DAYTON PLANNING COMMISSION MINUTES

Special Meeting Monday, August 5, 2013
111 South First Street, Dayton, WA 99328

1. **CALL TO ORDER:** Meeting began at 6:00 p.m.

2. **ROLL CALL: All Present**

Leslie Sweetwood -	Term to March 1, 2017
Greg Abramson -	Term to March 1, 2016
Joe Huether -	2nd Term to March 1, 2015
Candy Jones –	2nd Term to March 1, 2014

Others: Craig George, Mayor, and Karen Scharer, Planning Director

3. **APPOINTMENTS TO THE PLANNING COMMISSION (PC):** Mayor Craig George welcomed the commissioners, announced reappointments of Joe and Candy, Greg's 1st term appointment and thanked them all for serving. The City Council will confirm their appointments on Monday, Aug. 12, 2013.

4. **ELECTION OF CHAIR AND VICE CHAIR** – *Tabled to next meeting, after confirmation of appointments by the city council.*
   1-13.16. Meetings and rules. A. The city planning commission shall organize and elect from its members a chair and a vice-chair. A majority of the commission members shall constitute a quorum for the transaction of business, and a majority vote of the quorum shall be necessary to carry any proposition.

5. **MINUTES** – *none*
6. **COMMUNICATIONS FROM CITIZENS** - *none*
7. **UNFINISHED BUSINESS** - *none*

8. **NEW BUSINESS**
   a. **Schedule of PC Meetings for 2013 and 2014** – The commissioners agreed to a regular schedule of meetings as the 3rd Tuesday of each month until further notice. They also agreed to schedule a special meeting for Wed., September 11, 2013 to discuss the development regulations.

   b. **Review of Planning Commission Rules** - Karen provided a copy of the "Rules of the Planning Commission" with sections highlighted that will need to be amended. Karen agreed to forward copies of the rules of order as referenced in the PC Rules. Joe added two more references that need to be updated: Conflict of Interest reference to "may" and in the Quorum section the reference to "full membership".

   c. **Review of Development Regulations for GMA Compliance Checklist** – The checklist was presented by Karen. She noted that the sections which are **"BOLD"** contain the provisions that must be implemented by the City. Back in 2007 and 2008 the city staff and planning commission did review some revisions to the development regulations in order to comply with GMA. Karen is working with the WA ST Department of Commerce to obtain copies of these records. Karen is still updating a few of the needed development regulations for compliance with GMA.
   d. **Review of New Title 10, Administration of Development Regulations:** Karen stated that this title would be a new title to the Dayton Municipal Code. It consolidates public notice requirements,

general procedures for processing development applications into one title. Development permits are classified by permit type and lists the processes and notice requirements for each permit type.

Highlights

- Consolidation of processing regulations into a single Title 10 (recommended by Dept. of Commerce)
- Organization of land use and permit applications by "Type" in matrix
- Addition of matrix outlining processes for types of permits
- Consolidation of permit review
- Only one open record hearing for quasi judicial applications
- Process for reconsideration of decisions
- Process for Comp Plan Amendments and Docketing applications for once a year changes
- Establishes Development Agreements - allows for innovative project design provides a clear public benefit will result. More flexible than PUD's, legislative process (more than one open record hearing is allowed)

Issues: Karen explained the pros and cons for using a Hearing Examiner (HE) to conduct public hearings on quasi judicial applications or appeals rather than the Planning Commission.
Pro- HE is typically a land use attorney knowledgeable in land use law and related technical subject matter such as critical areas, concurrency standards and SEPA.
Con - Typical hearing examiner cost of $400 to $700 per application (shorelines, plats and CUP's). Applicants could be made responsible for HE review fees charged to the city.

Dayton receives only a few applications per year which would require an open public hearing and even fewer appeals.

Other: Karen confirmed that Chapter 10-07 is a reserved chapter.

It was agreed that at the next meeting, the PC will decide whether to include "conflict of interest" provisions in DMC 10-05.030 or locate the provisions in the PC Rules.

Section 10-09.110, Karen recommended that the PC specifically consider whether the PC wants to shorten or lengthen the public notice period.

e. **Review of New Title 17, Critical Areas (CAO)** – In 2007-08 the PC made recommendations to the City Council for numerous CAO code changes. The current draft was reviewed with the following Highlights noted:

- Reference to mapping by agencies dependent on best available science of agency Proposed code - 17-01.060
- CAO Definitions added, 17-01.050
- Provisions for CAO Variances added, 17-01.090
- Special Use Permits (formerly CUP's) allows limited uses in wetland areas, 17-05.070
- Wetland rating added, 17-05.030 and Riparian Habitat Area standards, 17-06.060
- Added in 2013 - Revised Permit Process flow chart
- Added in 2013 - Added Flood Control codes of Chapter 5-8 not included in 2008

Issues: Best available science by the Washington State Dept. of Fish and Wildlife (WDFW) supports a Riparian Habitat Area (RHA) of 150 feet along the stream types listed below, while the 2008 draft CAO called for 50 foot RHA widths (Section 17-06.062):

- Type 3; or other perennial or fish bearing streams, less than 5 feet wide
- Type 4 and 5; or intermittent streams and washes with low mass wasting potential

July of 2008, WDFW commented on the draft CAO and recommended the city reference WDFW's Priority Habitat and Species (PHS) Riparian Management Recommendations.

At this time the city does not have "other" best available science to support a recommendation different than the 150 feet referenced by WDFW. However, the department is recommending an exception to the 150 foot standard in Section 17-06.062 C. 2 which would state:

"[2]RHA width reduction is allowed to 50 feet when a property is developed with an existing single family residence."

Note that there are other code provisions that also would potentially provide relief from the RHA width standard:

- 17-06.062 C. 4, 5 and 6
- 17-01.090 - variance
- 17.01.400 - reasonable use

Greg questioned what penalties exist if the city doesn't adopt the development regulation. Karen explained that we would not be able to apply for state grants in 2014.

f. **Work Program for 2014** – Karen alerted the commission that the city is in the process of developing the 2014 budget. Some of the planning projects will include: Comprehensive Plan 2014 Update, Shorelines Management Program Update, and Park Plan Update. A written draft summary of the Planning Department work program will be provided at the next meeting.

9. **ADJOURN MEETING** - There being no further business, the commissioners agreed the meeting be adjourned at 6:18 p.m.

Joseph Heuether, Chairman — 12 Sept 2013 — Date Signed

Karen J Scharer, Planning Director — 9/12/13 — Date Signed