



DAYTON PLANNING COMMISSION

PRELIMINARY AGENDA

111 S. 1st Street, Dayton, WA

MEETING DATE: Tuesday, December 17, 2013

MEETING TIME: 6:30 p.m.

1. CALL TO ORDER

2. ROLL CALL

3. MINUTES of meeting approval for 10/15/2013 - See Agenda Attachments A

Action - Approval of minutes for 10/15/201

4. COMMUNICATIONS FROM CITIZENS

5. UNFINISHED BUSINESS - none

6. NEW BUSINESS:

a. PUBLIC HEARING FOR SP 2012-01 - See Attachment B (Report with Exhibits)

Applicant: Tim Quade

File Name: Quade Short Plat - SP2012-01

Date of Application: December 6, 2012

Date Complete: December 11, 2012

Project Description: Short plat of the property into two lots,
each approx. 7,500 + sq. ft. in size

Location: 1013 S. 3rd St, Dayton

ACTION – b. Decision to Grant, Grant subject to conditions; Deny or, Postpone Preliminary Short Plat Approval for SP 2012-01 See Attachment C

7. OTHER

a. Update of implementation of development regulations by staff

8. ADJOURN MEETING



DAYTON PLANNING COMMISSION

DRAFT MEETING MINUTES

111 S. 1st Street, Dayton, WA

Tuesday, October 15, 2013

1. CALL TO ORDER by Joe Huether at 6:30 pm
2. ROLL CALL Joe Huether, Chair; Greg Abramson, Vice Chair; Candace Jones present. Leslie Sweetwood – excused absence.
3. MINUTES REVIEW & APPROVAL – Greg made a motion and Candace seconded the motion to approve the minutes of meeting and public hearing minutes for both 9/12/13 & 9/17/13 with the addition of signature lines.
4. COMMUNICATIONS FROM CITIZENS – None.
5. UNFINISHED BUSINESS -
 - a. Review and discussion of proposed development regulations. Karen walked the Planning Commission through the two packets of information and updates provided to the commission before the meeting of 9/22/2013 and 10/13/2013. Updates discussed at the meeting included:
 - Adding Essential Public Facilities as a Type III Application requiring a public hearing.
 - Revising how adult family homes and group homes uses are allowed, so as to treat them the same as a family residence.
 - Eliminate reference to binding site plans in Title 10.
 - Clarifying language of sight triangles at intersections of streets and alleys.Greg explained that the location of the property lines can be measured when one knows the width of the right-of-way. He also explained that another way of regulating and determining the sight triangle is by measuring back typically 40 feet from the roadway (edge of pavement).
 - b. Recommendation to City Council regarding proposed draft development regulations. Greg motioned to approve the draft regulations as updated in the 9/22/13/PC packet; 10/13/13 PC packet, and elimination of the reference to binding site plans in Title 10. Candace seconded the motion. The PC approved the motion to recommend the development regulations as presented by staff to the City Council.
6. NEW BUSINESS - None
7. ADJOURN MEETING – 6:56 pm Next Meeting - November 19, 2013 @ 6:30 pm

Joe Huether, PC Chair

Date Signed

Karen J Scharer, Planning Director

Date Signed



**SP 01- 2012 / QUADE
PRELIMINARY LIST
OF
HEARING EXHIBITS
12/17/2013 PUBLIC HEARING**

1. Preliminary list of Hearing Exhibits 1-10
2. Staff Report – dated 12/14/2013
3. Survey/Short Plat – dated 12/5/2012
4. Short Subdivision Application - dated 12/6/2012
5. Notice of Application, issued 12/11/2012
6. Notice of Hearing, issued 12/3/2013 & Waitsburg Times 12/5/2013
7. Letter from Jerry Quimby, PO Box 1814, Havre, MT 39501
8. Quit Claim Deed, dated 10/31/2013
9. Agreement to Settle Claims and Release of All Claims – effective 9/24/2013
10. Planning Commission - Draft Resolution – Recommended by Staff

11. _____
12. _____

*Agenda Attachment B
Hearing Exhibit 1*



Planning Commission Public Hearing
Dec. 17th, 2013, 6:30 pm
Quade Short Plat #01-2012

Staff Report

FACTS & FINDINGS:

Applicant:	Tim Quade, 239 Patit Rd., Dayton, WA 99328
Surveyor:	Bryan Martin 321 W. Main St., Dayton, WA 99328
Application Date: Dec. 6, 2012	Date Complete: Dec. 11, 2012
Location:	1013 S. 3 rd St / Tax Lot 1-160-03-028-0000
Project Description:	Short plat of the property into two lots, each approx. 7,500 + sq. ft. in size
Zoning:	UR / Min. lot size 7,200 sf / Min. width 50 ft
Comprehensive Plan:	Residential
Critical Areas: None	Historic District: N/A
SEPA Determination:	Exempt
Notice of Application:	December 25, 2012
Public Hearing Notice:	300' radius Dec. 3, 2013 Waitsburg Times Dec. 5, 2013

1. History/Background: The staff has conducted an on-site examination of the subject property and has discussed the proposed development with the applicant to clarify technical details of the application, and to determine the compatibility of this project with applicable City of Dayton plans, codes, and other official documents regulating this development.

2. Application Summary: The applicant is requesting approval to divide a lot 122.5 feet wide by 122.5 feet deep into two lots. Each of Lots 1 & 2 will be equally divided into lots 7,503 square feet. The property is located at South 1013 3rd Street.

3. Vesting: This applications was deemed complete on December 11, 2012 and is vested to the codes in effect at the time of application. The recent updates to subdivision and zoning codes will not be applied to this application.

4. Property Characteristics: The property is level and mostly covered by grasses, some ornamental shrubbery, and a number of large evergreen tree on the south side of the fence along the north side of the property, and 2 trees each somewhat centrally located on each of the proposed lots. There is an existing foundation on central portion of Lot 1.

There are no endangered species of flora or fauna known to frequent the property.

The property is fenced on the north side and east (rear) property lines with wood fencing and a chain link fence is located on the south, side property line. In the last year, a shed was relocated from the central portion of the property to near the rear property line.

Exhibit 2

5. Neighborhood Characteristics: The neighborhood surrounding the property is generally residential in character. However, the Dayton General Hospital and a medical clinic are located directly west across South 3rd Street.

6. Zoning Designation:

a. The property is designated Urban Residential (UR). The proposal complies with the minimum lot size in the UR Zone is 7200 square feet and lot width is 50 feet.

b. Section 5-12.100 of the Dayton Zoning Code states that “the intent of the urban residential zone is to provide for a mixture of housing unit types including single family and multifamily dwellings. The base density is six dwelling units per acre. The zone also includes provisions for the manufactured home subdivisions and planned residential development allowing a variety of housing unit types at increased densities”.

Under the UR designation, each lot could be developed with either a single family dwelling or a duplex (two attached dwelling units).

c. Section 5-12.120 requires a minimum setback of 5 feet for all accessory structures from side and property lines, for those structures 10 feet or less in height. It is unknown whether the shed at the rear of the property will comply with the required rear and future side yard setbacks or whether the shed will need to be relocated.

7. Subdivision & Standards:

a. **RCW 58.17.110(2)** “A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that:

(a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and schoolgrounds 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; and

(b) the public use and interest will be served by the platting of such subdivision and dedication. If it finds that the proposed subdivision and dedication make such appropriate provisions and that the public use and interest will be served, then the legislative body shall approve the proposed subdivision and dedication. Dedication of land to any public body, provision of public improvements to serve the subdivision, ... may be required as a condition of subdivision approval. ...”

b. **Resolution # 1160**, passed on 3/23/2009, adopted the City of Dayton “2008 Development Standards, Specifications and Plans” (2008 DSS&P’s) specifying requirements for improvements to city and private infrastructure. All water, sewer, driveway, and stormwater disposal systems will be required to comply with these standards.

8. Roads/Access: The property fronts South 3rd Street which is a Major Collector Arterial developed with one lane each direction, curbs, gutters, sidewalks, street lighting and on-street parking. There is an existing curb cut to Lot 2 for a driveway, but not for Lot 1. There is no alley access to this property.

Sidewalks along S. 3rd St. and crosswalks along S. 3rd Street provide a “safe route” to all Dayton Public Schools per the Dayton School District Safe Routes Map.

9. Utilities/Public Services:

- a. Water: There is an existing City of Dayton water main on 3rd Street which provides portable water and water to the fire hydrant located in front of the property. Water is currently hooked up to proposed Lot 1, but not Lot 2.
- b. Sewer: There is an existing City of Dayton sewer main on 3rd Street which provides gravity flow. Sewer hook-up currently is provided to proposed Lot 2, but not Lot 1.
- c. Solid Waste: The City of Dayton contracts for solid waste disposal for residents with weekly home pick-up. Recycling is available at the City property located on the corner of N. 1st St. and Commercial Ave.
- d. Fire: Fire District #3 provides service to the property and nearby area.
- e. Police: The City of Dayton contracts for police services with the Columbia County Sheriff.
- f. Schools: The property is within the boundaries of the Dayton School District which has capacity for additional students.
- g. Parks: There are existing parks, trails and ball fields within a few blocks of the property.

10. Environmental Determination: This Short Subdivisions of two lots is categorically exempt from the State Environmental Policy Act (SEPA) environmental review.

11. Plans and Design:

- a. The short plat survey submitted back in 12/2012 shows two sheds on the property, each centrally located on each of the proposed lots, while currently there is actually only one shed on site at the rear of the property.
- b. Location of utilities on and adjacent to the lots were not identified on the preliminary short plat map.
- c. The short plat survey shows a fence on Lot 1 approximately 5 feet from the north property line. Mr. B. Clays, the neighboring property owner at 1009 S. 3rd St. previously contended that he owned the 5 foot strip of property on the north side of the subject property. The two parties in the past year have worked out an agreement to settle and release claims associated with the boundary dispute, Exhibit 9, whereby the neighbor relinquished claims to the property and the previous fence was moved to the north line of the property. A quit claim deed benefiting Quade, Exhibit 8 was then signed and recorded with Columbia County.

It should also be noted that the Mr. Clay has been given written approval from Mr. Quade to continue to park on the strip of property.

CONCLUSIONS:

- 1. The Quade Short Plat has adequate public access from 3rd Street. Only one new curb cut should be allowed to provide a driveway for Lot 1, whether the properties are developed with single family or duplex dwelling units.
- 2. Adequate water and sewer services will be available to the property. Each lot should have separate meters and hook ups as a condition of preliminary short plat approval.
- 3. The short plat will be in compliance with the Dayton Comprehensive Plan, Zoning and Subdivision codes of the City of Dayton.

4. The public and private services including but not limited to water, sewer services, solid waste, fire protection, emergency services, school facilities and transportation which will serve the lots, will provide appropriate provisions so that the public use and interest will be served.
5. The subject short plat will comply with the goals and objectives of the City of Dayton Comprehensive Plan and will comply with the requirements of the Subdivision and Zoning Codes and other official land use controls of Dayton (i.e. 2008 Development Standards, Specifications and Standard Plans, etc.), provided that the conditions below for final short plat approval are implemented.

RECOMMENDATION:

APPROVE the Quade Preliminary Short Plat, subject to the following conditions prior to Final Short Plat Approval:

1. DMC Chapter 5-10 – Compliance with Final Short Subdivision Requirements

- a. Compliance with all of the Land Segregation provisions of Dayton Municipal Code (DMC) Chapter 5-10, RCW 58.17 and compliance with the conditions of approval listed in this document.
- b. Prior to submittal of the final short plat, completion of all engineering and plan/permit approvals for all improvements required.
- c. Prior to submittal of the final short plat, inspection approval of final construction of improvements required, unless bonding is secured and approved for required improvements.
- d. The final short subdivision recording documents must be prepared by a professional land surveyor, licensed in the State of Washington.
- e. The final review process must be completed prior to the recording of the short subdivision or the sale of any lots contained within. The Planning Department strongly recommends that the Final Short Plat review package be submitted to the department at least 3 months prior to the expiration date of the preliminary approval. (An updated/current title report within 30 days of City signature on the Plat Map will also be required.)
- f. All persons having an ownership interest in the subject property must sign on the face of the final short plat map.

2. Access Requirements DMC 5-10 and 2008 DSS&P's

Driveway improvements are necessary to address access requirements to Lot 1. All construction and upgrading of public and private driveways shall be completed in accordance with the 2008 DSS&P's established and adopted by Ordinance No. 1160. The proposed short subdivision shall comply with the 2008 DSS&P, including the following requirements, unless otherwise approved by the Planning Director:

The driveway improvements requires submittal of engineering plan and profile, and appropriate review fees. Plans must be prepared and stamped by a professional engineer licensed in the State of Washington and contain the applicable elements outlined in the 2008 DSS&P's.

3. Water and Sewer Service:

Water and sewer connections are necessary to provide sewer to Lot 1 and water to Lot 2. All construction shall be completed in accordance with the 2008 DSS&P's established and adopted by Ordinance No. 1160. A permit for plans and installation

shall be obtained for these connections. Plans must identify the location of existing utilities on and near the property.

4. Surface Water Management and Control– 2008 DSS&P's

On-site drainage improvements should be submitted and reviewed separately at the time of building permit for each lot and proposed improvements.

Alternately to implement Best Management Practices (BMP's) for retention of storm water, plans may be submitted with plat engineering and a technical information report (TIR) to demonstrate compliance with applicable standards.

If the subdivision applicant chooses to implement lot BMP's at the time of building permit (rather than with the short plat engineering), the following note shall be shown on the final recorded short plat:

“Permit applications for buildings or other improvements constructed on lots created by this subdivision must be reviewed by City of Dayton Engineering Services for compliance with Best Management Practices (BMP's) and other applicable drainage standards as specified in the 2008 DSS&P's. As determined by the City, the permit applicant for each lot must prepare a drainage site plan with procedures for design and maintenance details, and record a declaration of covenant for maintenance.

5. Zoning Code (DMC 5-12):

- a. All lots shall meet the dimensions requirements of the UR zone classification. Minor revisions to the short subdivision, which do not result in substantial changes may be approved at the discretion of the Planning Department Director.
- b. If the shed is to remain, the applicant must verify that the shed complies with required zoning setbacks from rear and the proposed side lot line.

6. Street Trees: If street trees are planted within the street right-of-way:

- a. Trees if planted, must be planted no closer than one tree for every 40 feet of frontage along S. 3rd Street. Spacing must be modified to accommodate sight distance requirements for driveways and intersections.
- b. Trees within the ROW must be planted in accordance with Best Management Practices.
- c. Trees within the ROW shall be owned and maintained by the abutting lot owners. Ownership and maintenance shall be noted on the face of the final recorded plat.
- d. The species of trees shall be approved by the City if located within the right-of-way, and shall not include poplar, cottonwood, willow, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.

7. Site Improvement Inspections, Fees and Financial Guarantees

This short plat is conditioned to construct/reconstruct road access/right-of-way improvements, utilities and/or drainage facilities. Approved engineering plans, inspection fee and applicable financial guarantees are required prior to either starting construction and/or recording this short plat. At the time of engineering

plan approval, you will be notified of the fee amount that will be required to inspect construction and the amount shall be deposited with the City and of the financial guarantee amount(s) required prior to scheduling of the pre-construction meeting.

Please note that a pre-construction meeting is mandatory prior to the start of any work (including site clearing) or the recording of the short plat.

8. Prior to recording, the following is required:

- a. Drainage best management practices (BMP's) facilities and erosion control measures are implemented consistent with City of Dayton 2008 DSS&P's,
- b. Water mains and hydrants (as required) are installed and fire flow available;
- c. Required site improvements are completed and/or conditioned, and any objects that present a safety hazard have been removed.

OTHER

- A. Preliminary approval of this application does not limit the applicant's responsibility to obtain any required permit or license from the State or other regulatory body. This may include, but not be limited to, obtaining a forest practice permit, an HPA permit, building permits, and other types of entitlements as necessitated by circumstances.
- B. Development of the subject property may require registration with the Washington State Department of Licensing, Real Estate Division.
- C. There are no administrative (city) appeal available from the decision of the planning commission. Appeals may be filed with the State Superior Court.

Parties and Interested Persons:

Brian Clarys, 1009 S. 3rd St, Dayton, WA 99328

Tim Quade, 239 Patit Rd., Dayton, WA 99328 *via e-mail*

Bryan Martin, 329 West Main, Dayton, WA 99328 *via e-mail*

Jim Costello, Director, Dayton Public Works *via e-mail*

Howard Boggs, Anderson Perry, 214 E Birch St, Walla Walla, WA 99362 *via e-mail*

Jeromy Phinney, Columbia County Building Official/Inspector, 114 S. 2nd St, Dayton, WA 99328 *via e-mail*

Cimmaron Perkins, Columbia Co. Fire District 3, 206 W. Main, Dayton WA 99328 *via e-mail*

Martha Lanman, Administrator, Columbia Co. Public Health, 270 E. Main, Dayton, WA 99328 *via e-mail*

Doug Johnson, Superintendent, Dayton School District, 609 S. 2nd St., Dayton, WA 99328 *via e-mail*

CITY OF DAYTON SHORT PLAT 2012-

SURVEY NOTES

- 1) THIS SURVEY WAS PERFORMED AT THE REQUEST OF JAMES T. QUADE TO PERFORM THE 2 LOT SHORT PLAT AS SHOWN HEREON.
- 2) THIS SURVEY WAS PERFORMED WITH A TOPCON HIPER 6s GPS SYSTEM UTILIZING THE REAL TIME KINEMATIC METHOD. I ALSO USED A TOPCON GTS 313-8 SECOND ELECTRONIC TOTAL STATION THEODOLITE TO WORK UNDER THE TREE CANOPIES.
- 3) THE MONUMENTS SHOWN HEREON WERE VISITED IN NOVEMBER OF 2012.
- 4) THIS SURVEY MEETS OR EXCEEDS THE PRECISION STANDARDS OF WAC 332-130-090.

APPROXIMATE NORTH LINE SW 1/4 SW 1/4 SECTION 9 AS SHOWN ON THE ORIGINAL PLAT OF RAINWATER'S AND MUSTARD'S ADDITION TO THE CITY OF DAYTON.

OWNERS DECLARATION

I, JAMES T. QUADE, OWNER OF THE LANDS DESCRIBED HEREON, HAVE CAUSED THESE LANDS TO BE SURVEYED AND SUBDIVIDED AS SHOWN HEREON. I HEREBY WAIVE FOR MYSELF AND OUR SUCCESSORS ANY CLAIMS FOR DAMAGES RESULTING FROM THE CONSTRUCTION OR MAINTENANCE OF PUBLIC FACILITIES WITHIN THIS SUBDIVISION.

ACKNOWLEDGEMENT

JAMES T. QUADE
STATE OF WASHINGTON) SS
COUNTY OF COLUMBIA)

ON THIS DAY PERSONALLY APPEARED BEFORE ME, JAMES T. QUADE, TO ME KNOWN TO BE THE INDIVIDUAL DESCRIBED HEREIN AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT HE SIGNED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN MENTIONED. GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS DAY OF _____, 2011.

NOTARY PUBLIC FOR THE STATE OF WASHINGTON, RESIDING AT DAYTON



SURVEYORS CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF: JAMES T. QUADE

FOR APPROVAL REVIEW
BRYAN A. MARTIN PLS 39568

AUDITORS CERTIFICATE

FILED FOR RECORDS THIS _____ DAY OF _____ 20____ AT _____
IN BOOK _____ OF _____ AT PAGE _____ AT THE REQUEST
OF BRYAN A. MARTIN PLS _____

COUNTY AUDITOR

LEGEND

- FOUND 2" ALUMINUM CAP STAMPED "BRYAN AND SURVEYING PLS 39568", AS SHOWN ON THAT SURVEY IN BOOK 6 AT PAGE 81.
- SET 5/8" x 24" REBAR WITH PLASTIC CAP STAMPED "BRYAN PLS 39568"

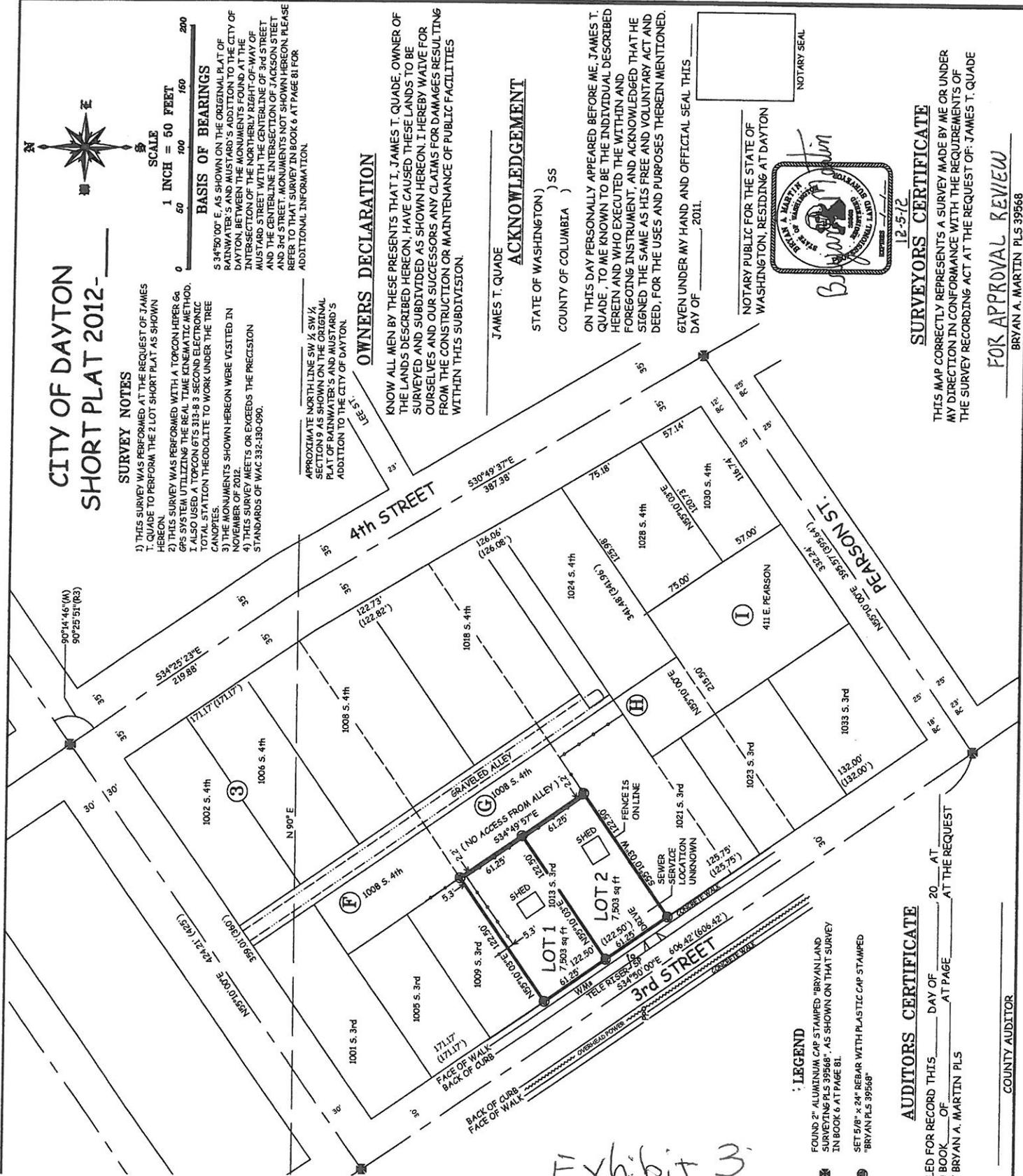


Exhibit 3

Fee \$ 200.00
ADMIN REVIEW

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

APPLICATION FOR PRELIMINARY
SHORT PLAT SUBDIVISION

PRELIMINARY MAP NUMBER: _____

MAP NAME: QUADE'S S. 3RD ST SHORT PLAT

Short Plats are required for the subdivision of land into four lots or less for the purpose of sale or lease in which the smallest lot is 40 acres or less.

APPLICANT INFORMATION:

Name

1. Applicant: TIM QUADE

Mailing Address

✓ 239 PATIT RD

DAYTON, WA 99328

Phone: 386-8939

e-mail: _____

FAX: _____

(Attach information for all additional persons holding interest in the property)

2. Agent/Title: BRYAN MARTIN/SURVEYOR

321 W. MAIN ST

DAYTON

Phone: 629-2300 e-mail _____

FAX: _____

Project Location: Section 29 Township 10 Range 39

Address: 1013 S. 3RD ST.

Assessor's Parcel Number(s): 1-160-03-028-0000

Zoning District: _____

Fire District: #3

School District: #2

Flood Zone: _____

Number of Existing Lots and size: 1) 15,006 FT²

Number of Proposed Lots and size: 2: 1) 7,503 FT² 2) 7,503 FT²

Purpose of subdivision:

DIVIDE EXISTING LOT INTO 2 LOTS

Proposed Water Source: CITY

Sewage Disposal: CITY

BRYAN MARTIN

I, (print name) ~~JAMES T. QUADE~~, as owner or authorized agent for the property owner(s) listed above do hereby declare the information presented in and attached to this application is true and accurate to the best of my knowledge.

Bryan Martin
Signature

12-10-12
Date

Notes:

If not signed by sole property owner provide authorization to make application from all persons with interest in property.

Attach 8 blue line or black line copies (24in. x 36 in.) of preliminary subdivision and supporting documents including Title Report.

Attach copy of Tax Assessor map showing subject surrounding properties. Attach list of Parcel Numbers within ~~500~~ feet of exterior boundary of subdivision and name and mailing address of owner(s). 300 IN CITY

FOR STAFF USE ONLY

Application Received By: [Signature] Date: 12-6-2012

Related Applications: SEPA Exempt, WATER + SEWER

Critical Area: NA Shoreline: NA

Date Final Survey submitted for signature: _____ Date signed by Staff: _____

Date Approved by ^{City Council} ~~BOCC~~: _____ Date Recorded: _____

Date Recorded Copy received by Planning: _____

**NOTICE OF SHORT PLAT APPLICATION
CITY OF DAYTON PLANNING DEPARTMENT**

The City of Dayton has received a permit application for the following project that may be of interest to you. You are invited to comment on this proposed project.

Applicant: Tim Quade

File Name: Quade Short Plat #01-2012

Date of Permit Application: December 6, 2012

Date of Determination of Completeness: December 11, 2012

Project Description: The applicant has proposed to short plat property located on 1013 South Third Street from one lot into two.

Project Location: 1013 S. 3rd. City of Dayton

Required Permits: Water and Sewer Permits

Required Studies: There are no required studies at this time.

SEPA Determination: Categorically Exempt

Date of Notice of Application: December 25, 2009

Comment Due Date: January 8, 2013

Review Process and Public Comment: Prior to a decision on the proposed application there is an opportunity for the public to submit written comments. The comment period for this Notice of Application is fifteen (15) days from its issuance; this period ends January 8, 2013. To have comments considered in the final decision you may send written comments to: City of Dayton, 111 S. 1st Street, Dayton, WA 99328. Please indicate your name and address and refer to the above stated File Name. A public hearing has been scheduled for January 28, 2013 at 7:00 p.m. or soon thereafter, at Dayton City Hall, 111 S. 1st Street, Dayton, WA 99328. Any interested person may comment on this application, receive notice of and participate in any hearings, request a copy of the final decision and have rights to appeal the final decision.

For more information: Please contact Kim Lyonnois, Planner at (509) 382-2361 or klyonnois@daytonwa.com.

Dated this 11th day of December, 2012.

Waitsburg Times

December 25 & January 1, 2013

Exhibit 5



CITY OF DAYTON
SHORT PLAT APPLICATION # SP2012-01

NOTICE OF PUBLIC HEARING
By the Dayton Planning Commission
Tuesday, December 17, 2013, 6:30 PM
111 S 1st St, Dayton, WA 99328

Applicant: Tim Quade
File Name: Quade Short Plat - SP2012-01
Date of Application: December 6, 2012
Date Complete: December 11, 2012
Project Description: Short plat of the property into two lots,
each approx. 7,200 + sq. ft. in size
Location: 1013 S. 3rd St, Dayton
Permits Required: Water and Sewer
Required Studies: There are no required studies at this time.
SEPA Determination: Exempt
Notice of Application: December 25, 2012
Public Hearing Notice: December 3, 2013

Review Process and Public Comment: Any interested person may provide written comments before or testimony at the Planning Commission public hearing scheduled for Dec. 17th, 2013, 6:30 pm. Comments will not be accepted or considered after the close of the public hearing. To receive further information regarding this application, notice of future hearings, and a copy of the decision, please provide your Name & Mailing Address. Please contact Karen Scharer, Planning Director should you have questions, at: Phone: 509-540-6747 or Email: kscharer@daytonwa.com.

Dated this 3th day of December, 2013.

Exhibit 6

CITY OF DAYTON SHORT PLAT 2012

SURVEY NOTES

- THIS SURVEY WAS RECORDED AT THE REQUEST OF JAMES T. QUADE TO REFLECT THE 2 LOT SHORT PLAT AS SHOWN HEREON.
- THIS SURVEY WAS RECORDED WITH A TOTAL STATION AND GPS SYSTEM UTILIZING THE REAL TIME CORRECTION (RTK) ALSO USED A TOTAL STATION 3800 S SERIES UNDERSTATION TOTAL STATION THEODOLITE TO WORK UNDER THE TIME CHANGES.
- THE ADJACENTS SHOWING HEREON WERE VISITED IN NOVEMBER OF 2012.
- THIS SURVEY MEETS OR EXCEEDS THE PRECISION STANDARDS OF WAAC REGISTRATION.

APPROXIMATE NORTHING, S.W. 1/4 SW/4 SECTION 9 AS SHOWN ON THE OFFICIAL PLAT OF BROWNMAN'S AND HASTINGS' ADDITION TO THE CITY OF DAYTON.

OWNERS DECLARATION

KNOW ALL MEN BY THESE PRESENTS THAT I, JAMES T. QUADE, OWNER OF THE LANDS DESCRIBED HEREON, HAVE CAUSED THESE LANDS TO BE SURVEYED AND SUBDIVIDED AS SHOWN HEREON. I HEREBY WAIVE FOR MYSELF AND OUR SUCCESSORS ANY CLAIMS FOR DAMAGES RESULTING FROM THE CONSTRUCTION OR MAINTENANCE OF PUBLIC FACILITIES WITHIN THIS SUBDIVISION.

JAMES T. QUADE
ACKNOWLEDGMENT
STATE OF WASHINGTON)
COUNTY OF COLLIERIA) SS

ON THIS DAY HERESONALLY APPEARED BEFORE ME, JAMES T. QUADE, TO ME KNOWN TO BE THE INDIVIDUAL DESCRIBED HEREON AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT HE SIGNED THE SAME AS HIS FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN MENTIONED, GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS DAY OF _____, 2011.

NOTARY PUBLIC FOR THE STATE OF WASHINGTON, RESIDING AT DAYTON

NOTARY SEAL



12-5-12

SURVEYORS CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF: JAMES T. QUADE

FOR APPROVAL REVIEW

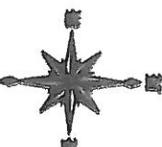
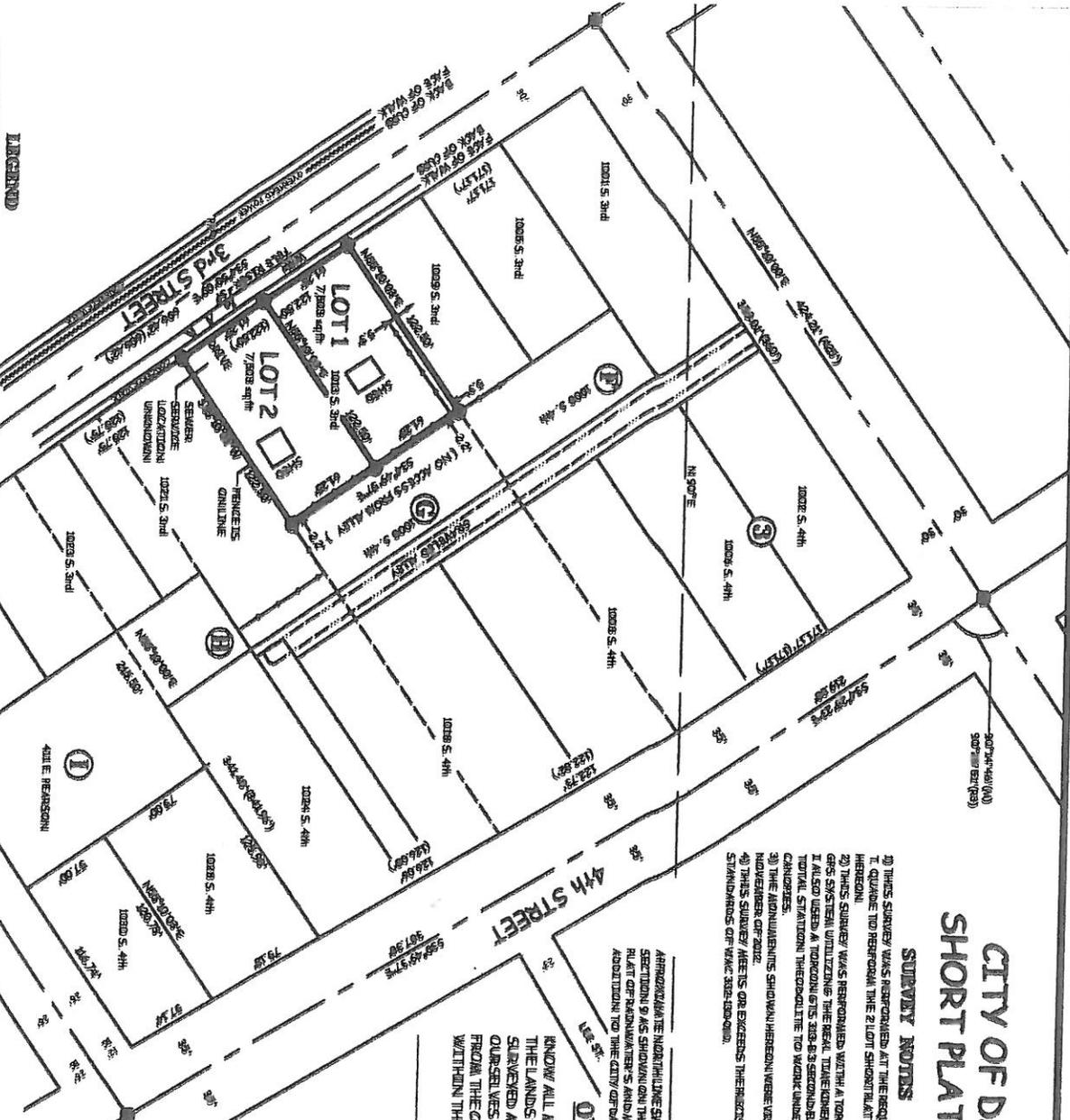
BRYAN A. MARTINI P.L.S. 397588

AUDITORS CERTIFICATE

FILED FOR RECORD THIS DAY OF 20 AT _____ IN BOOK _____ AT THE REQUEST OF BRYAN A. MARTINI P.L.S.

COUNTY AUDITOR

- FOUND "ALUMINUM CAR STAMPED BRYANLAND SURVEYING P.L.S. 39887", AS SHOWN ON TRIM SURVEY/ IN BOOK 6 AT PAGE 81.
- SET UP BY X 64 REBAR WITH PLASTIC CAR STAMPED "BRYAN P.L.S. 39887"



QUADE'S S. 3rd St SHORT PLAT JAMES T. QUADE 239 PATIT ROAD DAYTON, WA 99328 THIS SURVEY IS LOCATED IN		FILED IN: B-14-12 DATE: NOVEMBER 2012 COUNTY: COLLIERIA QUADE 1012 S. 3rd	BRYAN LAND SURVEYING PROPERTY GPS/GIS MAPPING 321 WEST MAIN STREET DAYTON, WASHINGTON 99328 PHONE (509) 382-4189
--------------------------------------------------------------------------------------------------------------------	--	------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------

Mr Kim Lyon nais

1/1/2013

I have the property at 1033 S. 3rd.
An this letter concerns the project at
1013 S. 3rd Dayton Wash.

I have spoken with Mr. Bert Hays, an
it is my understanding that Tim Quade
plans to build a multifamily housing
unit.

An this will lower our property
values.

So with this in mind and that
Tim Quade has tried to move property
lines, I am incline to oppose this
project.

And support Mr Bret Hays.

Sincerely

Gary Lumley

406-390-1338

PO Box 1814

Harre MT 59501

Exhibit 7

Return to:

Burkhart and Burkhart, PLLC
6 ½ North Second, Suite 200
(509) 529-0630

QUIT CLAIM DEED

Grantor(s): BRIAN CLARYS and HEATHER CLARYS, husband and wife
Grantee(s): JAMES QUADE and HELEN QUADE, husband and wife
Desc: Frac. Blk 3, Rainwater & Mustard's Addition
Parcel # 1-160-03-028-0000

THE GRANTOR(S) BRIAN CLARYS and HEATHER CLARYS,
husband and wife

for and in consideration of --settlement of boundary dispute--

conveys and quit claims to, JAMES QUADE and HELEN QUADE, husband
and wife

the following described real estate, situated in the County of Columbia, State of
Washington, including any after acquired title:

**The southwesterly 122.5 feet of Lot "G" in Block 3 of Rainwater and
Mustard's Addition to the City of Dayton, more particularly described as
follows:**

**Beginning at the most westerly corner of said Lot "G"; thence northeasterly
on the line between Lots "F" and "G" of said Block 3, 122.5 feet; thence at
right angles southeasterly 122.5 feet; thence at right angles southwesterly
122.5 feet to Third Street; thence northwesterly to the place of beginning.**

Exhibit 8
10/31/13

DATED this 24 day of September, 2013.

STATE OF WASHINGTON
COUNTY OF COLUMBIA
DEPARTMENT OF REVENUE
TAXPAYER IDENTIFICATION NUMBER
26208
DCT 81 2013
[Signature]

[Signature]
Brian Clarys

[Signature]
Heather Clarys

STATE OF WASHINGTON)
County of Columbia) ss
)

On this day personally appeared before me, BRIAN CLARYS and HEATHER CLARYS, to me known to be the individuals described in 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 24 day of September, 2013.

G. SCOTT MARINELLA
STATE OF WASHINGTON
NOTARY PUBLIC
MY COMMISSION EXPIRES
03-01-16

[Signature]
Notary Public for the State of
Washington, residing at Dayton.

COPY

**AGREEMENT TO SETTLE CLAIMS
AND RELEASE OF ALL CLAIMS**

THIS AGREEMENT is entered into this 4th day of September, 2013, by and between JAMES QUADE and HELEN QUADE, husband and wife, hereinafter collectively referred to as "Quade," and BRIAN CLARYS and HEATHER CLARYS, hereinafter collectively referred to as "Clarys."

WITNESSETH:

A. **Recitals**

1. Quade owns real property located at 1013 S. 3rd Street, Dayton, Washington. Clarys owns adjoining real property located at 1009 S. 3rd Street, Dayton, Washington.
2. A dispute has arisen concerning a discrepancy between the legally described common boundary and the location of Clarys's fence. The dispute affects land that is located on the real property owned by Quade.
3. The parties desire to enter into this settlement Agreement in order to provide for full settlement and discharge of all claims which are, or might have been, the subject of a complaint upon the terms and conditions set forth herein.

B. **Agreement**

The parties agree as follows:

1. **Release and Discharge**

In consideration of the performance called for herein, Quade and Clarys completely release and forever discharge each other, their insurers, and all of their heirs, assigns and

Exhibit 9

successors in interest, from any and all past, present or future claims, demands, obligations, actions, causes of action, rights, damages, costs, expenses and compensation or damages, which either party now has, or which may hereafter accrue or otherwise be acquired, on account of, or in any way growing out of, the boundary discrepancy described herein. This Release shall be a fully binding and complete settlement between the parties, their heirs, assigns and successors, save only the executory provisions of this Settlement Agreement, without finding or stipulation as to fault by any party.

2. Payment to Clarys

Upon full execution of this Agreement, Quade will tender to Clarys the sum of One Thousand Dollars and no cents (\$1,000.00), payable to the trust account of G. Scott Marinella.

3. Execution of Quit Claim deed

Upon execution of this Agreement and tender of the above referenced payment to Clarys, Clarys will execute a quit claim deed and real estate excise tax affidavit to Quade's property in favor of Quade.

4. Relocation of fence

Quade agrees to pay all costs associated with or arising from relocating the existing fence to the legally described boundary as depicted in the survey of Bryan Land Surveying, LLC. In lieu of relocating the existing fence, Quade may remove the fence and build a new fence that is similar in kind and quality to the existing fence. Prior to relocating or removing the existing fence, Quade shall give a minimum of 48 hours advance notice to Clarys. *Completing the fence relocation shall occur in a reasonable period of time.*

BC, HC
BC, HC

5. License for parking

In further consideration of the mutual releases set forth above, Quade grants to Clarys a license to park vehicles on the strip of land located at the northwest portion Quade's property, situated at the front of the house thereon, consistent with Clarys's historic practice. This license shall be personal to Clarys and shall continue unabated so long as Clarys continues to own the property adjacent to Quade's property.

6. Entire Agreement and Successors in Interest

This Settlement Agreement contains the entire agreement between the parties with regard to the matters set forth herein and shall be binding upon the executors, administrators, personal representative, heirs, successors and assigns of each.

7. Effectiveness

This Settlement Agreement shall become effective following execution by all of the parties and/or by their authorized attorneys.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands effective the day and year first above written.

Dated: 9-4-2013

James T. Quade
James Quade

Dated: 9-4-2013

Helen Quade
Helen Quade

Dated: 9-24-2013

Brian Clarys
Brian Clarys

Dated: 9/24/13

Heather Clarys
Heather Clarys



RESOLUTION OF
THE DAYTON PLANNING COMMISSION
AUTHORIZING PRELIMINARY APPROVAL OF
THE QUADE SHORT PLAT / SP01-2012

DRAFT

WHEREAS, Tim Quade made application to short plat property located at the 1013 S. 3rd Street;

WHEREAS, the Preliminary Plat has been reviewed by the City of Dayton staff and applicable agencies;

WHEREAS, the city staff report provided facts, findings, conclusions and recommendations to the Planning Commission.

WHEREAS, a public hearing was held for this Short Plat on December 17, 2013;

WHEREAS, the Short Plat makes adequate provisions for streets, water supply, sanitary sewer disposal and storm run-off, and;

WHEREAS, the Short Plat will conform to the Dayton Comprehensive Plan, environmental policy, short plat and zoning regulations of the City of Dayton.

NOW, THEREFORE BE IT RESOLVED that the Dayton Planning Commission hereby adopts the facts, findings, conclusions and recommendations of the City Department of Planning Staff Report dated December 14, 2013 and approves the short plat subject to the conditions recommended within the Dayton City Staff Report.

PASSED by the Dayton Planning Commission this 17th day of December, 2013.

Joe Huether Chairman

Attest:

Karen Scharer, Planning Director