

AGENDA  
CITY OF DAYTON  
REGULAR SESSION

DATE: MONDAY, OCTOBER 2, 2023  
TIME: 6:30 PM  
PLACE: DAYTON CITY HALL ANNEX – 408 FERRY STREET, DAYTON, OREGON  
VIRTUAL: ZOOM MEETING – ORS 192.670/HB 2560

You may join the Council Meeting online via Zoom Meeting at: <https://us06web.zoom.us/j/88279833458>

*Dayton – Rich in History . . . Envisioning Our Future*

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<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE #</u>
A.	CALL TO ORDER & PLEDGE OF ALLEGIANCE	
B.	ROLL CALL	
C.	APPEARANCE OF INTERESTED CITIZENS	
1.	The public is encouraged to relay concerns and/or comments to the City Council in one of the following methods: <ul style="list-style-type: none"><li>• <b>Email</b> – any time up to 5:00 p.m. the day of the meeting to <a href="mailto:rvargas@daytonoregon.gov">rvargas@daytonoregon.gov</a>. The Mayor will read the comments emailed to the City Recorder.</li><li>• <b>Appear in person</b> – if you would like to speak during public comment, please sign up on the sign-in sheet located on the table when you enter the Council Chambers.</li><li>• <b>Appear by Telephone only</b> – please sign up prior to the meeting by emailing the City Recorder at <a href="mailto:rvargas@daytonoregon.gov">rvargas@daytonoregon.gov</a>. (The chat function is not available when calling by phone into Zoom.)</li><li>• <b>Appear virtually via Zoom</b> – once you are in the meeting, send a chat directly to the City Recorder, Rocio Vargas, use the raise hand feature in Zoom to request to speak during public comment. <b>The City Recorder will need your first and last name, address, and contact information</b> (email or phone number) before you are invited to speak. When it is your turn, the Mayor will announce your name and your microphone will be unmuted.</li></ul>	
D.	CONSENT AGENDA	
1.	Regular Session Minutes of September 5, 2023	1-5
E.	PUBLIC HEARINGS	
	<i>The City Council will hold a public hearing to obtain citizen input on text amendments to the Dayton Land Use Development Code Chapters 1.16, 7.1.2, and 7.3.1</i>	
F.	ACTION ITEMS	
1.	Staff Report Presentation- LUCA 24-01 – Curt Fisher, City Planner	7-36
2.	First Reading of Ordinance 656	37-68
3.	Urban Renewal Presentation – Scott Vanden Bos, EH Consulting LLC	69-110
4.	Approval and Authority to Apply for Additional Financing for the Highway 221 Lift Station Project through Business Oregon	111-112
5.	Approval Resolution 23/24-02 Hands and Words Are Not for Hurting	113-115

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|--|---------|
| 6. Approval Resolution 23/24-03 Surplus Equipment          | 117-120 |
| 7. Approval Resolution 23/24-04 Community Events Committee | 121-124 |
| 8. Shade Tree Discussion                                   | 125-138 |

## G. CITY COUNCIL COMMENTS /CONCERNS

## H. INFORMATION REPORTS

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| 1. City Manager's Report | 139-155 |
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## I. ADJOURN

Posted: September 28, 2023

By: Rocio Vargas, City Recorder

### NEXT MEETING DATE

City Council Work Session Meeting, Monday, October 16, 2023

City Council Regular Session Meeting, Monday, 6, 2023

*Virtually via Zoom and in Person, City Hall Annex, 408 Ferry Street, Dayton, Oregon*

**MINUTES**  
**DAYTON CITY COUNCIL**  
**REGULAR SESSION**  
**September 5, 2023**

**PRESENT:** Mayor Trini Marquez  
Councilor President Jim Maguire  
Councilor Kitty Mackin  
Councilor Annette Frank  
Councilor Andrew Hildebrant  
Councilor Luke Wildhaber

**ABSENT:** Councilor Rosalba Sandoval-Perez

**STAFF:** Rochelle Roaden, City Manager  
Rocio Vargas, City Recorder  
Dave Rucklos, Tourism & Economic Development Director  
John Lindow, Public Works Supervisor

**A. CALL TO ORDER & PLEDGE OF ALLEGIANCE**

Mayor Marquez called the meeting to order at 6:34 p.m. and those present gave the Pledge of Allegiance.

**B. ROLL CALL**

Mayor Marquez noted that there was a quorum with councilors Maguire, Mackin, Frank, Hildebrant, Wildhaber attending the meeting in person and Councilor Sandoval-Perez was absent.

**C. APPEARANCE OF INTERESTED CITIZENS**

No one in attendance wanted to comment.

**D. CONCENT AGENDA**

**Approval of Meeting Minutes**

1. Regular Session Meeting Minutes of August 7, 2023

**ANNETT FRANK MOVED TO APPROVE THE MINUTES OF THE REGULAR SESSION MEETING MINUTES OF AUGUST 7, 2023. AS AMENDED. SECONDED BY JIM MAGUIRE.** Motion carried with Maguire, Mackin Frank, Hildebrant, Wildhaber and Marquez voting aye.

**E. ACTION ITEMS**

1. **Donation Request - Dayton Pirate Preschool, Tiffany Ashley**

Tiffany Ashley of 147585 SE Foster Rd, Dayton, Oregon 97114 is representing Dayton Pirate Preschool.

Ms. Ashley explained that the preschool has acquired a building owned by the Dayton School District. The preschool needs funding for supplies, building maintenance and equipment. The donation would help keep the cost of tuition low for families.

Councilor Frank asked about the \$1,800 needed for the cost of equipment.

Councilor Maguire inquired about yearly donation requests from other organizations.

Councilor Hildebrant suggested raising the donation to \$1,800 or \$2,000.

**KITTY MACKIN MOVED TO APPROVE A \$2,000 DONATION TO THE DAYTON PIRATES PRESCHOOL. SECONDED BY ANDREW HILDEBRANT.** Motion carried with Maguire, Mackin, Frank, Hildebrant, Wildhaber and Marquez voting aye.

## **2. Sewer Rate Study Presentation - Tim Tice, OAWU**

Tim Tice from OAWU presented a recommendation for an increase on the base water rate to cover the costs of the bridge. Recommended two \$12 raises to the base water rate would be implemented within a two-year period.

Councilor Maguire asked for clarification on the proposed water bill cost increase.

Mr. Tice explained the numbers came from the winter usage average and gave scenario examples.

Councilor Hildebrant inquired about the loan payoff time, and if the increase would go away.

Councilor Frank inquired about what would happen after the two increases if there would be more increases in the future for maintenance.

Rochelle Roaden, City Manager, stated that the CPI would determine the increase.

Councilor Maguire asked about the capacity for the sewer ponds.

The capacity and health of the sewer ponds was discussed.

Councilor Frank requested a tour of the sewer ponds.

Rochelle Roaden confirmed there would be a tour set up for the next council meeting or work session.

Councilor Maguire asked if there would be a public meeting about the rate increase.

Councilor Hildebrandt asked how the rate increase would be presented to the public.

Councilor Maguire suggested that the rate increase be moved from the proposed month of October to after January considering the holidays are close.

Further discussion of the rate increase for bridge loan payment and maintenance of water and sewer occurred. Finding a way to present the rate increase to the public and what to consider moving forward. Will be revisited.

### **3. Approval of Supervisory Control and Data Acquisition (SCADA) Programmable Logic Controllers (PLCs) Upgrade Budget Increase for Water Treatment Plant**

Rochelle Roaden, City Manager, stated that the budget for year 2022-2023 included a project Upgrade for SCADA PLC - the computer system that runs the water and sewer systems. The bid expired and is asking for a budget increase from \$130,000 to \$138,488. The city of Lafayette pays 50% and there are funds available to cover the increase.

**JIM MAGUIRE MOVED TO APPROVE INCREASING THE BUDGET ON THE SCADA PLC UPGRADE PROJECT FROM \$130,000 TO \$138,488. SECONDED BY ANNETTE FRANK.**

Motion carried with Maguire, Mackin Frank, Hildebrant, Wildhaber and Marquez voting aye.

### **4. Approval of Appointments to the Dayton Fireworks Committee**

Rochelle Roaden, City Manager, recapped on the resolution approved by council to establish the Dayton Fireworks Committee. She Stated that there was an online application pushed out by the city on social media, and there were 9 people who applied. Mayor Marquez reviewed the applications and is appointing 5 voting members and 2 alternates to serve 3-year terms.

**ANNETTE FRANK MOVED TO APPOINT CHERYL CAMPOS, MIKE BILLINGS, COLT WILKINS, ISIDRO AMARAL, PAUL GIRAUD TO THE DAYTON FIREWORKS COMMITTEE AS VOTING MEMBERS WITH TERMS ENDING DECEMBER 31, 2026. SECONDED BY JIM MAGUIRE.**

Motion carried with Maguire, Mackin Frank, Hildebrant, Wildhaber and Marquez voting aye.

**ANNETTE FRANK MOVED TO APPOINT WENDY STEC AND CHRIS TEICHROEW TO THE DAYTON FIREWORKS COMMITTEE AS ALTERNATE VOTING MEMBERS WITH TERMS ENDING DECEMBER 31, 2026. SECONDED BY JIM MAGUIRE.**

Motion carried with Maguire, Mackin Frank, Hildebrant, Wildhaber and Marquez voting aye.

## **F. CITY COUNCIL COMMENTS/CONCERNS**

Councilor Hildebrant expressed concern on how McMinnville keeps water cost so low. Councilor Hildebrant had a question on what is "noxious vegetation" defined as per the code compliance report.

City Manager stated that McMinnville has a water reservoir that allows maintain lower rates. She stated she would check the Municipal Code for the definition of noxious vegetation- has to do with height.

Councilor Wildhaber was approached by a Dayton resident regarding the sidewalk requirements on 5<sup>th</sup> Street.

City Manager stated that this issue has been reviewed in the past, the city does not require homeowners to build sidewalks. She stated that there have been conversations on a 50/50 sidewalk program.

Mayor Marquez stated that the former Mayor did not pursue the sidewalk project in this area because the corner lot would not have parking space.

Councilor Maguire stated that he would be out of the state October 1-4, 2023.

Councilor Frank asked for an update on planting trees at Courthouse Square Park.

City Manager stated that planting of the trees is not in the current budget and could be added to the 2024-2025 Strategic Goal Planning budget if requested.

Councilor Wildhaber asked if the trees were donated if that would help resolve the issue of planting the trees and getting around the budget.

Councilor Maguire stated that he would be more comfortable with a plan on placement, cost, and type of tree.

Dave Rucklos stated that there is an arborist reviewing the trees in the park and he could get information from them to determine the location and type of trees.

Councilor Frank asked for an update on the speed radar request for Church Street.

City Manager stated that there has not been a request received yet for a speed radar on Church Street and will explore getting the radar on Church Street.

Councilor Mackin commented on Dayton Friday Nights, and on the new sidewalk ramps that are safer. Councilor Mackin brought up the Hands Project and the banner to be put up in the city.

City Manager stated that ODOT will not allow the banner to be put up across the street unless it includes a place and time. She offered to place it over the front of the annex building.

## **G. INFORMATION REPORTS**

### **City Manager's Report**

Dave Rucklos gave an update on the questionnaire with 135 responses to the survey. Will bring a summary of the survey to the next work session.

He relayed the invitation from the non-profit organization "With Courage" to add pink lights wrapped around Courthouse Park light posts or trees for the month of October.

He updated the council on EV stations to be installed next to the bathrooms in Courthouse Square Park and behind city hall.

For the October council meeting there will be a presentation on Urban Renewal Districts.

City Manager gave an update on the footbridge. They are going to start pile driving September 11<sup>th</sup>, 2023, for a week. Door hangers are being made to inform residents at the RV Park, 3<sup>rd</sup> street and across the riverfront of potential disturbance.

Joel Palmer Way stop bars and curb painting was completed.

The Safe Ramps to School Grant Coordinator Jena Berman came to confirm completion 6<sup>th</sup> St to 8<sup>th</sup> St 9<sup>th</sup> St to Flower. There is \$47,000 owed to the city.

Oregon City County Managers Association (OCCMA) is recommending Rochelle Roaden to the LOC Board of Directors for a 3-year term.

Rocio Vargas was introduced as the new City Recorder.

Future Events: there will be the Library Halloween Party on October 31<sup>st</sup>, 2023, held at the Community Event Center from 3-5pm.

## H. ADJOURN

There being no further business, the meeting was adjourned at 8:13 p.m.

Respectfully submitted:

APPROVED BY COUNCIL on September 5,2023

As Written As Amended

By:

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Trini Marquez, Mayor

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# City of Dayton

PO Box 339  
416 Ferry St  
Dayton, OR 97114  
Phone: 503-864-2221  
Fax: 503-864-2956  
cityofdayton@ci.dayton.or.us  
www.ci.dayton.or.us

## STAFF REPORT

### LA 2023-01 PUBLIC HEARING BEFORE CITY COUNCIL

**HEARING DATE:** October 2, 2023

**REPORT DATE:** September 25, 2023

**SUBJECT:** Text amendments to the Dayton Land Use Development Code to add applicability requirements for discontinued uses requiring new Site Development Review approval, update clear vision standards, update expiration dates for land use decisions, add provisions for phased subdivisions, and miscellaneous code cleanup.

**APPROVAL**

**CRITERIA:** Dayton Land Use Development Code, Section 7.3.112.03, A – D.

**EXHIBITS:** A. Notice of Planning Commission Action SDR 05-01/MAJVAR  
05-02

#### I. REQUESTED ACTION

Conduct a public hearing on proposed legislative amendments to Chapters 1.16, 7.1.2, 7.2.1, and 7.3.1 of the Dayton Land Use Development Code (DLUDC), case file LA 2023-01. Options for action on LA 2023-01 include the following:

- A. Adopt the findings in the staff report, move that the City Council adopt LA 2023-01, and direct staff to return this item for reading of a draft Ordinance that reflects this action:
  - 1. As presented / recommended by staff; or
  - 2. As amended by the City Council (indicating desired revisions).
- B. Move that the City Council take no action on LA 2023-01.
- C. Continue the public hearing, preferably to a date/time certain.

#### II. BACKGROUND

City Council updated their Strategic Goals in February 2023, which included updates to the DLUDC involving new code provisions to address situations where new Site Development Review would be required for discontinued uses and updates to standards for clear vision areas. On June 5, 2023, the City Council initiated additional recommendations that include updating expiration dates for land use decisions and incorporating provisions to allow phased subdivisions. Additional background information on each of these categories of amendments is provided below.

### ***Site Development Review for Discontinued Uses***

The proposed amendments would establish certain conditions under which developments with existing Site Development Review approval would be considered discontinued and subject to new Site Development Review for development. The need for this amendment was identified in response to the recent revival of a project from 2005 that was thought to have been abandoned after an extended period of inactivity on the site. The proposed amendments would not affect the status of this project. The amendments will only apply to projects receiving site development approval after the adoption of LA 2023-01. The amendments would allow the Planning Commission to evaluate development in future situations through a new Site Development Review process that considers the current state of the site and neighboring development.

The language proposed in the current draft was informed by language addressing discontinued non-conforming uses found in the Department of Land Conservation and Development's (DLCD) Model Development Code for Small Cities.

### ***Updates to Clear Vision Area Standards***

Clear vision areas are necessary to maintain clear lines of sight at the intersections of streets and driveways so that drivers can safely respond to oncoming traffic. See Exhibit A for ODOT guidelines for determining sight distances. Features such as structures, walls, and fences are restricted in these areas. The current standard places the clear vision triangles at the edge of the public right of way or property lines. This method presents problems for City Staff when trying to determine the location of the triangle in situations where the exact location of the property line or the edge of the right-of-way is not known. Further, current guidance from ODOT on measuring intersection sight distance recommends taking the sight distance measurements from the vehicle travel lane. The draft amendments would position the vision clearance triangle along the edge of the roadway consistent with current practice.

### ***Updates to Land Use Expiration Dates and Phased Subdivisions***

Land use approvals currently expire one year following the effective date of land use approval. Prior to the expiration of the one-year time limit, applicants may request a time extension not to exceed one year. If the project is not completed within this time, the land use approval expires, and the applicant is required to seek a new land use approval to complete the project. This can be an onerous timeline to meet for more complex applications, such as subdivisions, which typically require the design, permitting, and construction of public streets and infrastructure prior to issuance of site development permits and/or final platting.

Adding provisions for phased subdivisions allows a subdivision consisting of multiple phases to be reviewed and receive preliminary approval through a single land use action. Phased subdivisions are typical for large sites. On large sites, they encourage all phases to be planned and permitted together as part of an integrated and cohesive "master plan".

The draft amendments are crafted to be substantially consistent with the most recent version of the DLCD Model Development Code for Small Cities.

### ***Miscellaneous Code Cleanup***

The amendment package includes several policy neutral code changes to correct and clarify existing code references related to property transactions, deck and patio encroachments, and Floodplain Development Permits.

## **III. PROCESS**

Section 7.3.112 of the DLUDC requires text amendments to be approved through a Type IV review procedure as specified in Section 7.3.2.

On June 8, 2023, the Planning Commission held a work session to discuss and clarify desired changes, prior to passing a motion scheduling a public hearing.

On July 6, 2023, staff issued the required 35-day notice to the Department of Land Conservation and Development. On July 28th, 2023, written notice of the hearing before the Planning Commission was published in the McMinnville News Register which was not less than 10 days prior to the date of the hearing before the Planning Commission. On September 22, 2023, written notice of the hearing before the City Council was published in the McMinnville News Register which was not less than 10 days prior to the date of the hearing before the City Council.

### ***Public Comments Received***

The Planning Commission received oral testimony in opposition to the amendments to DLUDC 7.3.106.02 that would make Site Development Review applicable to approved developments that are discontinued or abandoned as defined under the proposed amendments. The testimony was provided by representatives of property owners of 16205 SE Kreder Road out of concern the amendments would require the owners to submit a new Site Development Review application to permit existing development on the site that was previously approved in 2005 under SDR 05-01/MAJVAR 05-02 (Exhibit B). The testifier raised ORS 227.178(3)(a) which states that approval or denial of an application shall be based on the standards and criteria that were applicable at the time the application was first submitted. Staff generally concurs that ORS 227.178(3)(a) does apply to the 2005 decision, and that the amendments to DLUDC 7.3.106.02 will only apply to approvals after the date the enacting ordinance is adopted. Staff observe that Condition A of SDR 05-01/MAJVAR 05-02 requires a site development review application for expansion of the development or any other additional improvements to the site.

## **IV. SUMMARY OF PROPOSED AMENDMENTS**

The following lists the proposed amendments to the applicable sections of the DLUDC in the order they appear in the Code followed by bullet points summarizing the changes proposed.

### 1.16. Real Property Transactions

- Update code reference for property transactions that the City Manager is authorized to negotiate and approve on behalf of the City.

#### 7.1.200.03 Definitions

- Add definition for “discontinued use”.
- Add definition for “edge of roadway”.
- Add definition for “roadway”.

### 7.2.1 Land Use Zoning

#### 7.2.102.05 Single Family Residential (R-1)

- Insert existing references to side yard projection standards for decks and patios.

#### 7.2.103.05 Limited Density Residential (R-2)

- Insert existing references to side yard projection standards for decks and patios.

#### 7.2.104.05 Medium Density Residential (R-3)

- Insert existing references to side yard projection standards for decks and patios.

#### 7.2.105.05 Commercial Residential

- Insert existing references to side yard projection standards for decks and patios.

#### 7.2.113.05 Uses – Permitted And Subject to Flood Plain Development Permit

- Update Various Code References

7.2.203.02

- Update references to side yard projection standards for decks and patios.

7.2.308.08 Clear Vision Area

- Change “street right of way” to “edge of roadway” for all sections affecting the measurement of the clear vision area triangle along public streets.
- Increase the required dimension of street side portion of the clear vision area from 30 to 35 feet to accommodate the repositioning of the triangle along the roadway.
- Add an illustrative diagram depicting the clear vision area standards.

7.3.1 Application Requirements and Review Procedures

7.3.102.05 Time Limit

- Change the effective period for land use approvals from one year to two years.

7.3.106 Site Development Review

- Add a new subsection 7.3.106.02.B that includes conditions under which new a Site Development Review application is required to permit a discontinued use.

7.3.109 Subdivisions and Planned Unit Developments

- Add submittal requirements for phased subdivisions.
- Change the time limit on preliminary subdivision approvals from one year to two years.
- Add approval criteria for phased subdivisions.
- Add time limits for preliminary approvals for phased subdivisions of two years for the first phase and four years for all subsequent phases.

**V. FINDINGS AND APPROVAL CRITERIA**

7.3.112.01 Process

*Amendments to the Comprehensive Plan and Development Code texts shall be reviewed in accordance with the Type IV review procedures specified in Section 7.3.201.*

7.3.112.03 Criteria for Approval

*Amendments to the Comprehensive Plan or Development Code text shall be approved if the evidence can substantiate the following:*

- A. *Impact of the proposed amendment on land use and development patterns within the city, as measured by:*
  1. *Traffic generation and circulation patterns;*

**Findings:** The proposed amendments to the applicability requirements under Section 7.3.106 will not have any direct impact on traffic and circulations patterns. However, when a discontinued use is subject to a new Site Development Review procedure, the application will be required to address current traffic generation and circulation patterns. Through the Site Development Review process, the decision-making body will have the opportunity to apply new conditions, should they be necessary to mitigate any impact to the current offsite circulation patterns. The proposal may result in some potential benefits for traffic generation and circulation patterns for this reason. This criterion is met.

The updated standards for clear vision areas have the potential to positively impact traffic circulation. The proposed amendments aim to align section 7.2.308.08 with current ODOT guidance, ensuring the protection of sight distance areas at intersections and enabling all road users to make safe turning movements, thereby resulting in safer traffic circulation for all modes of travel. Additionally, these changes will enhance the ease with which City Staff can determine the appropriate location of the clear vision triangle, thereby ensuring consistent application of clear vision areas at intersections throughout the city. This criterion is met.

The proposed changes to the expiration dates and the implementation of provisions for phased subdivisions will not directly impact traffic generation and circulation patterns. However, there may be some ancillary benefits to allowing applicants more time to construct street improvements. This criterion is met.

2. *Demand for public facilities and services;*

**Findings:** The proposed amendments will not have any impact on demand for public facilities because the amendments do not involve any changes to code criteria or standards that regulate demand for city services such as streets, sewers, or water. Any demand for City services generated by the development affected by the amendments will not change.

3. *Level of park and recreation facilities;*

**Findings:** The level of park and recreation facilities is typically determined by population increases resulting from the development of new housing. The amendments do not involve density or locational requirements that would affect the level of park or recreation facilities needed to accommodate future population growth. This criterion is met.

4. *Economic activities;*

**Findings:** The proposed amendments will not have any direct impact on economic activities but may result in some ancillary benefits to economic activity. The new provisions for phased subdivisions could encourage faster home construction on lots in the first phases of a subdivision resulting in increased economic activity. This criterion is met.

5. *Protection and use of natural resources;*

**Findings:** The proposed amendments will not have any direct impact on the use of natural resources

6. *Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvements.*

**Findings:** The proposed amendments will not have any effect on any special plans or programs. The new expiration dates for land use approvals may have positive effects on public facility improvements because they will allow more time to design, permit and construct improvements when they are required as a condition of approval of a land use decision.

B. *A demonstrated need exists for the product of the proposed amendment.*

**Findings:** The demonstrated needs for the proposed amendments are as follows:

***New Site Development Review for Discontinued Uses***

The need for this amendment was identified in response to the recent revival of a 2005 Site Development Review that was thought to have been discontinued after an extended period of inactivity. Site conditions and neighboring development have changed over the past 18 years and the amendments would allow Planning Commission to evaluate development such as this through a new Site Development Review process that would consider the current state of the site and neighboring development.

### ***Updates to Clear Vision Area Standards***

Clear vision areas are necessary to maintain clear lines of sight at the intersections of streets and driveways so that drivers can safely respond to oncoming traffic. Features such as structures, walls, and fences are restricted in these areas. The current standard places the clear vision triangles at the edge of the public right of way or property lines. This method presents problems for City Staff when trying to determine the location of the triangle in situations where the exact location of the property line or the edge of the right-of-way is not known. Further, current guidance from the Oregon Department of Transportation on measuring intersection sight distance recommends taking the sight distance measurement from the vehicle travel lane. The draft amendments would position the vision clearance triangle along the edge of the roadway consistent with current practice.

### ***Updates to Land Use Expiration Dates and Phased Subdivisions***

Land use approvals currently expire one year following the date of final approval. Prior to the expiration of the one-year time limit, applicants may request a time extension not to exceed one year. If the project is not completed within this time, the land use approval expires, and the applicant is required to seek a new land use approval to complete the project. This can be an onerous timeline to meet for more complex applications, such as subdivisions, which typically require the design, permitting, and construction of public streets and infrastructure prior to issuance of site development permits and/or final platting. Adding provisions for phased subdivisions will allow a subdivision to be platted in phases after receiving preliminary approval. This will streamline the preliminary review process for larger subdivisions and promote more thoughtful and integrated long-term planning for larger sites.

This criterion is met.

- C. *The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.*

The applicable Statewide Planning Goals are satisfied as follows:

#### *Goal 1. Citizen Involvement.*

**Findings:** A public hearing on the proposed amendments was held before the Planning Commission on August 10, 2023, at City Hall at 6:30 p.m. and a second public hearing is scheduled before City Council on October 2, 2023. Public notice has been provided in accordance with noticing requirements in the Dayton Land Use and Development Code for legislative public hearings by the Planning Commission and the City Council. Goal 1 is met.

#### *Goal 2. Land Use Planning.*

**Findings:** Goal 2 requires each local government in Oregon to have and follow a comprehensive land use plan and implementing regulations. These are in place. The scope of this legislative proposal is limited and does not involve any amendments to the Comprehensive Plan policies. Existing Comprehensive Plan land use map designations and zoning designations remain unchanged. This amendment proposal does not add, subtract or modify the uses allowed outright or conditionally in existing zones. The proposal does not involve exceptions to the Statewide Goals. Staff therefore finds Goal 2 is met.

#### *Goal 3 & 4. Agricultural Lands and Forest Lands*

**Findings:** Goal 3 and 4 primarily pertain to rural areas, typically outside urban areas. Staff finds Goals 3 and 4 to be not applicable due to the limited scope of the proposed text amendments.

#### *Goal 5. Natural Resources, Scenic and Historic Areas, and Open Spaces.*

**Findings:** Staff observe how the proposed amendments do not impact natural resources or open spaces. Staff incorporate the scope of work description above in response to Goal 2. This amendment proposal does not add, subtract, or modify the list / description of historic resources identified to the Historical Property Overlay Zone. Goal 5 does not apply.

*Goal 6. Air, Water and Land Resources Quality.*

**Findings:** The proposal does not address Goal 6 resources. Based on the limited scope of proposed text amendments, staff finds Goal 6 to be not applicable.

*Goal 7. Areas Subject to Natural Hazards.*

**Findings:** The proposal does not address Goal 7 resources. Based on the limited scope of the proposed text amendments, staff finds Goal 7 to be not applicable.

*Goal 8. Recreation Needs.*

**Findings:** The proposal does not address Goal 8 resources. Based on the limited scope of work included in this report staff finds Goal 8 to be not applicable.

*Goal 9. Economic Development.*

**Findings:** Proposed amendments do not change the permitted uses in the commercial and industrial zones. Proposed changes to the DLUDC do not impact identified future employment areas identified through past Economic Opportunities Analysis. Accordingly, Goal 9 does not apply.

*Goal 10. Housing.*

**Findings:** The proposed amendments advance Goal 10 by streamlining the preliminary plat approval process of larger subdivisions. Allowing multiple subdivision phases to be approved under a single procedure will eliminate the need to secure individual approvals for each phase. These amendments will likely facilitate faster construction of homes in the earlier phases of a subdivision, which will advance statewide targets for housing production on residential land designated in the Comprehensive Plan. Extending the expiration dates will have benefits for multifamily projects by reducing the occurrence of extension requests and expirations. All the proposed amendments are consistent with the implementation guidelines under Goal 10. Goal 10 is met.

*Goal 11. Public Facilities and Services.*

**Findings:** Public facilities under Goal 11 include water, sanitary sewer, police and fire protection. Other services (e.g., health, communication services) are also listed in Goal 11. The proposed amendments do not have any direct impact on any of the master planning documents required under Goal 11. However, the proposed amendments to the expiration dates for land use approvals will advance Goal 11 by providing more time to design, and construct public facilities included in those plans when they are required to be constructed as conditions of approval for subdivisions and other land use decisions. The proposed amendments are consistent with Goal 11.

*Goal 12. Transportation.*

**Findings:** The amendments to the standards for clear vision areas will encourage a safe convenient and economic transportation system under Goal 12 by preserving safe sight distance at intersections. The proposed amendments to the DLUDC are found to comply with Oregon Administrative Rule (OAR) 660-012, commonly referred to as the Transportation Planning Rule, as there are no proposed changes or amendments to local transportation requirements or road classifications. Goal 12 is met.

*Goal 13. Energy Conservation.*

**Findings:** Based on the limited scope of work described in this report, staff finds Goal 13 to be not applicable.

*Goal 14. Urbanization.*

**Findings:** Based on the limited scope of the text amendments described in this report, staff finds Goal 14 to be not applicable. No change to the existing Urban Growth Boundary (UGB) is proposed.

*Goal 15 for the Willamette River Greenway and Goals 16 – 19 for the Coastal Goals.*

**Findings:** Staff observe Goals 15 through 19 to apply only to specific regions of the state (*Willamette River Greenway, Estuarine Resources, Coastal Shorelands, Beaches and Dunes, Ocean Resources*). Goals 15 – 19 do not apply because the city is not on the Willamette River or in a coastal area.

The proposed amendments are consistent with the applicable Statewide Planning Goals. This criterion is met.

*D. The amendment is appropriate as measured by at least one of the following criteria:*

- 1. It corrects identified error(s) in the provisions of the plan.*
- 2. It represents a logical implementation of the plan.*
- 3. It is mandated by changes in federal, state, or local law.*
- 4. It is otherwise deemed by the council to be desirable, appropriate, and proper.*

**Findings:** The proposed amendments meet the criterion D.4 for the following reasons:

The changes to the applicability standards for Site Development Review (SDR) are desirable, appropriate, and proper because they would allow Planning Commission to evaluate discontinued uses in the context of current site conditions through a new Site Development Review application that responds to current site conditions.

The updates to the clear vision areas are desirable, appropriate, and proper to maintain clear lines of sight at the intersections of streets and driveways so that drivers can safely respond to oncoming traffic.

The updates to the expiration period for land use approvals are desirable, appropriate, and proper to allow applicants reasonable time to meet conditions of approval such as the design, permitting, and construction, of public streets and infrastructure prior to issuance of site development permits and/or final platting.

The provisions for phased subdivisions are desirable, appropriate, and proper to allow multiple phases of a subdivision to seek preliminary approval with a single land use approval procedure.

These criteria are met.

## **VI. PROPOSED AMENDMENTS – MARK-UP VERSION**

The following mark-ups show the current language in the above referenced sections in Times New Roman font. The proposed amendments are shown in ~~strikeout~~ for language proposed to be deleted and in ***bold italics*** for language proposed to be added.

### 1.16. Real Property Transactions

### 1.16.01 Council Approval

Council approval is required for all real property transactions except as described in DC 1-13-01 **1.16.02**.

...

### 7.1.200 Definitions

#### 7.1.200.01 General Provisions

General and Specific Terms. The definitions contained in this Section include those that are applicable to the entire Code (general), and those terms that apply to specific Sections (specific). Terms used in specific Sections are identified as follows:

***Discontinued Use: A use that physically left the land it was on, a permitted use that ceased, or a use terminated at the end of a lease or contract.***

***Edge of Roadway: The portion of the roadway being along the current curb line for existing curbed streets, and along the future curb line for existing turnpike streets.***

***Roadway: The portion of a right-of-way that is improved for motor vehicle and bicycle travel, subject to applicable state motor vehicle licensing requirements. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.***

...

### 7.2.1 Land Use Zoning

...

#### 7.2.102 Single Family Residential – (R-1)

...

##### 7.2.102.05 Dimensional Standards

...

##### B. Minimum Yard Setback Requirements

1. The garage setback shall be measured from the property line or the edge of a private access easement. The length of the driveway shall be determined by measuring along the centerline of the driveway.
2. ***See Sections 7.2.308.06.C and 7.2.308.07.E for standards that apply to decks and patios.***

#### 7.2.103 Limited Density Residential – (R-2)

...

##### 7.2.103.05 Dimensional Standards

...

##### B. Minimum Yard Setback Requirements

1. The garage setback shall be measured from the property line or the edge of a private access easement. The length of the driveway shall be determined by measuring along the centerline of the driveway.
5. ***See Sections 7.2.308.06.C and 7.2.308.07.E for standards that apply to decks and patios.***

...

7.2.104 Medium Density Residential – (R-3)

...

7.2.104.05 Dimensional Standards

...

B. Minimum Yard Setback Requirements

- 1. The garage setback shall be measured from the property line or the edge of a private access easement. The length of the driveway shall be determined by measuring along the centerline of the driveway.

...

- 4. *See Sections 7.2.308.06.C and 7.2.308.07.E for standards that apply to decks and patios.*

...

7.2.105 Commercial Residential

...

7.2.105.05 Dimensional Standards

...

B. Minimum Yard Setback Requirements

- 1. *See Sections 7.2.308.06.C and 7.2.308.07.E for standards that apply to decks and patios.*

...

7.2.113 Flood Plain Overlay District (FPO)

...

7.2.113.05 Uses - Permitted And Subject To Flood Plain Development Permit

If otherwise allowed in the zone, dwellings, a manufactured home on a lot, a manufactured home in a manufactured home park, and other structures that involve a building permit such as commercial and industrial uses, including the placement of fill to elevate a structure or site grading to prepare a site for development, may be allowed subject to a written determination (flood plain development permit) that the following requirements are met:

- A. The structure is not located within a floodway. (See 7.2.113.07 L. ~~6~~) The required elevation to which the lowest floor of the structure must be elevated can be determined from the Flood Insurance Study.
- B. The structures will be located on natural grade or compacted fill.
- C. The lowest floor will be elevated to at least one (1) foot above the level of the base flood elevation and the anchoring requirements in Section ~~2.108.07 D~~ **7.2.113.07.F**.
- D. The Building Official has determined that any construction and substantial improvements below base flood level meet the requirements of Sections ~~2.110.07~~ **7.2.113.07.A.4**.
- E. The building permit specifies the required elevation of the lowest floor, any anchoring requirements and requires provision of certification under Section ~~2.110.07 D,3~~ **7.2.113.03.C**, prior to occupancy.

- F. A certificate signed by a licensed surveyor or civil engineer certifying that the lowest floor, including basement, is at or above the specific minimum is submitted to the Zoning Manager prior to use of the structure.
- G. No alteration of topography beyond the perimeter of the structure is proposed.
- H. A recreational vehicle may be located in a flood plain only during the non-flood season (June 1 through September 30), provided it is fully licensed and ready for highway use, or meet the requirements for manufactured homes. A recreation vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

...

### 7.2.3 General Development Standards

...

#### 7.2.308 Yard And Lot Standards

...

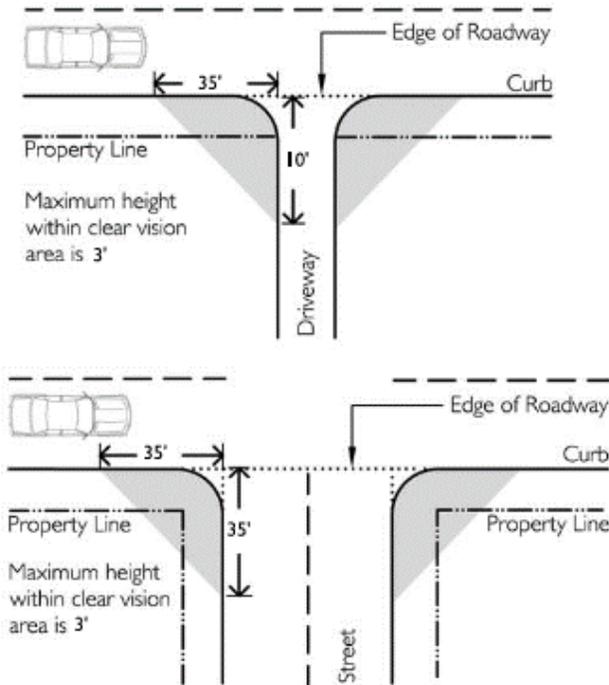
##### 7.2.308.08 Clear Vision Area

A clear vision area shall be maintained where streets and private points of access intersect. The clear vision area shall conform with the following:

- A. Measurement. A clear vision area at an intersection shall be the triangular area established according to the following procedure:
  1. A line extending a certain number of feet from the intersection along ~~a~~ ***the edge of the roadway*** of a public street ~~right-of-way~~;
  2. A line extending a certain number of feet from the intersection along the intersecting access;
  3. A third line that creates the triangular clear vision area by connecting the ends of the lines described in 1, and 2, above.
- B. Street-Driveway. The clear vision area for a street-driveway intersection shall be 10 feet along the driveway from its intersection with the ~~street right-of-way~~ ***edge of the roadway*** and 3035 feet along the ~~street right-of-way~~ ***edge of the roadway*** at the point of intersection with the driveway.
- C. Street-Alley. The clear vision area for street-alley intersections shall be 10 feet along the alley from its intersection with the ~~street right-of-way~~ ***edge of the roadway*** and 3035 feet along the ~~right-of-way~~ ***edge of the roadway*** at the point of intersection with the alley.
- D. Street-Private Access Driveway. The clear vision area for street-access easement intersections shall be 10 feet along the access easement from its intersection with the ~~street right-of-way~~ ***edge of the roadway*** and 3035 feet along the ~~street right-of-way~~ ***edge of the roadway*** at the point of intersection with the access easement.
- E. Corner Lots. The clear vision area for corner lots shall be 2035 feet along the ~~right-of-way~~ ***edge of the roadway*** of each intersecting street.
- F. Prohibited Development. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 36 inches in height, measured from the top of the curb or, where no curb exist, from the established street centerline grade, except that the following may be allowed in the clear vision area:

1. Trees, provided all branches and foliage are removed to a height of eight feet above grade;
2. Telephone, power, and cable television poles; and
3. Telephone switch boxes provided they are less than ten inches wide at the widest dimension.

**Figure 7.2.308.08 Vision Clearance Areas**



...

7.3.1 Application Requirements

...

7.3.102 General Provisions

...

7.3.102.05 Time Limit

Approvals shall be effective for a period of ~~one~~ **two** years from the date of final approval.

...

7.3.106.02 Applicability of Provisions

A. Applicability. Site Development Review shall be applicable to all new developments and major remodeling, except:

1. Single-family detached dwellings and Accessory Dwelling Units (ADUs);
2. A duplex; or

3. Any commercial, industrial or public facility expansion or remodel that does not exceed 25 percent of the total square footage of the structure existing at the time of the adoption of this Code and/or does not expand the activity/business area on the subject property beyond 25 percent (i.e., outdoor uses). (Updated by ORD 594, adopted 2/1/10 & enacted 3/2/10)
4. Wireless Communication Facilities for properties within a Public (P) zone district. Added ORD 608 effective 10/6/11.

***B. When the discontinuation or abandonment of a previously approved use requires new site development review. If use of a property subject to a previous site development review approval is discontinued for any reason other than fire or other catastrophe beyond the owner's control for a period of more than two years, it shall be deemed abandoned and shall no longer be an approved use. For purposes of calculating the two-year period, a use is considered discontinued when:***

- 1. The use of land is physically vacated;***
- 2. The use ceases to be actively involved in the sale of merchandise or the provision of services; for example, as evidenced by the removal of signs, goods, stock, or office equipment, or the disconnection of telephone or utility service;***
- 3. Any lease or contract under which the development has occupied the land is terminated;***
- 4. A request for final reading of water and power meters is made to the applicable utility districts;***
- 5. The owner's utility bill or property tax bill account became delinquent; or***
- 6. An event occurs similar to those listed in subsections 1-5, above, as determined by the City Manager.***

**B.C. Underlying Zone.** All of the provisions and regulations of the underlying zone shall apply unless modified by other Sections of this Code.

...

### 7.3.109.02 Submittal Requirements

**Submittal Material.** The following submittal requirements shall apply to all Preliminary Plan applications for subdivisions and planned unit developments.

- A. All applications shall be submitted on forms provided by the City along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section. Notice shall be subject to the provisions in Section 7.3.204.
- B. Applicants for subdivisions shall submit the following:
  1. Appropriate identification stating the drawing is a preliminary plat.
  2. North point, scale and date.
  3. Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan.
  4. Map number and tax lot or tax account number of subject property.
  5. The boundary lines and approximate area of the subject property.
  6. Dimensions and size in square feet or acres of all proposed parcels.

7. The approximate location of existing streets, bikeways, pedestrian facilities, public or private, easements or right-of-ways adjacent to, or within, the subject property, and existing improvements on the property. (*Amended by Ordinance 589 – Effective 4/2/09*)
8. The location of any flood boundary.
9. The name, address and phone number of the applicant engineer, land surveyor, or person preparing the application.
10. Name of the subdivision.
11. Date the drawing was made.
12. Vicinity sketch showing location of the proposed land division.
13. Identification of each lot by number.
14. Gross acreage of property being subdivided or partitioned.
15. Direction of drainage and approximate grade of abutting streets.
16. Streets proposed and their names, approximate grade, and radius of curves.
17. Any other legal access to the subdivision, partition other than a public street.
18. Contour lines at two-foot intervals if 10% slope or less, five-foot intervals if exceeding 10% slope, and a statement of the source of contour information.
19. All areas to be offered for public dedication.

***C. Applicants for a phased subdivision shall submit the items required in subsection “B.” above as well as the following additional items:***

- 1. The tentative boundaries of each phase;***
- 2. The sequencing of the phases;***
- 3. The tentative configuration of lots in each phase; and***
- 4. A plan for the construction of all required city infrastructure in each phase.***

***C.D.*** Applicants for a planned unit development shall submit the material required in item “B.” above as well as the following additional material:

5. Proposed uses of the property, including sites, if any, for attached dwelling units, recreational facilities, parks and playgrounds or other public or semi-public uses, with the purpose, condition and limitations of such reservations clearly indicated.
6. The approximate location and dimensions of all commercial or multi-family structures proposed to be located on the site.
7. Statement of improvements to be made or installed including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and time such improvements are to be made or completed.
8. Written statement outlining proposals for ownership and maintenance of all open space areas, private streets and any commonly owned facilities.

### 7.3.109.03 Review Procedures

- A. Planning Commission. All Preliminary Plans for subdivisions and PUDs shall be heard by the Planning Commission pursuant to the requirements for a Type II procedure as set forth in Section 7.3.202.
- B. Time Limit. Approvals of any preliminary plans for a subdivision *or* PUD shall be valid for ~~one~~ **two** years after the date of the written decision. A Final Plat for a Final Plan for a subdivision shall be recorded within this time period.
- C. ***For a phased subdivision, the Final Plat for the first phase of the subdivision shall be recorded not more than two years after the date of the written decision. Final Plats for all subsequent phases shall be recorded not more than four years after the date of the written decision.***

~~C.D.~~ Re-application Required. Failure to record a plat within the required time period shall void the approval and require a new application before the Planning Commission. The applicant will be subject to all applicable standards currently in effect.

7.3.109.04 Review Criteria

Approval of a subdivision, ***phased subdivision***, or PUD shall require compliance with the following:

- A. Each lot shall satisfy the dimensional standards and density standard of the applicable zoning district, unless a variance from these standards is approved or the development standards permit a modification of these requirements.
- B. Adequate public facilities shall be available to serve the existing and newly created parcels.
- C. The proposal shall comply with the applicable development standards in Section 7.2.307 (Land Divisions), or Section 7.2.311 (Planned Unit Developments).
- D. ***Phased Subdivision. The Planning Commission may approve plans for phasing a subdivision, and changes to approved phasing plans, provided the applicant's proposal meets all of the following criteria:***
  - 1. ***Public facilities shall be constructed in conjunction with or prior to each phase;***
  - 2. ***Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements***
  - 3. ***The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that are required as part of the approved development proposal;***
  - 4. ***The proposed phasing schedule shall be reviewed with the preliminary subdivision plat application; and***
  - 5. ***Planning Commission approval is required for modifications to phasing plans.***

7.3.109.05 Form of Final Subdivision Plat

The final plat shall conform to the requirements in ORS Chapter 92 and applicable County surveying requirements.

7.3.109.06 Final Plat Review Of Subdivisions

- A. Final Review. The final subdivision or PUD plat shall be submitted to the City staff for review. Staff shall review the plat to assure compliance with the approved preliminary plat and with the conditions of approval. The City Manager shall signify staff approval of the final plat by signing the document. *Amended ORD 608 effective 10/6/11*
- B. Recording of Approved Plat. No building permit shall be issued, or parcel sold, transferred or assigned until the final approved Plat has been recorded with the County Recorder. The applicant shall be responsible for all recording fees.
- C. Improvements/Bonding. Prior to issuance of an occupancy permit, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City Attorney.

**VII. PROCESS AND STAFF RECOMMENDATION**

Section 7.3.112.01 of the DLUDC requires text amendments to be approved through a Type IV review procedure as specified in Section 7.3.2. Staff recommends the City Council pass a motion adopting the staff report and recommending the City Council direct staff to return this item for reading of the draft Ordinance.

**VIII. CITY COUNCIL ACTION – Sample Motion**

A City Councilor may make a motion to either:

- 1. Adopt the findings in the staff report, move that the City Council adopt LA 2023-01, and direct staff to return this item for reading of a draft Ordinance. A sample motion is:  
*I move the City Council adopt the staff report and recommend the City Council approve the amendments as presented by staff and recommended by the Planning Commission.*
- 2. Adopt a revised staff report with changes by the City Council and recommend the City Council approve the revised amendments. A sample motion is:  
*I move the City Council adopt a revised staff report with the following revisions (state the revision) and recommend the City Council approve the revised amendments.*
- 3. Recommend the City Council deny the proposed amendments. A sample motion is:  
*I move the City Council deny the proposed amendments for the following reasons...and state the reasons for the denial.*
- 4. Continue the hearing to a date/time certain. A sample motion is:  
*I move the City Council to continue the hearing to a date (state the date) and time (state the time) to obtain additional information, and state the information to be obtained.*

*Staff Report prepared by Curt Fisher, AICP, City Planner*

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 1 (ADMINISTRATION) AND TITLE 7 (DAYTON LAND USE AND DEVELOPMENT CODE) OF THE DAYTON MUNICIPAL CODE**

**WHEREAS**, the Dayton Municipal Code (DMC) is a codification of the general ordinances of Dayton, Oregon, organized by subject matter under Title, of which include Titles 1, and 7; and

**WHEREAS**, in February of 2023, the Dayton City Council recognized the need to initiate a legislative text amendment (LA 2023-01) to amend Title 7, *Dayton Land Use and Development Code*, at their meeting of February 21, 2023; and

**WHEREAS**, on June 5, 2023, the City Council also recognized a need for initiating other limited code updates to Title 7 to include in LA 2023-01; and

**WHEREAS**, on June 8, 2023, the Planning Commission held a work session to discuss and clarify desired changes to Title 7, *Dayton Land Use and Development Code*, recognized the need for additional policy neutral changes that included changes to Title 1, and, after this work session, instructed city staff to schedule a public hearing on LA 2023-01; and

**WHEREAS**, on July 6, 2023, public notice for LA 2023-01 was provided to the Department of Land Conservation and Development with a description of all proposed changes;

**WHEREAS**, on July 28, 2023, public notice for LA 2023-01 was published in the McMinnville News Register with a description of all proposed changes;

**WHEREAS**, on August 10, 2023, the Dayton Planning Commission conducted the first of two required public hearings for LA 2023-01 at which time interested parties were provided full opportunity to be present and heard; and

**WHEREAS**, on October 2, 2023, the Dayton City Council conducted the second required public hearing for LA 2023-01 at which time interested parties were provided full opportunity to be present and heard on the proposed amendments to the DMC Titles 1 and 7 as amended.

**NOW, THEREFORE, THE CITY OF DAYTON DOES ORDAIN AS FOLLOWS:**

**Section 1.** The City Council of the City of Dayton does hereby adopt the staff report dated (\_\_\_\_\_, 2023, including the findings of fact and conclusionary findings and supporting documentation contained in the staff report.

**Section 2.** The City Council of the City of Dayton does hereby amend Title 1 and Title 7 of the Dayton Municipal Code as included under “Exhibit A” of this Ordinance.

**PASSED AND ADOPTED** by the City Council of the City of Dayton on this (\_\_\_\_) day of (\_\_\_\_)2023, by the following votes:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

Approved by the Mayor on this \_\_ th day of(\_\_\_\_\_), 2023.

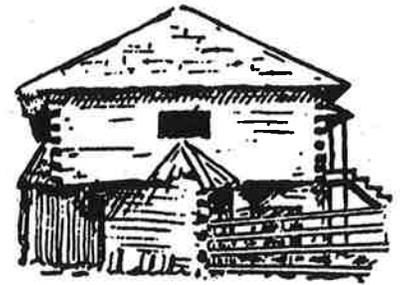
SIGNED: \_\_\_\_\_  
Trini Marquez, Mayor Date

ATTEST: \_\_\_\_\_  
Rochelle Roaden, City Manager Date

# City of Dayton

*In the Heart of Oregon's Garden Spot*

Post Office Box 339  
Dayton, Oregon 97114-0039  
Phone: (503) 864-2221  
Fax: (503) 864-2956



Historic Fort Yamhill

**NOTICE OF PLANNING COMMISSION ACTION**  
**Site Development Review Case No. 05-01/Major Variance Case No. 05-02**  
June 20, 2005

I. BACKGROUND

- A. APPLICANTS: Don Angell.
- B. PARCEL LOCATION: The property is located at the juncture of Highway 18 and Kreder Road. There is no property address and the County Assessor places the property within Township 4 South; Range 3 West; Section 16; Tax Lot 200.
- C. PARCEL SIZE: Approximately 50 acres, of which approximately 31 acres are located within the City of Dayton.
- D. EXISTING DEVELOPMENT: The property contains an outdoor storage facility for recreational vehicles and has access to a public street. Public water and sewer are available to serve the site.
- E. ZONING: That portion of the site located within the City is zoned Industrial (I).
- F. REQUEST: The applicants are requesting approval of a Site Design Review to establish the recreational vehicle storage facility and a Major Variance to eliminate the paving requirement for access and storage.
- G. DECISION CRITERIA: Dayton Land Use and Development Code; Section 7.3.106 (Site Development Review) and Section Sections 7.3.108 (Major Variance).
- H. PLANNING COMMISSION HEARING DATE: June 11, 2005.

II. DECISION

The Planning Commission found the submitted Site Development Review and Major Variance applications complied with the applicable decision criteria and APPROVED the request subject to the following Conditions of Approval:

*NOTICE OF PLANNING COMMISSION DECISION*  
*Site Design Review Case No. 05-01/Major Variance Case No. 05-02*  
*Don Angell*

- A. The storage facility shall be limited to the identified 6.2 acre site. Any expansion of the property or establishment of other improvements shall require, at a minimum, a new site development review application.
- B. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

III. OTHER PERMITS AND RESTRICTIONS

The Applicant is herein advised that the use of the property involved in this application may require additional permits from the City or other local, State or Federal agencies.

The City of Dayton land use and review and approval process does not take the place of, or relieve the Applicant of responsibility for acquiring such other permits, or satisfy any restrictions or conditions thereon. The land use permit approval herein does not remove, alter or impair in any way any covenants or restrictions imposed on this property by deed or other instrument.

IV. APPEALS

This action will be official in 15 days, unless appealed within that time. Appeal is to the City Council and must be submitted at City Hall by:

5:00 PM, July 15 2005

Should you wish to appeal this action, or have any questions or comments regarding this project, please contact City Hall for information on how to proceed.

Sincerely,

Debra Lien                      6/30/05  
 Debra Lien, Asst. City Recorder                      Date

**BEFORE THE DAYTON PLANNING COMMISSION  
Site Development Review Case No. 05-01/Major Variance Case No. 05-02**

In the Matter of the	)	
	)	
Application of	)	1. Site Development Review
	)	2. Major Variance
Don Angell	)	

**ORDER**

**I. NATURE OF THE APPLICATION**

This matter comes before the Dayton Planning Commission on the application of the Don Angell for a Site Design Review to establish the recreational vehicle storage facility and a Major Variance to eliminate the paving requirement for access and storage on Industrial (I) zoned property.

**II. GENERAL INFORMATION**

**A. Location and Zoning**

The property is located at the juncture of Highway 18 and Kreder Road. There is no property address and the County Assessor places the property within Township 4 South; Range 3 West; Section 16; Tax Lot 200. The property is zoned Industrial (I).

**B. Existing Development**

The property contains approximately 50 acres, of which approximately 31 acres are located within the City of Dayton. This land within the City limits contains an outdoor storage facility for recreational vehicles and has access to a public street. Public water and sewer are available to serve the site.

**C. Surrounding Zoning and Development**

Oregon Highway 18 borders the property to the north and Kreder Road to the south. To the west is a recreational vehicle park on Commercial (C) zoned property and the Dayton Wastewater Treatment Facility of Public (P) zoned property. Property to the north of Highway 18 and south of Kreder Road is located within Yamhill County.

D. Background Information

The applicants are requesting approval of a Site Design Review to establish the recreational vehicle storage facility and a Major Variance to eliminate the paving requirement for access and storage.

III. PUBLIC HEARING

A. Planning Commission Action

A public hearing was duly held on this application before the Dayton Planning Commission on June 11, 2005. At the hearing, Site Development Review Case No. 05-01/Major Variance Case No. 05-02 was made a part of the record. Notice of the hearing was sent to adjacent property owners. No ex parte contacts were declared and no objection was raised as to jurisdiction, conflicts of interest, bias, notice, evidence or testimony presented at the hearing.

At the conclusion of the hearing, the Planning Commission deliberated on the issue and approved the application. The Commission found the proposal to be consistent with the decision criteria in the Dayton Land Use and Development Code and directed staff to prepare an Order for the Chair's signature.

B. City Council Action

The decision of the Planning Commission is final unless an appeal is filed pursuant to the provisions in the Dayton Land Use and Development Code. The appeal would be heard by the Dayton City Council.

IV. FINDINGS OF FACT-GENERAL

The Dayton Planning Commission, after careful consideration of the testimony and evidence in the record, adopts the following general Findings of Fact:

- A. The applicant is Don Angell.
- B. The property is located at the juncture of Highway 18 and Kreder Road. There is no property address and the County Assessor places the property within Township 4 South; Range 3 West; Section 16; Tax Lot 200.
- C. Approximately 50 acres, of which approximately 31 acres are located within the City of Dayton.

- D. The property contains an outdoor storage facility for recreational vehicles and has access to a public street. Public water and sewer are available to serve the site.
- E. That portion of the site located within the City is zoned Industrial (I).
- F. Oregon Highway 18 borders the property to the north and Kreder Road to the south. To the west is a recreational vehicle park on Commercial (C) zoned property and the Dayton Wastewater Treatment Facility of Public (P) zoned property. Property to the north of Highway 18 and south of Kreder Road is located within Yamhill County.
- G. The applicants are requesting approval of a Site Design Review to establish the recreational vehicle storage facility and a Major Variance to eliminate the paving requirement for access and storage.
- H. Approval or denial of this request shall be based upon the decision criteria contained in the Dayton Land Use and Development Code; Section 7.3.106 (Site Development Review) and Section 7.3.108 (Major Variance).

#### V. APPLICATION SUMMARY

- A. The subject 50 acre parcel includes land within the City, the City's Urban Growth Boundary and Yamhill County. Of the 31-acre portion located within the City, the owner established a storage yard for recreational vehicles as part of the adjacent RV park development. The current owner now wishes to expand the use to allow both RV park customers and area residents to use the storage facility. Of the 31-acre site, only some 6.2 acres are used for storage. The site is surrounded by a 6-foot, sight obscuring fence.
- B. Pursuant to Section 7.2.107.02.B.2, "(W)arehouse for short term storage, including mini-warehouse" is permitted within the Industrial zone. Further, Section 7.2.107.02.C.11, allows "(F)reight terminals, including loading docks, storage, warehousing and wholesale distribution, cold storage lockers and similar personal storage facilities such as mini-storage warehouses." On balance, the Commission concludes the personal storage of recreational vehicles is similar to these uses and is therefore allowed in the Industrial zone.
- C. Section 7.2.303.09.A, requires all driveways, parking and loading areas to be paved with asphalt or concrete. The applicant is requesting a variance to this standard to allow the use of a gravel surface. This is classified as a Major Variance as the request would effectively eliminate the requirement.

- D. Establishment of such a use is subject to the Site Development Review requirements in Section 7.3.106. This is a Type II application and subject to a hearing before the Planning Commission. The Major Variance is also a Type II application subject to a Commission' hearing.

## VI. CRITERIA AND FINDINGS - SITE DEVELOPMENT REVIEW

- A. Section 7.3.106.06 establishes the criteria to evaluate a Site Development Plan. The City must consider the following factors:

1. Section 7.3.106.06.A. - Conformance with applicable General Development Standards in Section 7.2.3.

FINDINGS: This section establishes minimum improvement standards for new development including public facility requirements. This site is currently served by public sewer and water. Specific facility requirements are reviewed elsewhere in this report.

2. Section 7.3.106.06.B. - Adequacy of public and private facilities.

FINDINGS: The existing public and private facilities are adequate to serve the proposed development. However, the nature of the business does not require connection to water or sanitary sewer service.

3. Section 7.3.106.06.C. - Traffic safety, internal circulation and parking.

FINDINGS: There is a single point of access adjacent to the RV park. Vehicles are able to enter the site without interfering with traffic along Highway 18 or Kreder Road. Further, there is more than adequate room on site to allow the maneuvering of vehicles. Specific parking issues will be discussed below.

4. Section 7.3.106.06.D. - Provision for adequate noise and/or visual buffering from non-compatible uses.

FINDINGS: This site is located at the eastern edge of the City and essentially provides a service for the adjacent RV park. The site is currently fenced and screened. Nothing in this activity suggests the need for additional screening or buffering.

5. Section 7.3.106.06.E. - Conformance with development requirements of the underlying zone.

FINDINGS: The Industrial zone establishes specific development requirements which are reviewed in the following sections.

- D. Section 7.2.107.05 establishes the Industrial zone dimension requirements.

FINDINGS: There is no minimum lot size within the zone. The only applicable setback is along Highway 18 and Kreder Road where a 20-foot setback is required. There are no structures on the site (nor none planned) so that the proposal complies with these provisions.

- E. Section 7.2.107.06 establishes development standards within the commercial zone. Each *applicable* standard is reviewed, below:

1. Section 7.2.107.06.A - Off-street parking. Parking shall be as specified in Section 7.2.303.

FINDINGS: The Development Code does not provide parking requirements for outdoor storage facilities. Pursuant to Section 7.2.303.03.B, the City is allowed to establish requirements for uses not specifically listed. The use is limited to vehicle storage: the storage space is in effect the parking area for the customers. Further, there are no structures located on the property that require associated parking. For these reasons, a separate defined parking area is not required for the use.

2. Section 7.2.107.06.C - Site Development Review: Development within the I Zone shall be subject to the Site Development Review procedures in Section 7.3.1.

FINDINGS: The application and hearing before the Commission is consistent with this requirement.

3. Section 7.2.107.06.D - Landscaping: A minimum of 10% of the property shall be landscaped, including all required setback areas.

FINDINGS: Areas not used for storage remain in a natural vegetative state. This exceeds the minimum 10% requirement of this Section. The applicant indicates the grass will be mowed and weeds removed.

4. Section 7.2.107.06.E - Lot Coverage: The combined maximum building and parking area coverage shall not exceed 90%.

FINDINGS: Only 6.2 acres of the 31-acre site are developed. This is only 20% of the site which complies with this provision.

5. Section 7.2.107.06.F - Open Storage: Open storage of equipment and materials used for the manufacture or assembly of goods is prohibited in required setback areas. Otherwise, such storage shall be enclosed within a sight-obscuring fence, wall or berm a minimum of 8 feet in height.

FINDINGS: The open storage *is not* for the manufacture or assembly of goods. The storage area is for private vehicles only and is screened by a 6-foot fence. On balance, this is acceptable for the type of use.

- F. Vehicle storage is not the highest and best long term use of this site. However, it does allow the owner to generate income from the property while readily permitting redevelopment of the site. With the exception of paving, the proposal complies with all applicable Site Development Review provisions.
- G. The storage facility contains approximately 6.2 acres. The approved site development plan will be limited to the existing facility. Any expansion of the site, or installation of other improvements such as an office, would require a new land use application and review.

#### VII. CRITERIA AND FINDINGS - MAJOR VARIANCE

- A. The criteria for a Major Variance are found in Sections 7.3.108.04 and 7.3.108.05. Section 7.3.108.04 states a property owner may propose a modification or variance from a standard or requirement of this Code, *except* when one or more of the following apply:

1. Section 7.3.108.04A - The proposed variance would allow a use which is not permitted in the district.

FINDINGS: The variance would eliminate the paving requirement for the access driveway and vehicle parking (storage) area. This action however, does not establish a use that is otherwise prohibited in the zone.

2. Section 7.3.108.04.B - Another procedure and/or criteria are specified in the Code for modifying or waiving the particular requirement or standard.

FINDINGS: There is no other method to eliminate paving except by a variance.

3. Section 7.3.108.04.C - Modification of the requirement or standard is prohibited within the district.

**FINDINGS:** Modification of the paving requirement is not prohibited within the Industrial zone.

4. Section 7.3.108.04.D - An exception from the requirement or standard is not allowed in the district.

**FINDINGS:** The Industrial zone does not prohibit an exception to the paving requirement.

Based on these findings, the applicant may request a variance to the paving requirement for the storage facility.

- B. Pursuant to Section 7.3.108.05, the Planning Commission may grant a major variance from a requirement or standard of this Code, provided that the applicant provides evidence that all the following circumstances substantially exist:

1. Section 7.3.108.05.A - There are unnecessary, unreasonable hardships or practical difficulties which can be relieved only by modifying the requirements of the Code, and is the minimum relief to relieve the hardship. Adverse economic impact shall not be considered an unreasonable hardship or practical difficulty.

**FINDINGS:** The location and importance of this property are unique. It is located at the far eastern edge of the City and contains the largest single piece of Industrial zoned land within Dayton. This proposed use is at best an interim activity until such time the site fully develops. Requiring paving would potential reduce development options on the site.

2. Section 7.3.108.05.B - There are exceptional or extraordinary circumstances or conditions applying to the land, buildings, or use referred to in the application, which circumstances or conditions do not apply generally to the land, buildings, or uses in the same zone; however, non-conforming land, uses, or structures in the vicinity shall not in themselves constitute such circumstances or conditions.

**FINDINGS:** The circumstances relate to efficient development of the site. Paving reduces future development options or potentially increases costs associated with development. The gravel improvements support the proposed use while maintaining future options on the property.

3. Section 7.3.108.05.C - That granting the application will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises.

FINDINGS: The property is located adjacent to farm and public uses as well as a commercial RV park. As such, the graveled driveway and storage surface will not impact residential neighborhoods or create significant impacts affecting neighboring uses.

4. Section 7.3.108.05.D - That such variance is necessary for the preservation and enjoyment of the substantial property rights of petitioner.

FINDINGS: As the City's largest Industrial zoned property, the site has the potential for other uses than the storage facility. This variance preserves those options.

5. Section 7.3.108.05.E - That the granting of the application will not, under the circumstances of the particular case, adversely affect the health or safety of persons working or residing in the neighborhood of the property of the applicant.

FINDINGS: The variance allows the development of the property for a use allowed in the zone. The property location is such that the graveled surface will not impact residential neighborhoods or similar developments. On balance, approval of the variance does not create uses or activities that would adversely affect the health or safety of persons working or residing in the area.

6. Section 7.3.108.05.F - The degree of variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone.

FINDINGS: The site is currently in use as a storage facility. The variance would allow continued use of the site.

7. Section 7.3.108.05.g. The variance request is not the result of a deliberate action or knowing violation on the part of the applicant.

FINDINGS: The applicant was aware of the paving requirement and submitted a variance. There is no violation on the part of the applicant.

- C. This is a unique situation. The site has far greater potential than simply storage for recreational vehicles. Requiring paving would not prohibit other uses but would potentially limit development options. The gravel driveway and storage area are sufficient for the activity without impacting adjacent uses.

## VIII. CONCLUSION

The Site Development Review application complies, or can conditionally comply, with the decision criteria.

## IX. CONDITIONS OF APPROVAL

The Dayton Planning Commission finds the submitted application complies with the Dayton Land Use and Development Code criteria provided certain conditions are made part of the approval. The Commission therefore, adopts the following Conditions of Approval:

- A. The storage facility shall be limited to the identified 6.2 acre site. Any expansion of the property or establishment of other improvements shall require, at a minimum, a new site development review application.
- B. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

## X. ORDER

It is hereby found that the application meets the relevant standards and criteria for a Site Development Review and Major Variance subject to the Conditions of Approval listed above.

THEREFORE, it is the decision of the Dayton Planning Commission to APPROVE the application subject to the Conditions of Approval in Section IX.

## X. OTHER PERMITS AND RESTRICTIONS

The Applicant is herein advised that the use of the property involved in this application may require additional permits from the City or other local, State or Federal agencies.

The City of Dayton land use and review and approval process does not take the place of, or relieve the Applicant of responsibility for acquiring such other permits, or satisfy any restrictions or conditions thereon. The land use permit approval herein does not remove, alter or impair in any way any covenants or restrictions imposed on this property by deed or other instrument.

XI. APPEAL DATES

Any appeals pertaining to this application must be made to the Dayton City Council within 15 days the notice of this order is mailed.

APPROVED BY A 3-0 VOTE OF THE DAYTON PLANNING COMMISSION ON THE 11<sup>th</sup> DAY OF JUNE 2005.

DATED at Dayton, Oregon, this 28th day of June, 2005.

ATTEST: Gary F. Wirfs 29 Jun 2005  
Gary Wirfs, Chair Date

ATTEST: Sue C. Hollis 6-29-05  
Sue Hollis, City Administrator Date

**To:** Honorable Mayor and City Councilors  
**From:** Rochelle Roaden, City Manager  
**Issue:** First Reading of Ordinance 656 – Text Amendments to the Dayton Land Use Development Code Chapters 1.16, 7.1.2, 7.2.1, and 7.3.1  
**Date:** October 2, 2023

**Goal B:** Create a livable community that is aesthetically pleasing, affordable, inviting and with a vibrant and diverse economy.

**Objective: Update Dayton Municipal Code**

Update Clear Vision Code

Update Sunset Clause in Land Use Planning Chapter 7

**City Manager Recommendation:** I recommend approving the first reading of Ordinance 656.

**Potential Motion to Approve the 1st Reading:** “I move to approve the first reading of Ordinance 656 an Ordinance of the Dayton City Council Amending Title 1 (Administration) and Title 7 (Dayton Land Use and Development Code) of the Dayton Municipal Code.”

**City Council Options:**

- 1 - Approve the 1st Reading of Ordinance 656 as recommended.
- 2 - Approve the 1st Reading of Ordinance 656 with amendments.
- 3 -Take no action and ask staff to do more research and bring further options back to the City Council.

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**ORDINANCE NO. 656  
CITY OF DAYTON, OREGON**

**AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING TITLE 1  
(ADMINISTRATION) AND TITLE 7 (DAYTON LAND USE AND DEVELOPMENT  
CODE) OF THE DAYTON MUNICIPAL CODE.**

**WHEREAS**, the Dayton Municipal Code (DMC) is a codification of the general ordinances of Dayton, Oregon, organized by subject matter under Title, of which include Titles 1, and 7; and

**WHEREAS**, in February of 2023, the Dayton City Council recognized the need to initiate a legislative text amendment (LA 2023-01) to amend Title 7, *Dayton Land Use and Development Code*, at their meeting of February 21, 2023; and

**WHEREAS**, on June 5, 2023, the City Council also recognized a need for initiating other limited code updates to Title 7 to include in LA 2023-01; and

**WHEREAS**, on June 8, 2023, the Planning Commission held a work session to discuss and clarify desired changes to Title 7, *Dayton Land Use and Development Code*, recognized the need for additional policy neutral changes that included changes to Title 1, and, after this work session, instructed city staff to schedule a public hearing on LA 2023-01; and

**WHEREAS**, on July 6, 2023, public notice for LA 2023-01 was provided to the Department of Land Conservation and Development with a description of all proposed changes; and

**WHEREAS**, on July 28, 2023, public notice for LA 2023-01 was published in the McMinnville News Register with a description of all proposed changes; and

**WHEREAS**, on August 10, 2023, the Dayton Planning Commission conducted the first of two required public hearings for LA 2023-01 at which time interested parties were provided full opportunity to be present and heard; and

**WHEREAS**, on October 2, 2023, the Dayton City Council conducted the second required public hearing for LA 2023-01 at which time interested parties were provided full opportunity to be present and heard on the proposed amendments to the DMC Titles 1 and 7 as amended.

**NOW, THEREFORE, THE CITY OF DAYTON ORDAINS AS FOLLOWS:**

**Section 1.** The City Council of the City of Dayton does hereby adopt the staff report dated September 25, 2023, including the findings of fact and conclusionary findings and supporting documentation contained in the staff report.

**Section 2.** The City Council of the City of Dayton does hereby amend Title 1 and Title 7 of the Dayton Municipal Code as included under "Exhibit A" of this Ordinance.

**Section 3.** This ordinance is effective thirty (30) days after its adoption.

**PASSED AND ADOPTED** by the City Council of the City of Dayton on this \_\_\_\_ day of \_\_\_\_\_, 2023.

Mode of Enactment:

Date of first reading: \_\_\_\_\_ In full \_\_\_\_\_ or by title only \_\_\_\_\_

Date of second reading: \_\_\_\_\_ In full \_\_\_\_\_ or by title only \_\_\_\_\_

\_\_\_\_ No Council member present at the meeting requested that the ordinance be read in full.

\_\_\_\_ A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the Ordinance.

Final Vote:

**In Favor:**

**Opposed:**

**Absent:**

**Abstained:**

\_\_\_\_\_  
Trini Marquez, Mayor

\_\_\_\_\_  
Date of Signing

ATTESTED BY:

\_\_\_\_\_  
Rocio Vargas, City Recorder

\_\_\_\_\_  
Date of Enactment

Attachment: Exhibit A

## EXHIBIT A



# City of Dayton

PO Box 339  
416 Ferry St  
Dayton, OR 97114  
Phone: 503-864-2221  
Fax: 503-864-2956  
cityofdayton@ci.dayton.or.us  
www.ci.dayton.or.us

## STAFF REPORT

### LA 2023-01 PUBLIC HEARING BEFORE CITY COUNCIL

**HEARING DATE:** October 2, 2023

**REPORT DATE:** September 25, 2023

**SUBJECT:** Text amendments to the Dayton Land Use Development Code to add applicability requirements for discontinued uses requiring new Site Development Review approval, update clear vision standards, update expiration dates for land use decisions, add provisions for phased subdivisions, and miscellaneous code cleanup.

#### APPROVAL

**CRITERIA:** Dayton Land Use Development Code, Section 7.3.112.03, A – D.

**EXHIBITS:** A. Notice of Planning Commission Action SDR 05-01/MAJVAR  
05-02

#### I. REQUESTED ACTION

Conduct a public hearing on proposed legislative amendments to Chapters 1.16, 7.1.2, 7.2.1, and 7.3.1 of the Dayton Land Use Development Code (DLUDC), case file LA 2023-01. Options for action on LA 2023-01 include the following:

- A. Adopt the findings in the staff report, move that the City Council adopt LA 2023-01, and direct staff to return this item for reading of a draft Ordinance that reflects this action:
  1. As presented / recommended by staff; or
  2. As amended by the City Council (indicating desired revisions).
- B. Move that the City Council take no action on LA 2023-01.
- C. Continue the public hearing, preferably to a date/time certain.

#### II. BACKGROUND

City Council updated their Strategic Goals in February 2023, which included updates to the DLUDC involving new code provisions to address situations where new Site Development Review would be required for discontinued uses and updates to standards for clear vision areas. On June 5, 2023, the City Council initiated additional recommendations that include updating expiration dates for land use decisions and incorporating provisions to allow phased subdivisions. Additional background information on each of these categories of amendments is provided below.

### ***Site Development Review for Discontinued Uses***

The proposed amendments would establish certain conditions under which developments with existing Site Development Review approval would be considered discontinued and subject to new Site Development Review for development. The need for this amendment was identified in response to the recent revival of a project from 2005 that was thought to have been abandoned after an extended period of inactivity on the site. The proposed amendments would not affect the status of this project. The amendments will only apply to projects receiving site development approval after the adoption of LA 2023-01. The amendments would allow the Planning Commission to evaluate development in future situations through a new Site Development Review process that considers the current state of the site and neighboring development.

The language proposed in the current draft was informed by language addressing discontinued non-conforming uses found in the Department of Land Conservation and Development's (DLCD) Model Development Code for Small Cities.

### ***Updates to Clear Vision Area Standards***

Clear vision areas are necessary to maintain clear lines of sight at the intersections of streets and driveways so that drivers can safely respond to oncoming traffic. See Exhibit A for ODOT guidelines for determining sight distances. Features such as structures, walls, and fences are restricted in these areas. The current standard places the clear vision triangles at the edge of the public right of way or property lines. This method presents problems for City Staff when trying to determine the location of the triangle in situations where the exact location of the property line or the edge of the right-of-way is not known. Further, current guidance from ODOT on measuring intersection sight distance recommends taking the sight distance measurements from the vehicle travel lane. The draft amendments would position the vision clearance triangle along the edge of the roadway consistent with current practice.

### ***Updates to Land Use Expiration Dates and Phased Subdivisions***

Land use approvals currently expire one year following the effective date of land use approval. Prior to the expiration of the one-year time limit, applicants may request a time extension not to exceed one year. If the project is not completed within this time, the land use approval expires, and the applicant is required to seek a new land use approval to complete the project. This can be an onerous timeline to meet for more complex applications, such as subdivisions, which typically require the design, permitting, and construction of public streets and infrastructure prior to issuance of site development permits and/or final platting.

Adding provisions for phased subdivisions allows a subdivision consisting of multiple phases to be reviewed and receive preliminary approval through a single land use action. Phased subdivisions are typical for large sites. On large sites, they encourage all phases to be planned and permitted together as part of an integrated and cohesive "master plan".

The draft amendments are crafted to be substantially consistent with the most recent version of the DLCD Model Development Code for Small Cities.

### ***Miscellaneous Code Cleanup***

The amendment package includes several policy neutral code changes to correct and clarify existing code references related to property transactions, deck and patio encroachments, and Floodplain Development Permits.

## **III. PROCESS**

Section 7.3.112 of the DLUDC requires text amendments to be approved through a Type IV review procedure as specified in Section 7.3.2.

On June 8, 2023, the Planning Commission held a work session to discuss and clarify desired changes, prior to passing a motion scheduling a public hearing.

On July 6, 2023, staff issued the required 35-day notice to the Department of Land Conservation and Development. On July 28th, 2023, written notice of the hearing before the Planning Commission was published in the McMinnville News Register which was not less than 10 days prior to the date of the hearing before the Planning Commission. On September 22, 2023, written notice of the hearing before the City Council was published in the McMinnville News Register which was not less than 10 days prior to the date of the hearing before the City Council.

### ***Public Comments Received***

The Planning Commission received oral testimony in opposition to the amendments to DLUDC 7.3.106.02 that would make Site Development Review applicable to approved developments that are discontinued or abandoned as defined under the proposed amendments. The testimony was provided by representatives of property owners of 16205 SE Kreder Road out of concern the amendments would require the owners to submit a new Site Development Review application to permit existing development on the site that was previously approved in 2005 under SDR 05-01/MAJVAR 05-02 (Exhibit B). The testifier raised ORS 227.178(3)(a) which states that approval or denial of an application shall be based on the standards and criteria that were applicable at the time the application was first submitted. Staff generally concurs that ORS 227.178(3)(a) does apply to the 2005 decision, and that the amendments to DLUDC 7.3.106.02 will only apply to approvals after the date the enacting ordinance is adopted. Staff observe that Condition A of SDR 05-01/MAJVAR 05-02 requires a site development review application for expansion of the development or any other additional improvements to the site.

## **IV. SUMMARY OF PROPOSED AMENDMENTS**

The following lists the proposed amendments to the applicable sections of the DLUDC in the order they appear in the Code followed by bullet points summarizing the changes proposed.

### 1.16. Real Property Transactions

- Update code reference for property transactions that the City Manager is authorized to negotiate and approve on behalf of the City.

#### 7.1.200.03 Definitions

- Add definition for “discontinued use”.
- Add definition for “edge of roadway”.
- Add definition for “roadway”.

### 7.2.1 Land Use Zoning

#### 7.2.102.05 Single Family Residential (R-1)

- Insert existing references to side yard projection standards for decks and patios.

#### 7.2.103.05 Limited Density Residential (R-2)

- Insert existing references to side yard projection standards for decks and patios.

#### 7.2.104.05 Medium Density Residential (R-3)

- Insert existing references to side yard projection standards for decks and patios.

#### 7.2.105.05 Commercial Residential

- Insert existing references to side yard projection standards for decks and patios.

#### 7.2.113.05 Uses – Permitted And Subject to Flood Plain Development Permit

- Update Various Code References

7.2.203.02

- Update references to side yard projection standards for decks and patios.

7.2.308.08 Clear Vision Area

- Change “street right of way” to “edge of roadway” for all sections affecting the measurement of the clear vision area triangle along public streets.
- Increase the required dimension of street side portion of the clear vision area from 30 to 35 feet to accommodate the repositioning of the triangle along the roadway.
- Add an illustrative diagram depicting the clear vision area standards.

7.3.1 Application Requirements and Review Procedures

7.3.102.05 Time Limit

- Change the effective period for land use approvals from one year to two years.

7.3.106 Site Development Review

- Add a new subsection 7.3.106.02.B that includes conditions under which new a Site Development Review application is required to permit a discontinued use.

7.3.109 Subdivisions and Planned Unit Developments

- Add submittal requirements for phased subdivisions.
- Change the time limit on preliminary subdivision approvals from one year to two years.
- Add approval criteria for phased subdivisions.
- Add time limits for preliminary approvals for phased subdivisions of two years for the first phase and four years for all subsequent phases.

**V. FINDINGS AND APPROVAL CRITERIA**

7.3.112.01 Process

*Amendments to the Comprehensive Plan and Development Code texts shall be reviewed in accordance with the Type IV review procedures specified in Section 7.3.201.*

7.3.112.03 Criteria for Approval

*Amendments to the Comprehensive Plan or Development Code text shall be approved if the evidence can substantiate the following:*

- A. *Impact of the proposed amendment on land use and development patterns within the city, as measured by:*
  1. *Traffic generation and circulation patterns;*

**Findings:** The proposed amendments to the applicability requirements under Section 7.3.106 will not have any direct impact on traffic and circulations patterns. However, when a discontinued use is subject to a new Site Development Review procedure, the application will be required to address current traffic generation and circulation patterns. Through the Site Development Review process, the decision-making body will have the opportunity to apply new conditions, should they be necessary to mitigate any impact to the current offsite circulation patterns. The proposal may result in some potential benefits for traffic generation and circulation patterns for this reason. This criterion is met.

The updated standards for clear vision areas have the potential to positively impact traffic circulation. The proposed amendments aim to align section 7.2.308.08 with current ODOT guidance, ensuring the protection of sight distance areas at intersections and enabling all road users to make safe turning movements, thereby resulting in safer traffic circulation for all modes of travel. Additionally, these changes will enhance the ease with which City Staff can determine the appropriate location of the clear vision triangle, thereby ensuring consistent application of clear vision areas at intersections throughout the city. This criterion is met.

The proposed changes to the expiration dates and the implementation of provisions for phased subdivisions will not directly impact traffic generation and circulation patterns. However, there may be some ancillary benefits to allowing applicants more time to construct street improvements. This criterion is met.

2. *Demand for public facilities and services;*

**Findings:** The proposed amendments will not have any impact on demand for public facilities because the amendments do not involve any changes to code criteria or standards that regulate demand for city services such as streets, sewers, or water. Any demand for City services generated by the development affected by the amendments will not change.

3. *Level of park and recreation facilities;*

**Findings:** The level of park and recreation facilities is typically determined by population increases resulting from the development of new housing. The amendments do not involve density or locational requirements that would affect the level of park or recreation facilities needed to accommodate future population growth. This criterion is met.

4. *Economic activities;*

**Findings:** The proposed amendments will not have any direct impact on economic activities but may result in some ancillary benefits to economic activity. The new provisions for phased subdivisions could encourage faster home construction on lots in the first phases of a subdivision resulting in increased economic activity. This criterion is met.

5. *Protection and use of natural resources;*

**Findings:** The proposed amendments will not have any direct impact on the use of natural resources

6. *Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvements.*

**Findings:** The proposed amendments will not have any effect on any special plans or programs. The new expiration dates for land use approvals may have positive effects on public facility improvements because they will allow more time to design, permit and construct improvements when they are required as a condition of approval of a land use decision.

B. *A demonstrated need exists for the product of the proposed amendment.*

**Findings:** The demonstrated needs for the proposed amendments are as follows:

***New Site Development Review for Discontinued Uses***

The need for this amendment was identified in response to the recent revival of a 2005 Site Development Review that was thought to have been discontinued after an extended period of inactivity. Site conditions and neighboring development have changed over the past 18 years and the amendments would allow Planning Commission to evaluate development such as this through a new Site Development Review process that would consider the current state of the site and neighboring development.

### ***Updates to Clear Vision Area Standards***

Clear vision areas are necessary to maintain clear lines of sight at the intersections of streets and driveways so that drivers can safely respond to oncoming traffic. Features such as structures, walls, and fences are restricted in these areas. The current standard places the clear vision triangles at the edge of the public right of way or property lines. This method presents problems for City Staff when trying to determine the location of the triangle in situations where the exact location of the property line or the edge of the right-of-way is not known. Further, current guidance from the Oregon Department of Transportation on measuring intersection sight distance recommends taking the sight distance measurement from the vehicle travel lane. The draft amendments would position the vision clearance triangle along the edge of the roadway consistent with current practice.

### ***Updates to Land Use Expiration Dates and Phased Subdivisions***

Land use approvals currently expire one year following the date of final approval. Prior to the expiration of the one-year time limit, applicants may request a time extension not to exceed one year. If the project is not completed within this time, the land use approval expires, and the applicant is required to seek a new land use approval to complete the project. This can be an onerous timeline to meet for more complex applications, such as subdivisions, which typically require the design, permitting, and construction of public streets and infrastructure prior to issuance of site development permits and/or final platting. Adding provisions for phased subdivisions will allow a subdivision to be platted in phases after receiving preliminary approval. This will streamline the preliminary review process for larger subdivisions and promote more thoughtful and integrated long-term planning for larger sites.

This criterion is met.

- C. *The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.*

The applicable Statewide Planning Goals are satisfied as follows:

#### *Goal 1. Citizen Involvement.*

**Findings:** A public hearing on the proposed amendments was held before the Planning Commission on August 10, 2023, at City Hall at 6:30 p.m. and a second public hearing is scheduled before City Council on October 2, 2023. Public notice has been provided in accordance with noticing requirements in the Dayton Land Use and Development Code for legislative public hearings by the Planning Commission and the City Council. Goal 1 is met.

#### *Goal 2. Land Use Planning.*

**Findings:** Goal 2 requires each local government in Oregon to have and follow a comprehensive land use plan and implementing regulations. These are in place. The scope of this legislative proposal is limited and does not involve any amendments to the Comprehensive Plan policies. Existing Comprehensive Plan land use map designations and zoning designations remain unchanged. This amendment proposal does not add, subtract or modify the uses allowed outright or conditionally in existing zones. The proposal does not involve exceptions to the Statewide Goals. Staff therefore finds Goal 2 is met.

#### *Goal 3 & 4. Agricultural Lands and Forest Lands*

**Findings:** Goal 3 and 4 primarily pertain to rural areas, typically outside urban areas. Staff finds Goals 3 and 4 to be not applicable due to the limited scope of the proposed text amendments.

#### *Goal 5. Natural Resources, Scenic and Historic Areas, and Open Spaces.*

**Findings:** Staff observe how the proposed amendments do not impact natural resources or open spaces. Staff incorporate the scope of work description above in response to Goal 2. This amendment proposal does not add, subtract, or modify the list / description of historic resources identified to the Historical Property Overlay Zone. Goal 5 does not apply.

*Goal 6. Air, Water and Land Resources Quality.*

**Findings:** The proposal does not address Goal 6 resources. Based on the limited scope of proposed text amendments, staff finds Goal 6 to be not applicable.

*Goal 7. Areas Subject to Natural Hazards.*

**Findings:** The proposal does not address Goal 7 resources. Based on the limited scope of the proposed text amendments, staff finds Goal 7 to be not applicable.

*Goal 8. Recreation Needs.*

**Findings:** The proposal does not address Goal 8 resources. Based on the limited scope of work included in this report staff finds Goal 8 to be not applicable.

*Goal 9. Economic Development.*

**Findings:** Proposed amendments do not change the permitted uses in the commercial and industrial zones. Proposed changes to the DLUDC do not impact identified future employment areas identified through past Economic Opportunities Analysis. Accordingly, Goal 9 does not apply.

*Goal 10. Housing.*

**Findings:** The proposed amendments advance Goal 10 by streamlining the preliminary plat approval process of larger subdivisions. Allowing multiple subdivision phases to be approved under a single procedure will eliminate the need to secure individual approvals for each phase. These amendments will likely facilitate faster construction of homes in the earlier phases of a subdivision, which will advance statewide targets for housing production on residential land designated in the Comprehensive Plan. Extending the expiration dates will have benefits for multifamily projects by reducing the occurrence of extension requests and expirations. All the proposed amendments are consistent with the implementation guidelines under Goal 10. Goal 10 is met.

*Goal 11. Public Facilities and Services.*

**Findings:** Public facilities under Goal 11 include water, sanitary sewer, police and fire protection. Other services (e.g., health, communication services) are also listed in Goal 11. The proposed amendments do not have any direct impact on any of the master planning documents required under Goal 11. However, the proposed amendments to the expiration dates for land use approvals will advance Goal 11 by providing more time to design, and construct public facilities included in those plans when they are required to be constructed as conditions of approval for subdivisions and other land use decisions. The proposed amendments are consistent with Goal 11.

*Goal 12. Transportation.*

**Findings:** The amendments to the standards for clear vision areas will encourage a safe convenient and economic transportation system under Goal 12 by preserving safe sight distance at intersections. The proposed amendments to the DLUDC are found to comply with Oregon Administrative Rule (OAR) 660-012, commonly referred to as the Transportation Planning Rule, as there are no proposed changes or amendments to local transportation requirements or road classifications. Goal 12 is met.

*Goal 13. Energy Conservation.*

**Findings:** Based on the limited scope of work described in this report, staff finds Goal 13 to be not applicable.

*Goal 14. Urbanization.*

**Findings:** Based on the limited scope of the text amendments described in this report, staff finds Goal 14 to be not applicable. No change to the existing Urban Growth Boundary (UGB) is proposed.

*Goal 15 for the Willamette River Greenway and Goals 16 – 19 for the Coastal Goals.*

**Findings:** Staff observe Goals 15 through 19 to apply only to specific regions of the state (*Willamette River Greenway, Estuarine Resources, Coastal Shorelands, Beaches and Dunes, Ocean Resources*). Goals 15 – 19 do not apply because the city is not on the Willamette River or in a coastal area.

The proposed amendments are consistent with the applicable Statewide Planning Goals. This criterion is met.

*D. The amendment is appropriate as measured by at least one of the following criteria:*

- 1. It corrects identified error(s) in the provisions of the plan.*
- 2. It represents a logical implementation of the plan.*
- 3. It is mandated by changes in federal, state, or local law.*
- 4. It is otherwise deemed by the council to be desirable, appropriate, and proper.*

**Findings:** The proposed amendments meet the criterion D.4 for the following reasons:

The changes to the applicability standards for Site Development Review (SDR) are desirable, appropriate, and proper because they would allow Planning Commission to evaluate discontinued uses in the context of current site conditions through a new Site Development Review application that responds to current site conditions.

The updates to the clear vision areas are desirable, appropriate, and proper to maintain clear lines of sight at the intersections of streets and driveways so that drivers can safely respond to oncoming traffic.

The updates to the expiration period for land use approvals are desirable, appropriate, and proper to allow applicants reasonable time to meet conditions of approval such as the design, permitting, and construction, of public streets and infrastructure prior to issuance of site development permits and/or final platting.

The provisions for phased subdivisions are desirable, appropriate, and proper to allow multiple phases of a subdivision to seek preliminary approval with a single land use approval procedure.

These criteria are met.

## **VI. PROPOSED AMENDMENTS – MARK-UP VERSION**

The following mark-ups show the current language in the above referenced sections in Times New Roman font. The proposed amendments are shown in ~~strikeout~~ for language proposed to be deleted and in ***bold italics*** for language proposed to be added.

### 1.16. Real Property Transactions

1.16.01 Council Approval

Council approval is required for all real property transactions except as described in DC 1-13-01 **1.16.02**.

...

7.1.200 Definitions

7.1.200.01 General Provisions

General and Specific Terms. The definitions contained in this Section include those that are applicable to the entire Code (general), and those terms that apply to specific Sections (specific). Terms used in specific Sections are identified as follows:

***Discontinued Use: A use that physically left the land it was on, a permitted use that ceased, or a use terminated at the end of a lease or contract.***

***Edge of Roadway: The portion of the roadway being along the current curb line for existing curbed streets, and along the future curb line for existing turnpike streets.***

***Roadway: The portion of a right-of-way that is improved for motor vehicle and bicycle travel, subject to applicable state motor vehicle licensing requirements. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.***

...

7.2.1 Land Use Zoning

...

7.2.102 Single Family Residential – (R-1)

...

7.2.102.05 Dimensional Standards

...

B. Minimum Yard Setback Requirements

1. The garage setback shall be measured from the property line or the edge of a private access easement. The length of the driveway shall be determined by measuring along the centerline of the driveway.
2. ***See Sections 7.2.308.06.C and 7.2.308.07.E for standards that apply to decks and patios.***

7.2.103 Limited Density Residential – (R-2)

...

7.2.103.05 Dimensional Standards

...

B. Minimum Yard Setback Requirements

1. The garage setback shall be measured from the property line or the edge of a private access easement. The length of the driveway shall be determined by measuring along the centerline of the driveway.
5. ***See Sections 7.2.308.06.C and 7.2.308.07.E for standards that apply to decks and patios.***

...

7.2.104 Medium Density Residential – (R-3)

...

7.2.104.05 Dimensional Standards

...

B. Minimum Yard Setback Requirements

- 1. The garage setback shall be measured from the property line or the edge of a private access easement. The length of the driveway shall be determined by measuring along the centerline of the driveway.

...

- 4. *See Sections 7.2.308.06.C and 7.2.308.07.E for standards that apply to decks and patios.*

...

7.2.105 Commercial Residential

...

7.2.105.05 Dimensional Standards

...

B. Minimum Yard Setback Requirements

- 1. *See Sections 7.2.308.06.C and 7.2.308.07.E for standards that apply to decks and patios.*

...

7.2.113 Flood Plain Overlay District (FPO)

...

7.2.113.05 Uses - Permitted And Subject To Flood Plain Development Permit

If otherwise allowed in the zone, dwellings, a manufactured home on a lot, a manufactured home in a manufactured home park, and other structures that involve a building permit such as commercial and industrial uses, including the placement of fill to elevate a structure or site grading to prepare a site for development, may be allowed subject to a written determination (flood plain development permit) that the following requirements are met:

- A. The structure is not located within a floodway. (See 7.2.113.07 L. ~~6~~) The required elevation to which the lowest floor of the structure must be elevated can be determined from the Flood Insurance Study.
- B. The structures will be located on natural grade or compacted fill.
- C. The lowest floor will be elevated to at least one (1) foot above the level of the base flood elevation and the anchoring requirements in Section ~~2.108.07 D~~ **7.2.113.07.F**.
- D. The Building Official has determined that any construction and substantial improvements below base flood level meet the requirements of Sections ~~2.110.07~~ **7.2.113.07.A.4**.
- E. The building permit specifies the required elevation of the lowest floor, any anchoring requirements and requires provision of certification under Section ~~2.110.07 D,3~~ **7.2.113.03.C**, prior to occupancy.

- F. A certificate signed by a licensed surveyor or civil engineer certifying that the lowest floor, including basement, is at or above the specific minimum is submitted to the Zoning Manager prior to use of the structure.
- G. No alteration of topography beyond the perimeter of the structure is proposed.
- H. A recreational vehicle may be located in a flood plain only during the non-flood season (June 1 through September 30), provided it is fully licensed and ready for highway use, or meet the requirements for manufactured homes. A recreation vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

...

7.2.3 General Development Standards

...

7.2.308 Yard And Lot Standards

...

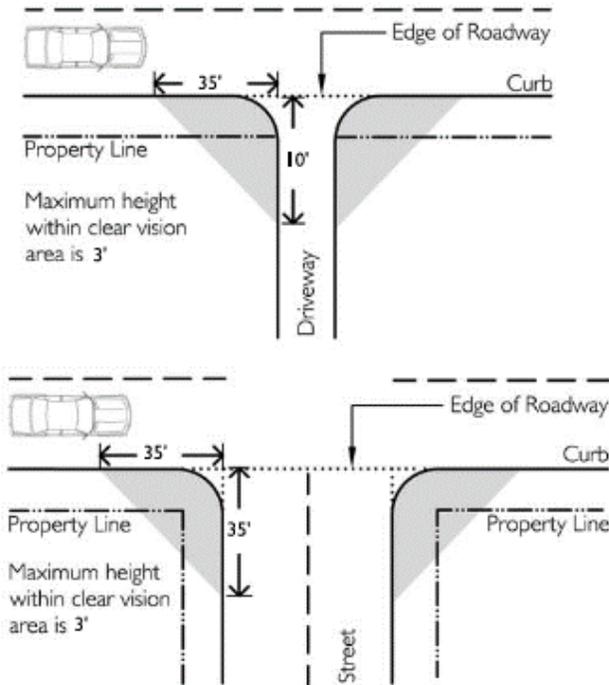
7.2.308.08 Clear Vision Area

A clear vision area shall be maintained where streets and private points of access intersect. The clear vision area shall conform with the following:

- A. Measurement. A clear vision area at an intersection shall be the triangular area established according to the following procedure:
  - 1. A line extending a certain number of feet from the intersection along ~~a~~ ***the edge of the roadway*** of a public street ~~right-of-way~~;
  - 2. A line extending a certain number of feet from the intersection along the intersecting access;
  - 3. A third line that creates the triangular clear vision area by connecting the ends of the lines described in 1, and 2, above.
- B. Street-Driveway. The clear vision area for a street-driveway intersection shall be 10 feet along the driveway from its intersection with the ~~street right-of-way~~ ***edge of the roadway*** and 3035 feet along the ~~street right-of-way~~ ***edge of the roadway*** at the point of intersection with the driveway.
- C. Street-Alley. The clear vision area for street-alley intersections shall be 10 feet along the alley from its intersection with the ~~street right-of-way~~ ***edge of the roadway*** and 3035 feet along the ~~right-of-way~~ ***edge of the roadway*** at the point of intersection with the alley.
- D. Street-Private Access Driveway. The clear vision area for street-access easement intersections shall be 10 feet along the access easement from its intersection with the ~~street right-of-way~~ ***edge of the roadway*** and 3035 feet along the ~~street right-of-way~~ ***edge of the roadway*** at the point of intersection with the access easement.
- E. Corner Lots. The clear vision area for corner lots shall be 2035 feet along the ~~right-of-way~~ ***edge of the roadway*** of each intersecting street.
- F. Prohibited Development. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 36 inches in height, measured from the top of the curb or, where no curb exist, from the established street centerline grade, except that the following may be allowed in the clear vision area:

1. Trees, provided all branches and foliage are removed to a height of eight feet above grade;
2. Telephone, power, and cable television poles; and
3. Telephone switch boxes provided they are less than ten inches wide at the widest dimension.

**Figure 7.2.308.08 Vision Clearance Areas**



...

7.3.1 Application Requirements

...

7.3.102 General Provisions

...

7.3.102.05 Time Limit

Approvals shall be effective for a period of ~~one~~ **two** years from the date of final approval.

...

7.3.106.02 Applicability of Provisions

A. Applicability. Site Development Review shall be applicable to all new developments and major remodeling, except:

1. Single-family detached dwellings and Accessory Dwelling Units (ADUs);
2. A duplex; or

3. Any commercial, industrial or public facility expansion or remodel that does not exceed 25 percent of the total square footage of the structure existing at the time of the adoption of this Code and/or does not expand the activity/business area on the subject property beyond 25 percent (i.e., outdoor uses). (Updated by ORD 594, adopted 2/1/10 & enacted 3/2/10)
4. Wireless Communication Facilities for properties within a Public (P) zone district. Added ORD 608 effective 10/6/11.

***B. When the discontinuation or abandonment of a previously approved use requires new site development review. If use of a property subject to a previous site development review approval is discontinued for any reason other than fire or other catastrophe beyond the owner's control for a period of more than two years, it shall be deemed abandoned and shall no longer be an approved use. For purposes of calculating the two-year period, a use is considered discontinued when:***

- 1. The use of land is physically vacated;***
- 2. The use ceases to be actively involved in the sale of merchandise or the provision of services; for example, as evidenced by the removal of signs, goods, stock, or office equipment, or the disconnection of telephone or utility service;***
- 3. Any lease or contract under which the development has occupied the land is terminated;***
- 4. A request for final reading of water and power meters is made to the applicable utility districts;***
- 5. The owner's utility bill or property tax bill account became delinquent; or***
- 6. An event occurs similar to those listed in subsections 1-5, above, as determined by the City Manager.***

**B.C. Underlying Zone.** All of the provisions and regulations of the underlying zone shall apply unless modified by other Sections of this Code.

...

### 7.3.109.02 Submittal Requirements

**Submittal Material.** The following submittal requirements shall apply to all Preliminary Plan applications for subdivisions and planned unit developments.

- A. All applications shall be submitted on forms provided by the City along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section. Notice shall be subject to the provisions in Section 7.3.204.
- B. Applicants for subdivisions shall submit the following:
  1. Appropriate identification stating the drawing is a preliminary plat.
  2. North point, scale and date.
  3. Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan.
  4. Map number and tax lot or tax account number of subject property.
  5. The boundary lines and approximate area of the subject property.
  6. Dimensions and size in square feet or acres of all proposed parcels.

7. The approximate location of existing streets, bikeways, pedestrian facilities, public or private, easements or right-of-ways adjacent to, or within, the subject property, and existing improvements on the property. (*Amended by Ordinance 589 – Effective 4/2/09*)
8. The location of any flood boundary.
9. The name, address and phone number of the applicant engineer, land surveyor, or person preparing the application.
10. Name of the subdivision.
11. Date the drawing was made.
12. Vicinity sketch showing location of the proposed land division.
13. Identification of each lot by number.
14. Gross acreage of property being subdivided or partitioned.
15. Direction of drainage and approximate grade of abutting streets.
16. Streets proposed and their names, approximate grade, and radius of curves.
17. Any other legal access to the subdivision, partition other than a public street.
18. Contour lines at two-foot intervals if 10% slope or less, five-foot intervals if exceeding 10% slope, and a statement of the source of contour information.
19. All areas to be offered for public dedication.

***C. Applicants for a phased subdivision shall submit the items required in subsection “B.” above as well as the following additional items:***

- 1. The tentative boundaries of each phase;***
- 2. The sequencing of the phases;***
- 3. The tentative configuration of lots in each phase; and***
- 4. A plan for the construction of all required city infrastructure in each phase.***

***C.D.*** Applicants for a planned unit development shall submit the material required in item “B.” above as well as the following additional material:

5. Proposed uses of the property, including sites, if any, for attached dwelling units, recreational facilities, parks and playgrounds or other public or semi-public uses, with the purpose, condition and limitations of such reservations clearly indicated.
6. The approximate location and dimensions of all commercial or multi-family structures proposed to be located on the site.
7. Statement of improvements to be made or installed including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and time such improvements are to be made or completed.
8. Written statement outlining proposals for ownership and maintenance of all open space areas, private streets and any commonly owned facilities.

### 7.3.109.03 Review Procedures

- A. Planning Commission. All Preliminary Plans for subdivisions and PUDs shall be heard by the Planning Commission pursuant to the requirements for a Type II procedure as set forth in Section 7.3.202.
- B. Time Limit. Approvals of any preliminary plans for a subdivision *or* PUD shall be valid for ~~one~~ **two** years after the date of the written decision. A Final Plat for a Final Plan for a subdivision shall be recorded within this time period.
- C. ***For a phased subdivision, the Final Plat for the first phase of the subdivision shall be recorded not more than two years after the date of the written decision. Final Plats for all subsequent phases shall be recorded not more than four years after the date of the written decision.***

~~C.D.~~ Re-application Required. Failure to record a plat within the required time period shall void the approval and require a new application before the Planning Commission. The applicant will be subject to all applicable standards currently in effect.

7.3.109.04 Review Criteria

Approval of a subdivision, ***phased subdivision***, or PUD shall require compliance with the following:

- A. Each lot shall satisfy the dimensional standards and density standard of the applicable zoning district, unless a variance from these standards is approved or the development standards permit a modification of these requirements.
- B. Adequate public facilities shall be available to serve the existing and newly created parcels.
- C. The proposal shall comply with the applicable development standards in Section 7.2.307 (Land Divisions), or Section 7.2.311 (Planned Unit Developments).
- D. ***Phased Subdivision. The Planning Commission may approve plans for phasing a subdivision, and changes to approved phasing plans, provided the applicant's proposal meets all of the following criteria:***
  - 1. ***Public facilities shall be constructed in conjunction with or prior to each phase;***
  - 2. ***Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements***
  - 3. ***The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that are required as part of the approved development proposal;***
  - 4. ***The proposed phasing schedule shall be reviewed with the preliminary subdivision plat application; and***
  - 5. ***Planning Commission approval is required for modifications to phasing plans.***

7.3.109.05 Form of Final Subdivision Plat

The final plat shall conform to the requirements in ORS Chapter 92 and applicable County surveying requirements.

7.3.109.06 Final Plat Review Of Subdivisions

- A. Final Review. The final subdivision or PUD plat shall be submitted to the City staff for review. Staff shall review the plat to assure compliance with the approved preliminary plat and with the conditions of approval. The City Manager shall signify staff approval of the final plat by signing the document. *Amended ORD 608 effective 10/6/11*
- B. Recording of Approved Plat. No building permit shall be issued, or parcel sold, transferred or assigned until the final approved Plat has been recorded with the County Recorder. The applicant shall be responsible for all recording fees.
- C. Improvements/Bonding. Prior to issuance of an occupancy permit, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City Attorney.

**VII. PROCESS AND STAFF RECOMMENDATION**

Section 7.3.112.01 of the DLUDC requires text amendments to be approved through a Type IV review procedure as specified in Section 7.3.2. Staff recommends the City Council pass a motion adopting the staff report and recommending the City Council direct staff to return this item for reading of the draft Ordinance.

**VIII. CITY COUNCIL ACTION – Sample Motion**

A City Councilor may make a motion to either:

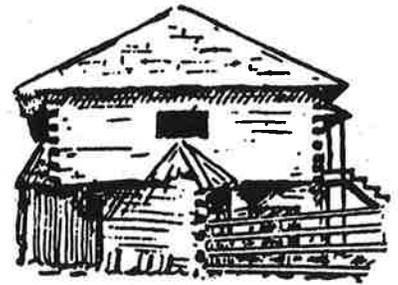
- 1. Adopt the findings in the staff report, move that the City Council adopt LA 2023-01, and direct staff to return this item for reading of a draft Ordinance. A sample motion is:  
*I move the City Council adopt the staff report and recommend the City Council approve the amendments as presented by staff and recommended by the Planning Commission.*
- 2. Adopt a revised staff report with changes by the City Council and recommend the City Council approve the revised amendments. A sample motion is:  
*I move the City Council adopt a revised staff report with the following revisions (state the revision) and recommend the City Council approve the revised amendments.*
- 3. Recommend the City Council deny the proposed amendments. A sample motion is:  
*I move the City Council deny the proposed amendments for the following reasons...and state the reasons for the denial.*
- 4. Continue the hearing to a date/time certain. A sample motion is:  
*I move the City Council to continue the hearing to a date (state the date) and time (state the time) to obtain additional information, and state the information to be obtained.*

*Staff Report prepared by Curt Fisher, AICP, City Planner*

# City of Dayton

*In the Heart of Oregon's Garden Spot*

Post Office Box 339  
Dayton, Oregon 97114-0039  
Phone: (503) 864-2221  
Fax: (503) 864-2956



Historic Fort Yamhill

**NOTICE OF PLANNING COMMISSION ACTION**  
**Site Development Review Case No. 05-01/Major Variance Case No. 05-02**  
June 20, 2005

I. BACKGROUND

- A. APPLICANTS: Don Angell.
- B. PARCEL LOCATION: The property is located at the juncture of Highway 18 and Kreder Road. There is no property address and the County Assessor places the property within Township 4 South; Range 3 West; Section 16; Tax Lot 200.
- C. PARCEL SIZE: Approximately 50 acres, of which approximately 31 acres are located within the City of Dayton.
- D. EXISTING DEVELOPMENT: The property contains an outdoor storage facility for recreational vehicles and has access to a public street. Public water and sewer are available to serve the site.
- E. ZONING: That portion of the site located within the City is zoned Industrial (I).
- F. REQUEST: The applicants are requesting approval of a Site Design Review to establish the recreational vehicle storage facility and a Major Variance to eliminate the paving requirement for access and storage.
- G. DECISION CRITERIA: Dayton Land Use and Development Code; Section 7.3.106 (Site Development Review) and Section Sections 7.3.108 (Major Variance).
- H. PLANNING COMMISSION HEARING DATE: June 11, 2005.

II. DECISION

The Planning Commission found the submitted Site Development Review and Major Variance applications complied with the applicable decision criteria and APPROVED the request subject to the following Conditions of Approval:

*NOTICE OF PLANNING COMMISSION DECISION*  
*Site Design Review Case No. 05-01/Major Variance Case No. 05-02*  
*Don Angell*

Page 1 of 2

- A. The storage facility shall be limited to the identified 6.2 acre site. Any expansion of the property or establishment of other improvements shall require, at a minimum, a new site development review application.
- B. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

III. OTHER PERMITS AND RESTRICTIONS

The Applicant is herein advised that the use of the property involved in this application may require additional permits from the City or other local, State or Federal agencies.

The City of Dayton land use and review and approval process does not take the place of, or relieve the Applicant of responsibility for acquiring such other permits, or satisfy any restrictions or conditions thereon. The land use permit approval herein does not remove, alter or impair in any way any covenants or restrictions imposed on this property by deed or other instrument.

IV. APPEALS

This action will be official in 15 days, unless appealed within that time. Appeal is to the City Council and must be submitted at City Hall by:

5:00 PM, July 15 2005

Should you wish to appeal this action, or have any questions or comments regarding this project, please contact City Hall for information on how to proceed.

Sincerely,

Debra Lien                      6/30/05  
Debra Lien, Asst. City Recorder                      Date

**BEFORE THE DAYTON PLANNING COMMISSION**  
**Site Development Review Case No. 05-01/Major Variance Case No. 05-02**

In the Matter of the	)	
	)	
Application of	)	1. Site Development Review
	)	2. Major Variance
Don Angell	)	

**ORDER**

**I. NATURE OF THE APPLICATION**

This matter comes before the Dayton Planning Commission on the application of the Don Angell for a Site Design Review to establish the recreational vehicle storage facility and a Major Variance to eliminate the paving requirement for access and storage on Industrial (I) zoned property.

**II. GENERAL INFORMATION**

**A. Location and Zoning**

The property is located at the juncture of Highway 18 and Kreder Road. There is no property address and the County Assessor places the property within Township 4 South; Range 3 West; Section 16; Tax Lot 200. The property is zoned Industrial (I).

**B. Existing Development**

The property contains approximately 50 acres, of which approximately 31 acres are located within the City of Dayton. This land within the City limits contains an outdoor storage facility for recreational vehicles and has access to a public street. Public water and sewer are available to serve the site.

**C. Surrounding Zoning and Development**

Oregon Highway 18 borders the property to the north and Kreder Road to the south. To the west is a recreational vehicle park on Commercial (C) zoned property and the Dayton Wastewater Treatment Facility of Public (P) zoned property. Property to the north of Highway 18 and south of Kreder Road is located within Yamhill County.

D. Background Information

The applicants are requesting approval of a Site Design Review to establish the recreational vehicle storage facility and a Major Variance to eliminate the paving requirement for access and storage.

III. PUBLIC HEARING

A. Planning Commission Action

A public hearing was duly held on this application before the Dayton Planning Commission on June 11, 2005. At the hearing, Site Development Review Case No. 05-01/Major Variance Case No. 05-02 was made a part of the record. Notice of the hearing was sent to adjacent property owners. No ex parte contacts were declared and no objection was raised as to jurisdiction, conflicts of interest, bias, notice, evidence or testimony presented at the hearing.

At the conclusion of the hearing, the Planning Commission deliberated on the issue and approved the application. The Commission found the proposal to be consistent with the decision criteria in the Dayton Land Use and Development Code and directed staff to prepare an Order for the Chair's signature.

B. City Council Action

The decision of the Planning Commission is final unless an appeal is filed pursuant to the provisions in the Dayton Land Use and Development Code. The appeal would be heard by the Dayton City Council.

IV. FINDINGS OF FACT-GENERAL

The Dayton Planning Commission, after careful consideration of the testimony and evidence in the record, adopts the following general Findings of Fact:

- A. The applicant is Don Angell.
- B. The property is located at the juncture of Highway 18 and Kreder Road. There is no property address and the County Assessor places the property within Township 4 South; Range 3 West; Section 16; Tax Lot 200.
- C. Approximately 50 acres, of which approximately 31 acres are located within the City of Dayton.

- D. The property contains an outdoor storage facility for recreational vehicles and has access to a public street. Public water and sewer are available to serve the site.
- E. That portion of the site located within the City is zoned Industrial (I).
- F. Oregon Highway 18 borders the property to the north and Kreder Road to the south. To the west is a recreational vehicle park on Commercial (C) zoned property and the Dayton Wastewater Treatment Facility of Public (P) zoned property. Property to the north of Highway 18 and south of Kreder Road is located within Yamhill County.
- G. The applicants are requesting approval of a Site Design Review to establish the recreational vehicle storage facility and a Major Variance to eliminate the paving requirement for access and storage.
- H. Approval or denial of this request shall be based upon the decision criteria contained in the Dayton Land Use and Development Code; Section 7.3.106 (Site Development Review) and Section 7.3.108 (Major Variance).

#### V. APPLICATION SUMMARY

- A. The subject 50 acre parcel includes land within the City, the City's Urban Growth Boundary and Yamhill County. Of the 31-acre portion located within the City, the owner established a storage yard for recreational vehicles as part of the adjacent RV park development. The current owner now wishes to expand the use to allow both RV park customers and area residents to use the storage facility. Of the 31-acre site, only some 6.2 acres are used for storage. The site is surrounded by a 6-foot, sight obscuring fence.
- B. Pursuant to Section 7.2.107.02.B.2, "(W)arehouse for short term storage, including mini-warehouse" is permitted within the Industrial zone. Further, Section 7.2.107.02.C.11, allows "(F)reight terminals, including loading docks, storage, warehousing and wholesale distribution, cold storage lockers and similar personal storage facilities such as mini-storage warehouses." On balance, the Commission concludes the personal storage of recreational vehicles is similar to these uses and is therefore allowed in the Industrial zone.
- C. Section 7.2.303.09.A, requires all driveways, parking and loading areas to be paved with asphalt or concrete. The applicant is requesting a variance to this standard to allow the use of a gravel surface. This is classified as a Major Variance as the request would effectively eliminate the requirement.

- D. Establishment of such a use is subject to the Site Development Review requirements in Section 7.3.106. This is a Type II application and subject to a hearing before the Planning Commission. The Major Variance is also a Type II application subject to a Commission' hearing.

## VI. CRITERIA AND FINDINGS - SITE DEVELOPMENT REVIEW

- A. Section 7.3.106.06 establishes the criteria to evaluate a Site Development Plan. The City must consider the following factors:

1. Section 7.3.106.06.A. - Conformance with applicable General Development Standards in Section 7.2.3.

FINDINGS: This section establishes minimum improvement standards for new development including public facility requirements. This site is currently served by public sewer and water. Specific facility requirements are reviewed elsewhere in this report.

2. Section 7.3.106.06.B. - Adequacy of public and private facilities.

FINDINGS: The existing public and private facilities are adequate to serve the proposed development. However, the nature of the business does not require connection to water or sanitary sewer service.

3. Section 7.3.106.06.C. - Traffic safety, internal circulation and parking.

FINDINGS: There is a single point of access adjacent to the RV park. Vehicles are able to enter the site without interfering with traffic along Highway 18 or Kreder Road. Further, there is more than adequate room on site to allow the maneuvering of vehicles. Specific parking issues will be discussed below.

4. Section 7.3.106.06.D. - Provision for adequate noise and/or visual buffering from non-compatible uses.

FINDINGS: This site is located at the eastern edge of the City and essentially provides a service for the adjacent RV park. The site is currently fenced and screened. Nothing in this activity suggests the need for additional screening or buffering.

5. Section 7.3.106.06.E. - Conformance with development requirements of the underlying zone.

FINDINGS: The Industrial zone establishes specific development requirements which are reviewed in the following sections.

- D. Section 7.2.107.05 establishes the Industrial zone dimension requirements.

FINDINGS: There is no minimum lot size within the zone. The only applicable setback is along Highway 18 and Kreder Road where a 20-foot setback is required. There are no structures on the site (nor none planned) so that the proposal complies with these provisions.

- E. Section 7.2.107.06 establishes development standards within the commercial zone. Each *applicable* standard is reviewed, below:

1. Section 7.2.107.06.A - Off-street parking. Parking shall be as specified in Section 7.2.303.

FINDINGS: The Development Code does not provide parking requirements for outdoor storage facilities. Pursuant to Section 7.2.303.03.B, the City is allowed to establish requirements for uses not specifically listed. The use is limited to vehicle storage: the storage space is in effect the parking area for the customers. Further, there are no structures located on the property that require associated parking. For these reasons, a separate defined parking area is not required for the use.

2. Section 7.2.107.06.C - Site Development Review: Development within the I Zone shall be subject to the Site Development Review procedures in Section 7.3.1.

FINDINGS: The application and hearing before the Commission is consistent with this requirement.

3. Section 7.2.107.06.D - Landscaping: A minimum of 10% of the property shall be landscaped, including all required setback areas.

FINDINGS: Areas not used for storage remain in a natural vegetative state. This exceeds the minimum 10% requirement of this Section. The applicant indicates the grass will be mowed and weeds removed.

4. Section 7.2.107.06.E - Lot Coverage: The combined maximum building and parking area coverage shall not exceed 90%.

FINDINGS: Only 6.2 acres of the 31-acre site are developed. This is only 20% of the site which complies with this provision.

PLANNING COMMISSION ORDER

Site Design Review Case No. 05-01/Major Variance Case No. 05-02

Don Angell

5. Section 7.2.107.06.F - Open Storage: Open storage of equipment and materials used for the manufacture or assembly of goods is prohibited in required setback areas. Otherwise, such storage shall be enclosed within a sight-obscuring fence, wall or berm a minimum of 8 feet in height.

FINDINGS: The open storage *is not* for the manufacture or assembly of goods. The storage area is for private vehicles only and is screened by a 6-foot fence. On balance, this is acceptable for the type of use.

- F. Vehicle storage is not the highest and best long term use of this site. However, it does allow the owner to generate income from the property while readily permitting redevelopment of the site. With the exception of paving, the proposal complies with all applicable Site Development Review provisions.
- G. The storage facility contains approximately 6.2 acres. The approved site development plan will be limited to the existing facility. Any expansion of the site, or installation of other improvements such as an office, would require a new land use application and review.

#### VII. CRITERIA AND FINDINGS - MAJOR VARIANCE

- A. The criteria for a Major Variance are found in Sections 7.3.108.04 and 7.3.108.05. Section 7.3.108.04 states a property owner may propose a modification or variance from a standard or requirement of this Code, *except* when one or more of the following apply:

1. Section 7.3.108.04A - The proposed variance would allow a use which is not permitted in the district.

FINDINGS: The variance would eliminate the paving requirement for the access driveway and vehicle parking (storage) area. This action however, does not establish a use that is otherwise prohibited in the zone.

2. Section 7.3.108.04.B - Another procedure and/or criteria are specified in the Code for modifying or waiving the particular requirement or standard.

FINDINGS: There is no other method to eliminate paving except by a variance.

3. Section 7.3.108.04.C - Modification of the requirement or standard is prohibited within the district.

**FINDINGS:** Modification of the paving requirement is not prohibited within the Industrial zone.

4. Section 7.3.108.04.D - An exception from the requirement or standard is not allowed in the district.

**FINDINGS:** The Industrial zone does not prohibit an exception to the paving requirement.

Based on these findings, the applicant may request a variance to the paving requirement for the storage facility.

- B. Pursuant to Section 7.3.108.05, the Planning Commission may grant a major variance from a requirement or standard of this Code, provided that the applicant provides evidence that all the following circumstances substantially exist:

1. Section 7.3.108.05.A - There are unnecessary, unreasonable hardships or practical difficulties which can be relieved only by modifying the requirements of the Code, and is the minimum relief to relieve the hardship. Adverse economic impact shall not be considered an unreasonable hardship or practical difficulty.

**FINDINGS:** The location and importance of this property are unique. It is located at the far eastern edge of the City and contains the largest single piece of Industrial zoned land within Dayton. This proposed use is at best an interim activity until such time the site fully develops. Requiring paving would potential reduce development options on the site.

2. Section 7.3.108.05.B - There are exceptional or extraordinary circumstances or conditions applying to the land, buildings, or use referred to in the application, which circumstances or conditions do not apply generally to the land, buildings, or uses in the same zone; however, non-conforming land, uses, or structures in the vicinity shall not in themselves constitute such circumstances or conditions.

**FINDINGS:** The circumstances relate to efficient development of the site. Paving reduces future development options or potentially increases costs associated with development. The gravel improvements support the proposed use while maintaining future options on the property.

3. Section 7.3.108.05.C - That granting the application will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises.

FINDINGS: The property is located adjacent to farm and public uses as well as a commercial RV park. As such, the graveled driveway and storage surface will not impact residential neighborhoods or create significant impacts affecting neighboring uses.

4. Section 7.3.108.05.D - That such variance is necessary for the preservation and enjoyment of the substantial property rights of petitioner.

FINDINGS: As the City's largest Industrial zoned property, the site has the potential for other uses than the storage facility. This variance preserves those options.

5. Section 7.3.108.05.E - That the granting of the application will not, under the circumstances of the particular case, adversely affect the health or safety of persons working or residing in the neighborhood of the property of the applicant.

FINDINGS: The variance allows the development of the property for a use allowed in the zone. The property location is such that the graveled surface will not impact residential neighborhoods or similar developments. On balance, approval of the variance does not create uses or activities that would adversely affect the health or safety of persons working or residing in the area.

6. Section 7.3.108.05.F - The degree of variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone.

FINDINGS: The site is currently in use as a storage facility. The variance would allow continued use of the site.

7. Section 7.3.108.05.g. The variance request is not the result of a deliberate action or knowing violation on the part of the applicant.

FINDINGS: The applicant was aware of the paving requirement and submitted a variance. There is no violation on the part of the applicant.

- C. This is a unique situation. The site has far greater potential than simply storage for recreational vehicles. Requiring paving would not prohibit other uses but would potentially limit development options. The gravel driveway and storage area are sufficient for the activity without impacting adjacent uses.

## VIII. CONCLUSION

The Site Development Review application complies, or can conditionally comply, with the decision criteria.

## IX. CONDITIONS OF APPROVAL

The Dayton Planning Commission finds the submitted application complies with the Dayton Land Use and Development Code criteria provided certain conditions are made part of the approval. The Commission therefore, adopts the following Conditions of Approval:

- A. The storage facility shall be limited to the identified 6.2 acre site. Any expansion of the property or establishment of other improvements shall require, at a minimum, a new site development review application.
- B. Compliance with the Conditions of Approval shall be the sole responsibility of the applicant.

## X. ORDER

It is hereby found that the application meets the relevant standards and criteria for a Site Development Review and Major Variance subject to the Conditions of Approval listed above.

THEREFORE, it is the decision of the Dayton Planning Commission to APPROVE the application subject to the Conditions of Approval in Section IX.

## X. OTHER PERMITS AND RESTRICTIONS

The Applicant is herein advised that the use of the property involved in this application may require additional permits from the City or other local, State or Federal agencies.

The City of Dayton land use and review and approval process does not take the place of, or relieve the Applicant of responsibility for acquiring such other permits, or satisfy any restrictions or conditions thereon. The land use permit approval herein does not remove, alter or impair in any way any covenants or restrictions imposed on this property by deed or other instrument.

XI. APPEAL DATES

Any appeals pertaining to this application must be made to the Dayton City Council within 15 days the notice of this order is mailed.

APPROVED BY A 3-0 VOTE OF THE DAYTON PLANNING COMMISSION ON THE 11<sup>th</sup> DAY OF JUNE 2005.

DATED at Dayton, Oregon, this 28th day of June, 2005.

ATTEST: Gary F. Wirfs 29 Jun 2005  
Gary Wirfs, Chair Date

ATTEST: Sue C. Hollis 6-29-05  
Sue Hollis, City Administrator Date

**To:** Honorable Mayor and City Councilors  
**From:** Dave Rucklos - TED Director  
**Issue:** Urban Renewal District Presentation, Elaine Howard Consulting  
**Date:** October 2, 2023

### **Background and Information**

**Objective:** To present and explain how an Urban Renewal District (TIF/Tax Increment Financing District) can be created, its potential impact on the city of Dayton, and to answer questions associated with such.

### **Explanation:**

The City of Dayton currently does not have the financial resources to fund needed infrastructure and community enhancement projects needed to accommodate future development. Although grant resources are available to pursue, there is no guarantee that the city will be able to secure such funds in an expedient manner. The city is in a position to examine tax increment financing as a funding model to immediately address its needs.

Currently there are five cities in Yamhill County that have created Urban Renewal Districts (McMinnville, Newberg, Carlton, Dundee, and Lafayette). There are today over ninety URD's in the state of Oregon. The council has directed staff to work with a third party (Elaine Howard Consulting) to present pertinent information for consideration and discussion.

Scott Vanden Bos of Elaine Howard Consulting be at the October 2<sup>nd</sup> meeting to give a presentation and answer any questions the Council may have.

# URBAN RENEWAL/TAX INCREMENT FINANCING BASICS

# ROADMAP



1. What is Urban Renewal/Tax Increment Financing
2. Why use Urban Renewal?
3. Crash Course – Urban Renewal/TIF 101
4. Project Examples

# URBAN RENEWAL 101

NOT A NEW TAX!



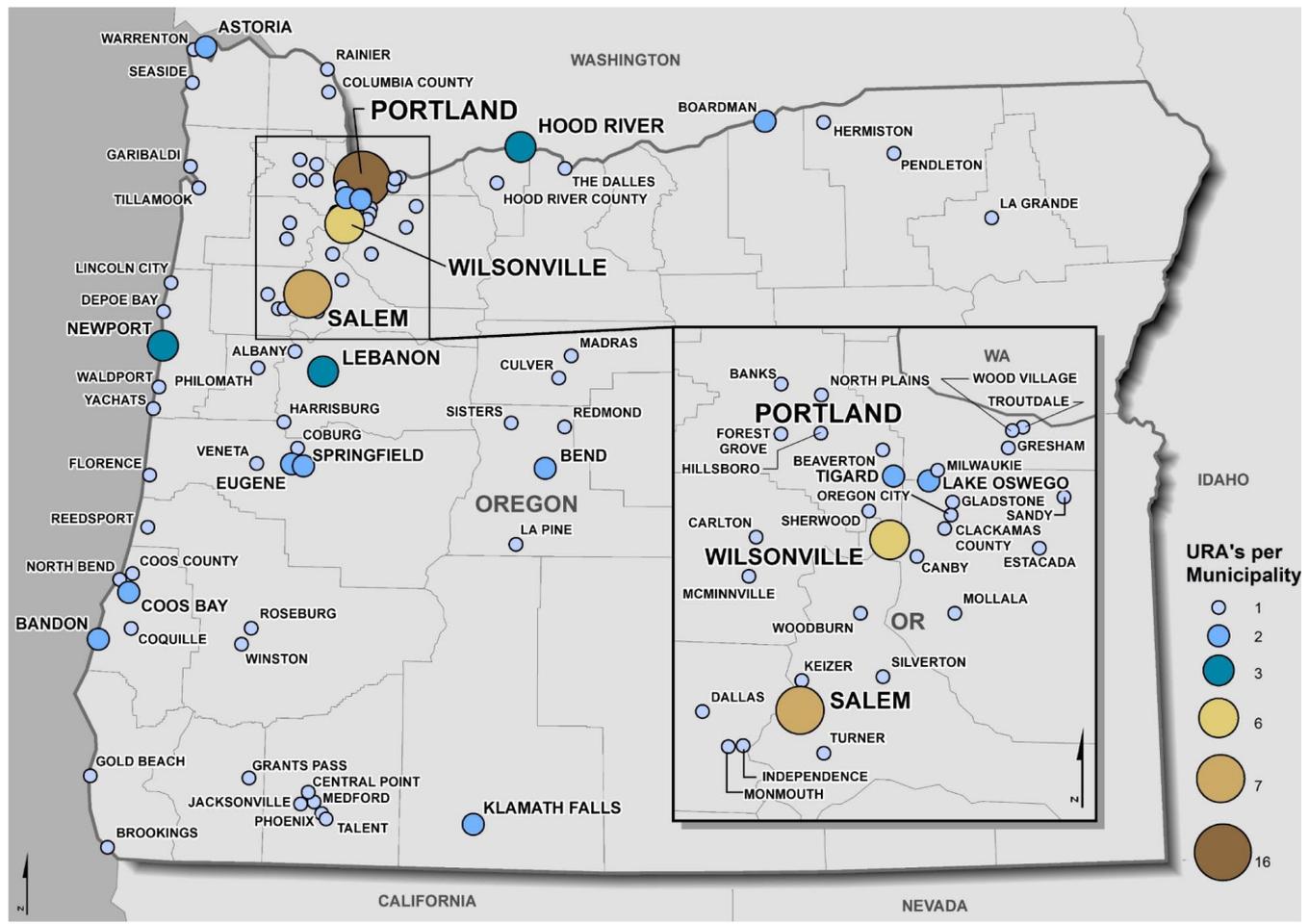
# IMPACTS ON TAXING DISTRICTS

- Diverts funds that would go to other property tax districts



# WHAT IS URBAN RENEWAL?

# CITIES WITH URBAN RENEWAL



# WHY USE URBAN RENEWAL?



City general funds typically lack the funds to contribute to these opportunities

Urban Renewal provides a funding source to bridge the gap

# CRASH COURSE | **UR 101**

# CRASH COURSE | UR 101



# CRASH COURSE | UR 101



**PROPERTY TAX INCREASES**

- 1. 3% Appreciation
- 2. Substantial Improvements



**REGULAR TAXING JURISDICTIONS**  
City, County, Etc.

# CRASH COURSE | UR 101



# CRASH COURSE | UR 101

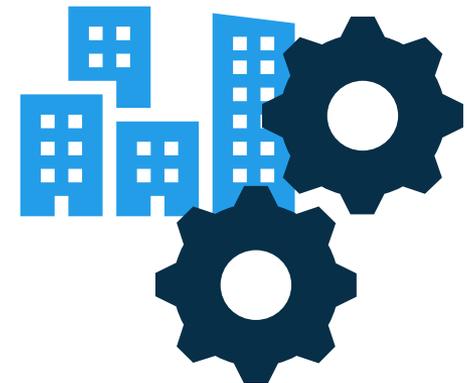


# WHAT IS BLIGHT?

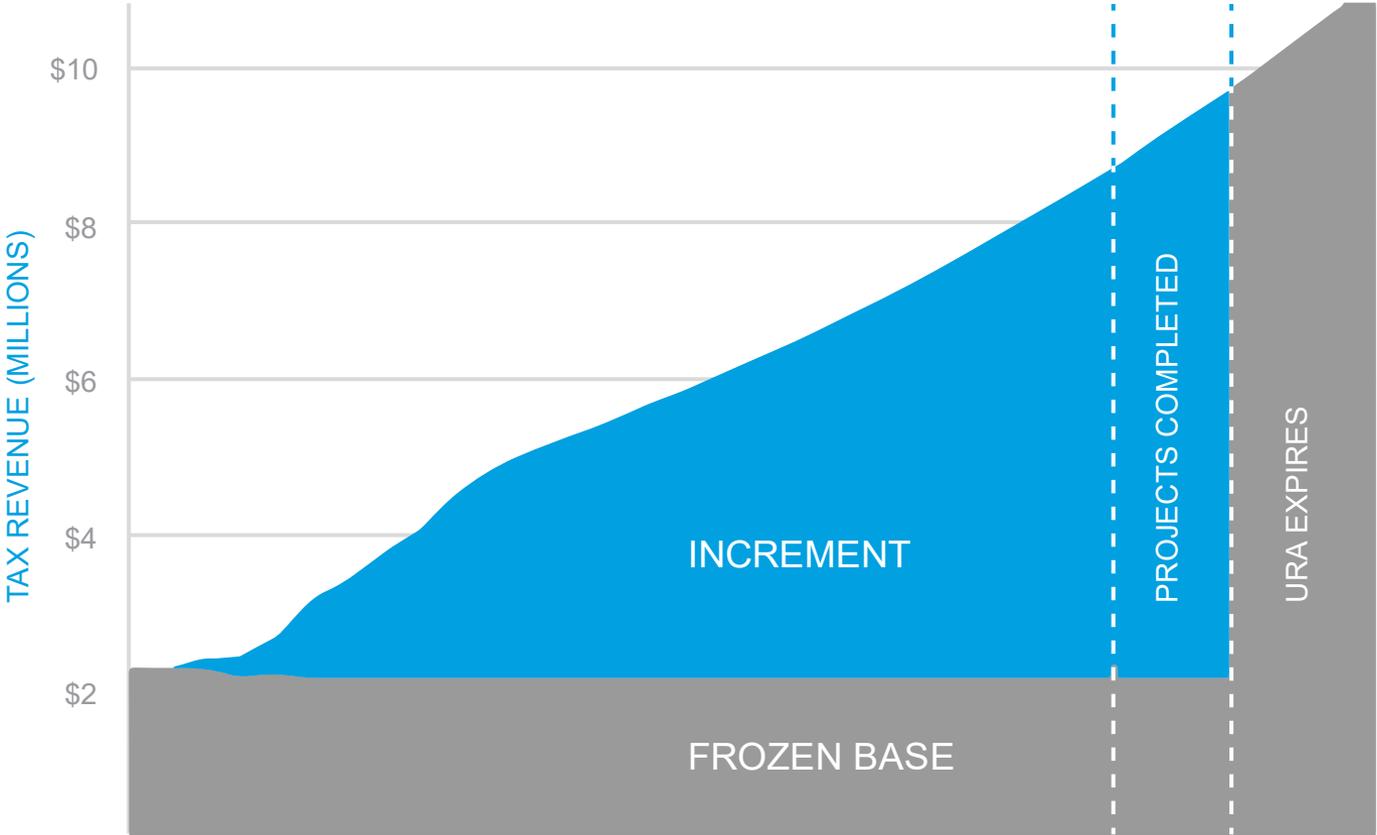
- Underdevelopment or underutilization of property
- Poor condition of buildings
- Inadequacy of infrastructure including streets and utilities

# HOW DOES AN URBAN RENEWAL AREA FUNCTION?

- ❖ Yearly property tax collections based on growth within Boundary (more detail on mechanism in later slide)
  
- ❖ Projects, programs, and administration
  
- ❖ Capped by Maximum Indebtedness (MI):
  - The total amount of money that can be spent over the life of the district on projects, programs, and administration.



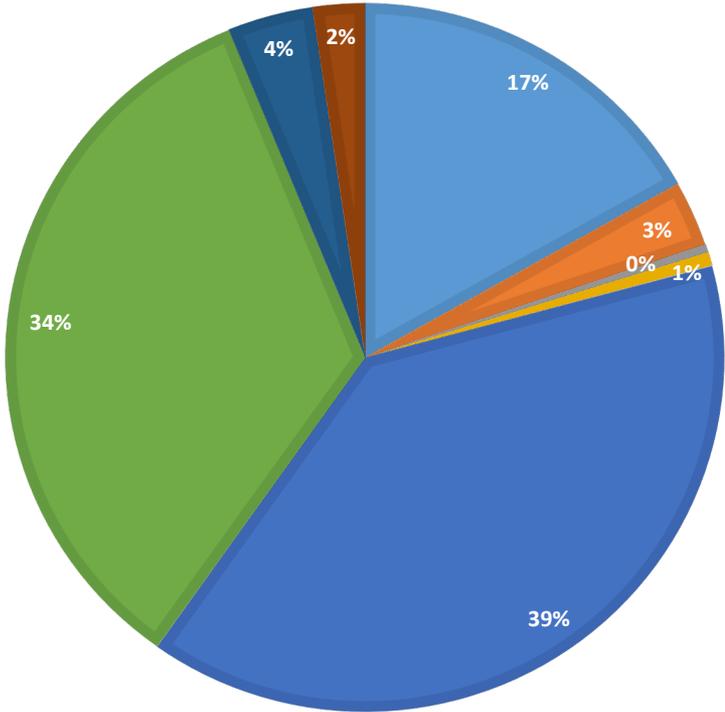
# HOW DOES URBAN RENEWAL FINANCING WORK?



# LEVERAGING CITY TAX RATE

TAX RATES

- County
- County Library
- Soil and Water
- 4H and Extension
- City
- School District
- Community College
- ESD



# PROPERTY TAX SUMMARY

- No new taxes due to the division of taxes from urban renewal
- Schools are indirectly impacted by urban renewal
- There will be a line item for “Urban Renewal” on your property tax bill if an urban renewal plan is adopted
- There are no bonds or local option levies impacted by a new urban renewal plan

# A HYPOTHETICAL PROPERTY TAX BILL

Taxing District	Rate	Property Value
Property Value		\$100,000
County	\$ 2.2052	\$220.52
County Library	\$ 0.3947	\$39.47
Soil and Water	\$ 0.0500	\$5.00
4H and Extension	\$ 0.0800	\$8.00
City	\$ 5.1067	\$510.67
School District	\$ 4.4614	\$446.14
Community College	\$ 0.5019	\$50.19
ESD	\$ 0.3049	\$30.49
Urban Renewal		
<b>Total</b>	<b>\$ 13.1048</b>	<b>\$1,310.48</b>

# A HYPOTHETICAL PROPERTY TAX BILL

Taxing District	Rate	Property Value	Property Value without UR
<b>Property Value</b>		\$100,000	<b>\$103,000.00</b>
<b>County</b>	\$ 2.2052	\$220.52	<b>\$227.14</b>
<b>County Library</b>	\$ 0.3947	\$39.47	<b>\$40.65</b>
<b>Soil and Water</b>	\$ 0.0500	\$5.00	<b>\$5.15</b>
<b>4H and Extension</b>	\$ 0.0800	\$8.00	<b>\$8.24</b>
<b>City</b>	\$ 5.1067	\$510.67	<b>\$525.99</b>
<b>School District</b>	\$ 4.4614	\$446.14	<b>\$459.52</b>
<b>Community College</b>	\$ 0.5019	\$50.19	<b>\$51.70</b>
<b>ESD</b>	\$ 0.3049	\$30.49	<b>\$31.40</b>
<b>Urban Renewal</b>			
<b>Total</b>	<b>\$ 13.1048</b>	<b>\$1,310.48</b>	<b>\$1,349.79</b>

# A HYPOTHETICAL PROPERTY TAX BILL

Taxing District	Rate	Property Value	Property Value without UR	Property Value With UR
Property Value		\$100,000	\$103,000.00	\$103,000.00
County	\$ 2.2052	\$220.52	\$227.14	\$220.52
County Library	\$ 0.3947	\$39.47	\$40.65	\$39.47
Soil and Water	\$ 0.0500	\$5.00	\$5.15	\$5.00
4H and Extension	\$ 0.0800	\$8.00	\$8.24	\$8.00
City	\$ 5.1067	\$510.67	\$525.99	\$510.67
School District	\$ 4.4614	\$446.14	\$459.52	\$446.14
Community College	\$ 0.5019	\$50.19	\$51.70	\$50.19
ESD	\$ 0.3049	\$30.49	\$31.40	\$30.49
Urban Renewal				\$39.31
<b>Total</b>	<b>\$ 13.1048</b>	<b>\$1,310.48</b>	<b>\$1,349.79</b>	<b>\$1,349.79</b>

# URBAN RENEWAL AND LOCAL SCHOOL DISTRICTS

An Indirect Impact



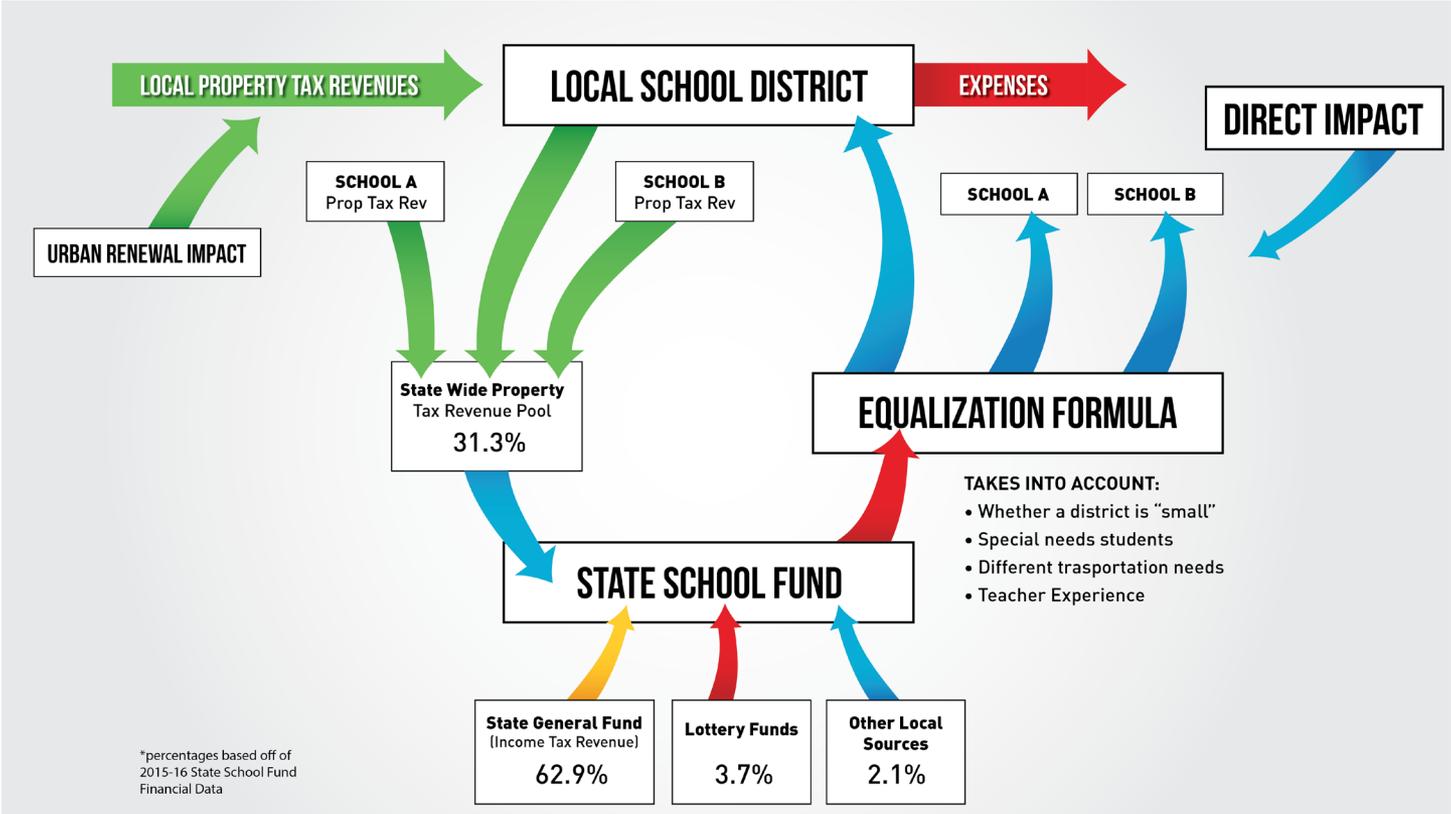
# URBAN RENEWAL IMPACT

## Regular Taxing District



# URBAN RENEWAL IMPACT

## Local Schools

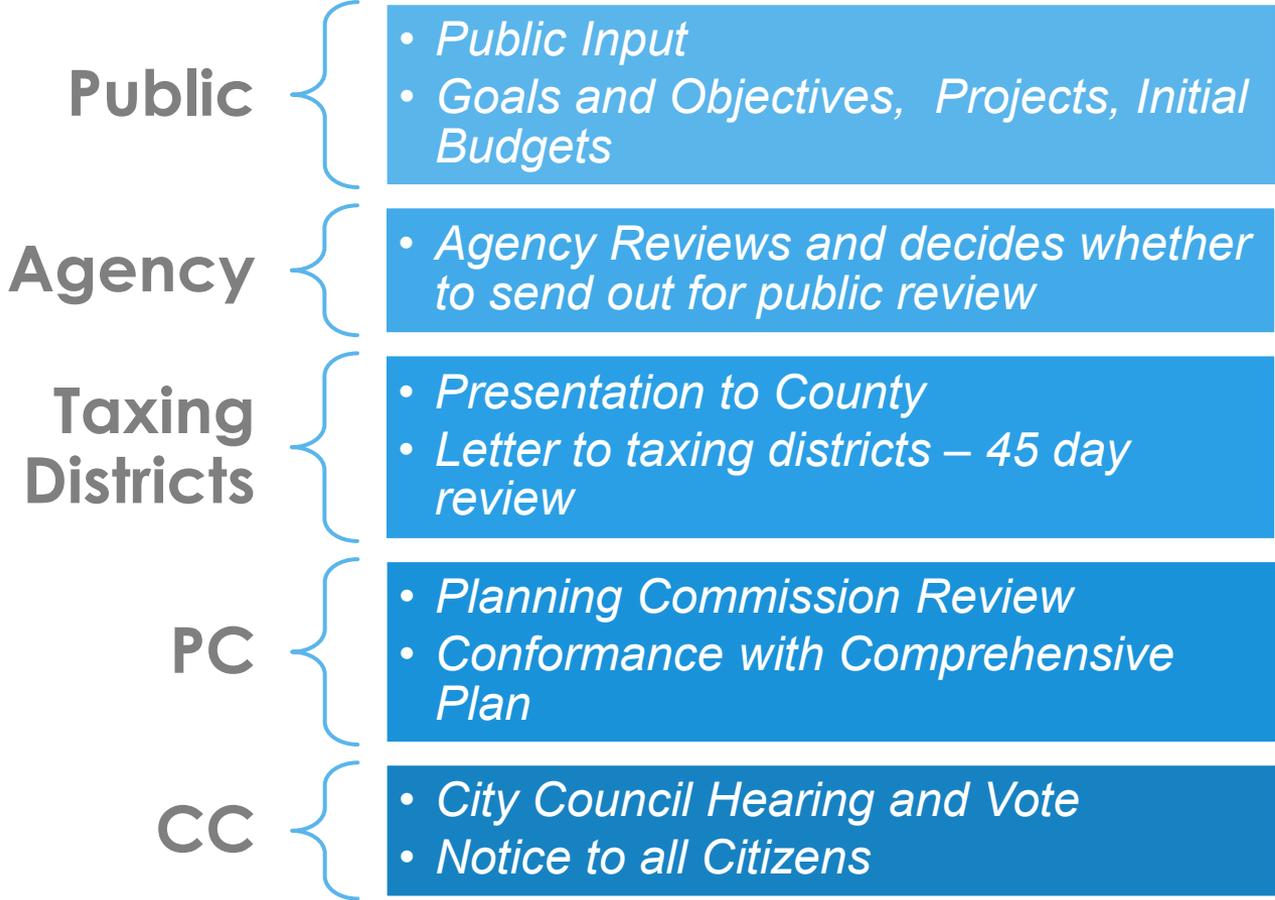




## STATE LIMITATIONS ON URBAN RENEWAL

- 25% of Assessed Value of Property in City
- 25% of Acreage of City
  
- Can not be increased in size by more than 20% of original Plan acreage
- Maximum Indebtedness (MI) can not increase by more than 20% of original MI, indexing
  - May increase MI above 20% as adjusted only with concurrence from 75% of other taxing districts

# HOW IS A PLAN ADOPTED?



# TWO LOCAL APPROACHES TO ADOPTING A NEW URBAN RENEWAL PLAN

1. Newberg - Advisory Committee met 7 times, information at public events, several presentations to the City Council during urban renewal plan drafting, extensive website information

Advisory committee: Fire District, School District, residents and business owners, Chamber of Commerce, Planning Commission member, city councilor

Master plans were all updated and Downtown Plan adopted prior to urban renewal plan being considered

2. Lafayette - Guided by staff and City Council

# WHAT TYPES OF PROJECTS ARE TYPICALLY COMPLETED?

- Infrastructure: streets and utilities
- Streetscape
- Catalyze development
- Storefront loans
- Parks, plazas



# STOREFRONT LOANS



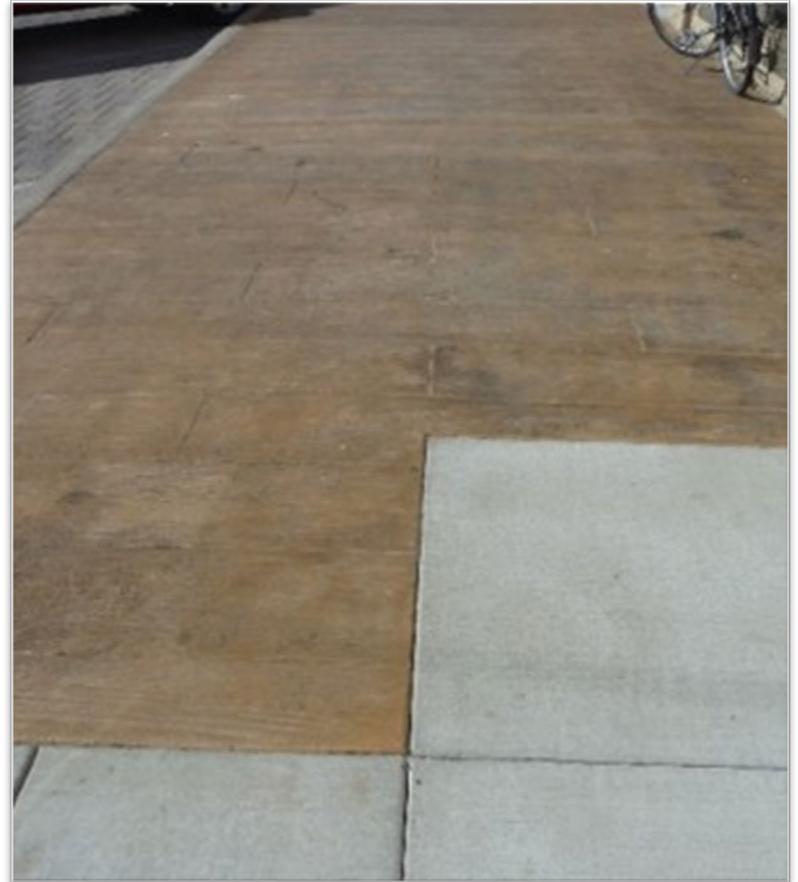
# SANDY GLASS STOREFRONT



# INFRASTRUCTURE







# WAYFINDING



# SIGNAGE



# SISTERS STORM WATER RETENTION AND STREETSCAPE



# GATHERING PLACES



# LAKE OSWEGO MILLENIUM PARK



# TILLAMOOK FESTIVAL STREET



Historic building re-constructed in 1923, remodeled over 80 years later in 2006

- Urban Renewal provided:
- Low interest loan for \$120,039 with an 8-year maturity date
- Storefront Improvement Grant of \$30,000

Leverage:

- SBA Loan
- State of Oregon (forgivable loan)



# BANDON FACE ROCK CREAMERY

- \$4.5 million total costs
- \$500,000 urban renewal purchase of property
- \$1.5 million from urban renewal for public infrastructure and restrooms
- Face Rock Creamery secured loans from the Port of Bandon Business Development Fund, Craft3 Bank, and Business Oregon as well as owner's capital, for a total private investment of \$2.5 million.
- In-kind contributions by Bandon Electric Department for off-site electric system improvements
- Cooperation for utility undergrounding





**To:** Honorable Mayor and City Councilors

**From:** Rochelle Roaden, City Manager

**Issue:** Approval and Authority to Apply for Additional Financing for the Highway 221 Lift Station Project through Business Oregon

**Date:** October 2, 2023

**Background and Information**

**Council Goal:** *Goal A: Develop and maintain infrastructure to support operations and meet growth.*

**FY23-24 Objective:** Complete Hwy 221 Lift Station project in 18 months.

Staff updated the Council in August of 2023 that the bids that came in for the Hwy 221 Lift Station came in higher than expected. The city put out to bid two schedules for this project:

Schedule A: Pump Station	Engineers Estimate: \$1,054,075	Lowest Bid: \$1,554,896
Schedule B: Gravity Sewers	Engineers Estimate: <u>\$ 243,000</u>	Lowest Bid: <u>\$ 145,000</u>
	Total:	\$1,699,896

Schedule B includes the replacement of the current 8" concrete sewer lines that flow from Neck Road down to the current pump station. If this project was done on its own, we anticipate that it would cost closer to the \$250,000-mark due mobilization and pipe busting costs.

In addition, the engineering and project management during construction is estimated at \$250,000. Adding \$100,000 for contingencies puts this project budget at \$2,050,000. The city currently has secured grant funding of \$1,022,000 through our direct ARPA allocation from the Federal Government matched with ARPA Grant through Yamhill County leaving a deficit of \$1,028,000.

Staff have worked with Arthur Chaput and Michelle Bilberry of Business Oregon and completed the initial intake of which our project seems to qualify for, and we were invited to apply for financing on the \$1,028,000. We should qualify for an additional grant plus a 30-year loan in the 2-3% interest rate range equaling an annual debt payment of approximately \$45,000 to \$50,000.

Our current rates allow \$150,000 to be transferred to our sewer capital fund on an annual basis. Funding for this new debt could be covered with one third of these funds. With the upcoming sewer rate methodology and rate change, revenue from high volume users could help cover this debt as well as any additional SDC's for upcoming development.

In order to apply for this additional financing, I will need council approval and authority to complete and submit the Business Oregon Water/Wastewater Financing Program application.

Once financing has been confirmed, this project will come back to the Council for approval as well as awarding the project to the lowest bidder.

**City Manager Recommendation:** I recommend approval.

**Potential Motion to Approve:** "I move to approve authorizing the City Manager to apply for financing on the Highway 221 Lift Station project through Business Oregon's Water/Wastewater Financing Programs."

**Council Options:**

- 1 - Approve as recommended.
- 2 - Approve with amendments.
- 3 - Take no action and direct staff to do further research or provide additional options.

**To:** Honorable Mayor and City Councilors

**From:** Rochelle Roaden, City Manager

**Issue:** Approval of Resolution 23/24-02 Proclaiming the Week of October 15<sup>th</sup> through 21<sup>st</sup>, 2023, to be the 26<sup>th</sup> Annual National Hands & Words Are Not for Hurting Week

**Date:** October 2, 2023

**Background and Information**

The Hands & Words Are Not For Hurting Project® is a public health approach to a public health crisis - domestic and family violence, child abuse, bullying wherever it exists and suicide. What began in 1997 in Salem with our Salem-Keizer Public Schools has spread to all 50 states and 24 foreign countries!

Ann Kelly, Founder/Executive Director gave a presentation to the Dayton City Council in the last two years and has asked the Mayor and Council to approve a new proclamation for this year. She has also asked Councilor Kitty Mackin to accept the proclamation on her behalf.

Please see attached note and updated Resolution.

**City Manager Recommendation:** I recommend approval of Resolution 23/24-02.

**Potential Motion to Approve Resolution 23/24-02:** "I move to approve Resolution 23/24-02 a Resolution of the City of Dayton Proclaiming the Week of October 15th through 21st, 2023, to be the 26th Annual National Hands & Words Are Not for Hurting Week."

**City Council Options:**

- 1 - Move approval of Resolution 23/24-02.
- 2 - Move approval of Resolution 23/24-02 with amendments.
- 3 - Take no action and direct Staff to do more research and bring more options back to the City Council at a later date.

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**RESOLUTION No. 2023/24-02**  
**City of Dayton, Oregon**

***A Resolution of the City of Dayton Proclaiming the Week of October 15<sup>th</sup> through 21<sup>st</sup>, 2023 to be the 26<sup>th</sup> Annual National Hands & Words Are Not for Hurting Week.***

**WHEREAS**, a community without abuse, violence and suicide is a dream we all share; and

**WHEREAS**, any form of mistreatment of another is abuse and all people have the moral and legal Right to Live Free of Abuse and Violence; and

**WHEREAS**, each of us must come to understand that it is within our personal power to choose not to use abuse and violence to resolve conflict; and

**WHEREAS**, we recognize that respect for ourselves and others is key to developing healthy relationships at every age and in all circumstances; and

**WHEREAS**, the principal of non-violent resolution of conflict must be taught to our children and practiced within each of our families; and

**WHEREAS**, verbal and emotional abuse can be just as damaging as physical violence to a person's self-worth, creating scars that are carried for the rest of his/her life; and

**WHEREAS**, verbal abuse such as name calling, insulting, and belittling frequently escalates into simple force like pushing, grabbing, or slapping, and the worst scenario is the escalation to rage, serious violence, and even murder; and

**WHEREAS**, self-harm and suicide must be acknowledged as a serious public health crisis as numbers of victims continue to escalate in children, teens, and adults; and

**WHEREAS**, we, the Dayton City Council, together with communities around the country and overseas, recognize the Hands & Words Are Not For Hurting Project's Purple Hands Pledge® is an effective tool in abuse, violence and suicide prevention education.

**Therefore, the City of Dayton resolves as follows:**

- 1) THAT** the City Council proclaims the week of October 15<sup>th</sup> through 21<sup>st</sup>, 2023 to be the 26<sup>th</sup> Annual National HANDS & WORDS ARE NOT FOR HURTING WEEK; and
- 2) THAT** the residents of the City of Dayton are encouraged to join Hands & Hearts to unite as a family and a community to pledge, both privately and publicly, that "I Will Not Use My Hands Or My Words For Hurting Myself or Others"®
- 3) THAT** this resolution shall become effective immediately upon adoption.

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**To:** Honorable Mayor and City Councilors  
**From:** Rochelle Roaden, City Manager  
**Issue:** Approval of Resolution 23/24-03 Equipment Surplus  
**Date:** October 2, 2023

**Background Information:**

**We have a few pieces of equipment that are no longer of use and need to be approved for surplus:**

**2011 F350 Truck** - everything but the truck bed with lift gate. Staff traded this truck in on the purchase of a new F350 truck which was budgeted for in the FY23-24 budget.

**2023 F350 Truck Bed** - For 2023 models, the dealer was unable to order the truck and delete the bed in our purchase. Typically, this is doable but per the dealer, the manufacturer did not allow this type of deletion for the 2023 models. So, we have the original truck bed which we are unable to use and would like to sell.

**OWL audio system** - In 2022, we upgraded the OWL to the newest version to deal with connectivity issues and to improve functionality.

**Christmas Wreaths** - Dave Rucklos has done a complete inventory of the city's Christmas decorations and two Christmas wreaths are no longer functional.

(Pictures are attached)

**City Manager Recommendation:** I recommend approval of Resolution 23/24-03.

**Potential Motion Verbiage:** "I move approval of Resolution 23/24-03 A Resolution Declaring Certain Property as Surplus & Authorizing its Transfer, Sale or Other Disposition."

**City Council Options:**

- 1 - Move approval of Resolution 23/24-03.
- 2 - Move approval of Resolution 23/24-03 with amendments.
- 3 - Take no action and direct Staff to do more research and bring more options back to the City Council at a later date.

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**RESOLUTION #23/24-03  
CITY OF DAYTON, OREGON**

***A Resolution Declaring Certain Property as Surplus & Authorizing its Transfer, Sale or Other Disposition***

**WHEREAS**, the City of Dayton owns the item listed and depicted in Exhibit A, attached hereto and by this reference made a part hereof, that is no longer needed or useful for city purposes: and

**WHEREAS**, the City has the authority to dispose of such property in the manner in which it deems to be in the best interest of the citizens of the community.

**The City of Dayton resolves as follows:**

- 1) **THAT** this item is hereby declared surplus to the needs of the City, and
- 2) **THAT** the equipment shall be disposed of at the discretion of the City Manager in the manner deemed to be in the best interests of the City; and
- 3) **THAT** this resolution shall take effect immediately upon its adoption.

**ADOPTED** this 2nd day of October 2023.

**In Favor:**

**Opposed:**

**Absent:**

**Abstained:**

\_\_\_\_\_  
**Trini Marquez, Mayor**

\_\_\_\_\_  
**Date of Signing**

**ATTEST:**

\_\_\_\_\_  
**Rocio Vargas, City Recorder**

\_\_\_\_\_  
**Date of Enactment**

**Attachment - Exhibit A**

Exhibit A

2011 F350 – Traded in on purchase of new 2023 F350



2023 F350 8' Truck Bed



OWL online meeting audio speaker



Christmas Wreaths (2)



**To:** Honorable Mayor and City Councilors  
**From:** Rochelle Roaden, City Manager  
**Issue:** Approval of Resolution 23/24-04 Establishing a Community Events Committee  
**Date:** October 2, 2023

### **History/Background**

In prior years, a Community Events Committee was used to help assist the City Council with the planning and execution of large community events. I am unable to find any documentation that this committee was formally set up in the past, so I am bringing this to the Council at this time.

Due to covid and a lack of volunteers, the city has taken a more active role regarding events in Dayton over the last 5 years. Large community events like Old Timers Weekend and Cinco de Mayo should be planned and executed through a Community Events Committee so that residents can be involved in its planning, direction, and success. Additionally, this committee should liaison with the DCDA for joint community events as noted in the agreement with the DCDA for Dayton Friday Nights. As always, city staff will continue to support the events as needed.

Per Dayton Municipal Code 1.08.01 - Commissions, committees, task forces, and other advisory bodies, including those of a temporary nature or created for a specific purpose, may be established by ordinance or resolution. Council may establish by resolution rules and practices for advisory bodies.

Attached is Resolution 23/24-04 establishing the Community Events Committee. The Community Events Committee would be made up of 5 voting members. Chair, Co-Chair, Secretary, and two voting members plus two alternatives. Additionally, county residents living outside of the city limits but who spend their time in Dayton may have an interest in participating so no more than two non-resident members will have voting privileges.

Voting members will be appointed by the Mayor with the consent of the Council and have 3-year terms. All non-voting members will be appointed by the Chair of Community Events Committee with the approval of the voting members of the Community Events Committee.

The Mayor can appoint a Councilor or Councilors to a liaison position (non-voting) on the Committee.

I have included Section 16 of the City Council rules for your reference:

## **SECTION 16 COMMITTEES, ORGANIZATIONS & MEDIA**

### **16.1 Citizen Appointment and Removal**

- A. The Mayor will appoint City committees, with the consent of the Council. The Mayor may request assistance from Councilors in making recommendations.
- B. Council members will encourage broad participation on City committees by generally limiting the number of terms a citizen may serve on the same City committee.
- C. A citizen may not serve on more than two City committees simultaneously. Any citizen serving on two City committees may not be chairperson of both City committees simultaneously.
- D. With the consent of the Council, the Mayor may remove a citizen from a City committee prior to the expiration of the term of office.

**16.2 Council Member Participation.** Council members shall encourage City committee member participation.

### **16.3 Councilor Liaison**

- A. The Mayor will appoint Councilors to liaison positions on any or all City committees, including ad hoc or limited term committees, as the Mayor deems necessary.
- B. Councilors, serving as Committee liaisons, shall not have a vote.

**City Manager Recommendation:** I recommend approval.

**Potential Motion to Approve:** "I move to approve Resolution 23/24-04 A Resolution Establishing the City of Dayton Community Events Committee."

#### **Council Options:**

- 1 - Approve as recommended.
- 2 - Approve with amendments.
- 3 - Take no action and direct staff to do further research or provide additional options.

**RESOLUTION No. 23/24-04**  
**City of Dayton, Oregon**

***A Resolution to Establish the City of Dayton Community Events Committee***

**WHEREAS**, the City Council wishes to define the responsibility of this committee to focus attention on creating annual community events for Dayton area residents; and

**WHEREAS**, annual community events would bring exposure to the City of Dayton and stimulate commerce for area businesses; and

**WHEREAS**, the Community Events Committee will serve as a liaison between City of Dayton and DCDA; and

**WHEREAS**, this committee will consist of five voting members to include chair, co-chair, secretary and two other voting members plus two alternates. These voting members are to be appointed by the mayor with the consent of the City Council and elected annually serving three-year terms; and

**WHEREAS**, the City Council recognizes that county residents living outside of City limits but spend time in Dayton may have an interest in participating as well; and the City Council recognizes no more than two voting members living outside of city limits will have voting privileges; and

**WHEREAS**, due to the nature of this committee there will be no limits as to the number of non-voting committee members, and number of months that individual citizens may serve on this committee; and

**WHEREAS**, the Dayton Community Events Committee shall prepare certain bylaws to govern committee activities and standards, and

**WHEREAS**, the Chair, with the consent of the voting members of the committee, will appoint non-voting committee members; and

**WHEREAS**, the City Council will commit a limited amount of City Staff time and resources to this committee.

**Therefore, the City of Dayton resolves as follows:**

- 1) **THAT** the City Council does hereby create the City of Dayton Community Events Committee as a standing committee in the City of Dayton that will serve at the pleasure of the Council.

**2) THAT** this resolution shall become effective immediately upon adoption.

**ADOPTED** this 2<sup>nd</sup> day of October 2023.

**In Favor:**

**Opposed:**

**Absent:**

**Abstained:**

\_\_\_\_\_  
**Trini Marquez, Mayor**

\_\_\_\_\_  
**Date Signed**

**ATTEST:**

\_\_\_\_\_  
**Rocio Vargas, City Recorder**

\_\_\_\_\_  
**Date of Enactment**

**To:** Honorable Mayor and City Councilors  
**From:** Dave Rucklos - TED Director  
**Issue:** Courthouse Square Park Playground Equipment Shade  
**Date:** October 2, 2023

### **Background and Information**

**Objective:** To present a visual analysis of the challenges and options for planting additional trees near the Courthouse Square playground with the objective of providing more shade for playground equipment.

### **Explanation:**

Attached you will find photographs of the playground area referenced with manual measurements to define areas of consideration. If the objective is to provide more shade for the playground, the following observations should be weighed-

1. The playground was professionally designed and approved by the council. The placement of the footprint and equipment were as planned with the addition of an existing "Merry-Go-Round" utilized at the former playground location in the park. This addition eliminated trees that would have provided shade in the later afternoon hours.
2. Measurements as denoted limit the size of trees that can be planted in existing open space. If to provide playground shade within a 5-year period, a three-inch caliber tree with a planted height of 14-16 feet would require at minimum a 4-5-foot hole to accommodate the tree root bulb. The minimum root spread depending upon tree type would be nearly 38 feet.
3. If shade is desired in the morning hours, trees could be planted in the open grass area to the southeast of the playground (see photo). It was observed that morning heat does have an impact on equipment temperature, and additional trees in illustrated location would over time eliminate sun exposure.
4. If afternoon shade is desired, and given existing space constraints, the logical consideration would be to rearrange playground equipment to accommodate the relocation of the Merry-Go-Round within the designed playground area (see photo). This would allow for trees to be planted in the current Merry-Go-Round location and provide needed shade in the later afternoon.
5. Another alternative would be to leave existing equipment in place and construct a roof shade structure to cover existing equipment. A 14' x 24' cover as seen in the attached photo is estimated to cost \$6,000. A shade could be customized to fit the existing coverage area. The warranty for such an item is a minimum of six years on

fabric and 10 years on posts. Shade is rated to withstand 90 mph wind load and creates approximately 60-80 percent water run-off. Steel posts are powder coated.

If point 4 or 5 are considered as a remedy, it should be noted that the cost to move and realign equipment, re-landscape and plant trees or purchase and install a shade cover would require estimates and likely a budgetary commitment. It is advised that the need be discussed and entertained during the next Strategic Plan session in February.











● Potential Tree Locations



Reposition and  
move Merry-go-round  
to location

7

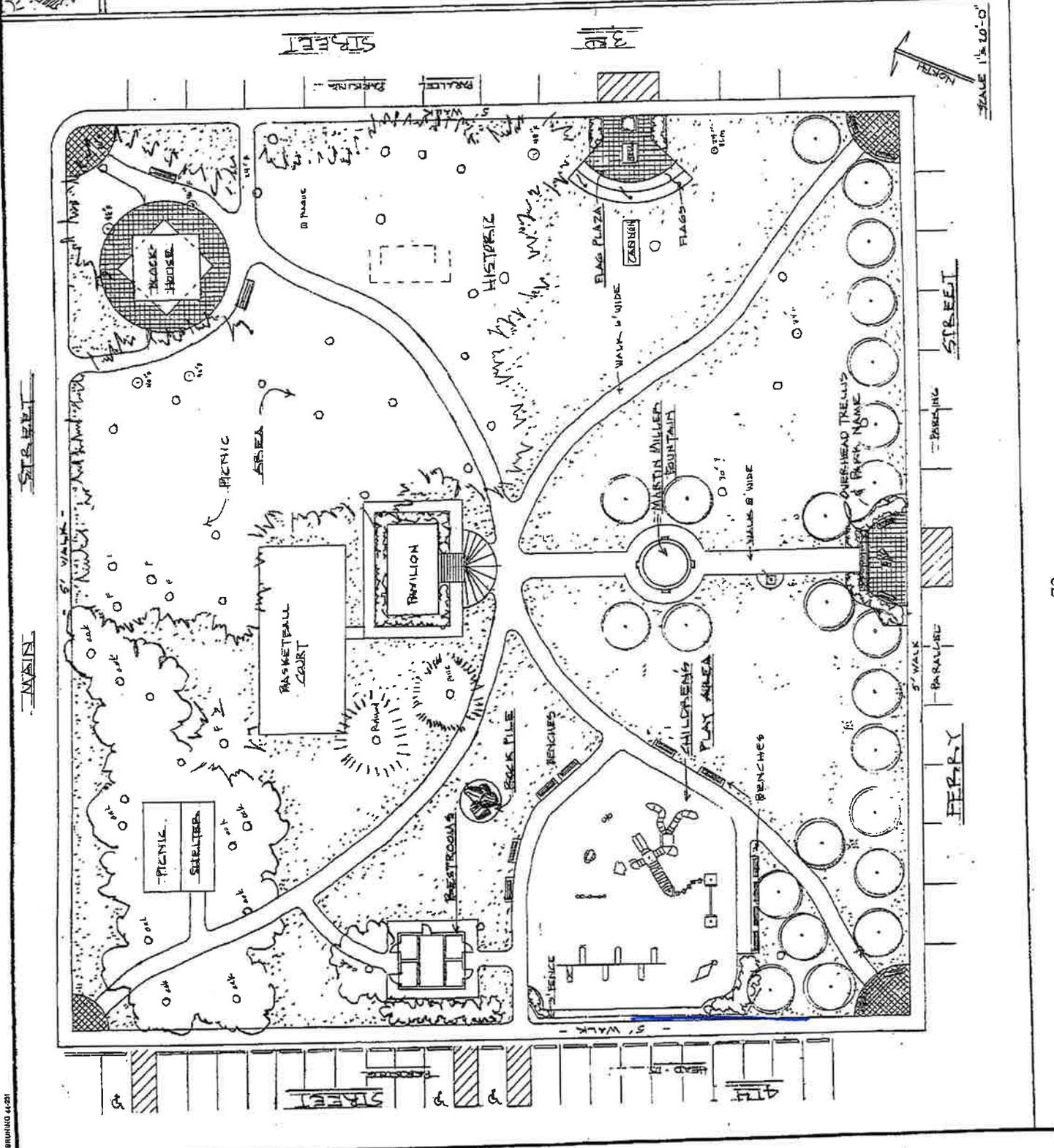
5



DAYTON COURTHOUSE SQUARE PARK  
CITY OF DAYTON  
DEVELOPMENT PLAN

DATE: 11/20/00  
BY: Russ Richards, L.O.  
11/18/00

SHEET 1 of 1



BRUNING 4/21

Original Proposed Tree Location



*slr*  
landscape  
structures



COURTHOUSE SQUARE PARK	
DAYTON, OR	10632292-1-5
	4/21/2009

Existing Trees before  
relocation of  
Merry-go-round





Premium plants without the premium price

HOME

CONTACT

REVIEWS

SHADE TREES

PRIVACY TREES

ORNAMENTAL TREES

EVERGREEN TREES

More

## Plant Sizing Please view the following pictures below as examples of sizing. (and yes, I am the man in the straw hat...)

### General ball and burlap sizing guidelines:

- 1.25" caliper trunk = 8' to 10' average height
- 1.50" caliper trunk = 10' to 12' average height
- 1.75" caliper trunk = 10' to 12' average height with fuller head than 1.5"
- 2.00" caliper trunk = 12' to '14' average height
- 2.50" caliper trunk = 12' to 14' average height with fuller head than 2.5"
- 3.00" caliper trunk = 14' to 16' average height

### 3" caliper trees (trunk circumference)



3" Celebration Maple - deciduous tree



3" Purple Rivers Beech - deciduous tree



3" Pin Oak - deciduous tree

### 2.5" caliper trees (trunk circumference)



## Bare root caliper, tree height and root spread

---

Caliper (inches)	Average height range (feet)	Minimum root spread (inches)
.5	5-6	12
.75	6-8	16
1	8-10	18
1.25	8-10	20
1.5	10-12	22
1.75	10-12	24
2	12-14	28
2.5	12-14	32
3	14-16	38

Source: American Standard for Nursery Stock, ANSI Z60.1 published by American Association of Nurserymen, Washington D.C.





## **CITY MANAGER'S REPORT**

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September 28, 2023

Curt Fisher  
City of Dayton  
416 Ferry ST  
Dayton, OR 97114

Re: City of Dayton  
Transportation System Plan Update

Dear Curt Fisher:

We are pleased to inform you that the Transportation and Growth Management (TGM) Program has selected the Transportation System Plan Update to move forward to the next stage of the grant award process. Our grant manager for the project will contact you within the next week to set a date for a first meeting and start developing a statement of work. Your grant manager is Michael Duncan (503-325-7224; michael.w.duncan@odot.oregon.gov).

The attached 2023 Grantee Packet covers a number of important points common to all projects – statement of work writing, project management and the particulars of executing and managing the IGA and consultant contracts; Michael will go over them with you at your first meeting. Please keep in mind that, with a few exceptions, projects are expected to be complete by June 30, 2026 and all projects must be completed by May 31, 2027. Therefore, it is very important to complete the statement of work and the negotiation process as quickly as possible in order to leave sufficient time for the project itself.

Congratulations once again. We look forward to working with you on your project.

Sincerely,



Matthew Crall  
TGM Program Manager, DLCD



Michael Rock  
TGM Program Manager, ODOT

cc: Michael Duncan, TGM  
2.01 - 23/2A-23 File

Attachments  
2023 Grantee Packet

## Housing Planning Assistance – Notice of Intent to Award

*Updated: September 1, 2023*

This document indicates DLCD awarded funding or consultant support for local governments that submitted proposals for planning assistance under House Bills 2001 and 3395 (2023). Because the total request from local governments exceeded the funding allocated by the Legislature, department staff had to make difficult decisions to balance the funds available with projects that maximize local capacity to complete critical and statutorily obligated housing-related planning work. If your project, or an element of your project, was not selected or waitlisted for funding, we strongly encourage you to reach out to your Regional Representative to discuss other potential funding sources for which the project may be eligible. Other DLCD funding sources include:

- General Technical Assistance Grant Program: approximately \$700,000
- Transportation Growth Management (TGM) Planning Grant Program: \$2.5 million
- TGM Community Assistance: approximately \$750,000
- Community Green Infrastructure Grant Program (HB 3409, 2023): \$6.5 million

Please note that this notice does not specify the amount of funding awarded to any given project. In the previous biennium, DLCD had to revert significant unspent funds to the General Fund for projects that were allocated higher grant amounts than necessary to complete requested work. This meant that several critical projects were denied or downsized in order to fund projects that ultimately did not use their full allocation. To avoid this outcome in this grant cycle, **DLCD is not committing to any specific funding amount in this Notice of Intent to Award.** Instead, staff will work with communities to determine the right grant level necessary to complete the scope of work associated with a given project.

In the coming days, awarded jurisdictions will receive a formal letter from DLCD notifying them about the intent to award and outlining next steps. DLCD staff and Regional Representatives will work with local governments to develop a grant agreement, including a detailed scope of work outlining specific project details, deliverables, budgets, and timelines. To efficiently execute grant agreements, we will need local government staff to engage with DLCD staff and work on scope refinement.

More details are forthcoming, but if you have questions in the interim, please feel to reach out to us at [housing.dlcd@dlcd.oregon.gov](mailto:housing.dlcd@dlcd.oregon.gov)

Sincerely,



Ethan Stuckmayer  
Manager  
Housing Services Division  
Department of Land Conservation and Development

## House Bill 2001 (2023) Awards

[House Bill 2001 \(2023\)](#), included a variety of provisions related to housing and housing planning, including a \$3.5 million appropriation to DLCD for the following purpose (Section 10):

*“The Department of Land Conservation and Development may provide technical assistance and award grants to local governments to enable them to implement the provisions of ORS 197.286 to 197.314 and to take other actions to incentivize the production of needed housing within the jurisdiction of the local government.”*

This funding is the most flexible source appropriated to the DLCD Housing Division for the 2023-2025 biennium and is intended for both Goal 10 (Housing) and Goal 14 (Urbanization) related planning projects. The department prioritized funding projects based on three criteria: 1) statutorily required projects, 2) projects that deliver housing production where it is needed most, and 3) projects that affirmatively further fair housing and equitable outcomes. The following projects best align with the Legislative direction and funding priorities:

Jurisdiction	Project Type	Regional Representative	Direct / Consultant / Both
<b>Projects Recommended for Funding Under HB 2001</b>			
Albany	Housing Implementation Plan Policy Actions and Code Updates	Patrick Wingard	Consultant
Canby	Urban Growth Boundary Expansion	Kelly Reid	Consultant
Clatsop County	Regional Housing Land and Infrastructure Inventory	Brett Estes	Consultant
Columbia County	Housing Taskforce Implementation Project	Brett Estes	Direct
Dayton (MWVCOG)	Dayton Comprehensive Plan Update	Melissa Ahrens	Consultant
Deschutes County	Clear and Objective Standards Code Amendments (HB 3197)	Angie Brewer	Consultant
Eugene	Housing Capacity Analysis	Patrick Wingard	Direct
Eugene	Housing Production Strategy	Patrick Wingard	Direct
Eugene	Housing Implementation Plan (CFEC)	Patrick Wingard	Direct
Grants Pass	Urban Growth Land Exchange Study	Josh LeBombard	Consultant
Happy Valley	Housing Production Strategy	Kelly Reid	Consultant
Hillsboro	Housing Production Strategy	Laura Kelly	Direct
Hood River County	Odell Urban Unincorporated Community Housing/Facilities Analysis	Angie Brewer	Direct
Independence	Housing Production Strategy	Melissa Ahrens	Consultant
Joseph (EOU)	REV Rural Planning Assistance	Dawn Hert	Both
Lincoln City	Housing Production Strategy	Brett Estes	Consultant
Madras	Housing Production Strategy	Angie Brewer	Direct
McMinnville	Housing Production Strategy	Melissa Ahrens	Direct
McMinnville	2021-2041 Urban Growth Boundary Amendment	Melissa Ahrens	Direct
Molalla	Housing Production Strategy	Kelly Reid	Both
Molalla	UGB Expansion Background Studies and Efficiency Measures Implementation	Kelly Reid	Direct
Portland	Housing Production Strategy - BIPOC Outreach	Kelly Reid	Direct
Portland	Inner Eastside Infrastructure Assessment	Kelly Reid	Direct
Rainier	Urban Growth Boundary Land Exchange	Laura Kelly	Consultant
Salem	Housing Production Strategy	Melissa Ahrens	Consultant

Sandy	Housing Production Strategy	Kelly Reid	Direct
Sisters	Urban Growth Boundary Study	Angie Brewer	Direct
Sweet Home	Housing Production Strategy	Patrick Wingard	Consultant
Talent	Buildable Lands Inventory	Josh LeBombard	Direct
Talent	Housing Implementation Plan Program, Review, Update, and Feasibility of Railroad District Master Plan	Josh LeBombard	Consultant
Tangent	Urbanization Study - Sowing Seeds Phase 1 Housing	Patrick Wingard	Consultant
The Dalles	Housing Production Strategy	Angie Brewer	Consultant
Tigard	River Terrace 2.0 Community Plan	Laura Kelly	Direct
Wasco County	Housing Code Amendments (HB 3197)	Angie Brewer	Direct
Washington Co	Community Development Code (CDC) Assessment (HB 3197)	Laura Kelly	Direct
West Linn	Housing Production Strategy	Kelly Reid	Consultant
Wilsonville	Housing Our Future Phase 3	Kelly Reid	Both

## House Bill 3395 (2023) Awards

[House Bill 3395 \(2023\)](#) included several changes to state law intended to support the near-term production of housing. This includes a change to the applicability of middle housing such that cities between 2,500-10,000 population must allow a duplex on each lot or parcel that allows a single-family detached dwelling, similar to cities between 10,000-25,000 population. This bill appropriated \$1.25 million in funding with the specific purpose of supporting local governments required to update their development codes:

*“In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium beginning July 1, 2023, out of the General Fund, the amount of \$1,250,000, to provide grants to local governments to assist them in amending their comprehensive plans as required under section 3 (1)(c), chapter 639, Oregon Laws 2019.”*

Section 2 (1)(c) *“June 30, 2025, for each city subject to ORS 197.758 (3)<sup>1</sup>, as amended by section 20 of this 2023 Act.”*

In addition, [SB 406 \(2023\)](#) also extended middle housing requirements to cities and urban, unincorporated areas in Tillamook County. While this bill did not specifically allocate funding for local governments, the expectation during the Legislative Session is that these communities would draw from existing funding under HB 3395 and HB 2001 to support needed code update work.

Finally, while HB 3395 specifies that funding is primarily intended for local governments required to update their development codes, DLCD received several applications from cities intending to ‘opt-in’ to allowing middle housing. DLCD intends to fund these voluntary updates so long as local governments required to update codes are prioritized for funding first. So far, **this funding source is undersubscribed** by those required to update development codes. DLCD staff will be doing additional outreach to local governments required to update development codes to ensure all affected cities have the resources they need to complete the work by the statutory deadline.

Jurisdiction	Project Type	Regional Representative	Middle Housing Requirement?	Direct / Consultant / Both
<b>Projects Fundable Under HB 3395</b>				
Arlington	Zoning Ordinance Review and Update	Dawn Hert	No	Direct
Carlton	Development Code Update	Melissa Ahrens	No	Direct
Hood River (City)	Development Code Audit and Amendment	Angie Brewer	Yes	Direct
Lebanon	Housing Production Strategy Development Code Implementation	Patrick Wingard	Yes	Consultant
Manzanita	Middle Housing Code and Comprehensive Plan Amendment Project	Brett Estes	Yes	Direct
Moro	Comprehensive Plan and Code Update	Angie Brewer	No	Direct
Mt. Vernon	Comprehensive Plan and Code Update	Dawn Hert	No	Consultant
Nehalem	Development Code Audit and Amendment	Brett Estes	Yes	Consultant
Port Orford	Code Updates	Hui Rodomsky	No	Direct

<sup>1</sup> ORS 197.758 (3) requires cities between 2,500-25,000 population to allow a duplex on each lot or parcel that allows a single-family detached dwelling

Rockaway Beach	Development Code Audit and Amendment	Brett Estes	Yes	Consultant
Yamhill	Housing Code Audit and Land Inventory	Melissa Ahrens	No	Both

## Waitlisted Projects

This biennium, we have received substantially greater requests for funding than what is available. This is due, in part, to the non-passage of [House Bill 3414 \(2023\)](#), which would have allocated \$10 million in funding to support local housing-related code work. Because of this, the DLCDC Housing Division had to decide whether to reject several dozen qualified applications or solicit funding elsewhere.

To maximize the total support to local governments on housing-related work, we have elected to bundle the following code-related projects to solicit funding from one of two sources: 1) funding allocated from the Oregon Legislature in the 2024 Legislative Session or 2) Federal funding allocated under the [Pathways to Removing Obstacles to Housing Grant Program](#) administered by HUD, which DLCDC is preparing an application for. The department anticipates that between these two potential sources, the likelihood of receiving additional funding is high and preferable to the alternative of rejecting critically-needed housing planning support across the state.

We believe the following projects align well with the Housing Planning Assistance funding priorities, but we cannot yet offer these projects awards for 2023-2025. However, we would like to proceed with the development of a work program, so these projects can readily move forward should funding be allocated in the coming months.

Jurisdiction	Project Type	Regional Representative	Direct / Consultant / Both
<b>Waitlisted until funding available</b>			
Ashland	Manufactured Home Park Zone	Josh LeBombard	Consultant
Baker City	Development Code Update	Dawn Hert	Direct
Bandon	Housing Needs Code Implementation	Hui Rodomsky	Consultant
Clackamas County	Zoning and Development Ordinance Diagnostic Report	Kelly Reid	Direct
Deschutes County	Future Urbanization Development Code Amendments	Angie Brewer	Direct
Gresham	Development Code/Process Update	Kelly Reid	Consultant
Happy Valley	Development Code Update	Kelly Reid	Consultant
Independence	Infill Development Code Update	Melissa Ahrens	Consultant
La Grande	Code Audit	Dawn Hert	Consultant
Portland	Housing Development Code Streamline	Kelly Reid	Direct
Rufus	Development Code Update	Angie Brewer	Direct
Springfield	Housing-related Development Code	Patrick Wingard	Consultant
Springfield	Climate-Friendly Area Codes	Patrick Wingard	Consultant
Tigard	River Terrace 2.0 Community Plan (Development Code in Concept Plan)	Laura Kelly	Direct
Toledo	Partition and Subdivision Code	Brett Estes	Direct
Tualatin	Clear and Objective Code Updates	Laura Kelly	Consultant
Washington County	Housing-related CDC Updates	Laura Kelly	Direct
Washington County	Promotional Program for Middle Housing and ADUs	Laura Kelly	Direct
Yachats	Development Code Updates	Hui Rodomsky	Consultant

Report Criteria:  
 Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice Sequence	Invoice GL Account	Discount Taken	Check Amount
08/23	08/22/2023	1000	105	City of Dayton	PAY APP 1	1	700.700.910.41	.00	76,399.05
08/23	08/22/2023	1001	2014	Stellar J Corporation	PAY APP 001	1	700.700.910.41	.00	590,701.00
08/23	08/01/2023	28884	1629	Gypsy Rose Carriage Company	PARADE AT	1	500.500.752.60	.00	250.00
08/23	08/17/2023	28885	329	Alexonet Inc	2589	11	105.105.705.30	.00	3,000.00
08/23	08/17/2023	28886	127	Baker & Taylor	Multiple	1	100.104.715.00	.00	79.64
08/23	08/17/2023	28887	151	Beery, Elsner & Hammond	Multiple	1	700.700.920.00	.00	1,758.90
08/23	08/17/2023	28888	1064	Botten's Equipment Rental	Multiple	1	500.500.752.60	.00	392.00
08/23	08/17/2023	28889	456	Bureau of Labor & Industries	DAYTON UTI	1	700.700.910.41	.00	5,979.05
08/23	08/17/2023	28890	403	C and D Landscape Co.	4644 AND 48	1	100.100.950.00	.00	2,264.00
08/23	08/17/2023	28891	1497	C3 Intelligence, Inc.	31580	10	400.400.705.00	.00	314.50
08/23	08/17/2023	28892	125	Canon Solutions America	31078118	10	400.400.601.00	.00	172.26
08/23	08/17/2023	28893	255	Cascade Columbia	873119	3	300.300.616.00	.00	1,643.25
08/23	08/17/2023	28894	1978	CFM Advocates	27487	2	400.400.705.00	.00	4,166.00
08/23	08/17/2023	28895	2009	Christine Amiel	22-005	1	101.101.705.00	.00	90.00
08/23	08/17/2023	28896	105	City of Dayton	Multiple	1	200.200.614.40	.00	1,525.74
08/23	08/17/2023	28897	1865	Comcast Business	8778105130	1	400.400.705.30	.00	104.85
08/23	08/17/2023	28898	519	Comcast Cable - internet	8778 10 513	11	400.400.705.30	.00	199.79
08/23	08/17/2023	28899	904	Consolidated Supply Co.	Multiple	1	300.300.616.20	.00	1,829.89
08/23	08/17/2023	28900	327	Cummins Inc.	05-44642	1	400.400.614.00	.00	1,889.18
08/23	08/17/2023	28901	1841	CytrX	INV156176	5	400.400.614.00	.00	45.00
08/23	08/17/2023	28902	148	Davison Auto Parts	Multiple	1	500.500.752.60	.00	453.78
08/23	08/17/2023	28903	111	DCBS Fiscal Services	OSHA 31773	2	400.400.799.00	.00	300.00
08/23	08/17/2023	28904	2010	Delores Richardson	DEPOSIT RE	2	400.400.750.00	.00	11.06
08/23	08/17/2023	28905	1935	DEQ - Western Region	DAYTON W	1	400.400.614.40	.00	1,391.00
08/23	08/17/2023	28906	193	DMV	Multiple	1	101.101.705.00	.00	36.05
08/23	08/17/2023	28907	231	DOWL	2647.80185.	2	700.700.910.41	.00	50,565.91
08/23	08/17/2023	28908	789	Edge Analytical	Multiple	1	300.300.751.00	.00	189.00
08/23	08/17/2023	28909	1810	Elizabeth Sagmiller	230	1	400.400.705.80	.00	1,140.00
08/23	08/17/2023	28910	543	Ferrellgas	Multiple	1	100.104.600.10	.00	509.95
08/23	08/17/2023	28911	353	Gormley Plumbing	109075S	1	300.300.614.40	.00	609.50
08/23	08/17/2023	28912	178	Hach Company	13687684	1	300.301.616.00	.00	314.00
08/23	08/17/2023	28913	321	Industrial Welding Supply, Inc	00323475	6	400.400.617.00	.00	1.00
08/23	08/17/2023	28914	134	Iron Mountain Records Mgmt	HSDW010	10	400.400.601.00	.00	131.45
08/23	08/17/2023	28915	107	League of Oregon Cities	Multiple	1	500.500.611.00	.00	1,450.00
08/23	08/17/2023	28916	989	Leo's Excavating & Trucking, Inc	1595	1	400.400.614.40	.00	7,380.00
08/23	08/17/2023	28917	1572	McMinnville Commercial Cleaners	Multiple	1	100.100.707.30	.00	1,250.00
08/23	08/17/2023	28918	1507	McMinnville Immediate Health Car	1398K1814	10	400.400.705.00	.00	106.00
08/23	08/17/2023	28919	121	McMinnville Water & Light	67508 823	1	300.300.600.00	.00	345.52
08/23	08/17/2023	28920	1933	Mobile Modular	2449094	4	100.103.601.00	.00	904.90
08/23	08/17/2023	28921	109	News Register	141260	11	400.400.700.10	.00	251.27
08/23	08/17/2023	28922	871	ODP Business Solutions, LLC	3255924220	10	400.400.601.00	.00	172.14
08/23	08/17/2023	28923	173	One Call Concepts, Inc.	3070351	2	400.400.799.00	.00	23.80
08/23	08/17/2023	28924	224	Orchard & Vineyard Supply	INV:LAF5256	1	300.300.614.40	.00	51.21
08/23	08/17/2023	28925	621	Portland Engineering, Inc	11911	3	400.400.705.10	.00	90.00
08/23	08/17/2023	28926	240	Print NW	22934	1	500.500.752.60	.00	323.00
08/23	08/17/2023	28927	1762	PSI Water Technologies	INV0005197	1	300.300.614.40	.00	1,081.00
08/23	08/17/2023	28928	106	Recology Western Oregon	Multiple	1	300.300.614.40	.00	1,265.76
08/23	08/17/2023	28929	2008	Ritz Safety	6547643	2	400.400.611.00	.00	1,375.00
08/23	08/17/2023	28930	1195	Sherwin-Williams Co.	75580	1	100.103.619.00	.00	217.58
08/23	08/17/2023	28931	892	Spaniol's Striping & Signs	52523	1	200.200.614.40	.00	575.00
08/23	08/17/2023	28932	1974	Stephen Sagmiller	0005	6	300.300.705.00	.00	2,167.00
08/23	08/17/2023	28933	171	Terminix Processing Center	436279571	10	100.104.707.00	.00	107.00
08/23	08/17/2023	28934	831	Traffic Safety Supply Co	INV061385	1	200.200.616.20	.00	876.92

M = Manual Check, V = Void Check

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice Sequence	Invoice GL Account	Discount Taken	Check Amount
08/23	08/17/2023	28935	937	United Site Services	Multiple	1	100.103.619.00	.00	1,445.38
08/23	08/17/2023	28936	1876	Western Rock Resources	Multiple	1	200.200.614.41	.00	234.14
08/23	08/29/2023	28937	248	Yamhill County	CITY/COUNT	1	500.500.611.00	.00	.00 V
08/23	08/17/2023	28938	114	Yamhill County Sheriff	AUGUST 202	1	101.101.705.10	.00	15,878.95
08/23	08/17/2023	28939	115	Yamhill County Sheriff	22-0012	1	101.101.700.35	.00	64.00
08/23	08/17/2023	28940	117	YCOM	5015003	1	101.101.770.00	.00	2,388.50
08/23	08/17/2023	28941	1960	Zach's Mobile Repair	466	5	400.400.614.00	.00	2,030.62
08/23	08/17/2023	28942	614	Ziplyfiber	Multiple	1	300.300.602.00	.00	334.10
08/23	08/23/2023	28943	127	Baker & Taylor	Multiple	1	100.104.715.00	.00	218.46
08/23	08/23/2023	28944	1878	Brightside Electric & Lighting	5082-16	10	400.400.707.00	.00	150.00
08/23	08/23/2023	28945	125	Canon Solutions America	31078119	10	400.400.601.00	.00	189.23
08/23	08/23/2023	28946	1978	CFM Advocates	27375	2	400.400.705.00	.00	4,166.00
08/23	08/23/2023	28947	1922	Cintas Corp	Multiple	6	400.400.616.10	.00	586.26
08/23	08/23/2023	28948	2012	CITE	8750	2	400.400.705.00	.00	625.00
08/23	08/23/2023	28949	362	City of Newberg	Multiple	2	100.106.716.10	.00	10,949.46
08/23	08/23/2023	28950	904	Consolidated Supply Co.	S011464587.	1	600.600.910.20	.00	828.09
08/23	08/23/2023	28951	1568	Correct Equipment Inc	49651	1	300.301.903.00	.00	7,147.35
08/23	08/23/2023	28952	327	Cummins Inc.	05-44329	1	300.301.707.00	.00	3,998.00
08/23	08/23/2023	28953	111	DCBS Fiscal Services	Multiple	1	100.106.700.35	.00	1,263.03
08/23	08/23/2023	28954	388	Dell Marketing L.P.	10683511999	9	400.400.903.00	.00	1,209.29
08/23	08/23/2023	28955	1182	Department of Consumer and Bus	0012307150	1	100.106.706.00	.00	197.12
08/23	08/23/2023	28956	789	Edge Analytical	Multiple	1	300.300.751.00	.00	563.00
08/23	08/23/2023	28957	780	Guardian Fire Protection Inc	151272	3	100.100.707.30	.00	177.00
08/23	08/23/2023	28958	1081	Keller Associates	Multiple	1	400.400.705.20	.00	20,066.90
08/23	08/23/2023	28959	1712	LCOG	89297	12	500.500.706.00	.00	633.00
08/23	08/23/2023	28960	2013	Lehman Pest Control LLC	121962	1	100.103.619.00	.00	250.00
08/23	08/23/2023	28961	139	Lowe's	Multiple	1	300.300.614.40	.00	6,215.06
08/23	08/23/2023	28962	124	Mid-Willamette Valley COG	Multiple	1	700.700.910.41	.00	6,307.20
08/23	08/23/2023	28963	354	OCEA	2023/2024 M	1	101.101.706.00	.00	75.00
08/23	08/23/2023	28964	1389	PumpTech Systems, Inc.	23805	1	300.300.614.40	.00	237.00
08/23	08/23/2023	28965	892	Spaniol's Striping & Signs	Multiple	1	200.200.614.40	.00	6,555.00
08/23	08/23/2023	28966	1995	The Law Office of Larry J Blake, J	297	1	101.101.705.40	.00	500.00
08/23	08/23/2023	28967	2011	Tom & Sheryl Walsh	703007004 R	1	300.300.750.10	.00	118.76
08/23	08/23/2023	28968	154	Westech Engineering, Inc	Multiple	1	400.400.614.40	.00	23,177.55
08/23	08/23/2023	28969	1876	Western Rock Resources	Multiple	1	300.300.614.41	.00	219.01
08/23	08/23/2023	28970	1401	Yamhill Community Action Partner	08-16-2023	1	100.100.750.20	.00	200.00
08/23	08/23/2023	28971	111	DCBS Fiscal Services	L1499-024-2	2	400.400.799.00	.00	300.00
08/23	08/29/2023	28972	1898	Butler Ford	SUPERDUT	1	750.750.903.10	.00	45,224.29
Grand Totals:								.00	933,191.65

TO: Honorable Mayor and City Councilors  
 Through: Rochelle Roaden, City Manager  
 From: Jason E. Shirley  
 Subject: Code Enforcement Activities Report  
 Date: 09/27/2023

2023 Code Compliance Report													
Category	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Totals
Animals	7	1	1	2		2	1	1	3				18
Building	2	3				1							6
Clear Vision	1												1
Encroachment Permits				2	1	1	1						5
Junk – Private Property	1	2											3
Noise		1				1		1					3
Noxious Vegetation	1				1	1	2	3	1				9
Parking – Right of Way	11	9	3	2	8	3	3	2	4				45
Storing Junk - ROW	7		2			1		1					11
Attractive Nuisance													0
Posting - Signs	1												1
Camping	1	1				1							3
Sidewalks				1		1							2
YCSO	1												1
Code Citations Issued								1					1
Land Use Violations			1										1
Other													
<b>TOTALS</b>	<b>33</b>	<b>17</b>	<b>7</b>	<b>7</b>	<b>10</b>	<b>12</b>	<b>7</b>	<b>9</b>	<b>8</b>				<b>110</b>

Please Note: The monthly statistics are calculated from the Dayton City app, website complaints forms, phone calls, emails, written Notes, in person and code compliance officer observations.

**TO:** Mayor Marquez and City Council Members  
**THROUGH:** Rochelle Roaden, City Manager  
**FROM:** John Lindow, Public Works Supervisor  
**SUBJECT:** Public Works Activity Report for September 2023  
**DATE:** September 25,2023

<p><b>Water:</b>  Regulatory Samples - Bi-Weekly  Treatment Plant Maintenance  Daily Rounds  Work Orders  Locates  Meter Reading  Turn-Ons/Turn-Offs  Water Production Reports - Dayton and Lafayette  Water Reports to State - Annual and Monthly  Emergency Shut-Offs - Various  Chlorine Feeds - Daily Check  Waterline Leak Repairs  Fire Flow Pump Repair  Chlorine Generator Maintenance  Replace Valve at Water Treatment Plant  Replace Meter at Water Treatment Plant  Installed new Computer Processor at Water treatment Plant  I-Ready reports for Customers Water Consumption  Replace Monitoring Meter at Lower Springs</p>	<p><b>Wastewater:</b>  Regulatory Samples - Bi-Weekly  Daily Rounds  Operation of Lift Stations - Daily Check  Locates  DMR to DEQ  Receive Chemicals at Treatment Plant  Lift Station Maintenance  Smoke Testing for Sewer Lines  Maintenance at (Sewer) Ponds</p>
<p><b>Parks:</b>  Garbage Removal - All Parks  Park Restrooms - Daily Cleaning and Maintenance  Clean Park Fountain  Disposing of Leaves at City Parks  Scheduled Yearly Maintenance for Trees at Courthouse Square Park</p>	<p><b>Storm Water:</b>  Locates  Catch Basin - Cleaning  Storm Drain Grates - Clear Debris and Leaves  Street Sweeping - Storm Grate Maintenance</p>

Dear Dayton councilors,

Thank you so much  
for the generous \$5,000  
gift toward the Dayton  
Food Pantry. The  
building fund has steadily  
grown with excellent support  
from our community far  
and ~~wide~~<sup>near</sup>.

Thank you!  
Rhonda & the  
Dayton Food Pantry  
Board.



# City of Dayton / Library HALLOWEEN PARTY!

FOOD

LASER  
TAG

GAMES

BOOKS

OCTOBER 31



3:00 – 5:00 P.M.

COMMUNITY EVENTS CENTER – 606 4TH ST



CITY OF DAYTON

# CHRISTMAS TREE

# *Lighting*

SAVE THE  
*date*

SATURDAY

November 25, 2023

06.00 PM

Courthouse Square Park  
Dayton, Oregon

[www.daytonoregon.gov](http://www.daytonoregon.gov)