

**MINUTES**  
**DAYTON PLANNING COMMISSION**  
**REGULAR SESSION**  
**January 10, 2019**

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

**ABSENT:**

**STAFF:** Rochelle Roaden, City Planner  
Lisa Brosnan, City Planner  
Cyndi Park, Librarian/Planning Coordinator

**A. CALL TO ORDER**

Chairman Tim Parsons called the meeting to order at 6:35 pm.

**B. APPROVAL OF ORDER OF AGENDA**

There were no changes to the agenda.

**C. ADMINISTRATION OF OATH – NEW COMMISSIONERS**

Commissioners Maguire and Smurthwaite were administered the Official Oath for Planning Commissioners of the City of Dayton.

**D. ELECTION OF OFFICERS**

Gary Wirfs nominated Tim Parsons for Chair, seconded by Jim Maguire. Parsons nominated Anne-Marie Anderson, seconded by Smurthwaite. Anderson was elected Chair with four aye votes, Anderson, Maguire, Parsons and Smurthwaite. Wirfs voted for Parsons. Tim Parsons was nominated for Vice-Chair by Wirfs, seconded by Smurthwaite. The vote was unanimous, Parsons was elected Vice-Chair.

**E. APPEARANCE OF INTERESTED CITIZENS**

None present for general comments.

**F. APPROVAL OF MINUTES**

Gary Wirfs moved to approve the minutes from November 8, 2018. Seconded by Tim Parsons. Motion carried with Anderson, Parsons, Smurthwaite, and Wirfs voting aye. Maguire abstained.

**G. PUBLIC HEARING**

The public hearing was opened by Chair Ann-Marie Anderson at 6:43 pm with the reading of the hearing statement. City Planner Lisa Brosnan read the specific request before the Planning Commission regarding the proposed 17-unit subdivision near the intersection of Sweeney and Ferry Streets.

Chair Anderson asked if there were any conflicts of interest to report, none were noted. Chair Anderson

announced that OR law required for a number of items to be read into the record.

City Planner Lisa Brosnan read those items into the record. Chair Anderson asked for objections to the notices that were sent in this case, none were heard. Chair Anderson asked for objections to the authority of the Commission to hear the case, none were noted. Brosnan noted that there had been two errors on the initial notice that was mailed, they were corrected in the revised notice. Brosnan then mentioned that there was an addendum to the original staff report related to the deed on the property. The addendum was dated January 7, 2019

Brosnan began by giving an overview of the application, the notices that were mailed, and the process for appeal. She next outlined the appeal process, and the criteria under which the application was to be considered. Brosnan read a summary of most of the sections of the staff report. The staff report included the criteria for approval along with the findings of the staff. Brosnan explained the addendum criteria and the waiving of the parkland dedication requirement. Brosnan explained that the Commission had four options for the disposition of the application under review. Brosnan addressed questions that had been submitted in writing by Commissioner Maguire.

Darrick Price of Fishbone Construction and 521 Ferry St, Dayton, OR. Dr. Price is one the applicants for this action and spoke about his background in affordable housing and his vision for the community. He addressed some of the items that had been questioned about the project and would remain available throughout the meeting to answer questions.

Chair Anderson began to call members of the public that wished to speak forward. Commissioner Maguire questioned when Commissioners would be able to ask questions. Brosnan indicated that after the public hearing closed the Commissioners would be able to question staff and the applicants.

Elizabeth Wytoski of 820 Howard Jordan Loop, Dayton, OR spoke in favor of the development because she believes that the project would help to make housing more affordable to the citizens of Dayton. Wytoski indicated that she believed the project would be thoughtful and that people ask her repeatedly if there are any homes available in the City. She mentioned current legislative initiatives in respect to affordable housing. Finally Wytoski spoke to assure people concerned about the City's ability to supply water to current and new residents that the City's supplies would be able to handle the demand.

Mike Billings of 609 Ferry St, Dayton, OR spoke next about his concerns for the proximity of the proposed project in relation to the school and the traffic at peak times. He also mentioned the traffic issues present on Sweeney St, especially when the ball field on the same road is in use. Billings mentioned that some vehicles park in such a way as to obstruct the view of drivers and flow of traffic.

Sandra Utt of 222 5<sup>th</sup> St, Dayton, OR spoke about her concerns relating to the congestion that could happen during a disaster and once the proposed bypass is completed. She is concerned about the safety of children as they try to go to and from school. Utt mentioned that trucks and tractors sometimes have to wait for extended periods of time to turn at the intersection of Ferry and 3<sup>rd</sup> St. She is also concerned about the traffic caused by users of the ball fields.

Larry Anderson of Fishbone Construction, the applicant, spoke to address the design of the cul-de-sac. He mentioned that access to Ferry St from the development would be for pedestrians and bicycles, with a removable device that would allow first responders access directly from Ferry St into the development.

Elizabeth Wytoski of 820 Howard Jordan Loop, Dayton, OR spoke again to clarify that the proposed bypass will likely not happen within her lifetime. She continued to state that when it is complete, it is designed to funnel traffic back to the highway while allowing Dayton residents to turn in the opposite direction to access the City.

Chair Anderson closed the public hearing at 7:27 pm.

Commissioner Maguire indicated that he had many questions for staff and the applicants. His first question was about the location of the dedicated park land; that it was in a floodplain, and how it could be accessed. Maguire next inquired about the strip of land that was not included in the development, and who would maintain it. Dr. Price indicated that the current owners would continue to maintain the land. The next question was where the storm water detention system/basin required would be located. Larry Anderson indicated that because Dayton has a newer storm drainage system that it is more efficient to connect into the system underground. The exact location would be determined during actual construction. Maguire questioned the amount of off-street parking that each home would have, Mr. Anderson said that in addition to the two garage spaces per residence that each would also have two driveway spaces. Maguire questioned whether or not there would be a stop sign on the corner, Mr. Anderson mentioned that the developer would follow Public Works Design Standards.

Commissioner Maguire next mentioned that he had a serious concern about the fact that lot 14 violates the language of the code. The code indicates that the rear lot line shall be no less than half the distance of the front lot line. In this instance, the front lot line 92.8 feet and the rear lot line is 27 feet as drawn. Mr. Anderson indicated that this lot line was the result of the shape of the cul-de-sac, but that it could easily re-drawn due to the size of the lot. Commissioner Maguire indicated that the applicant was responsible for demonstrating how they had followed the language of the code, and that he didn't believe that they had in this instance. Brosnan indicated that the Commission could create a condition of approval stating that the lot line had to in compliance with the code. Brosnan also indicated that when she reviewed the plans against the code that the rear lot line was in compliance when the angle of the side lot line was considered as well. The applicant indicated that this was their assessment as well, but that they wished to comply with the letter of the code. Commissioner Maguire asked his fellow Commissioners to consider holding their decision until the new drawings could be reviewed.

Commissioner Smurthwaite wished to address the traffic control of the proposed street. He mentioned that as a resident of the neighborhood, he has personally observed the traffic issues and the poor parking that some residents chose to exhibit. He mentioned that there are times when Sweeney St is so congested with parked vehicles that only one car at time can drive on the street. Brosnan replied that per condition of approval #19 that the street does have to comply with city standards for traffic control. Smurthwaite asked if traffic had been counted, City Manager Rochelle Roaden indicated that our Engineer would have taken traffic flow and volume into account when preparing his remarks. Dr. Price indicated that they were installing a new crosswalk. City Manager Roaden indicated that there would be two new

crosswalks, and that the city had to defer to ODOT for any other crossings on Ferry St as it is their right-of-way. Smurthwaite questioned how the size of the off-street parking spots is determined. Brosnan indicated that the code specifies the required dimensions of off-street parking spaces. Maguire indicated that there were standards for parking space sizes. Smurthwaite again questioned whether or not a typical vehicle in Dayton would be able to fit into the driveways proposed. Dr. Price said that as the developers they could not reasonably sell homes that could not fit cars in the driveway, and that the city would not allow it regardless. The homes are designed to have two garage spaces and two driveway spaces, but at this point in the process, the drawings do not have to include that level of detail. Brosnan indicated that agencies such as the Fire Department, Yamhill County and ODOT are invited to review the plans and comment and that they respond if they see a safety or other concern. The developer pointed out that this development would, in effect, create one hundred twenty feet of no-parking on Sweeney St where the cul-de-sac joins Sweeney and for two driveways that are accessible from Sweeney St.

Discussion switched to the City's application for a "Safe Routes to School Grant" through ODOT and its impact on this project. If the grant is not received, the developer will be responsible for the new pedestrian crossing as a condition of approval.

Vice-Chair Parsons indicated that he believed that with the condition

Chair Anderson re-opened the public hearing at 8:03 pm.

Elizabeth Wytoski of 820 Howard Jordan Loop, Dayton, OR spoke to encourage the Commission to make sure that everything was in compliance before moving forward. Anderson asked her to clarify if she was wanting the Commission to hold a second hearing, Wytoski indicated that a second hearing would be her preference. Commissioner Maguire agreed, but suggested a quick turn-around time on the second hearing.

Ron Pomeroy of Fishbone Construction, the applicant, asked the Commission to have faith in staff and their ability to make certain that everything was in compliance and to not continue the hearing, but to rather include conditions of approval. Brosnan indicated that a second staff review would be thorough and would consider all factors including lot size, etc. when reviewing a new draft.

Commissioner Maguire asked where the application was in the 120 day time limit. Brosnan warned that though there was time left, if an appeal were to be filed, the clock would likely run out.

Mike Billings of 609 Ferry St asked that the Commission please consider the traffic on Ferry St., Sweeney St., and 8<sup>th</sup> St.

Sandra Utt of 222 5<sup>th</sup> St was concerned about the crosswalk on 8<sup>th</sup> being removed. City Manager Rochelle Roaden indicated that that crosswalk would remain and an additional one would be added. Ms. Utt indicated that in the 1970's her sisters were in an accident backing out of the school parking, and that kids run across the street outside of the crosswalks.

Christine Low of 805 Marion Ct, Dayton, OR questioned how far from her fence the new house behind

her would be. Commissioner Maguire explained the setbacks in the drawing to Ms. Low. Low then mentioned the traffic on Sweeney St. and indicated that it can be very dangerous at times. Commissioner Maguire explained, as Ms. Low arrived late, that a good deal of space on the street would no longer be available for parking. He also suggested that if neighbors were dissatisfied with the traffic controls in their area that they should address those issues with the City Council. Commissioner Maguire also mentioned that he believed that applicant had designed the subdivision thoughtfully and they had paid attention to safety and traffic details.

Benjie Hedgecock of 1135 Ferry St, Dayton, OR spoke in favor of the development. He apologized for contributing to the traffic by his involvement in baseball in Dayton. He said that he arrived at the meeting neutral and was leaving in favor of the development. He asked the Commission to not continue the hearing, but to move forward with their approval.

Darrick Price, of Fishbone Construction, the applicant, spoke again to address traffic and safety concerns. He mentioned that he has three school-aged children that walk down Ferry St daily. He said that his company works with engineers and other people whose job it is to ensure that their developments are safe, and that they will install whatever traffic control devices the City requests of them. Dr. Price asked that the Commission approve their application with conditions rather than continuing the meeting to a later date.

Elizabeth Wytoski of 820 Howard Jordan Loop, Dayton, OR spoke again to again ask that the Commission require the applicant to be in compliance of all conditions. She stated that she believed that staff had the ability to make sure everything was in compliance with conditions of approval regardless of whether they decided to continue the hearing or approve with conditions.

Chair Anderson closed the second portion of the public hearing at 8:30 pm.

Commissioner Wirfs stated that he had faith in the staff to make sure that the application was in compliance.

Commissioner Smurthwaite asked if notices had to be sent again, Brosnan indicated that notices were not necessary if the date for the next meeting was set during this meeting.

Commissioner Maguire stated that though he did have faith in staff, he felt that staff mostly excused or glossed over the rear lot line non-compliance, and that the language of the code was very clear on the matter. He requested that the meeting be continued.

The Commission discussed dates that could be used to continue the meeting.

## **F. ACTION ITEMS**

- 1. Review Application for a 17-Unit Subdivision to be named Dayton Point, located near the intersection of Sweeney and Ferry Streets.**

Commissioner Maguire moved to continue the public hearing to Thursday, January 31<sup>st</sup> at 6:30 pm. Commissioner Smurthwaite seconded the motion. Motion passed with four aye votes: Anderson, Maguire, Smurthwaite and Wirfs. Vice Chair Parsons voted no.

**G. OTHER BUSINESS**

Commissioners were offered a training opportunity.

**H. ADJOURN**

There being no further business, the meeting adjourned at 8:40 pm.

Respectfully submitted:

**APPROVED BY PLANNING COMMISSION  
on**

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

By: Cyndi Park  
Librarian/Planning Coordinator