

**MINUTES**  
**JOINT DAYTON PLANNING COMMISSION**  
**AND HISTORIC PRESERVATION COMMITTEE**  
**MEETING OCTOBER 17, 2019**

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

Judy Gerrard  
Kelly Haverkate  
Kim Courtin  
Dave Hargett  
Wayne Herring

**ABSENT:**

**STAFF:** Jim Jack, Senior Planner  
Cyndi Park, Librarian/Planning Coordinator

**A. CALL TO ORDER**

Chairperson Ann-Marie Anderson opened the meeting at 6:33 pm.

**B. APPROVAL OF ORDER OF AGENDA**

There were no changes to the agenda.

**C. APPEARANCE OF INTERESTED CITIZENS**

None present for general comments.

**D. PUBLIC HEARING**

The Planning Commission, in consultation with the Historic Preservation Committee, will hold a public hearing to consider proposed legislative amendments to the Dayton Land Use and Development Code (LUDC).

Chair Anderson turned the meeting over to Jim Jacks, Senior Planner, to go over the Staff Report and Addendums to the Staff Report. Mr. Jacks mentioned that there is no Historic District in Dayton, rather there are Historic Property Overlay Zones wherever there is a historic property. He also clarified that if it was the intention of the City to not allow manufactured or mobile homes to be placed next to historic resources then no changes are needed to the code, however, all existing mobile and manufactured homes would be grandfathered in and not required to be rebuilt or replaced.

Mr. Hargett asked for clarification on the process of changing the code. Mr. Jacks explained that the Planning Commission makes recommendation to the City Council when asked, and at the HPC was being included because of the nature of this proposed change.

Discussion continued about the language that was proposed to be added to the code. This language was written to allow for the possibility that the City might decide to have designated historic districts in the future, but to explain that only Overlay Zones are currently in existence.

Discussion continued through section 7.1.112.03 Definitions. The appropriateness of using “an” before “historic” was discussed. Either “a” or “an” is appropriate, and Dayton can choose which it prefers to use. Most items in this section were simple housekeeping and did not require discussion.

There were no proposed changes to 7.2.112.04.

The proposed changes to 7.2.112.05 were for clarification purpose and did not require discussion.

The group discussed proposed section 7.3.101.04 E. City Council Action. The consensus was that the Commission considers the Committee to be the authority on historic homes and resources and would invite them to offer their opinion on matters before the Commission makes their recommendations to the City Council.

The group decided not to make the HPC the body that holds quasi-judicial hearings on matters under 7.2.112.06 – Demolition and Moving, but to leave the PC as the quasi-judicial body. Moving forward, the HPC will be required to provide a written recommendation to the PC based on the approval criteria in the code for the movement or demolition of a historic resource. Decision criteria will be called “Approval Criteria” to standardize the code language. Section E, Decision Criteria, the group agreed to change the language to: To approve the application to move or demolish a Designated Landmark, the Planning Commission must find that one of the following criteria are met. Previous wording read like perhaps more than one criterion needed to be met for approval.

Section K mentions advertising in in local and state newspapers of general circulation, and Commissioner Maguire questioned whether this was still relevant to today’s audience, Mr. Jacks clarified that most paper publications include notices on their websites as well.

7.2.112.07 Exterior alteration and new construction – Committee Member Courtin pointed out that section C needed to read...” the Historic Preservation Committee must review that application...to be consistent with the other language in the section. Commissioner Maguire pointed out that section E needed to have “disapprove” changed to “denied” keeping the language throughout consistent. Members of the HPC requested that Mr. Jacks check with Kuri Gill in the State Historic Preservation Office to get her thoughts on Section H, Building Code Leniency before any substantive changes are made to that section.

No comments were made on sections 7.2.112.08 or 7.2.112.09.

Section 7.2.112.10 Enforcement of state preservation laws – Mr. Jacks introduced this section, and discussion ensued on how the issue of disallowing a mobile or manufactured home came to the attention of City Council. Because Dayton doesn’t have a historic district, there was a concern that mobile or manufactured homes might be allowed to be built downtown.

Mr. Jacks explained a bit of the history of housing laws in Oregon and how mobile and manufactured homes came to be allowed to be built in any residential zoned areas. Commissioner Maguire mentioned that the City does have the option to adopt design standards which would address the exterior issues associated with placing a residence next to a designated property. Commissioner Smurthwaite is deeply concerned about the shortage of affordable housing and does not believe that manufactured homes deserve the stigma that they are sometimes associated with. The group discussed due diligence and

buyer responsibility.

Committee Chair Gerard encouraged the group to begin looking at the adjoining vs adjacent issue of 7.2.404. Mr. Jacks explained each of the scenarios included in the Addendum to the Staff Report, which included illustrations. Although not all members of the group agreed that the City should be able to impose restrictions banning mobile or manufactured homes from any privately-owned lots in town, they agreed to examine the scenarios and offer their opinions on each. Discussion began on each scenario, individually, and then to an overall discussion of what parts of “designated landmarks” should be of concern. The group agreed that only the front, or street side of a designated landmark, and depending on how it is oriented on its lot, perhaps the side of a designated landmark should be considered when imposing any kinds of restrictions. The consensus of the group was to approve scenarios 2, 3, & 4 in the Addendum as written, with an agreement that they would help to address city-wide residential design guidelines in the future. Scenario #1 would need to be updated to include language about the direction in which the homes were oriented in relation to the street.

Some additional housekeeping items were discussed, including the removal of references to “historic district” which should be “historic overlay zone” and whether residences should be referred to as “historic” or historical.” As long as the wording is consistent, the group was fine with either. Committee Chair Gerard commended Mr. Jacks on the history that he had included in the Staff Report for the meeting. The Historic Preservation Committee is hopeful that the Planning Commission will consider sign guidelines as part of the overall design standards of the City, where possible. Mr. Jacks provided some historical and legal references for residential and commercial design standards. The group briefly discussed the comments made by SHPO in Addendum 2.

Planning Commission Chair Anderson closed the public hearing at 9:34 p.m.

Commissioner Maguire moved that the Commission adopt the Staff Report and move that the City Council approve the proposed amendments with the changes prescribed by this meeting. Votes in favor: Anderson, Maguire. Parsons, Wirfs. Votes opposed: Smuthwaite.

**H. ADJOURN**

There being no further business, the meeting adjourned at 9:41 pm.

Respectfully submitted:

**APPROVED BY PLANNING COMMISSION**  
**on**

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

By: Cyndi Park  
Librarian/Planning Coordinator