

## MINUTES

### DAYTON PLANNING COMMISSION MEETING November 12, 2020

**PRESENT:** Jim Maguire  
Ann-Marie Anderson  
Tim Parsons  
Larry Smurthwaite  
Gary Wirfs

**ABSENT:**

**STAFF:** Jim Jacks, Senior Planner  
Kiel Jenkins, Associate Planner  
Cyndi Park, Librarian/Planning Coordinator

**A. CALL TO ORDER**

Chairperson Jim Maguire called the meeting to order at 6:35 p.m.

**B. APPROVAL OF ORDER OF AGENDA**

There were no changes to the order of the agenda.

**C. APPEARANCE OF INTERESTED CITIZENS**

None present for general comments.

**D. APPROVAL OF MINUTES**

Chairperson Maguire asked for a motion to approve the minutes of the November 12, 2020 meeting as written. Gary Wirfs moved that the minutes be approved, Ann-Marie Anderson seconded the motion, motion passed unanimously.

**F. PUBLIC HEARING**

Chairperson Maguire opened the public hearing at 6:38 p.m.

The meeting was turned over to Senior City Planner Jim Jacks. Mr. Jacks provided a summary of the Staff Report for CUP 2020-04. Commissioner Smurthwaite arrived at 6:42 p.m., just after the required notices opening the public hearing were read. Mr. Jacks moved that the contents of the Staff Report be admitted to the record in this matter, there were no objections. Mr. Jacks read each of the conditions of approval from Dayton's Municipal Code and explained how the Baker Rock property met each of those conditions.

Commissioner Smurthwaite asked if noise from the temporary plant would be an issue for surrounding residents, and if they were noticed about the proposal and the public hearing. Mr. Jacks explained that all residents within 100 feet of the property were notified of the application and the public hearing. Mr. Jacks also indicated that the plant had been in production for years with no known noise complaints.

Chairperson Maguire asked a question to clarify why the City Engineer's comments were not included

in the staff report, Mr. Jacks explained that many of the comments included information that was well outside the area of the temporary plant and were not necessary for the approval of the permit, the remaining comments are a part of the conditions of approval because they are included in the city code or state laws.

Chair Maguire inquired whether the City normally included all of the Engineers comments in Planning decisions and I explained that the Planning Commission typically only includes the planning/land use portions of the code in their decisions, and relies upon the building permit and inspection process to enforce those portions of the code and the Public Works Design Standards.

Mr. Jacks said that it was the opinion of staff that the permit should be approved, with conditions about the months in which the plant could be used, and that the plant would be temporary.

Commissioner Smurthwaite inquired what kind of recourse citizens had if they were negatively impacted by the temporary plant. I explained the Code Enforcement process and assured the Commission that citizens have recourse that can be addressed under Dayton code. Chair Maguire noted that part of the approval requires that the residents surrounding the temporary plant not preclude the use of their property, and that gives the citizens recourse if needed.

Chair Maguire and Mr. Jacks discussed how the city enforces a conditional use permit. Enforcement in Dayton is handled through the code enforcement process as outlined in the municipal code.

Commissioner Anderson asked for clarification on where the proposed plant would sit – city land or county land? Mr. Jacks explained that the site is both inside and outside of city limits, the applicant will explain.

Mr. Todd Baker, President of Baker Rock, resides at 21880 Farmington Rd SW Beaverton, OR 97007. He explained that the company originally decided to ask for this application when there was an ODOT job that they were not awarded. They decided to continue with the permit process in case other jobs come along in the future that require the additional capacity that a temporary plant would afford them. He spoke about DEQ noise standards, both daytime and nighttime, that this plant meets and that the temporary plant would be required to meet as well. Mr. Baker was not sure where the city property line is, Mr. Jacks was able to clarify that there is a small portion in the north of the property that appears to be outside of the city limits. After reviewing the map, the group agreed that the plant is within city limits and the stockpiles are outside of city limits.

There were no citizens present in favor of the application.

Randall Wilt of 205 Church St, Dayton, OR 97114 opposed the application. He has concerns about the noise if both plants run simultaneously. He also asked about the DEQ requirements for measurement of particle matter emitted by the temporary plant.

The Commissioners had no questions for Mr. Wilt or for Mr. Baker. Chair Maguire asked for Mr. Baker to explain air discharge at the plant and the DEQ enforcement. He explained the yearly process of permit renewal and the inspection process which occurs every five years. He clarified that temporary plants were subject to these processes as well.

Chairperson Maguire closed the public hearing at 7:42 p.m.

Discussion of CUP 2020-04 continued. Ann-Marie Anderson made a motion to approve the Conditional Use Permit with conditions 1 and 2 in the Staff Report to be included in the signed document. Seconded by Commissioner Wirfs. Motion passed unanimously.

**G. OTHER BUSINESS**

There was no other business to be discussed.

**H. ADJORN**

There being no further business, the meeting adjourned at 7:53 pm.

Respectfully submitted:

**APPROVED BY PLANNING COMMISSION  
on**

**As Written**  **As Amended**

By: Cyndi Park  
Librarian/Planning Coordinator