

Dayton City Planning Commission

Regular Meeting—Agenda

Tuesday, May 15th, 2018 at 6:30 PM

114 South 2nd Street, Dayton, Washington 99328



1. Call to Order
2. Roll Call and Establish Quorum
3. Review of Minutes
 - a. April 17th, 2018
4. Communications from Citizens
5. Public Hearings
 - a. 6:35 PM – Chapter 5-18: Historic Preservation
6. Old Business
 - a. Title 11: Zoning
 - i. *Staff presentation on draft “Tiny Home” zoning standards.*
 1. *Tabled until next meeting—staff continues to compile information and review WAC’s and RCW’s*
 - ii. Staff presentation on draft “Short Term Rentals” zoning standards.
 - iii. Staff presentation on animal densities.
7. New Business
8. Adjournment
 - a. Next meeting: Tuesday, June 19th, 2018 at 6:30 PM



DAYTON CITY PLANNING COMMISSION

114 S. 2nd Street, Dayton, WA

Meeting Minutes

Tuesday, April 17, 2018 – 6:30 p.m.

Call to Order: by Chair, Joe Huether at 6:30 p.m.

Roll Call: Members Present: Joe Huether, Carol Rahn, Kathryn Witherington and Byron Kaczmariski.
Also in attendance: Clint Atteberry, Building Official, Dena Martin, Planning Clerk
A quorum of commission members was present.

Minutes: The March 20th, 2018 meeting minutes were reviewed.

- A motion to approve the March 20th, 2018 meeting minutes as distributed was made by Rahn and seconded by Witherington. Motion passed.

Communication from Citizens:

- Dustin and Nichole Durham asked the commission how they could be allowed to keep goats in the city limits. They have five lots on the edge of city limits, that are fenced and was previously used to pasture horses. They would like to have three miniature female goats to provide milk and to teach their sons to care for animals. Nichole provided the commission with information on other cities that allow goats in city limits. The commission briefly discussed health and safety concerns as well as the nuisance ordinance and said they would look into ways to make it work for the Durham's to have goats.

Public Hearing for changes to Chapter 17-02: Frequently Flooded Areas:

- A Public Hearing on proposed revisions to Chapter 17-02: Frequently flooded Areas of the Dayton Municipal Code was opened by the Chair at 6:46 p.m.
 - Proposed changes were reviewed and summarized by the Planning Clerk. The Commission received a comprehensive staff report. The proposed amendments, as suggested by the Department of Ecology, bring the code into full compliance with all environmental and developmental regulations. No additional comments or questions had been received. There was no public comment.
- The Public Hearing was closed by the Chair at 6:49 p.m.
 - A motion was made by Witherington and seconded by Rahn to recommend adoption of the revised ordinance to the City Council. Motion passed.

Old Business:

- Title 11: Zoning
 - Atteberry gave a Power Point presentation on Tiny Homes. The presentation detailed ways in which Tiny Homes fail to meet state building codes, explained how

and where Tiny Homes can be allowed, and presented alternatives such as “ABC Homes” and small manufactured homes that meet code requirements.

- The commission agreed that they now feel able to respond to questions from the public when asked why Tiny Homes aren’t allowed in the City and are able to suggest alternatives.
- A presentation/discussion on Airbnb’s was tabled until the next meeting.

New Business:

- Dayton Historic Preservation Commission – Title 5 Edits.
 - Dayton Historic Preservation Commission member Ginny Butler updated the Commission on proposed changes to the Historic Preservation Commission rules and procedures. Butler explained that the Commission has spent the last year-and-a-half going through the bylaws to make it factual, clear, and less ambiguous.
 - Commission questioned Butler briefly regarding specific changes to Title 5.
 - A motion was made by Witherington and seconded by Rahn to set a Public Hearing on the proposed revisions to Title 5: Historic Preservation of the Dayton Municipal code. Motion was approved and a Public Hearing will be set for May 15 at 6:35 p.m. at the Planning Department.

Additional Comments:

- Witherington asked about follow-through to the request by the Durham’s to allow goats on their property. Huether requested that staff look into what would be required to allow the Durham’s to have goats in the City and bring suggestions/options to the next meeting.

Adjournment: at 7:22 p.m.

Announcements:

- Next Scheduled Commission Meeting: Tuesday, May 15th, 2018 @ 6:30 pm.

Approved, May 15th, 2018,

Joseph Huether, City Planning Commission Chair Date

Attest:

Meagan Bailey, Planning Director

Columbia County
Department of Planning and Building

Staff Report

Ordinance Amending Dayton Municipal Code Chapter 5-18: Historic Preservation

To: Dayton Planning Commission
For: Recommendation
By: Dayton Historic Preservation
Date: May 15, 2018

Categorically exempt from SEPA per WAC 197-11-800(19)
Public hearing: May 15th, 2018

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**Proposal:** The Dayton Historic Preservation Commission is responsible to identify and actively encourage the conservation of the City’s historic resources. In recent years, significant changes affecting the operations and duties of the Commission have occurred. Examples include the repeal of all City historic districts in 2016 and the City’s consolidation of planning services with the County in 2017. These, and other changes, require Chapter 5-18: Historic Preservation of the Dayton Municipal Code to be updated to accurately reflect current processes and procedures. Accordingly, the Dayton Historic Preservation Commission has proposed amendments to bring before the Dayton Planning Commission to hold a public hearing, take testimony from the public regarding these changes, and offer a recommendation to the city Council.

**Background:** The Dayton Historic Planning Commission was established with Ordinance No. 1544, referred to as the Historic Preservation Ordinance, in November 1992. The ordinance created Chapter 5-18 of the Dayton Municipal Code, addressing historic preservation. The purpose of the ordinance is “to provide for the identification, evaluation, and protection of historic resources within the City of Dayton in a positive, non-restrictive manner as prescribed within the Dayton Comprehensive Plan and without conflict with community economic development goals and to preserve and rehabilitate eligible historic properties within the city of Dayton for future generations.”

The Historic Preservation Commission was created as part of the Historic Preservation Ordinance. Its major responsibility is to identify and actively encourage the conservation of the City’s historic resources.

While the Commission’s general responsibilities have not changed, in recent years, the City has undergone changes that have affected the operations of the Commission. For example, in 2016, after extensive evaluation and public outreach, the City adopted Ordinance 1899 repealing all previously adopted local historic districts and their zoning overlays.

This change marked an ideal opportunity to perform a comprehensive review of Chapter 5-18: Historic Preservation. The Commission made a complete review of the code, amending

as necessary to reflect current processes and procedures and to make the code less ambiguous. The changes in the draft ordinance will confirm completeness, accuracy, clarity and ensure the code is up-to-date and is legal.

**Findings of Fact:**

1. The proposal was made by the Dayton Historic Preservation Commission.
2. Following extensive review by the Dayton Historic Preservation Commission, recommended changes were compiled and presented to the Dayton Planning Commission by Planning Clerk, Dena Martin, and Dayton Historic Preservation Commission member, Ginny Butler.
3. The Dayton Historic Preservation Committee reviewed and unanimously agreed that the amendments as presented should move forward to a public hearing during the Dayton Planning Commission May 15<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 April 26, 2018.
6. The proposed amendments are within full compliance of all environmental and developmental regulations.

**Discussion:** The Ordinance Amending Dayton Municipal Code Chapter 5-18: Historic Preservation 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

11-03.020. - Uses.

All uses in residential zones shall either be permitted as a principal use, as an accessory use or as a conditional use, or prohibited as indicated in the Use Chart of this section. If a use is not listed, it is prohibited unless the planning director determines that a proposed use is similar in aspects such as size, density, effect and impact on surrounding users as a listed use. All restrictions that apply to a listed use shall apply to any use which is permitted as a similar use.

| Use Chart                                                                                                                       | Residential Zones |                |
|---------------------------------------------------------------------------------------------------------------------------------|-------------------|----------------|
|                                                                                                                                 | AR                | UR             |
| <b>A. Residential.</b>                                                                                                          |                   |                |
| Accessory dwelling unit (ADU)<br>> <sup>1</sup> Accessory only to one primary single-family dwelling, also see DMC 11-01.020 G. | A <sup>1</sup>    | A <sup>1</sup> |
| Adult family home                                                                                                               | P                 | P              |
| Boardinghouse                                                                                                                   | A                 | P              |
| Duplexes (two attached dwellings units with a minimum of 3,600 square feet of lot area for each unit)                           | X                 | P              |
| Group home                                                                                                                      | P                 | P              |
| Manufactured and mobile home parks                                                                                              | C                 | C              |
| Multifamily (three or more attached dwelling units with a minimum of 3,600 square feet of lot area for each unit)               | X                 | P              |
| Pets, household                                                                                                                 | A <sup>2</sup>    | A <sup>2</sup> |
| Private garages and storage buildings, including carports                                                                       | A                 | A              |
| Private recreational facilities (pools, patios, and similar)                                                                    | A                 | A              |
| Single-family dwelling                                                                                                          | P                 | P              |
| Tent structure, residential—See DMC 11-03.040 for limitations                                                                   | A                 | A              |

|                                                                           |                |                |
|---------------------------------------------------------------------------|----------------|----------------|
| Vacation rental                                                           | P              | P              |
| <b>B. Agricultural Uses.</b>                                              |                |                |
| Feedlots                                                                  | X              | X              |
| General farming                                                           | P <sup>2</sup> | A <sup>2</sup> |
| Large sized livestock                                                     | P <sup>2</sup> | X              |
| Moderate sized livestock                                                  | P <sup>2</sup> | X              |
| Small production animals                                                  | P <sup>2</sup> | A <sup>2</sup> |
| Marijuana producers and production including medical marijuana            | X              | X              |
| Medical marijuana cooperative                                             | X              | X              |
| <b>C. Community Facilities.</b>                                           |                |                |
| Community centers and similar facilities                                  | C              | C              |
| Fire and police stations                                                  | C              | C              |
| Hospitals                                                                 | X              | C              |
| Medical clinics                                                           | X              | C              |
| Parks                                                                     | P              | P              |
| Religious facilities, faith centers and churches                          | C              | C              |
| Schools                                                                   | C              | C              |
| Utility transformers, pump station, etc.                                  | C              | C              |
| <b>D. Commercial Uses. (Limitations on Commercial Uses—See 11-03.060)</b> |                |                |
| Bed and breakfast guest house                                             | A              | A              |

|                                                                                                                                                                                          |   |   |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|
| Inn                                                                                                                                                                                      | X | C |
| Communication towers including phone, radio, TV and similar                                                                                                                              | A | A |
| Community residential facilities (CRF)                                                                                                                                                   | X | C |
| Day care facilities                                                                                                                                                                      |   |   |
| Day care center                                                                                                                                                                          | C | C |
| Mini Day Care Center                                                                                                                                                                     | C | C |
| Family day care home                                                                                                                                                                     | A | A |
| Home business or occupation                                                                                                                                                              | A | A |
| Kennels                                                                                                                                                                                  | A | X |
| Marijuana processor and processing                                                                                                                                                       | X | X |
| Marijuana retailers and retail stores with or without a medical marijuana endorsement                                                                                                    | X | X |
| Nursing homes                                                                                                                                                                            | C | C |
| Professional, administrative and service offices                                                                                                                                         | A | A |
| Retail nurseries and greenhouses                                                                                                                                                         | A | A |
| Veterinary clinic                                                                                                                                                                        | X | C |
| <sup>1</sup> Accessory only to one primary single-family dwelling, also see DMC 11-01.020(G)<br><sup>2</sup> See DMC 11-03.100 for limitations to pets, livestock and production animals |   |   |

" *Bed and breakfast guest house* " means a dwelling unit which serves as the primary residence for the owner/operator within in which three to no more than five bedrooms are available for paying guests. Nightly lodging accommodations may serve guests and/or travelers for a period of no longer than 30 days and may serve breakfast only to those people registered to use the facility for lodging.

P—Permitted use; C—Conditional use; A—Accessory use; X—Not allowed



## Goat Comparisons

| City        | Size                                                                                                                                                      | Provisions                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Waitsburg   | Not allowed in city unless lot or combination of lots owned by the same person, where livestock will be kept is at least ¼ acre (10890 sf) of open space. | At all times maintained in sanitary conditions, not a hazard to health of other people or animals, not kept in a way that would be a hazard in maintenance of use of street or alley                                                                                                                                                                                                                                                                                   |
| Asotin      | Allowed in Suburban Residential where minimum lot size is 10,000 sf.                                                                                      | <ul style="list-style-type: none"> <li>-Minimum lot size of one-half acre.</li> <li>-No more than five head for first ¾ acres and two head additional for the remaining parcel.</li> <li>-not constitute a nuisance with respect to neighboring property</li> <li>-animal shelters and feeding places not located within 25 feet of any lot line and/or within 50 feet of any residence.</li> </ul>                                                                    |
| Walla Walla | Minimum of 5,000 sf of open fenced area per animal                                                                                                        | <ul style="list-style-type: none"> <li>-Offspring kept for a period not exceeding four months.</li> <li>-Fencing shall be of non penetrable type so as to reduce nuisance impact on adjacent land uses</li> </ul>                                                                                                                                                                                                                                                      |
| Spokane     | <p>“Small domestic animal” (all breeds of goats excluding mature large meat breeds such as Boers)</p> <p>One small livestock per 2500 sf of lot area.</p> | <ul style="list-style-type: none"> <li>-Owners shall obtain animal keeping certification from WSU prior to keeping the animal demonstrating knowledge in appropriate care.</li> <li>-certification shall be specific to the species being kept.</li> <li>-maintaining the animal under conditions that do not satisfy certification standards shall be a violation</li> <li>-male small livestock must be de-scented and/or neutered using humane standards</li> </ul> |

11-03.100. - Animal densities—Livestock and animal restrictions.

- A. *Livestock and production animal restrictions.* Livestock and production animals such as horses, cows, goats, sheep and fowl are allowed subject to DMC 11-03.020 and as follows:
1. In the AR zone, large sized livestock animals such as a horse, cow or similar-sized animals require a minimum of 40,000 square feet of usable pasture area for the first large animal with an additional minimum usable pasture area of 20,000 square feet per each additional large animal.
  2. In the AR zone, moderate sized livestock animals such as a sheep, goat or similar-sized animals totaling 200 pounds or less require a minimum of 10,000 square feet of usable pasture for the first moderate sized animal with an additional minimum usable pasture area of 5,000 square feet per each additional animal.
  3. In the UR zone, moderate sized livestock animals such as sheep, goats or similar-sized animals totaling 200 pounds or less will only be allowed where the lot, or combination of lots owned by the same person and where the livestock will be kept, has at least 10,000 square feet of usable pasture (open space) for the first moderate sized animal with an additional minimum usable pasture area of 5,000 square feet per each additional animal, to a maximum of three moderate sized livestock.
    - a. Fencing shall be of a non penetrable type so as to reduce nuisance impact on adjacent land uses.
    - b. Male small livestock must be de-scented and/or neutered using humane standards.
    - c. All confinement areas shall be kept in a manner as not to cause a noise, odor, or visual nuisance with respect to neighboring property. All enclosure areas shall be kept clean. Food and animal waste must be removed to keep the areas free from insect infestations, rodents or disease, as well as to prevent obnoxious or foul odors, and must not constitute a nuisance. Manure shall not be allowed in any place where it can affect any source of drinking water.
    - d. Offspring of animals legally permitted under this chapter may be kept for a period not to exceed four months. Beyond this period, offspring must meet the per-animal limitations of this chapter.
  34. Small sized production animal such as chickens, rabbits or similar sized animals:
    - a. In the UR zone, a maximum of six small production animal are allowed on a lot 7,200 square feet or larger. A variance may be requested to allow small production animals on a substandard sized lot in the UR zone.
    - b. In the AR zone, a minimum of 100 square feet of useable fenced or enclosed area is required for the first small production animal with an additional minimum area of 50 square feet per each additional animal.
  5. The calculation of the number of livestock and production animals allowed shall be cumulative and the aggregate of the total number of animals shall not exceed the densities allowed in this section. For example, a 10,000 square foot lot in the UR zone may allow for six chickens or one goat, but not both.
  46. Swine are prohibited.
  57. No feedlots or similar dense animal-raising facilities or operations are permitted.
  68. Shelters, fenced areas or corrals for animals may be built 25 feet or more from a property line or 50 feet or more from an existing residential building on adjacent properties. Except that, a

shelter, fenced area or corral for six or fewer small production animals may be located 15 feet from a side or rear property line and 20 feet from a front property line.

- B. *Household pets.* Household pets including but not limited to dogs, cats, indoor birds, small rodents, nonvenomous reptiles or amphibians, fish, and potbellied pigs, subject to the following standards and limitations:
1. Three dogs per residential lot, regardless of lot size.
  2. Full-size swine are prohibited.
  3. Goats are prohibited [except as allowed in 11-03-100\(A\(3\)\), above](#)
  4. Reptiles or amphibians weighing more than ten pounds are prohibited.
  5. A maximum of three household pets may be housed outside the residence in a shelter or fenced area.
- C. Livestock, small production animals and pets are subject to the provisions of DMC chapter 6-8, animal control.
- D. [Any person or persons being the owner or having possession or control of any livestock found in violation of Chapter 11-30.100, above, shall be subject to penalties as listed in Title 21: Code Compliance.](#)

(Ord. No. 1841, § 2(Att. B), 11-12-2013; [Ord. No. 1886](#), § 1, 12-7-2015)