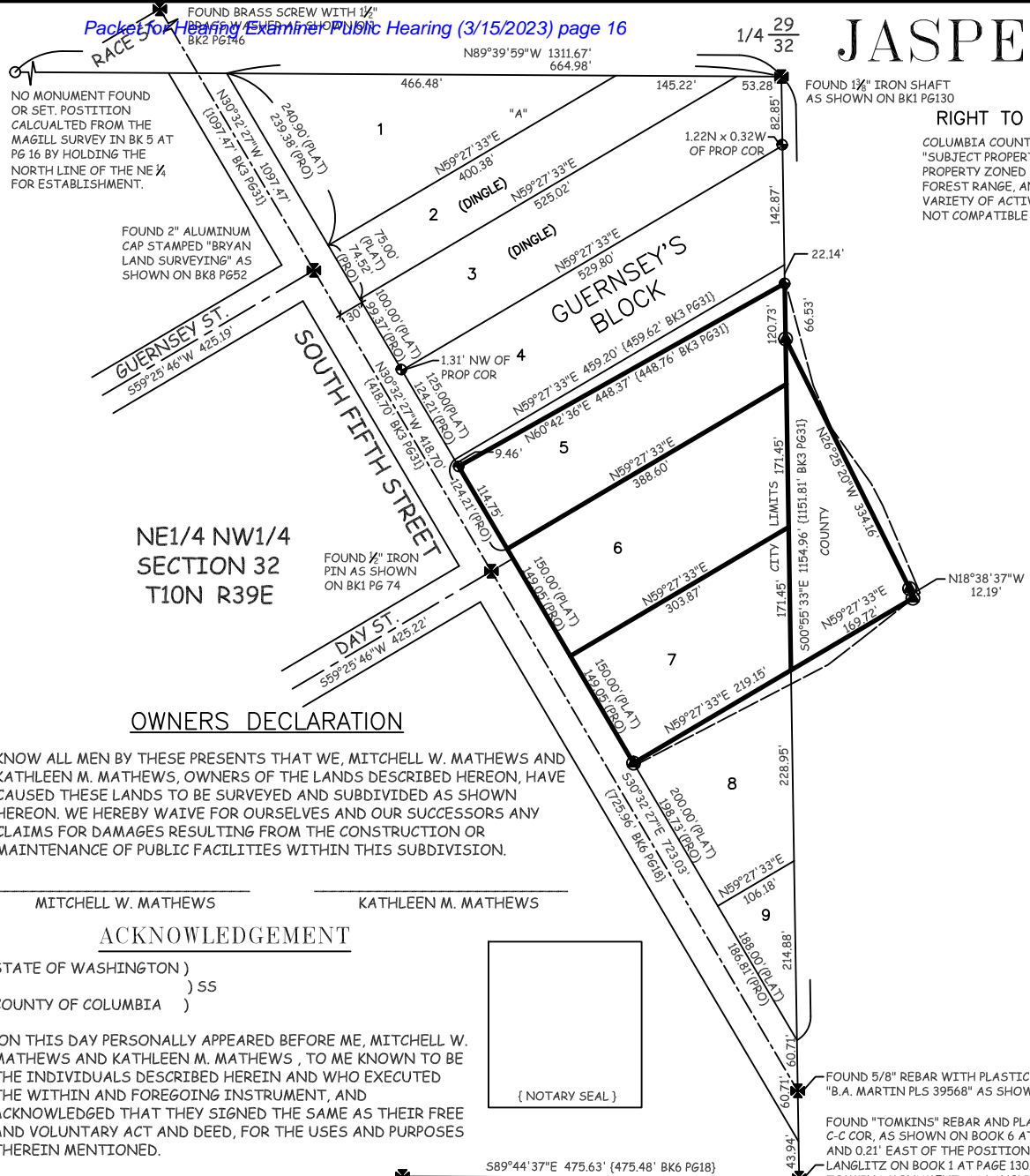
- 1) SURVEY IN BOOK 1 AT PAGE 74
- 2) SURVEY IN BOOK 1 AT PAGE 130
- 3) SURVEY IN BOOK 2 AT PAGE 67
- 4) SURVEY IN BOOK 2 AT PAGE 146
- 5) SURVEY IN BOOK 5 AT PAGE 16
- 6) SURVEY IN BOOK 6 AT PAGE 18
- 7) SURVEY IN BOOK 7 AT PAGE 80
- 8) SURVEY IN BOOK 8 AT PAGE 53
- 9) WARRANTY DEED IN AFNo. 46599
- 10) PLAT OF GUERNSEY'S ADDITION



## SURVEYORS CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF: MITCH MATHEWS

BRYAN A. MARTIN PLS 39568



NO MONUMENT FOUND OR SET. POSITION CALCULATED FROM THE MAGILL SURVEY IN BK 5 AT PG 16 BY HOLDING THE NORTH LINE OF THE NE 1/4 FOR ESTABLISHMENT.

FOUND 2" ALUMINUM CAP STAMPED "BRYAN LAND SURVEYING" AS SHOWN ON BK8 P652

NE1/4 NW1/4 SECTION 32 T10N R39E

FOUND 1/2" IRON PIN AS SHOWN ON BK1 PG 74

## OWNERS DECLARATION

KNOW ALL MEN BY THESE PRESENTS THAT WE, MITCHELL W. MATHEWS AND KATHLEEN M. MATHEWS, OWNERS OF THE LANDS DESCRIBED HEREON, HAVE CAUSED THESE LANDS TO BE SURVEYED AND SUBDIVIDED AS SHOWN HEREON. WE HEREBY WAIVE FOR OURSELVES AND OUR SUCCESSORS ANY CLAIMS FOR DAMAGES RESULTING FROM THE CONSTRUCTION OR MAINTENANCE OF PUBLIC FACILITIES WITHIN THIS SUBDIVISION.

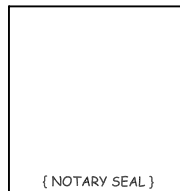
MITCHELL W. MATHEWS

KATHLEEN M. MATHEWS

## ACKNOWLEDGEMENT

STATE OF WASHINGTON )  
COUNTY OF COLUMBIA )

ON THIS DAY PERSONALLY APPEARED BEFORE ME, MITCHELL W. MATHEWS AND KATHLEEN M. MATHEWS, TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED HEREIN AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT THEY SIGNED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN MENTIONED.



GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

NOTARY PUBLIC FOR THE STATE OF WASHINGTON, RESIDING AT DAYTON

## AUDITORS CERTIFICATE

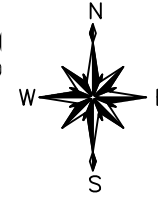
FILED FOR RECORD THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022 AT \_\_\_\_\_ IN BOOK \_\_\_\_ OF SURVEYS AT PAGE's \_\_\_\_\_ AT THE REQUEST OF BRYAN A. MARTIN PLS

COUNTY AUDITOR

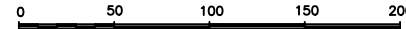


# JASPER PINES

MITCHELL W. MATHEWS  
 1505 5th STREET  
 APNo. 1-070-05-007-0000  
 APNo. 2-530-00-045-0000



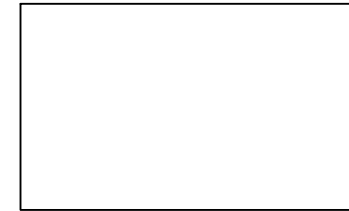
SCALE  
 1 INCH = 50 FEET



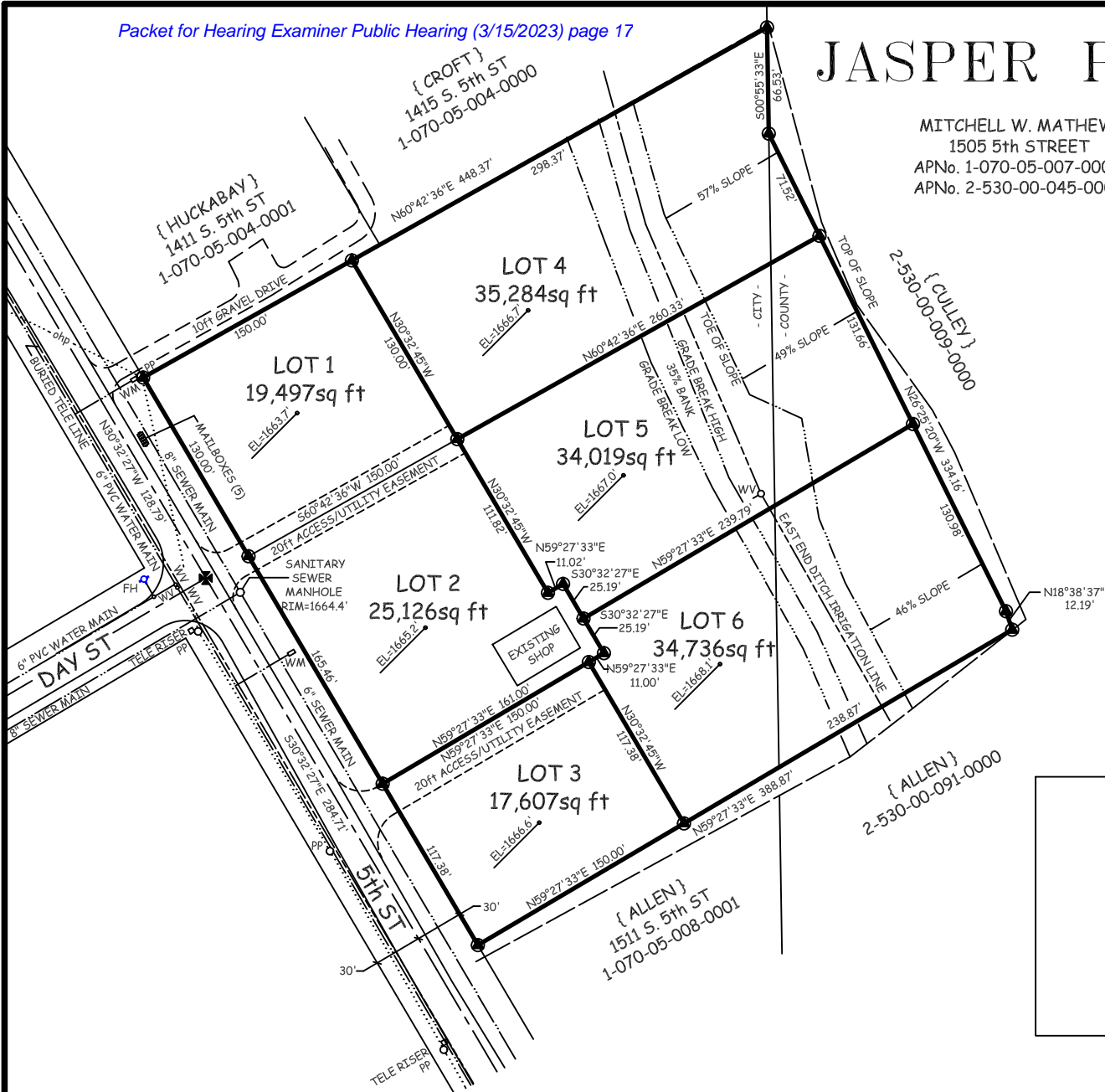
**LEGEND**

- ✘ FOUND MONUMENT AS SHOWN HEREON
- FOUND TOMKINS REBAR WITH PLASTIC CAP AS SHOWN ON BOOK 3 AT PAGE 31
- SET 5/8"x24" REBAR WITH PLASTIC CAP STAMPED "BRYAN PLS 39568"
- POINT OF CALCULATION, NOTHING SET
- FENCE LINE

**CITY OF DAYTON APPROVALS**



**REQUIRED NOTICES**



**BRYAN LAND SURVEYING**

PROPERTY GPS/GIS MAPPING  
 321 WEST MAIN STREET DAYTON, WASHINGTON 99328  
 PHONE (509) 629-2300

FILE No. :	D-04-22
DATE :	APRIL 2022
SCALE :	1" = 50'
DESIGN :	B.A.M.
DRAWN BY :	B.A.M.
DRAWING NAME :	JASPER PINES

**JASPER PINES SUBDIVISION**  
 MITCH MATHEWS 550 PATIT ROAD DAYTON, WA 99328  
 THIS SURVEY IS LOCATED IN THE NE1/4 NW1/4 SECTION 32,  
 TOWNSHIP 10 NORTH, RANGE 39 EAST, W.M., COLUMBIA COUNTY,  
 WASHINGTON







## City of Dayton Planning and Community Development

111 S. 1<sup>st</sup> St., Dayton, WA 99328  
509-382-2361

### **Application for a Subdivision – Preliminary Plat**

#### Introduction:

A subdivision is the division or re-division of land into five or more identifiable lots, tracts, parcels, sites or divisions, any of which is five acres or less in size and evidenced by a plat for the purpose of sale, lease, transfer of ownership, street dedication, or building development as outlined [Dayton Municipal Code \(DMC\) Title 19 – Land Divisions](#).

#### General Notes:

There are two primary steps to the subdivision process. First, a preliminary plat is submitted to the Department of Planning & Community Development. Application for a preliminary plat is a type IV application under [DMC 10-01.030](#). Once the preliminary plat is approved, the final plat is reviewed as a type IVA decision as outlined in DMC 10-01.030.

#### Is SEPA required?

The a 'long' subdivision of land requires the completion of a State Environment Policy Act (SEPA) checklist. Forms are available online at [www.daytonwa.com](http://www.daytonwa.com) or at Dayton City Hall. All fees associated with the environmental assessment are borne by the applicant.

#### Optional Pre-Application Conference:

Pre-application conferences are not required; however, they are encouraged. The conference provides the applicant with the opportunity to discuss the proposal with staff prior to submitting the application. The conference is options and voluntary and may be suggested by staff depending on the complexity of the proposed project.

A pre-application conference is a great tool to assist in acquainting staff with the applicant and the proposed project. Additionally, it offers staff time to familiarize the applicant with applicable City Codes, the Comprehensive Plan, and other relevant criteria and procedures. A pre-application conference does not vest the applicant under the existing rules and regulations in effect at the time of the conference, nor does it always ensure an exhaustive review of all potential issues can be completed. A pre-application also does not constitute an approval of a proposal – these conferences are intended to be informational only.

#### Subdivision Application Form:

Site Address: 1505 S 5TH ST

Parcel(s) #: 1-07005-007-0000

1. Name of Applicant: MITCH MATHEWS

Mailing Address: 550 PATIT ROAD

Email Address: mitch.w.matthews@gmail.com

Telephone No.: 509-431-2282

2. Property Owner: SAME AS APPLICANT

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

3. Surveyor/Engineer: BRYAN MARTIN

Mailing Address: 321 W. MAIN ST

Email Address: bryan@bryanunmanned.com

Telephone No.: 509-629-2300

4. Subdivision/Project Name: JASPER PINES

5. Legal Description (attach separately, if necessary):  
AF No. 46599  
SEE ATTACHED

6. Amount of land to be in public ownership (right-of-way, parks, etc.):  
0

7. Proposed restrictive covenants:  
0

I, MITCHELL MATHEWS, the applicant for the ~~short~~ subdivision, do hereby

confirm that the above is correct (attach a separate sheet if more than one owner).

Mitch W. Martin                      4/18/22  
Applicants Signature                      Date

I, BRYAN MARTIN, the surveyor/~~engineer~~, have prepared this proposal and do hereby confirm that the short subdivision meets all [Dayton Municipal Code](#) requirements and the requirements of the [RCW \(Revised Code of Washington\)](#).

Bryan Martin                      4-18-22  
Signature                      Date

Application Checklist:

Refer to [DMC Chapter 19-04](#) for a comprehensive list of application requirements.

**Return this checklist with your application**

*Applicant to check if included with application*

1. Application
  - Completed application form
2. Fees
  - Application fee per the effective Master Fee Schedule submitted when filing the application
3. Legal Descriptions
  - Provide a legal description of the property prepared by a professional land surveyor licensed in the State of Washington
4. Title Report
  - Liability for errors not to exceed the assessed value of the lots on the date of application. The title report issuance no more than 30 days prior to the application date. The city may request an updated title report prior to preliminary approval at its discretion.
5. SEPA Checklist and associated fees
6. Preliminary Plat Drawings & Plans prepared by a Licensed Surveyor in Washington State, including:
  - Name of the proposed subdivision
  - Legal description of land to be subdivided
  - North arrow
  - Date and scale
  - Subdivision boundary lines
  - Scaled existing buildings
  - Location of existing utilities, drain fields, or other underground structures
  - Critical areas
    - i. See [DMC 19-04.040](#) for a comprehensive list of requirements
    - ii. *Submit two (2) 24-inch by 36-inch copies and one (1) 11-inch by 17-inch copy of the preliminary plat*

# DAYTON TITLE CO.

---

338 EAST MAIN STREET  
P.O. BOX 7  
DAYTON, WASHINGTON 99328

TELEPHONE: (509) 382-2356  
FACSIMILE: (509) 382-4634  
[tj@daytontitle.net](mailto:tj@daytontitle.net)  
[alicia@daytontitle.net](mailto:alicia@daytontitle.net)  
[carrie@daytontitle.net](mailto:carrie@daytontitle.net)

## DEED & ENCUMBRANCE REPORT

TO: MITCHELL W. MATHEWS  
OUR NO: ORC-1891  
WORK FEE: 100.00  
TAX: 8.40  
TOTAL: 108.40

**This Deed & Encumbrance Report is prepared at the request of and for the exclusive use of the addressee.**

The information contained herein is based upon a search of our title plant, and is not a Guarantee or Insurance. The fee paid is a work charge only and does not represent a premium for the issuance of Title Insurance. Dayton Title Company assumes no liability for any errors or omissions in the Deed Report.

As of the effective date listed above, the matters shown below affect the property described herein.

### CUSTOMER INFORMATION

Mitchell W. Mathews  
550 Patit Rd  
Dayton, WA 99328

### VESTED OWNER

MITCHELL W. MATHEWS and KATHLEEN M. MATHEWS, husband and wife

### DATE PREPARED

November 2, 2022

### UPDATED REPORT

February 2, 2023



DESCRIPTION

Situated in the State of Washington, County of Columbia:

Lot five (5), six (6), and seven (7) in Guernsey's Block of Guernsey's Addition to Dayton, Washington

TOGETHER WITH all water and water rights adjudicated by decree of the Superior Court of the State of Washington for Columbia County, entered September 19, 1929, and evidenced by Certificate of Water Right dated May 6, 1930 and recorded in Book 28 of Deeds at Page 546, records of Columbia.

SAVE AND EXCEPT a parcel of land located in the Northeast Quarter of the Northwest Quarter of Section 32, Township 10 North, Range 39, East of the Willamette Meridian, Columbia County being more particularly described as follows:

Commencing at the center line intersection of Fourth and Day Streets in the City of Dayton; thence North 59° 25' 46" East along the center line of Day Street a distance of 425.24 feet to the center line intersection of Fifth and Day Streets; thence North 59° 27' 28" East a distance of 30.00 feet to the easterly right of way of Fifth Street; thence North 30° 32' 32" West along the easterly right of way of Fifth Street a distance of 139.03 feet to the Northwest corner of Lot 5 of the Guernsey's Block in Guernsey's Addition to Dayton and the true point of beginning for this description; thence North 59° 27' 32" East a distance of 459.62 feet to the Northeast corner thereof; thence South 00° 50' 18" East along the easterly line of said Lot 5 a distance of 22.14 feet; thence South 60° 42' 24" West a distance of 448.76 feet to the easterly right of way of Fifth Street; thence North 30° 32' 32" West along the easterly right of way of Fifth Street a distance of 9.46 feet to the True Point of Beginning.

A fraction of the Northwest quarter of the Northeast quarter of Section 32, Township 10 North, Range 39 East, Willamette Meridian, more particularly described as follows:

Beginning at the quarter corner on the North line of Section 32, Township 10 North, Range 39 East, Willamette Meridian; thence South 00° 55' 33" East, along the North-South center line of said Section, for a distance of 314.40 feet to the True Point of Beginning; thence continuing along the North-South center line of said Section, South 00° 55' 33" East for a distance of 397.48 feet; thence North 59° 27' 33" East for a distance of 169.72 feet; thence North 18° 38' 37" West for a distance of 12.19 feet; thence North 26° 23' 37" West for a distance of 334.50 feet to the True Point of Beginning.

DEED INFORMATION

STATUTORY WARRANTY DEED and the terms and conditions thereof:

GRANTOR: EUNICE D. SWEETWOOD, as to an undivided ¼ interest, SHIRLEE K. MARVIN, as to an undivided ¼ interest, EARLENE E. CLEVELAND, as to an undivided ¼ interest; STEVEN W. WALKER, as to an undivided 1/8 interest, and ROBERT E. WALKER, as to an undivided 1/8 interest

GRANTEE: MITCHELL W. MATHEWS and KATHLEEN M. MATHEWS, husband and wife

RECORDED: September 7, 2021

RECORDING NO: Auditor's File No. 46599, records of Columbia County, WA

ENCUMBRANCES

1. General taxes: First half becomes delinquent May 1; Second half becomes delinquent November 1:  
Year: 2022  
Amount Billed: \$3,251.89  
Amount Paid \$3,251.89  
Amount Due: \$0.00  
Tax Account No: 1-070-05-007-0000  
Land Use Code: 11  
  
Amount Billed: \$215.83  
Amount Paid \$215.83  
Amount Due: \$0.00  
Tax Account No: 2-530-00-045-0000  
Land Use Code: 11
2. SUBJECT TO right of way for ditch, canal or flume over and across said lands, as granted by J.W. Sayres et.al to William Bradford, by deed dated February 16, 1889, filed for record April 11, 1889, and recorded in Book "L" of Deeds at Page 314 records of said County.
3. SUBJECT TO water and water rights adjudicated by decree of the Superior Court of the State of Washington for Columbia County, entered September 19, 1929, and evidenced by Certificate of Water Right dated May 6, 1930 and recorded in Book 28 of Deeds at Page 546, records of Columbia. No insurance of water rights will be provided.
4. Washington Right to Farm Act and the terms and conditions thereof:  
RCW 7.48.300 through 7.48.310 and 7.48.905 which provide for the protection of usual and customary farming practices on adjoining land.
5. ORDINANCE NO. 1995 and the terms and conditions thereof:  
GRANTOR: CITY OF DAYTON  
GRANTEE: THE PUBLIC  
RECORDED: December 7, 2022  
RECORDING NO: Auditor's File No. 48094, records of Columbia County, WA

SIGNATURE REQUIREMENTS

Mitchell W. Mathews  
Kathleen M. Mathews

RECORDING INFORMATION

Filing Address: Columbia County Auditor, 341 E. Main Street, Dayton, WA 99328

Recording Fees: Recording fees are \$203.50 for the 1st page and \$1.00 for each additional page.

At the request of the addressee, no search has been made for involuntary liens or other actions that may affect the title to subject property, such as judgments, tax liens, divorces and bankruptcies. Dayton Title Company assumes no liability for non-disclosure of such items.

DAYTON TITLE COMPANY

By



P. Ryan Ortuno, Vice-President

Jasper Pines Preliminary Plat  
Attachment 2. State Environmental Policy Act (SEPA) Determination of Non-Significance  
(DNS) & SEPA Checklist



City of Dayton  
111 S. 1st Street, Dayton, WA 99328  
Office 509.382.2361  
Fax 509.382.2539  
Web [www.daytonwa.com](http://www.daytonwa.com)

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## STATE ENVIRONMENTAL POLICY ACT (SEPA) DETERMINATION OF NON-SIGNIFICANCE (DNS)

**Name of Proposal:** Jasper Pines Preliminary Plat

**Applicant:** Mitchell Mathews  
550 Patit Road  
Dayton, WA 99328

**Proposal Location:** The proposal is located at 1505 S. 5th Street (parcel 1-070-05-007-0000) and an adjoining unaddressed parcel (parcel 2-530-00-045-0000). The proposal is situated in Section 32, Township 10 North, Range 39 East, W.M. The parcels are accessed via S. 5th Street and are generally located east of the intersection of S. 5th Street and E. Day Street. The abbreviated legal descriptions are GUERNSEY, LOTS 6 & 7, FRAC LOT 5, BLK 5 (GUERNSEY BLK); 142,225 SQ. FT. and TAX 45A.

**Proposal Description:** “*Jasper Pines Preliminary Plat*” is a proposal to subdivide two adjacent parcels into six single-family lots, ranging in size from 17,607 square feet to 35,284 square feet. Parcel 1-070-05-007-0000 is approximately 3.27 acres. Parcel 2-530-00-045-0000 is approximately 0.73 acres. Both parcels are zoned Agricultural Residential (AR).

**Lead Agency:** City of Dayton

**Responsible Official:** Nicole Stickney, AICP  
City of Dayton – Contracted Planner  
111 S. 1st Street  
Dayton, WA 99328  
Phone: (509) 316-7131



***Findings:***

1. *Earth and Water Impacts:*

- a. Clearing and grading may occur to establish final grades. Silty soils are present; there is a potential for soil erosion and instability during construction.
- b. Excavating, grading, plowing, or disturbing the topsoil of any land area within the site can result in a nuisance and could result in impacts due to fugitive dust if not properly managed.
- c. Residential development at the site may result in stormwater impacts due to the potential of increased run-off from new impervious surfaces and increased pollutants in the run-off from roads, driveways, and landscaping.
- d. The Department of Ecology indicated this construction site is a potential significant contributor of pollutants to waters of the state.

2. *Critical Area Impacts:*

- a. A portion of the site contains steep slopes (up to 57 percent slope) which are separated from the remainder of the site by an irrigation canal. No critical areas report has been prepared and no geotechnical analysis has been performed as development is not likely to occur on that portion of the site.
- b. The site is in a Critical Aquifer Recharge Area (CARA) with a five-year time of travel; no negative impacts to the CARA are anticipated from residential uses.

3. *Historic and Cultural Preservation Impacts:* WISAARD indicates a very high risk for containing archaeological resources; however, due to the small footprint of the project, DAHP is not requesting a cultural resources survey at this time.

4. *Transportation Impacts:* This proposal will result in some additional vehicle, bicycle, and pedestrian trips to and from the development site, but at small volumes.

5. *Impacts to Surrounding Land Uses:* There are potential impacts to surrounding land uses by increased traffic, noise, and dust on a short-term basis from construction activities and on a long-term basis from future development.

6. *Public Services Impacts:* The development will result in a slight increased demand on public services provided by Columbia County Fire District 3; Columbia County (services such as elections, human services, etc.); City's police, finance, public works, and building services; Educational services by the Dayton School District.

7. *Utility Impacts:*

- a. Development of the project will increase demand and burden on the City's potable water system, sewer collection system, and wastewater treatment plant in perpetuity.
- b. Development of the project will increase demand and burden on the electric system (Columbia REA).

**Mitigation Measures:**

1. A note is required on the final plat indicating that the area of steep slopes is not buildable unless a critical areas analysis is performed to identify what mitigation measures may be necessary.
2. Should archaeological materials (e.g., bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains be observed during project activities, all work in the immediate vicinity shall stop. The State Department of Archaeology and Historic Preservation (360-586-3065), the City Building Services Department, the affected Tribe(s) and the county coroner (if applicable) shall be contacted immediately in order to help assess the situation and determine how to preserve the resource(s). Compliance with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44, and WAC 25-48) is required.
3. Light fixtures shall be full cut-off type and shielded to minimize light spill and glare.
4. All stormwater system improvements shall be designed and constructed per the City of Dayton's standards consistent with Washington State Department of Ecology's Stormwater Manual for Eastern Washington. Best Management Practices shall be maintained to prevent sediment from leaving the site.
5. It is the applicant's responsibility to obtain any required approvals from the state Department of Ecology such as Ecology's Construction Stormwater General Permit, and to file any necessary Notice of Intent prior to soil disturbance.
6. Best Management Practices (BMP) to minimize dust during construction shall be used, including watering the site in accordance with local air-quality requirements.
  - Vegetative cover or a tackifier shall be provided as soon as practicable following clearing and grading, if any.
  - Dust control shall comply with applicable City of Dayton standards.

**Threshold Determination:**

The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment that cannot be mitigated through compliance with the conditions of the Dayton Municipal Code and other applicable regulations. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. The responsible official finds this information reasonably sufficient to evaluate the environmental impacts of this proposal. This information is available to the public on request.

This DNS is issued under WAC 197-11-355 using the optional DNS process; there is no further comment period.

**Date:** March 8, 2023

**Signature:** 

## SEPA ENVIRONMENTAL CHECKLIST

### **Purpose of checklist:**

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

### **Instructions for applicants:**

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

### **Instructions for Lead Agencies:**

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

### **Use of checklist for nonproject proposals:**

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

### **A. Background [\[HELP\]](#)**

1. Name of proposed project, if applicable: Jasper Pines (Preliminary Plat)

2. Name of applicant: mitch mathews

3. Address and phone number of applicant and contact person:

550 Patit Rd Dayton WA 9899328 509-431-2282

4. Date checklist prepared: 4-20-22

5. Agency requesting checklist: CITY OF DAYTON 2/15/23:  
City of Dayton

6. Proposed timing or schedule (including phasing, if applicable):

60 days to start

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

(tearing down existing house)

Starting with 2 houses - Total of 6 houses per Lot.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. None

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. No

CITY OF DAYTON 2/15/23: Parcel 1-070-05-007-0000 was recently annexed into the City (Ordinance 1995 in November 2022)

10. List any government approvals or permits that will be needed for your proposal, if known.

CITY OF DAYTON 2/15/23: Final plat, demolition, residential single family dwelling permits ~~None~~

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Property divided into 6 parcels, 1 house per parcel (17,607 sq feet to 35,284 sq feet)

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

1505 South 5th, Dayton WA 98328.

CITY OF DAYTON 2/15/23: Parcels 2-530-00-045-0000 and 1-070-05-007-0000. The parcels' abbreviated legal descriptions are GUERNSEY, LOTS 6 & 7, FRAC LOT 5, BLK 5 (GUERNSEY BLK); 142,225 SQ. FT. and TAX 45A. Section 32, Township 10 North, Range 39 East, W.M.

### B. Environmental Elements [\[HELP\]](#)

#### 1. Earth [\[help\]](#)

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other \_\_\_\_\_

b. What is the steepest slope on the site (approximate percent slope)? ~~46%~~

CITY OF DAYTON 2/15/23: The submitted preliminary plat shows a 57% slope in the north portion.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. Heavy Loam

CITY OF DAYTON 2/15/23: Per the USDA soil map, the area is Petit Creek Silt (approx. 65%) and Athena Silt Loam (approx. 35%).

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. **NO**
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. **None Needed**
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. **NO**
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **3500 - 4000 sq. ft per lot.**
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: **None**

## 2. Air [\[help\]](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. **None** CITY OF DAYTON 2/15/23: During the construction of the proposal, exhaust from construction equipment will be generated and dust will be generated from construction activities. Vehicular traffic will be present after completion of the proposal.
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. **NO**
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: **should not need any**

## 3. Water [\[help\]](#)

- a. Surface Water: [\[help\]](#) CITY OF DAYTON 2/15/23: Construction activities and equipment will follow the appropriate regulations for controlling emissions to the air. Potential BMPs include using water sprays or other non-toxic dust control methods on unpaved roadways, minimize vehicle speed while traveling on unpaved surfaces, prevent the tracking out of mud onto public streets, and minimize work during periods of high winds. Additionally, construction equipment will be maintained and idling of construction equipment minimized.
  - 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. **NO**
  - 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. **NO**
  - 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. **None**
  - 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. **NO**
  - 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. **NO**



6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. **No**

b. Ground Water: [\[help\]](#)

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. **No**

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. **None**

*city water + sewer*

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. **No None**

**CITY OF DAYTON 2/15/23: Residential development and roadway improvements at the site will result in stormwater impacts. There will be increased run-off from additional impervious surfaces and increased pollutants in the run-off from roads, driveways, and landscaping.**

2) Could waste materials enter ground or surface waters? If so, generally describe. **No**

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. **No**

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: ~~NA~~

**CITY OF DAYTON 2/15/23: All stormwater system improvements shall be designed and constructed per the City of Dayton's standards consistent with Washington State Department of Ecology's Stormwater Manual for Eastern Washington. Best Management Practices shall be maintained to prevent sediment from leaving the site.**

4. **Plants** [\[help\]](#)

a. Check the types of vegetation found on the site: *grass + weeds*

0 deciduous tree: alder, maple, aspen, other

- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

- b. What kind and amount of vegetation will be removed or altered? *None*
- c. List threatened and endangered species known to be on or near the site. *None*
- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: *grass + shade trees*
- e. List all noxious weeds and invasive species known to be on or near the site. *None*

**5. Animals** [\[help\]](#)

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. \_\_\_\_\_

Examples include:

birds: hawk, heron, eagle, songbirds, other:  
 mammals: deer, bear, elk, beaver, other:  
 fish: bass, salmon, trout, herring, shellfish, other Quail

- b. List any threatened and endangered species known to be on or near the site. *None*
- c. Is the site part of a migration route? If so, explain. *No*  
**CITY OF DAYTON 2/15/23: The site is located within the Pacific Flyway for migratory birds.**
- d. Proposed measures to preserve or enhance wildlife, if any: *will leave Pine + Fir trees that were planted years ago.*
- e. List any invasive animal species known to be on or near the site. *Eurasian Dove*

**6. Energy and Natural Resources** [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet

*Residential heating + cooling*

the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

b. Would your project affect the potential use of solar energy by adjacent properties?

If so, generally describe. *No.*

c. What kinds of energy conservation features are included in the plans of this proposal?

List other proposed measures to reduce or control energy impacts, if any: *None*

**7. Environmental Health** [\[help\]](#)

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

1) Describe any known or possible contamination at the site from present or past uses. *None*

2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. *None*

3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. *None*

4) Describe special emergency services that might be required. *Not expected.*

5) Proposed measures to reduce or control environmental health hazards, if any:  
*(single story homes planned.)*

**CITY OF DAYTON 2/15/23: Proper regulatory/permit procedures will be followed.**

**b. Noise**

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? *Small excavators + construction equipment used during building phase*

2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. *Small equipment 7am - 5pm*  
**CITY OF DAYTON 2/15/23: Long-term noise will be similar to neighboring conditions and typical of that associated with single-family neighborhoods.**

3) Proposed measures to reduce or control noise impacts, if any: *NA*

**8. Land and Shoreline Use** [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. *Residential.*

**CITY OF DAYTON 2/15/23: Residential and agricultural.**

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? *NO*

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: *No*

**CITY OF DAYTON 2/15/23: Working farmland is located to the east of the parcels (outside of city limits).**

c. Describe any structures on the site. *30x40 shop - Old house*

d. Will any structures be demolished? If so, what? *yes old house*

e. What is the current zoning classification of the site? *R2*

**CITY OF DAYTON 2/15/23: City of Dayton's Agricultural Residential (AR) zone**

f. What is the current comprehensive plan designation of the site? *~~Residential~~ 0*

**CITY OF DAYTON 2/15/23: Urban Density Residential**

g. If applicable, what is the current shoreline master program designation of the site? *NA*

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. *~~no~~*

**CITY OF DAYTON 2/15/23: Yes, Critical Aquifer Recharge Area and Steep Slopes**

i. Approximately how many people would reside or work in the completed project?

*6 families ~~24 people~~*

**CITY OF DAYTON 2/15/23: The average household size in Dayton is 2, so roughly 12 people.**

j. Approximately how many people would the completed project displace? *None*

k. Proposed measures to avoid or reduce displacement impacts, if any: *NA*

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: *NA*

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: *NA.*

### 9. Housing [\[help\]](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. *6 single family homes, middle income.*

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. *1 low*

c. Proposed measures to reduce or control housing impacts, if any: *None*

### 10. Aesthetics [\[help\]](#)

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? *25 feet composition roof Hardy siding.*

b. What views in the immediate vicinity would be altered or obstructed?  
*None*

b. Proposed measures to reduce or control aesthetic impacts, if any: *None*

### 11. Light and Glare [\[help\]](#)

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? *Porch lights during dark hours.*

b. Could light or glare from the finished project be a safety hazard or interfere with views?  
*No*

c. What existing off-site sources of light or glare may affect your proposal? *None*

d. Proposed measures to reduce or control light and glare impacts, if any: *NA.*

### 12. Recreation [\[help\]](#)

a. What designated and informal recreational opportunities are in the immediate vicinity?

skiing, fishing, hunting, biking.

b. Would the proposed project displace any existing recreational uses? If so, describe. No.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: None

### 13. Historic and cultural preservation [\[help\]](#)

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, No, specifically describe.

b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. No - residence for last 80 years.

c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. NA.

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

NA.

### 14. Transportation [\[help\]](#)

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

4th Street, Day Street

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? Yes.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? 12-16 parking place  
None

**CITY OF DAYTON 2/15/23: City code only requires 2 stalls for each single-family house.**



- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). **No**
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. **NO**
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? **6-12 vehicles per day.**
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. **NO**
- h. Proposed measures to reduce or control transportation impacts, if any: **NO.**

**15. Public Services** [\[help\]](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. **yes**  
**fire + ambulance. Although residences on both sides of this property.**
- b. Proposed measures to reduce or control direct impacts on public services, if any. **none.**

**16. Utilities** [\[help\]](#)

- a. Circle utilities currently available at the site:  
**electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,**  
other \_\_\_\_\_
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.  
**Pacific Power - City of Dayton**  
**Basin Disposal for garbage disposal.**

**C. Signature** [\[HELP\]](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Mitch W. Matthews

Name of signee Mitch Matthews

Position and Agency/Organization owner

Date Submitted: 4-20-22

**D. Supplemental sheet for nonproject actions** [\[HELP\]](#)

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Jasper Pines Preliminary Plat  
Attachment 3. Public Notice



City of Dayton  
111 S. 1st Street, Dayton, WA 99328  
Office 509.382.2361  
Fax 509.382.2539  
Web [www.daytonwa.com](http://www.daytonwa.com)

## NOTICE OF APPLICATION AND NOTICE OF SEPA O-DNS JASPER PINES PRELIMINARY PLAT

**NOTICE IS HEREBY GIVEN** that there has been proposed to the City of Dayton an application by Mitchell Mathews, 550 Patit Road, Dayton, WA 99328 for Preliminary Plat Subdivision approval. The City deemed the application complete on February 2, 2023.

**Proposal Description:** “*Jasper Pines Preliminary Plat*” is a proposal to subdivide two adjacent parcels into six single-family lots, ranging in size from 17,607 square feet to 35,284 square feet. Parcel 1-070-05-007-0000 is approximately 3.27 acres and located within the City of Dayton’s Agricultural Residential (AR) zone. Parcel 2-530-00-045-0000 is approximately 0.73 acres and located within Columbia County’s Agricultural Residential (AR-1) zone.


**Proposal Location:** The proposal will be located at 1505 S. 5th Street (parcel 1-070-05-007-0000) and unaddressed S. 5th Street (parcel 2-530-00-045-0000). The proposal is situated in Section 32, Township 10 North, Range 39 East, W.M. The parcels are accessed via S. 5th Street and are generally located east of the intersection of S. 5th Street and E. Day Street. The parcels’ abbreviated legal descriptions are GUERNSEY, LOTS 6 & 7, FRAC LOT 5, BLK 5 (GUERNSEY BLK); 142,225 SQ. FT. and TAX 45A.

**NOTICE IS HEREBY GIVEN** that the proposal is subject to review under the requirements of the State Environmental Policy Act, as amended, along with the Environmental Checklist and other information, and the City expects to issue a determination of nonsignificance (DNS) for this project. The optional DNS process in WAC 197-11-355 is being used. **This may be your only opportunity to comment on the environmental impacts of the proposal.** The DNS conditions may include mitigation measures to address environmental impacts based upon the finding that steep slopes exist on the site. The project review process may incorporate or require other mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for the proposal may be obtained upon request. Agencies, tribes, and the public are encouraged to review and comment on the proposed project and its probable environmental impacts. Written comments on the O-DNS are due to the City of Dayton by **Thursday, March 2, 2023 at 4:00 p.m.**

Information may be examined or copies obtained by contacting Debra Hays, City Clerk Treasurer at [DHays@DaytonWA.com](mailto:DHays@DaytonWA.com). Written comments may be mailed or hand delivered to 111 S. 1st Street, Dayton, WA 99328, and must be received no later than **Thursday, March 2, 2023 at 4:00 p.m.** to be included in the staff report. Comments received thereafter will be read into the record at the hearing. Any person may comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made.

Required permits and approvals include but may not be limited to: SEPA Review, Approval of Preliminary Plat, Final Plat, Site Plan, and Building Permits. Applicable codes and development regulations include but may not be limited to: Dayton Municipal Code, Title 4 – Public Services, Title 5 – Buildings, Title 8 – Streets and Public Ways, Title 11 – Zoning Code, Title 17 – Critical Areas Code, and Title 19 – Land Divisions.



  
City of Dayton  
111 S. 1st Street, Dayton, WA 99328  
Office 509.382.2361  
Fax 509.382.2539  
Web www.daytonwa.com

**AFFIDAVIT OF POSTING OF  
LEGAL NOTICE BY APPLICANT**

Application Number:  
Applicant: Mitch W. Mathews  
Location: 1505 S. 5th Street  
Date of Notice: 2/13/23

I certify that on 2/13/23, I did post a notice on a land use posting board at the location above, which included a Notice of for the above referenced application, as required by Dayton Municipal Code.

I declare under penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

Mitch W. Mathews                      2/13/2023  
Signature                                      Date

Mitch W. Mathews  
Name (please print or type)



BENAVIDES, SALVESTRE AND MARIA  
510 E GUERNSEY ST  
DAYTON, WA 99328

SCHEEL, AUBREY  
504 E DAY ST  
DAYTON, WA 99328

GOFF, LUCAS  
1509 S 4TH ST  
DAYTON, WA 99328

DAVIS, EMMALEE  
1515 S 4TH ST  
DAYTON, WA 99328

UPPER COLUMBIA CORP OF SDA  
PO BOX 19039  
SPOKANE, WA 99219

HIMMELBERGER, ROBERT  
PO BOX 195  
PRESCOTT, WA 99348

CULLEY, DANIEL AND CATHLEEN  
128 DAVIS HOLLOW RD  
DAYTON, WA 99328

CROFT, DOROTHY  
1415 S 5TH ST  
DAYTON, WA 99328

HUCKABAY, KEITH AND BONNIE  
1411 S 5TH ST  
DAYTON, WA 99328

JOHN, THOMAS  
1401 S 5TH ST  
DAYTON, WA 99328

GATLIN, TY  
1402 S 5TH ST  
DAYTON, WA 99328

BENSEL, TOMMY AND LORRIE  
227 W DAYTON AVE  
DAYTON, WA 99328

HEINRICH, JEFFREY AND AUSTIN  
202 DAVIS HOLLOW RD  
DAYTON, WA 99328

HATFIELD, LEVI AND NATHALIE ABEL  
1414 S 5TH ST  
DAYTON, WA 99328

HOUSTON, JOHN  
104 PRATER RD  
DAYTON, WA 99328

RIGGS, MONICA  
1422 S 5TH ST  
DAYTON, WA 99328

THOMPSON, DELORES  
506 E DAY ST  
DAYTON, WA 99328

D'ONOFRIO, DEANN  
512 E DAY ST  
DAYTON, WA 99328

HENDERSON, ANTHONY AND BRENDA  
1516 S 5TH ST  
DAYTON, WA 99328

GOUDY FAMILY TRUST  
1512 S 5TH ST  
DAYTON, WA 99328

GERLITZ, GORDON AND JANIS  
1510 S 5TH ST  
DAYTON, WA 99328

SAVAGE LIVING TRUST  
C/O WILLIAM & JACQUELINE SAVAGE  
1520 S 5TH ST  
DAYTON, WA 99328

ANDREWS, DANIEL AND JILL  
1535 S 5TH ST  
DAYTON, WA 99328

SPANN TRUST  
C/O DALE SPANN  
1523 S 5TH ST  
DAYTON, WA 99328

CARLTON, BARBARA  
1515 S 5TH ST  
DAYTON, WA 99328

CURTIS LEE ALLEN FAMILY TRUST  
1511 S 5TH ST  
DAYTON, WA 99328

**NOTICES WERE MAILED TO THE LIST SHOWN ABOVE ON 2/16/2023  
FROM DAYTON, WA**

Jasper Pines Preliminary Plat  
Attachment 4. Agency, Department, and Public Comments



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**  
Eastern Region Office

4601 North Monroe St., Spokane, WA 99205-1295 • 509-329-3400

March 1, 2023

Nicole Stickney, AICP  
Contract Planner  
City of Dayton  
104 E. Adams  
PO Box 1200  
Connell, WA 99326

Re: Jasper Pines Preliminary Plat

Dear Nicole Stickney:

Thank you for the opportunity to comment on the anticipated Determination of Nonsignificance regarding the Jasper Pines Preliminary Plat project (Proponent: Mitchel Mathews). After reviewing the documents, the Department of Ecology (Ecology) submits the following comments:

**Hazardous Waste and Toxics Reduction Program**

Please keep in mind that during the construction activities associated with the Jasper Pines Preliminary Plat Project, some construction-related wastes produced may qualify as dangerous wastes in Washington State. Some of these wastes include:

- Absorbent material
- Aerosol cans
- Asbestos-containing materials
- Lead-containing materials
- PCB-containing light ballasts
- Waste paint
- Waste paint thinner
- Sanding dust
- Treated wood

You may find a more comprehensive list, as well as a link to identify and designate your wastes on the [Common Construction and Demolition Wastes website](#).

Nicole Stickney

March 1, 2023

Page 2

The applicant, as the facility generating the waste, bears the responsibility for all construction waste. The waste generator is the person who owns the site. Even if you hire a contractor to conduct the demolition or a waste service provider to designate your waste, the site owner is ultimately liable. This is why it is important to research reputable and reliable contractors.

In order to adequately identify some of your construction and remodel debris, you may need to sample and test the wastes generated to determine whether they are dangerous waste.

For more information and technical assistance, contact Alex Bergh at (509) 385-5539 or via email at [albe461@ecy.wa.gov](mailto:albe461@ecy.wa.gov).

### **Water Quality Program**

The Department of Ecology has determined this construction site to be a potential significant contributor of pollutants to waters of the state. Please submit a Notice of Intent for construction activity under Ecology's Construction Stormwater General Permit for stormwater discharges associated with this construction activity. The Notice of Intent should be made at least 60 days prior to soil disturbance. You can [access the permit application and related documents online](#).

For more information or technical assistance, please contact Suman Paudel at (509) 601-2124 or via email at [suman.paudel@ecy.wa.gov](mailto:suman.paudel@ecy.wa.gov).

### **State Environmental Policy Act (SEPA)**

Ecology bases comments upon information submitted for review. As such, comments made do not constitute an exhaustive list of the various authorizations you may need to obtain, nor legal requirements you may need to fulfill in order to carry out the proposed action. Applicants should remain in touch with their Local Responsible Officials or Planners for additional guidance.

For information on the SEPA Process, please contact Cindy Anderson at (509) 655-1541 or via email at [Cindy.Anderson@ecy.wa.gov](mailto:Cindy.Anderson@ecy.wa.gov).

For more guidance on, or to respond to the comments made by Ecology, please contact the appropriate staff listed above at the phone number or email provided.

Department of Ecology  
Eastern Regional Office  
(Ecology File: 202300743)

## Nicole Stickney

---

**From:** Adam Schmidtgall <aschmidtgall@andersonperry.com>  
**Sent:** Tuesday, February 28, 2023 3:22 PM  
**To:** Andrew Love  
**Cc:** rpaulson@daytonwa.com; Deb Hays; Nicole Stickney; Erik Green; Dena Martin  
**Subject:** [EXTERNAL] RE: Jasper Pines Preliminary Plat Application (Dayton) | SEPA O-DNS & REQUEST FOR REVIEW / COMMENTS

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Andrew,

Our surveyor checked the plat and all lots close within tolerances. The deed description provided matches the proposed subdivision boundary. We only checked survey requirements and did not look at lot size or any other zoning issues since we assumed you would take care of this. The couple comments we had are:

Update all the dates to reflect 2023.

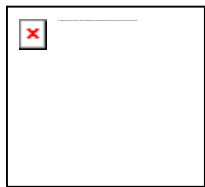
Per City Code 19-04.120 (G) Please update the Surveyors Certificate on page 1 to include language as required under said section G:

*THIS SURVEY COMPLIES WITH ALL THE STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT" CHAPTER 58.09 RCW AND WAC 332-130*

Portions or proposed Lots 4, 5, and 6 are shown as being both in the City of Dayton and the Columbia County. Does the County need to approve this subdivision as well, or should the portion in the county be annexed into the city prior to approval?

Please let me know if there are any questions or comments.

Thanks,



Adam Schmidtgall, P.E.  
Senior Engineer  
Anderson Perry & Associates, Inc.  
[214 E. Birch Street/P.O. Box 1687](#)  
Walla Walla, WA 99362  
509-529-9260 office  
509-529-8102 fax  
509-520-4682 cell

[Web](#)   [Facebook](#)

---

**From:** Andrew Love <alove@AHBL.com>  
**Sent:** Wednesday, February 22, 2023 9:10 AM  
**To:** Adam Schmidtgall <aschmidtgall@andersonperry.com>  
**Cc:** rpaulson@daytonwa.com; Deb Hays <DHays@daytonwa.com>; Nicole Stickney <nStickney@daytonwa.com>  
**Subject:** RE: Jasper Pines Preliminary Plat Application (Dayton) | SEPA O-DNS & REQUEST FOR REVIEW / COMMENTS



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I heard from my supervisor, Nicole Stickney, that they don't do title reports in this part of the state. I'm sending you what we have from the title company, a statutory warrant deed and a deed and encumbrance report.

Thanks,

**Andrew Love, AICP Candidate** | Project Planner

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---

**From:** Adam Schmidtgall <[aschmidtgall@andersonperry.com](mailto:aschmidtgall@andersonperry.com)>

**Sent:** Tuesday, February 21, 2023 3:45 PM

**To:** Andrew Love <[alove@AHBL.com](mailto:alove@AHBL.com)>

**Cc:** [rpaulson@daytonwa.com](mailto:rpaulson@daytonwa.com); Deb Hays <[DHays@daytonwa.com](mailto:DHays@daytonwa.com)>

**Subject:** [EXTERNAL] RE: Jasper Pines Preliminary Plat Application (Dayton) | SEPA O-DNS & REQUEST FOR REVIEW / COMMENTS

Andrew,

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509-520-4682 cell

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---

**From:** Andrew Love <[alove@AHBL.com](mailto:alove@AHBL.com)>

**Sent:** Wednesday, February 15, 2023 12:43 PM

**To:** [katie\\_roughon@co.columbia.wa.us](mailto:katie_roughon@co.columbia.wa.us); [clint\\_atteberry@co.columbia.wa.us](mailto:clint_atteberry@co.columbia.wa.us); [info@daytonsd.org](mailto:info@daytonsd.org);

[info@ccfiredistrict3.org](mailto:info@ccfiredistrict3.org); [joe\\_helm@co.columbia.wa.us](mailto:joe_helm@co.columbia.wa.us); [AntonChiono@ctuir.org](mailto:AntonChiono@ctuir.org); Adam Schmidtgall

<[aschmidtgall@andersonperry.com](mailto:aschmidtgall@andersonperry.com)>; [dena\\_martin@co.columbia.wa.us](mailto:dena_martin@co.columbia.wa.us); 'Deb Hays' <[dhays@daytonwa.com](mailto:dhays@daytonwa.com)>; Ryan Paulson <[rpaulson@daytonwa.com](mailto:rpaulson@daytonwa.com)>

**Cc:** Nicole Stickney <[nStickney@daytonwa.com](mailto:nStickney@daytonwa.com)>

**Subject:** Jasper Pines Preliminary Plat Application (Dayton) | SEPA O-DNS & REQUEST FOR REVIEW / COMMENTS

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Good afternoon,

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Please send us any comments you may have by 4:00 p.m. on Thursday, March 2<sup>nd</sup>. This allows us to incorporate them into the Hearing Examiner staff report.

Let us know if you have any questions!

Best,

**Andrew Love, AICP Candidate** | Project Planner

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## Nicole Stickney

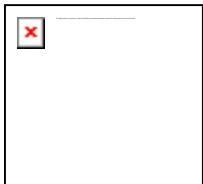
---

**From:** Erik Green <egreen@andersonperry.com>  
**Sent:** Wednesday, March 01, 2023 10:01 AM  
**To:** Andrew Love; Adam Schmidtgall  
**Cc:** rpaulson@daytonwa.com; Deb Hays; Nicole Stickney; Dena Martin; Nicole Stickney  
**Subject:** [EXTERNAL] RE: Jasper Pines Preliminary Plat Application (Dayton) | SEPA O-DNS & REQUEST FOR REVIEW / COMMENTS

Andrew,

Good morning. The Short Plat shows that parcel still in the county, so if it has been annexed please have the surveyor update his plat to reflect the new City limits.

Sincerely,



Erik J. Green, P.L.S.  
Survey Manager  
Anderson Perry & Associates, Inc.  
[214 E. Birch Street/P.O. Box 1687](#)  
Walla Walla, WA 99362  
509-529-9260 office  
509-529-8102 fax  
509-386-4219 cell

[Web](#)   [Facebook](#)   [LinkedIn](#)

---

**From:** Andrew Love <alove@AHBL.com>  
**Sent:** Wednesday, March 1, 2023 9:58 AM  
**To:** Adam Schmidtgall <aschmidtgall@andersonperry.com>  
**Cc:** rpaulson@daytonwa.com; Deb Hays <DHays@daytonwa.com>; Nicole Stickney <nStickney@daytonwa.com>; Erik Green <egreen@andersonperry.com>; Dena Martin <Dena\_Martin@co.columbia.wa.us>; Nicole Stickney <nStickney@daytonwa.com>  
**Subject:** RE: Jasper Pines Preliminary Plat Application (Dayton) | SEPA O-DNS & REQUEST FOR REVIEW / COMMENTS

Hi Adam,

Thank you for your review and comments. We will incorporate these findings into the staff report.

The City has already annexed parcel 2-530-00-045-0000 (portions of lots 4, 5, and 6), but perhaps some sources are not updated yet.

Best,

**Andrew Love, AICP Candidate** | Project Planner

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**From:** Adam Schmidtgall <aschmidtgall@andersonperry.com>  
**Sent:** Tuesday, February 28, 2023 3:22 PM  
**To:** Andrew Love <alove@AHBL.com>  
**Cc:** rpaulson@daytonwa.com; Deb Hays <DHays@daytonwa.com>; Nicole Stickney <nStickney@daytonwa.com>; Erik Green <egreen@andersonperry.com>; Dena Martin <Dena\_Martin@co.columbia.wa.us>  
**Subject:** [EXTERNAL] RE: Jasper Pines Preliminary Plat Application (Dayton) | SEPA O-DNS & REQUEST FOR REVIEW / COMMENTS

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**Cc:** rpaulson@daytonwa.com; Deb Hays <DHays@daytonwa.com>; Nicole Stickney <nStickney@daytonwa.com>  
**Subject:** RE: Jasper Pines Preliminary Plat Application (Dayton) | SEPA O-DNS & REQUEST FOR REVIEW / COMMENTS

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**Sent:** Tuesday, February 21, 2023 3:45 PM

**To:** Andrew Love <[alove@AHBL.com](mailto:alove@AHBL.com)>

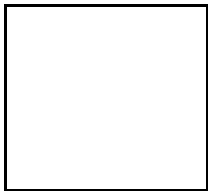
**Cc:** [rpaulson@daytonwa.com](mailto:rpaulson@daytonwa.com); Deb Hays <[DHays@daytonwa.com](mailto:DHays@daytonwa.com)>

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**From:** Andrew Love <[alove@AHBL.com](mailto:alove@AHBL.com)>

**Sent:** Wednesday, February 15, 2023 12:43 PM

**To:** [katie\\_roughon@co.columbia.wa.us](mailto:katie_roughon@co.columbia.wa.us); [clint\\_atteberry@co.columbia.wa.us](mailto:clint_atteberry@co.columbia.wa.us); [info@daytonsd.org](mailto:info@daytonsd.org);

[info@ccfiredistrict3.org](mailto:info@ccfiredistrict3.org); [joe\\_helm@co.columbia.wa.us](mailto:joe_helm@co.columbia.wa.us); [AntonChiono@ctuir.org](mailto:AntonChiono@ctuir.org); Adam Schmidtgall

<[aschmidtgall@andersonperry.com](mailto:aschmidtgall@andersonperry.com)>; [dena\\_martin@co.columbia.wa.us](mailto:dena_martin@co.columbia.wa.us); 'Deb Hays' <[dhays@daytonwa.com](mailto:dhays@daytonwa.com)>; Ryan

Paulson <[rpaulson@daytonwa.com](mailto:rpaulson@daytonwa.com)>

**Cc:** Nicole Stickney <[nStickney@daytonwa.com](mailto:nStickney@daytonwa.com)>

**Subject:** Jasper Pines Preliminary Plat Application (Dayton) | SEPA O-DNS & REQUEST FOR REVIEW / COMMENTS

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Best,

**Andrew Love, AICP Candidate** | Project Planner

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## Nicole Stickney

---

**From:** Carla Rowe <Carla\_Rowe@co.columbia.wa.us>  
**Sent:** Monday, March 06, 2023 2:36 PM  
**To:** Andrew Love  
**Subject:** [EXTERNAL] RE: Jasper Pines Preliminary Plat Application (Dayton) | SEPA O-DNS

Mr. Love,

Although I missed the deadline for comment, I'm sure you are familiar with state RCW 58.17.16 regarding payment of property taxes is required to be paid before the plat survey can be signed as completed and filed with the auditor's office.

Looks like they have quite the project ahead of them.

Thank you,

Carla J. Rowe  
Columbia County Treasurer  
341 E. Main St.  
PO Box 24  
Dayton, WA 99328  
509.382.2641  
Fax 509.382.4830

*No man stands so tall as when he stoops to help a child. – Abraham Lincoln*

---

**From:** Andrew Love <alove@AHBL.com>  
**Sent:** Wednesday, February 15, 2023 12:57 PM  
**To:** ad-ccd@daytonwa.net; tb-ccd@daytonwa.net; sepa@dahp.wa.gov; bmlt@bmlt.org; GonsetP@wsdot.wa.gov; Jeremy Weiland <Jeremy\_Weiland@co.columbia.wa.us>; Desirae Lockard <desirae\_lockard@co.columbia.wa.us>; Zac Weatherford <ZWeatherford@daytonwa.com>; Misty Yost <myost@daytonwa.com>; Chris Mills <chris\_mills@co.columbia.wa.us>; Carla Rowe <Carla\_Rowe@co.columbia.wa.us>  
**Cc:** Nicole Stickney <nStickney@daytonwa.com>  
**Subject:** Jasper Pines Preliminary Plat Application (Dayton) | SEPA O-DNS

**CAUTION:** This email originated from outside of the Columbia County network. Please do not click links or open attachments unless you recognize the sender and know the content to be safe.

Good afternoon,

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**COMMENT SHEET  
Plat Application  
Jasper Pines**

Commenting Office: Columbia County Public Works

Commenting Official: Ron Weeks, PLS – County Surveyor

Comments:

1. Add Resource Lands Statement per DMC 19-01.200.
2. Add Legal description of land being subdivided per DMC 19-04.040(B), WAC 332-130-050(f)(v), RCW 58.09.060(1)(c).
3. It appears from aerial imagery that additional buildings exist on Lots 1 & 2 and buildings exist immediately adjacent to lots 3 & 4 (see attached aerial). If these structures still exist, then they need to be shown on the preliminary plat per DMC 19-04.040(F) and WAC 332-130-050(1)(f)(vii).
4. Add Block designation to the plat per DMC 19-04.040(I).
5. Add the Section-Township-Range and quarter-quarter of sections per WAC 332-130-050(1)(A) and RCW 58.09.060(1)(c).
6. Auditors Certificate – Change date to 2023.
7. Notary Acknowledgement – Change date to 2023.







## Nicole Stickney

---

**From:** DAHP SEPA (DAHP) <sepa@dahp.wa.gov>  
**Sent:** Wednesday, March 01, 2023 1:18 PM  
**To:** Andrew Love  
**Cc:** Ashley Morton; keithb@nezperce.org; guy.moura@colvilletribes.com; 'arrow.coyote@colvilletribes.com'; Casey Barney; Corrine Camuso; Gregg Kiona; Jessica\_Lally; Kate Valdez; Noah Oliver  
**Subject:** [EXTERNAL] RE: Jasper Pines Preliminary Plat Application (Dayton) | SEPA O-DNS (DAHP Project Tracking # 2023-03-01348)

Hi Andrew,

Thank you for contacting the Washington State Historic Preservation Officer (SHPO) and Department of Archaeology and Historic Preservation (DAHP) and providing documentation regarding the above referenced project. These comments are based on the information available at the time of this review and on behalf of the SHPO in conformance with Washington State law. Should additional information become available, our assessment may be revised.

Our statewide predictive model indicates that there is a high probability of encountering cultural resources within the proposed project area. However, due to the small footprint of the project, DAHP is not requesting a cultural resources survey at this time. We do ask that you prepare an Inadvertent Discovery Plan (IDP) and prepare construction crews for the possibility of encountering archaeological material during ground disturbing activities.

Please note that the recommendations provided in this letter reflect only the opinions of DAHP. Any interested Tribes may have different recommendations. We appreciate receiving any correspondence or comments from Tribes or other parties concerning cultural resource issues that you receive.

Thank you for the opportunity to comment on this project. Please ensure that the DAHP project Tracking Number is attached to any future communications about this project.

Should you have any questions, please feel free to contact me.

All the best,

**Sydney Hanson, MA** (she/her) | **Local Government Archaeologist**

*Eastern Washington & Columbia River Counties*

360.280.7563 | sydney.hanson@dahp.wa.gov

Department of Archaeology & Historic Preservation | [www.dahp.wa.gov](http://www.dahp.wa.gov)

1110 Capitol Way S, Suite 30 | Olympia WA 98501

PO Box 48343 | Olympia WA 98504-8343

 Please consider the environment before printing this email

---

**From:** Andrew Love <alove@AHBL.com>

**Sent:** Wednesday, February 15, 2023 12:57 PM

**To:** ad-ccd@daytonwa.net; tb-ccd@daytonwa.net; DAHP SEPA (DAHP) <sepa@dahp.wa.gov>; bmlt@bmlt.org; Gonseth, Paul <GonsetP@wsdot.wa.gov>; Jeremy\_Weiland@co.columbia.wa.us; desirae\_meza@co.columbia.wa.us; Zac Weatherford <ZWeatherford@daytonwa.com>; Misty Yost <myost@daytonwa.com>; DOR Columbia County

<Chris\_Mills@co.columbia.wa.us>; DOR Columbia County Treasurer <Carla\_Rowe@co.columbia.wa.us>

**Cc:** Nicole Stickney <nStickney@daytonwa.com>

**Subject:** Jasper Pines Preliminary Plat Application (Dayton) | SEPA O-DNS

External Email

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Let us know if you have any questions!

Best,

**Andrew Love, AICP Candidate** | Project Planner

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