

MINUTES
DAYTON PLANNING COMMISSION
MEETING December 10, 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

CALL TO ORDER

Chairperson Jim Maguire called the meeting to order at 6:32 p.m.

APPROVAL OF ORDER OF AGENDA

There were no changes to the order of the agenda.

APPEARANCE OF INTERESTED CITIZENS

None present for general comments.

APPROVAL OF MINUTES

Chairperson Maguire asked for a motion to approve the minutes of the November 12, 2020 meeting as written. Commissioner Anderson moved that the minutes be approved, Commissioner Parsons seconded the motion, motion passed unanimously.

PUBLIC HEARING

Chairperson Maguire asked for clarification of the language of Criterion A as it related to Dayton's Municipal Code. Planner Jenkins explained that under the code, a use that wasn't specifically listed as one that is permitted outright in the code opened the public hearing at 6:33 p.m. Chairperson Maguire read the Public Hearing script into the record and the meeting was turned over to Associate City Planner Kiel Jenkins. Mr. Jenkins provided a summary of the sections of the code that applied to Sportech's application for a Similar Use Permit (application SIMUSE 2020-01). Mr. Jenkins began the reading of the Staff report into the record, and he read each of the two conditions of approval from Dayton's Municipal Code. He explained how the Sportech application either met or did not meet each of those conditions.

Arley & Troy Hughes, the applicants, began their comments to the Commission. Mrs. Hughes explained that their purchase of the subject property was contingent upon their being able to secure the Similar Use Permit, and ultimately the Conditional Use Permit that would allow them to build. She asked their planner to present details about the site and their plans.

Brad Kilby, Planner, Harper Houf Peterson Righellis (HHPR), 205 SE Spokane St, Portland, OR 97202, began his presentation with an overview of the surrounding area and some street views. He explained that there would be a storefront, storage, and offices. They would also be considering including rentable office space for other professional offices. He went through the Conditions of Approval from Dayton's code and offered his interpretation of the intent of the code. Mr. Kilby also pointed out that the code never specifically mentions excavation contractor to either approve or deny their existence within the Commercial zone. The applicants intend to improve the site and screen the parking using landscaping. They request the Planning Commission reject the Staff findings and treat Sportech as being like a "Special trade contractor" which more closely aligns with their business rather than classifying them as an excavation contractor.

Chair Maguire asked if any Commissioners had questions for Mr. Kilby, and Commissioner Anderson asked about their interpretation for the existence of the Commercial Zone under Dayton code. Commissioner Anderson read the section of the code into the record and noted that it intended the Commercial zone to be used for commercial activities for the people of Dayton and the surrounding area. Mr. Kilby explained that many businesses in Dayton currently served the surrounding area and Dayton at the same time, and that Sportech would do the same.

Mrs. Hughes offered additional clarification about their company. Their focus is on residential turf installation, with some work on schools, churches, and parks. Their vehicles are newer trucks and not large earth moving machines. The excavation services that they provide are incidental to their installation of turf, not a stand-alone enterprise.

Commissioner Smurthwaite offered that he interpreted the code the same way that Sportech does. He feels that their business is consistent with the businesses that are specifically allowed within the code.

Commissioner Parsons felt that Sportech had explained about their excavation activities, and he believed they would be an appropriate fit for the Commercial zone.

Chairperson Maguire asked for clarification of their application materials. The application detailed that the primary purpose would be storage of rolls of turf and equipment. Mrs. Hughes clarified that the facility would have multiple uses. They intend to have a storefront with an attached warehouse that would store 50x100 foot rolls of turf. Mr. Kilby clarified that they are hopeful to have the opportunity to have other office space available for rent as a source of passive income for the applicants, which would increase the commercial use on the site.

Chairperson Maguire called for public testimony either in favor or neutral to the application.

Mike Morris, Realtor and Owner of Morris Carpet Cleaning, 1405 NE Lafayette, McMinnville, OR 97128. Mr. Morris is representing the Hughes' in this transaction. He explained that this property has been on the market since September 30, 2003. He feels that this property is a challenged property due to some limitations of the property. He asked that his clients be given the opportunity to develop a pleasing gateway to the city of Dayton that would satisfy the Commission and the City.

Chairperson Maguire called for public testimony opposed to the application. There were no members of the public opposed to the application in attendance.

Troy Hughes took the opportunity to speak. He explained that they wanted to be good members of the Dayton community, they would be there to help in whatever way they were able.

Arley Hughes asked that the Commission please consider the challenges of the property. It is their intent to make a facility that makes the gateway to Dayton look amazing to people entering town.

Associate Planner Jenkins clarified that many of these comments should be addressed during the Conditional Use Permit process if the Similar Use Permit is approved. He also cautioned the Commission to be careful to include findings in their decision that explain why it is a similar use if they approve the application.

Senior Planner Jacks asked for a clarification of the number of slides presented.

Commissioner Anderson asked for clarification of a statement on the Staff report in relation to how the applicant presented their intentions for the site in the application.

Chairperson Maguire asked the applicants if there would be a storefront. Mrs. Hughes explained that there would at least be a storefront for Sportech, perhaps more when they begin the design process. Chairperson Maguire shared that he thought that the interpretation of the application might have been different if they had filled out their application differently – mentioning the storefront as the primary intent for the site, with the warehouse storage behind as incidental to the commercial nature business.

Chairperson Maguire asked about the noise level expected at the facility. Mrs. Hughes explained that they would be much less noisy than Baker Rock. They currently run the business out of their house and have not had any noise complaints from the neighbor. The noise would be using a small piece of equipment to load rolls of product onto a trailer and then strapping them down. The crews are off-site for the most part. They load in the morning and return in the evening.

Commissioner Anderson asked Mr. Jenks about the current permitted use in relation to the flooring contractors that are allowed under the code. Mr. Jenkins said he interpreted that part of the code as the flooring options offered at Home Depot or hardware store. Mrs. Hughes explained that they are classified as a soft floor installer.

Chairperson Maguire closed the public hearing at 7:37 p.m. Discussion amongst the Commission began.

Commissioner Smurthwaite believed that the activities Sportech would be handling on site would be no different than the activities that businesses specifically allowed under Dayton's code would be conducting if they were to build their own sites, so he sees no difference between the applicant and allowed uses.

Commissioner Anderson disagreed. She believes that the applicant will be more of a storage facility than a commercial business. She feels that if more industrial use land is needed that is something City Council should address, and that commercial property should be held for commercial business – no matter how long it has been vacant.

Commissioner Wirfs agreed with Commissioner Smurthwaite. He doesn't see the applicant as an excavation company, but rather views them as a business like those that are allowed under the code.

Commissioner Parsons believes that they would be able to secure a Conditional Use Permit, so he is supportive of the application.

Discussion continued, focusing mainly on how the application was filled out. Mr. Jacks offered clarification on some technical points regarding the Conditional Use Permit application process.

Commissioner Smurthwaite moved to dismiss the findings of the staff report and approve the Similar Use Permit application. Chairperson Maguire offered the language of Sample Motion A from the Staff report, "I move the Planning Commission adopt the staff report and direct staff to prepare a Planning Commission Order for the Chairperson to sign approving the Similar Use Permit application. Commissioner Parsons seconded the motion. Commissioners Parsons, Smurthwaite, and Wirfs voted in favor of the application, Chairperson Maguire and Commissioner Anderson voted against the application. Similar Use Permit application approved, 3 votes to 2.

OTHER BUSINESS

The Commission acknowledged the service of Commissioner Wirfs who was not seeking an additional term on the Commission and Senior Planner Jacks who has been assigned to assist other cities. Mr. Jacks implored the applicants to take advantage of the Pre-Application meeting afforded to them by the city as they move forward in the process to secure their Conditional Use Permit.

ADJORN

There being no further business, the meeting adjourned at 7:58 pm.

Respectfully submitted:

APPROVED BY PLANNING COMMISSION on:

By: Cyndi Park Librarian/Planning Coordinator

As Written As Amended