

Dayton City Planning Commission

Regular Meeting—Agenda

Tuesday, October 16th, 2018 at 6:30 PM

114 South 2nd Street, Dayton, Washington 99328



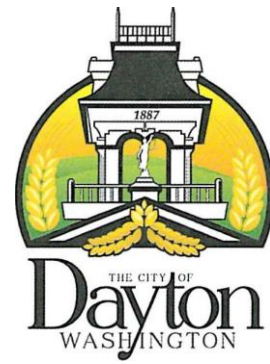
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1. Call to Order
 2. Roll Call and Establish Quorum
 3. Review of Minutes
 - a. September 18th, 2018
 4. Communications from Citizens
 5. Public Hearings
 - a. 6:35 PM: Title 6 and Title 21 Amendments to the Dayton Municipal Code
 6. Old Business
 - a. Comprehensive Plan Update
 - i. Presentation of Scope of Work
 - b. Continued discussion on infill development and incentive zoning
 - c. Continued discussion on vision/mission statement
 - i. Witherington/Beebe report
 7. New Business
 8. Adjournment
 - a. Next meeting: Tuesday, November 20th, 2018

Dayton City Planning Commission

Regular Meeting—Minutes

Tuesday, September 18th, 2018 at 6:30 PM

114 South 2nd Street, Dayton, Washington 99328



1. Call to Order
 - a. Chair Byron Kaczmarski called to order the regular meeting of the Dayton Planning Commission at 6:46 PM.
2. Roll Call and Establish Quorum
 - a. Members Present: Byron Kaczmarski, Ashly Beebe, and Kathryn Witherington. Others Present: Meagan Bailey, Planning Director
3. Review of Minutes
 - a. August 21st, 2018
 - i. A motion to approve the August 21st, 2018 meeting minutes as presented was made by Witherington and seconded by Beebe. Motion passed.
4. Communications from Citizens
 - a. None
5. Public Hearings
 - a. 6:35 PM: Docket List for 2020 Comprehensive Plan
 - i. Chair Kaczmarski opened the public hearing at 6:48 PM.
 - ii. With no members of the public present, Kaczmarski closed the public hearing at 6:50 PM.
 - iii. A motion was made by Witherington and seconded by Beebe for the City Council to adopt the Docket List, approving Docket Items 1-6 as recommended by staff; none opposed, motion carries.
6. Old Business
 - a. Comprehensive Plan Update
 - i. Current status, future meetings and projects
 1. Staff provided a general update.
 - b. Continued review of Code Compliance ordinance updates

- i. Additional review commenced. The planning commission agreed to limit vehicular intrusions in the city right of way to 72 hours.
 - 1. A motion was made by Witherington and seconded by Beebe to schedule a public hearing for October 16th, 2018 at 6:35 PM to take testimony for or against the proposed amendments to Title 6 and Title 21 of the Dayton Municipal Code; none opposed, motion carries.

7. New Business

- a. Introduction to infill development
 - i. Staff provided materials for review and brief introduction. More review will continue in upcoming months.
- b. Introduction to incentive zoning
 - i. Staff provided materials for review and brief introduction. More review will continue in upcoming months.
- c. Vision and/or Mission Statement for the City of Dayton
 - i. Witherington and Beebe have formed a committee to create ideas for the Planning Commission to recommend to City Council. All Planning Commission members are encouraged to participate in this process.

8. Adjournment

- a. A motion was made by Beebe and seconded by Witherington to adjourn the regular meeting of the Dayton Planning Commission at 7:23 PM; none opposed, motion carries. Meeting adjourned.
- b. Next meeting: Tuesday, October 16th, 2018

Columbia County
Department of Planning and Building

Staff Report

Ordinance Amending Dayton Municipal Code Title 6 and Title 21 of the Dayton Municipal Code

To: Dayton Planning Commission
For: Recommendation
By: Planning Director
Date: October 16th, 2018

Categorically exempt from SEPA per WAC 197-11-800(19)
Public hearing: October 16th, 2018 at 5:35PM

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**Proposal:** Being a request to amend the Dayton Municipal Code to better address Code Compliance enforcement issues.

**Background:** Dayton Municipal Code, as written, makes code enforcement in the City a challenge. Areas of concern include the lack of a graduated and specific fee schedule for code violations, weak regulations related to unauthorized motor vehicles stored in the right of way and habitation of vehicles stores in the right of way.

**21-35.040. – Civil Penalties – Assessment Schedule**

Current code allows for civil penalties to be imposed for remedial purposes. The initial penalty fee is currently set at \$500. In many cases, such as properties with high grass or other minor violations, citing a \$500 initial fee seems excessive; therefore fees are seldom imposed.

Current code allows for additional penalties based on specific criterion, but the dollar amounts are left largely to the discretion of the enforcement officer, which potentially leaves the City open to allegations of preferential or unfair treatment.

Additional penalties for public health risk, environmental damage and property damage range from \$0-\$2,500, at the discretion of the enforcement officer. A history of less than three similar violations can be fined from \$100-\$500 and violations providing economic benefit to the offender range from \$1,000-\$5,000, all at the discretion of the enforcement officer. A history of three or more similar violations results in a very steep fine of \$2,500. Code Enforcement Officer Clint Atteberry researched a variety of jurisdictions to develop a specific and graduated fee system. The proposed fee schedule sets fees at differing rates, based on the severity of the violation and the length of time it takes to correct the violation. It also allows for set fee increases as the history of noncompliance increases. The proposed assessment schedule eliminates ambiguity and subjectivity.

Citizens still have the option of entering into a voluntary compliance agreement which suspends civil penalties while violations are being corrected and also have the right to appeal fines.

**6-4.12. – Abatement and removal of unauthorized motor vehicles or parts thereof**

Current code allows for vehicles (including camping trailers, boats and recreational vehicles)

to remain parked in the public right of way for four weeks before incurring a penalty. If the vehicle in question is legitimately used one time in that four-week period, the time counts starts anew.

In order to impose a violation penalty, an enforcement officer would need to visit the site and record activity each day for four consecutive weeks in order to prove the vehicle had not moved. This is not possible with current staffing and office hours, which do not include weekends.

Code Enforcement Officer Clint Atteberry compared Dayton code to code from 15 Washington cities, including the neighboring jurisdictions of Waitsburg, College Place, and Walla Walla. Street parking limitations ranged from a minimum of 12-24 hours (aside from Royal City, which doesn't allow RV street parking at all) to a maximum of seven days in a 30-day period (with other limitations). The majority (seven) jurisdictions allow parking for 12-24 hours and four jurisdictions allow parking for 48-72 hours.

Current code also allows occupying a vehicle stored in the right of way for a period up to two weeks.

The proposed code limits both right-of-way parking and vehicle habitation in the right-of-way to 72 hours. The proposed changes will increase the ability to enforce regulations effectively and will bring Dayton Municipal Code into better alignment with neighboring jurisdictions.

**Findings of Fact:**

1. The proposal is staff-generated by the Columbia County Planning Department.
2. The proposed amendments were presented to the Dayton Planning Commission by Planning Director, Meagan Bailey at the Commission's September 18<sup>th</sup>, 2018 regular meeting.
3. The Dayton Planning Commission reviewed and unanimously agreed that the amendments, as presented, should move forward to a public hearing during the Dayton Planning Commission's October 16<sup>th</sup>, 2018 meeting.
4. The Ordinance, addressing only governmental process, is categorically exempt from SEPA per WAC 197-11-800(19).
5. The Notice of Public Hearing was advertised within the Paper of Record on September 27<sup>th</sup>, 2018.
6. The proposed amendments are within full compliance of all environmental and developmental regulations.

**Discussion:** The Ordinance Amending Dayton Municipal Code Chapter 21-35.101: Civil Penalties – Assessment Schedule and 6-4.12: Abatement and removal of unauthorized motor vehicles or parts thereof is hereby referred to the Dayton Planning Commission to:

1. Recommend adoption of the draft amendments to City Council;
2. Recommend adoption with additional edits to City Council;
3. Deny any recommendation until further review.

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Meagan Bailey, Planning Director

**21-35.010. – Civil Penalties – Assessment Schedule**

- A. Civil penalties for code violations shall be imposed for remedial purposes and shall be assessed for each violation, pursuant to applicable code section(s) and/or the following schedule:

| <b>Code Section Violation</b>                                           | <b>First Violation</b> | <b>History of less than three similar violations</b> | <b>History of three or more similar violations</b> |
|-------------------------------------------------------------------------|------------------------|------------------------------------------------------|----------------------------------------------------|
| 6-9.020.3.a<br>Debris. Filthy or overgrown premises.                    | \$100                  | \$150                                                | \$250                                              |
| 6-9020.3.b<br>Dangerous structures or falling fences                    | \$100                  | \$150                                                | \$250                                              |
| 6-9.020.3.c<br>Potential vermin habitat or fire hazard                  | \$250                  | \$350                                                | \$500                                              |
| 6-9.020.3.d<br>Attractive nuisance that proves detrimental to children. | \$250                  | \$350                                                | \$500                                              |
| 6-9.020.3.e<br>Abandoned vehicles-private property                      | \$150                  | \$250                                                | \$350                                              |
| 6-9.020.3.f<br>Abandoned vehicles-public property                       | \$150                  | \$250                                                | \$350                                              |
| 6-9.020.3.g<br>Health officer violation                                 | \$350                  | \$500                                                | \$750                                              |
| 6-9.020.3.h<br>Obstructions to the public right-of-way                  | \$150                  | \$250                                                | \$350                                              |
| 6-9.020.3.i<br>Illegal Dumping                                          | \$250                  | \$350                                                | \$500                                              |
| 6-9.020.3.j<br>Dumping in waterways                                     | \$350                  | \$500                                                | \$750                                              |

|                                                                                                   |       |        |        |
|---------------------------------------------------------------------------------------------------|-------|--------|--------|
| 6-9.020.3.k<br>Noise nuisance                                                                     | \$100 | \$150  | \$250  |
| 6-9.020.3.l<br>Unpermitted development                                                            | \$100 | \$150  | \$250  |
| 6-9.020.3.m<br>Burning nuisance                                                                   | \$100 | \$150  | \$250  |
| 6-9.020.3.n<br>Animal manure or excreta                                                           | \$100 | \$150  | \$250  |
| 6-9.020.3.o<br>Abandonment of personal property in right-of-way                                   | \$150 | \$250  | \$350  |
| 6-9.020.3.p<br>Unsecured excavations or pits                                                      | \$250 | \$350  | \$500  |
| 6-9.020.3.q<br>Illegal discharge of sewage                                                        | \$500 | \$1000 | \$1500 |
| 6-9.020.3.r<br>Man-caused pool of water causing breeding ground for insects                       | \$100 | \$150  | \$250  |
| 6-9.020.3.s<br>Growing of marijuana where readily seen or smelled from public or private property | \$100 | \$150  | \$250  |

- B. If the violation(s) are not corrected as required by the notice and order and/or stop work order, or a voluntary compliance agreement is not entered into within the time period specified, no administrative appeal is filed, the penalties for the next 15 day period shall be 150 percent of the initial penalties, and the penalties for the second 15-day period shall be 200 percent the amount of the initial penalties. The intent of this subsection is to increase penalties beyond the maximum penalties stated as an additional mean to achieve timely compliance.
- C. Civil penalties shall be paid within 30 days of service of the notice and order and/or stop work order if not appealed. Payment of the civil penalties assessed under this chapter does not

relieve a person found to be responsible for a code violation or his or her duty to correct the violation and/or to pay any and all civil penalties or other cost assessments issued pursuant to this chapter.

- D. The city may suspend civil penalties if the person responsible for a code violation has entered into a voluntary compliance agreement. Penalties shall begin to accrue again pursuant to the terms of the voluntary compliance agreement if any necessary permits applied for are denied, canceled or not pursued, if corrective action identified in the voluntary compliance agreement is not completed as specified, or if the property is allowed to return to a condition similar to that condition which gave rise to the voluntary compliance agreement.
- E. Civil penalties assessed create a joint and several personal obligations in all persons responsible for a code violation.
- F. The city shall seek to recover the costs of civil penalties as authorized in chapter 21-60 DMC.

**6-4.12. – Abatement and removal of unauthorized motor vehicles or parts thereof.**

- A. The storage or retention of an unauthorized motor vehicle is declared to constitute a public nuisance and is subject to removal and impoundment. The designated law enforcement agency shall inspect and investigate potential violations and citizen complaints of potential violations relative to unauthorized motor vehicles, or parts thereof and take the appropriate enforcement action if required. An unauthorized motor vehicle is defined as:
  - 1. A junk motor vehicle, as defined in RCW 46.55.010(5)) on private property or public right-of-way;
  - 2. Any vehicle, including: camping trailers, travel trailers, mobile homes, campers, boats or recreational vehicles or automobiles, trucks or other vehicles, upon a public right of way in the city for the purpose of:
    - a. Repairing or rehabilitating any inoperative vehicle; except repairs, necessitated by an emergency, which can be accomplished within a single 72-hour period;
    - b. Storing such vehicle for any period exceeding 72 hours. The movement of a vehicle for the primary purpose of avoiding the provisions of this subsection is not a defense to a charge of violating this subsection;
    - c. Habituating in such vehicle or occupying such vehicle for residential purposes exceeding 72 hours.



## Attachment 1

# SCOPE OF WORK TO DEVELOP UPDATE COMPREHENSIVE PLANS AND CRITICAL AREAS CODE

## Introduction

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White Bluffs Consulting, with assistance from subconsultants, is assisting Columbia County, the City of Dayton and the Town of Starbuck with updating their respective Comprehensive Plans and the County's critical areas code and resource lands designations/regulations.

## Task 1 – Develop Detailed Project Work Plan and Strategies for Addressing Project Elements

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The consultant team will work with Columbia County Planning staff to develop a detailed project work plan and provide strategy options for addressing project updates utilizing information developed by the County including but not limited to the GMA comprehensive plan update checklist and docket.

Development of the work plan will include coordination with Washington Department of Commerce, and also incorporate prior input from agencies on related updates from other counties and cities the consultant team has worked with. It will include a half-day workshop with County staff, with the consultant project manager attending in person in Dayton and another consultant team member joining by phone. A plan for the workshop with supporting materials will be provided to the County in advance of the meeting. Some of the components we will address in this workshop include approach for:

- Public involvement
- UGA analysis
- Environmental review
- GMA designated agriculture and resource lands
- Population projection strategy
- Water resources/rural exempt wells
- County-wide planning policies
- Zoning provisions to allow for County economic development goals
- Critical areas code updates

We will also discuss specific GIS work products that could be developed by the County GIS staff as part of the update process.

As part of this task, the consultant team will also review existing planning resources and all work completed by each jurisdiction. The County will coordinate collecting and providing these documents to the Consultant team. This is expected to include:

- Existing Comprehensive Plan documents (already provided)
- Current analyses on Urban Growth Boundary expansion, if available
- Existing and on-going master plans, as applicable
- Public Participation Plan, if available
- All existing planning documents including the Transportation Improvement Program, Capital Facilities and budgets from each jurisdiction
- Water and Sewer System Plan, Parks and Recreation Master Plan, etc.
- Documents related to on-going capital improvement projects
- Documents related to regional projects such as SMA (already provided) and Voluntary Stewardship Plan

The consultant team will evaluate the current work for consistency with GMA requirements.

The work plan will identify specific approaches, level of effort and assignments for each plan element.

**Deliverables:** Draft and Final Detailed Project Work Plan with assignments, cost estimates (total and broken down by County/City/Town) and reference documents for County assigned tasks.

**Schedule:** Work is expected to be completed by September 30, 2018.

**Budget:** (provided through prior contract authorization)

## Task 2 - Develop Public Participation Plan

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The consultant team will provide examples of other public participation plans. The team will review all three plans prepared by the County to ensure early and continuous public participation is considered throughout the plan update process.

**Deliverables:** Comments on draft PPPs (3).

**Schedule:** Work to be completed within 20 days of being provided draft PPPs by County.

**Budget:** \$526

## Task 3 - Update Countywide Planning Policies

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The consultant team will review the CWPP and provide a tracked changes version of updated CWPPs to the County. The County will conduct meetings with all jurisdictions to receive input on the updated draft CWPPs and finalize them.

**Deliverables:** Comments on draft PPPs (3).

**Schedule:** Work expected to be completed by November 21, 2018.

**Budget:** \$2,432

## Task 4 - County population projection and allocation

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The consultant team will review the Office of Financial Management's 20-year medium series of population projection for Columbia County and allocate growth to each City and Town based on past trends, and prepare a summary table and accompanying text of populations projections for inclusion into the plans.

**Deliverables:** Population projection summaries for input to the plan (3)

**Schedule:** Work expected to be completed by November 2, 2018.

**Budget:** \$2,072

## Task 5 - Review Land Capacity and UGA expansion areas and Capital Facilities Plan

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The County will develop land capacity analysis in order to accommodate growth for the twenty-year planning period. The team will review county GIS analysis results, perform supplemental analysis as necessary based on GIS data, review the City of Dayton's UGA application, and provide narrative for input to the plan.

The Consultant team will support the development of UGA application requirements/guidance on interface between City of Dayton and the County. The team will also help with tailoring land capacity analysis for application.

The City engineering staff will develop the Capital Facilities Plan for the UGA expansion. The consultant team will help organize meetings with City Engineers and WSDOT in coordination with the County.

**Deliverables:** Recommended updates to the UGA application and assisting with updating the application with inputs from City engineer and county land capacity analysis.

**Schedule:** Work expected to be completed by January 31, 2019.

**Budget:** \$9,572

## Task 6 - Visioning meetings

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The team will facilitate three public meetings, review presentations and meeting summaries prepared by the County.

**Deliverables:** Facilitated Meetings

**Schedule:** Meetings will be held on dates that work for the Consultant project manager and the County, City and Towns in November or early December 2018.

**Budget:** \$2,676

## Task 7 - Resource lands review and designations update

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The consultant team will review criteria for natural, forest, agricultural and mineral resource lands. Based on the more recent GMA requirements, we will work with the County to establish guidelines to classify agricultural, forest, mineral lands and critical areas. For GMA designated agricultural and resource lands, we will analyze current criteria in the existing Comprehensive Plans, analyze them using GIS data and classify/reclassify as applicable. The County will provide mapping support and GIS analyses and the Consultant team will develop the memo of resource land analyses findings.

**Deliverables:** Preliminary draft, final draft and final resources lands review memorandum.

**Schedule:** Work expected to be completed by January 31, 2019.

**Budget:** \$5,966

## Task 8 - Characterize water resources and availability of water supply

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We will characterize how the County will comply with RCW 90.44.050 for the supply of rural domestic water through the use of “exempt” wells, confirming how water is determined to be physically and legally available. WBC will provide language for inclusion in the plan.

**Deliverables:** Draft and final water resources input section for inclusion in County plan.

**Schedule:** Work expected to be completed by November 21, 2019.

**Budget:** \$1,764

## Task 9 - Review and update Plan Elements

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The consultant team will perform tasks for three Comprehensive Plans as follows:

- a. Land Use – The WBC team will review this element and goals and policies developed by the County/City/Town. The team will add population projection and land capacity analysis findings in the three land use elements of each Comprehensive Plan document.
- b. Rural Element. For the County, the WBC team will evaluate the County’s rural land use, rural characters, rural land use densities and related goals and policies to comply with the GMA.
- c. Housing - The WBC team will review this element and goals and policies developed by the County/City/Town.
- d. Economic Development - The WBC team will review this element and goals and policies developed by the County/City/Town.
- e. Transportation - The WBC team will review this element and goals and policies as part of the Capital Facilities Element as described in Task 10.
- f. Utilities - The WBC team will work with the County and City and will help craft these updates and work with the County and City to obtain input information.

- g. Parks and Recreation and Open Space - The WBC team will review this element and goals and policies as part of the Capital Facilities Element as described in Task 10. The team will provide the supplemental information, public access plan and data to the County.

**Deliverables:** Comments on draft plan elements.

**Schedule:** Work to be completed by February 22, 2019, with some comments/suggested edits coming earlier in the schedule.

**Budget:** \$10,360

## **Task 10 - Capital Facilities Planning**

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Based on the growth projections and future land use pattern, demand for capital facilities will change. Many of the capital facilities for water and sewer may need expansion into the UGA. For a Comprehensive Plan update, the County/City/Town will develop capital facilities plan to serve the targeted growth areas. This would include water, sewer, storm water transportation – roads, school, fire, parks, police, fire and power. The WBC team will review this element and goals and policies, and provide guidance and input as needed for the development of this section, along with template language for County use.

**Deliverables:** Comments on draft Capital Facilities element.

**Schedule:** Work to be completed within 20 days of being provided draft PPPs by the County.

**Budget:** \$6,716

## **Task 11 - SMP and CAO integration**

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We will support the County in incorporating existing data and information regarding your natural environment. Our efforts will focus on incorporating the City of Dayton SMP into the updated Comprehensive Plan along with updates to references of critical area documents and maps. We will prepare a regional SMP writeup for Columbia County and Starbuck to include in their respective plans. We will also provide the County with an updated critical areas code based on the recently approved Asotin County CAO, based on the provisions in the regional SMP, to reflect the latest GMA and best available science requirements. The County GIS will be responsible for preparing critical areas mapping or other mapping products to be included as part of this element.

**Deliverables:** SMP and CAO updates to comprehensive plan for the County, City and Town. Draft and final CAO for Columbia County and Starbuck (one document serving both). Support to County through CAO adoption process.

**Schedule:** Draft CAO and SMP writeups are expected to be completed by November 21, 2018.

**Budget:** \$1,424

## Task 12 - SEPA/environmental review

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The consultant team will perform a SEPA (State Environmental Policy Act) review to identify potential impacts of the Plan and regulations. If the potential UGA expansion areas have the presence of critical areas, the team will prepare a detailed SEPA checklist to address all required elements of the County/City/Town checklists. The team will prepare one SEPA checklist for all Comprehensive Plans.

**Deliverables:** Draft and final SEPA checklists (3).

**Schedule:** Work is expected to be completed by March 29, 2019.

**Budget:** \$1,424

## Task 13 - Development Regulations

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We will review the County's zoning codes to ensure consistency between the economic development policies and zoning regulations. We will especially research Walla Walla County clustering regulations and also share other potential options for addressing the County's economic development goals. This effort will also consider findings from the resource lands review, as applicable

**Deliverables:** Suggested updates to County code.

**Schedule:** Work to be completed by February 22, 2019.

**Budget:** \$2,396

## Task 14 - Comprehensive Plan Adoption

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We will support the adoption process in meetings by phone, providing info, and other support as requested based on available budget.

**Deliverables:** No specific deliverables identified.

**Schedule:** Support to be provided through June 30, 2019.

**Budget:** \$3,162

**Budget**

| <b>Tasks</b>                                                                     | <b>Budget (\$)</b>                             | <b>County<br/>(66.1%)</b> | <b>Dayton<br/>(25.4%)</b> | <b>Starbuck<br/>(8.5%)</b> |
|----------------------------------------------------------------------------------|------------------------------------------------|---------------------------|---------------------------|----------------------------|
| Task 1. Develop detailed work plan and strategies                                | (\$5,000 provided through prior authorization) | 3305                      | 1271                      | 424                        |
| Task 2. Develop Public Participation Plan                                        | 721                                            | 477                       | 183                       | 61                         |
| Task 3. Update Countywide Planning Policies                                      | 2208                                           | 1460                      | 561                       | 187                        |
| Task 4. County population projection and allocation                              | 2564                                           | 1695                      | 652                       | 217                        |
| Task 5. Review land capacity and UGA expansion areas and Capital Facilities Plan | 10456                                          | 6912                      | 2658                      | 886                        |
| Task 6. Visioning meetings                                                       | 2710                                           | 1791                      | 689                       | 230                        |
| Task 7. Resource lands review and designations update                            | 5983                                           | 3955                      | 1521                      | 507                        |
| Task 8. Characterize water resources and availability of water supply            | 1798                                           | 1189                      | 457                       | 152                        |
| Task 9. Review and update Plan Elements                                          | 11414                                          | 7545                      | 2902                      | 967                        |
| Task 10. Capital Facilities Planning                                             | 6818                                           | 4507                      | 1733                      | 578                        |
| Task 11. SMP and CAO integration                                                 | 1780                                           | 1177                      | 453                       | 151                        |
| Task 12. SEPA/environmental review                                               | 1424                                           | 941                       | 362                       | 121                        |
| Task 13. Development regulations                                                 | 2600                                           | 1719                      | 661                       | 220                        |
| Task 14. Comprehensive Plan adoption                                             | 3356                                           | 2218                      | 853                       | 284                        |
| <b>Total</b>                                                                     | <b>\$53,832</b>                                | <b>\$35,584</b>           | <b>\$13,686</b>           | <b>\$4,562</b>             |