

**AGENDA
DAYTON PLANNING COMMISSION
WORK SESSION**



DATE: THURSDAY, MARCH 09, 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 Planning Commission Meeting online via Zoom Meeting at: <https://us06web.zoom.us/j/84348770980>
or you can call in and listen via Zoom: 1 346 248-7799 or 1 720 707-2699

Dayton – Rich in History . . . Envisioning Our Future

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE #</u>
A.	CALL TO ORDER & PLEDGE OF ALLEGIANCE	
B.	ROLL CALL	
C.	WORK SESSION	
	• New Planner Introduction	
	• Planning Commissioner Training Opportunity	01-02
	• 2023 Code Amendments – Staff Report	03-04
	Section 7.3.106: Site Development Review – Add Expiration/Sunset Clause for Site Development Review Approvals	05-07
	Section 7.2.308.08: Clear Vision Areas	08
	Section 7.2.111: Central Business Area Overlay Zone (CBO)	09-12
D.	ADJOURN	

Posted: March 03, 2023
By: Melissa York, City Recorder

NEXT MEETING DATES

Planning Commission Meeting Thursday, April 13, 2023 (if needed)
Virtually via Zoom and in Person; City Hall Annex, 408 Ferry Street, Dayton, Oregon

This Page Intentionally Left Blank

APA Oregon Chapter

#9264405

Wednesday, March 22, 2023, 5 p.m.

Thursday, March 23, 2023, 5 p.m. PDT

Corvallis, OR, United States

OVERVIEW

[Click here](#) to register. [Click here](#) to apply for a scholarship.

Wednesday, March 22 and Thursday, March 23

(Schedule subject to change)

Virtual via Zoom

In person at Benton County Kalapuya Building • 4500 SW Research Way • Corvallis, OR 97333

Planning Commissioner Training, Wednesday, March 22, 5:00 – 7:30 pm

Keeping Out of Hot Water: Land Use Decision making for Planning Commissioners, Elected Officials, City Administrators, and Planners - Department of Land Conservation and Development (DLCD) staff will cover the basics of state and local responsibilities, the role of planning commissioners and staff, decision making bodies, ethical behavior, ex parte contact, quasi judicial vs. legislative hearings processes, and legally defensible findings.

Speakers:

- Gordon Howard, Community Services Manager, DLCD
- Brenda Ortizoga Bateman, Director, DLCD
- Lane Shetterly, City Attorney for the cities of Dallas and Monmouth and former DLCD Director.

This Page Intentionally Left Blank



100 HIGH STREET S.E., Suite 200 | SALEM, OREGON 97301 | www.mwvcog.org
T: 503.588.6177 | F: 503-588-6094 | E: mwvcog@mwvcog.org
An equal opportunity lender, provider, and employer

Date: March 2, 2023
To: Dayton Planning Commission
From: Curt Fisher, AICP – Associate Planner
Subject: Code Updates 2023

The purpose of the work session scheduled for the **March 9, 2023**, is to introduce the code updates that the Planning Commission should anticipate in the upcoming months. This session is intended to be informative; however, questions and discussion are welcome. The following code amendments have been identified by City Council and Staff as priorities for the upcoming year with preliminary suggested timelines for completing those amendments.

Add Expiration/Sunset Clause for Site Development Review Approvals **Chapter 7.3.1**

The need for this amendment was identified in response to the recent revival of a 2005 Site Development Review (SDR) decision approving an RV Outdoor Storage Facility adjacent to the Willamette Wine Country RV Park and Vintages Trailer Resort at 16205 SE Kreder Road. While the current use is consistent with the 2005 approval, the development was once thought to be abandoned. Therefore, the Planning Commission may wish to include provisions in the code that either set a clear expiration date for SDR approvals and implement standards and criteria that would require a new SDR application in the event of a discontinued use.

Update Clear Vision Area Standards - Chapter 7.2.308.08

Clear Vision Areas are necessary to maintain unobstructed lines of sight at street intersections and driveways, allowing drivers to see oncoming traffic. Features such as structures, walls, and fences are restricted within these areas. Currently, the standard places clear vision triangles at the edge of the public right-of-way or property lines. However, this method places the triangle further away from the vehicular travel lane, increasing the length of the sight line, and potentially restricting the use of the property where the triangle is placed. The Planning Commission will be asked to consider adopting a new standard that would place the triangles at the edge of the travel lanes instead.

Preliminary timeline for the above amendments:

April 2023: Task 1-Review examples of provisions implemented by other jurisdictions.
May 2023: Task 2-Review draft code amendments.
June 2023: Task 3-Public Hearing/Staff Report on final amendment package

August 2023: Task 4-Public Hearing/Staff Report to City Council for adoption

Update Design Standards in the Central Business Overlay District - Chapter 7.2.111

Preliminary Timeline:

April/May 2023: Identify Stakeholders and Public Outreach Scope, Kickoff Project
June/July 2023: Planning Commission and Stakeholder Workshops
August 2023: Potential Public Open House and Planning Commission/City Council Joint Session
September 2023: Planning Commission/Public Hearing
October 2023: City Council Public Hearing and Adoption.

EFU buffer areas - Chapter 7.2.306.04

In June 2022, The City of Dayton and the Yamhill County Board of Commissioners approved the City's proposal for an Urban Growth Boundary Land Swap. Concurrently, the City Council approved CPA 2022-01, which added the following comprehensive plan text amendment to the urbanization element of the Dayton Comprehensive Plan, requiring the City of Dayton to proceed with a development code amendment adding standards for screening and buffering between urban and rural uses prior to future annexations. On November 9, 2022, City Council and Planning Commission held a joint work session to review policies, goals, and recommendations from the USDA.

Preliminary Timeline:

May 2023: Review draft code amendments.
June 2023: Planning Commission Public Hearing/Staff Report on final amendment package
August 2023: Public Hearing/Staff Report to City Council for adoption

Attachments:

Dayton Land Use Development Code

- Section 7.3.106 Site Development Review,
- Section 7.3.202.02 Procedures for Type II and Type III Actions
- Section 7.2,308.08 Clear Vision Areas
- Section 7.2.111 Central Business Area Overlay Zone

7.3.106 Site Development Review**7.3.106.01 Purpose****7.3.106.02 Applicability Of Provisions****7.3.106.03 Review And Approval Process****7.3.106.04 Application And Fee****7.3.106.05 Submittal Requirements****7.3.106.06 Evaluation Of Site Development Plan****7.3.106.01 Purpose**

The Site Development Review Process is intended to guide future growth and development in accordance with the Development Codes; provide an efficient process and framework to review development proposals; ensure safe, functional, energy-efficient developments which are compatible with the natural and man-made environment; and resolve potential conflicts that may arise between proposed developments and adjacent uses.

The site development review provisions are not intended to preclude uses that are permitted in the underlying zones.

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

7.3.106.03 Review And Approval Process

Site Development Review applications shall be reviewed in accordance with the Type II review procedures specified in Section 7.3.201.

7.3.106.04 Application And Fee

An application for Site Development Review shall be filed with the City and accompanied by 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.

7.3.106.05 Submittal Requirements

The following information shall be submitted as part of a complete application for Site Development Review:

- A. Proposed grading and topographical changes;
- B. All existing and proposed structures, roadway access, adjacent roads, bikeways, pedestrian facilities, public or private, easements or right-of-way to, or within 200 feet of the subject property and utilities including finished floor elevations and setbacks; *(Amended by Ordinance 589 – Effective 4/2/09)*
- C. Motor vehicle, bicycle and pedestrian circulation patterns, parking, loading and service areas; *(Amended by Ordinance 589 – Effective 4/2/09)*
- D. Proposed access to public roads, bikeways, pedestrian facilities, railroads or other transportation systems; *(Amended by Ordinance 589 – Effective 4/2/09)*
- E. Site drainage plan including methods of storm drainage, sanitary sewer system, water supply system and electrical services. Inverse elevations may be required for all underground transmission lines;
- F. Proposed landscape plan, to include appropriate visual screening and noise buffering, where necessary, to ensure compatibility with surrounding properties and uses;
- G. Proposed on-premise signs, fencing or other fabricated barriers, together with their heights and setbacks; and,
- H. The expected development schedule.
- I. The location of any flood boundary.

7.3.106.06 Evaluation Of Site Development Plan

The review of a Site Development Plan shall be based upon consideration of the following:

- A. Conformance with applicable General Development Standards in Section 7.2.3.
- B. Adequacy of public and private facilities.
- C. Traffic safety, internal circulation and parking;
- D. Provision for adequate noise and/or visual buffering from non-compatible uses.
- E. Conformance with development requirements of the underlying zone.

7.3.202.02 Procedures For Type II And Type III Actions

- A. Upon receipt of an application for Type II or Type III land use action, the City staff shall review the application for completeness.
1. Incomplete applications shall not be scheduled for Type II or Type III review until all required information has been submitted by the applicant.
 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary.
- B. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either:
1. Upon receipt of the additional information to complete the application; or,
 2. If the applicant refuses to submit the information, the application shall be deemed complete for scheduling purposes only on the 31st day after the original submittal.
- C. Referrals will be sent to affected agencies such as City departments, police and fire departments, school district, utility companies, and applicable state agencies. When a land use development has either direct access or creates an additional 20% average daily traffic on a county road or state highway, then a referral shall be sent to the Yamhill County Public Works Department or ODOT, as appropriate. *(Amended by Ordinance 589 – Effective 4/2/09)*
- D. The Public Hearing shall be scheduled and notice shall be mailed to the applicant and adjacent property owners. Notice requirements shall comply with Section 7.3.204.
- E. Staff shall prepare and have available within 7 days of the scheduled hearing a written recommendation concerning the proposed action. This report shall be mailed to the applicant and available at City Hall for all interested parties.
- F. The public hearing before the Planning Commission shall comply with the provisions in Section 7.3.205.
- G. Approvals of any Type II or Type III action may be granted subject to conditions and performance agreement requirements.
- H. The applicant shall be notified, in writing, of the Planning Commission's decision or recommendation. In addition, notice of the Commission's decision or recommendation shall be mailed to individuals who request such notice at the public hearing, or, by those individuals who submitted a written request for notice prior to the public hearing.
- I. A Type II land use decision may be appealed to the City Council by either the applicant, persons receiving notice of the decision or the Manager. The appeal shall be filed within 15 days from the date of the decision, pursuant to the provisions of Section 7.3.207. Type III land use applications are automatically reviewed by the City Council. *(Amended ORD 608 effective 10/06/11)*

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 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 and 30 feet along the street right-of-way 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 and 30 feet along the street right-of-way 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 and 30 feet along the street right-of-way at the point of intersection with the access easement.
- E. Corner Lots. The clear vision area for corner lots shall be 20 feet along the right-of-way 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.
- G. *(Removed Ordinance 614, 10/7/13- Effective 11/06/13)*

7.2.111 Central Business Area Overlay Zone (CBO)

7.2.111.01 Purpose

7.2.111.02 Central Business Area Defined

7.2.111.03 Development Requirements

7.2.111.04 Parking

7.2.111.05 Landscaping

7.2.111.06 Building Standards

7.2.111.07 Signs Moved To Section 7.4.1 ORD 652

7.2.111.08 Modification Of Site Design Standards

7.2.111.01 Purpose

The purpose of the Central Business Area Overlay Zone is to establish development requirements which are specifically designed to address the unique challenges the City's downtown.

7.2.111.02 Central Business Area Defined

For the purposes of this Section, the Central Business Area shall be defined as follows: C and CR zoned land located south of Church Street, east of Fifth Street, north of Alder Street, and west of Second Street. *(Amended ORD 610 effective 4/2/12)*

7.2.111.03 Development Requirements

- A. General Requirements: Notwithstanding provisions contained elsewhere in this Code, the following regulations shall apply to the development of new buildings within the Central Business Area.
- B. Permitted Uses. Unless specifically modified by this Section, regulations in this Section do not prohibit or restrict, nor alter the development requirements of, permitted, specially permitted or conditionally permitted uses within the Commercial zone.
- C. Use Restrictions. In addition to the use limitations in Section 7.2.106.06.B., facilities with drive-through and drive-in windows, and wireless communication facilities shall be prohibited. An exception for a drive-through window may be granted by the City Manager if the property or business owner provides a written request for an exception containing written, historical evidence or photographic documentation (which documentation includes a date) that the drive-through window or a drive-in existed and was used as part of a permitted or conditional use prior to October 6, 2011 and evidence that the owner meets the requirements of Section 7.2.414. If the City Manager determines at the time the exception is requested that additional interpretation is needed, the Manager may require that the Planning Commission make a determination regarding the exception under a Type II process. *(Amended ORD 610 effective 4/2/12)*

7.2.111.04 Parking

Off-street parking and loading areas shall not be required within the Central Business Area. Off-street parking installed at the option of the owner shall comply with the following:

- A. Parking spaces shall be located behind the primary building. For corner lots, this shall be identified as being opposite, and furthest from, the primary building access.
- B. Improvements, such as driveways and parking space dimensions, shall otherwise comply with Code requirements.

7.2.111.05 Landscaping

All new development within the Central Business Area fronting a public or private street shall provide street trees and landscaping in accordance to the following:

- A. Type of Trees. Street trees shall be limited to an approved City of Dayton list. The list of acceptable tree species and planting methods shall be established by the Department of Public Works.
- B. Minimum Size to be Installed. Street trees shall have a minimum caliper of 2 inches when measured 4 feet in height at the time of installation.
- C. Spacing. The spacing of street trees by tree size shall be as follows:
 - 1. Small sized trees (under 25' tall and less than 16' wide) shall be spaced no greater than 20 feet apart.
 - 2. Medium sized trees (25' - 40' tall and more than 16' wide) shall be spaced no greater than 30 feet apart.
 - 3. Large trees (over 40' tall and more than 35' wide) shall be spaced no greater than 40 feet apart.
- D. Placement. The placement of trees is subject to the site design review process. Tree placement shall not interfere with utility poles, light standards, power lines, utility services, visual clearance areas or sidewalk access.
- E. Exemption to Street Tree Requirements. Exemptions to these requirements is subject to the site design review process and may be granted if:
 - 1. The location of the proposed tree would cause potential problems with existing utility lines; or,
 - 2. The tree would cause visual clearance problems; or,
 - 3. There is not adequate space in which to plant the trees; or,
 - 4. Street trees are already in place on the site.
- F. Landscaping, General. Those areas not constructed upon or devoted to parking and access shall be landscaped in accordance to provisions in Section 7.2.306.

7.2.111.06 Building Standards

New buildings shall comply with the following standards:

- A. Setbacks. The maximum building setback from a street-side property line shall be 10 feet. The street-side setback area shall be landscaped. Otherwise, there shall be no minimum nor maximum building setbacks.

If a drive-through window is permitted through the exception process under Section 7.2.111.03C, the set back from the street-side shall be a minimum of fifteen (15) feet. *(Added ORD 610 effective 4/2/12)*

- B. Building Height. New buildings shall be within 25 percent of the average height of existing buildings located on the same street side. *(Amended ORD 610 effective 4/2/12)*
- C. Orientation. The main entrance to a building shall face a public street.

- D. Building Facade. Building facades visible from a public street shall be of brick or wood construction.
- E. Special Design Requirements. For property located on the south side of Ferry Street, between Third and Fourth Streets, the following additional design standards shall apply:
 1. Setbacks. The maximum building setback from a street-side property line shall be 0 feet. See Section 7.2.111.06, letter A, for a drive-through window. *(Amended ORD 610 effective 4/2/12)*
 2. Building Height. New buildings shall be within 10 percent of the average height of existing buildings. *(Amended ORD 610 effective 4/2/12)*
 3. Building Facade. The building facade visible from a public street shall be predominantly of brick.
 4. Building Design. New buildings shall be similar in character and design with existing structures.

7.2.111.07 Signs Moved To Section 7.4.1 ORD 652

- A.
- B. 1.

(Removed ORD 652-Effective 10/07/21)

HISTORY

Amended by Ord. [652](#) on 10/7/2020

7.2.111.08 Modification Of Site Design Standards

The Planning Commission, as part of the site design review process, may allow modification to the site design requirements in the Central Business Area when both of the following criteria are satisfied:

- A. The modification is necessary to provide design flexibility where:
 1. Conditions unique to the site require such modification; or,
 2. Parcel shape or configuration precludes compliance with provisions; or,
 3. A modification is necessary to preserve trees, other natural features or visual amenities determined by the Planning Commission to be significant to the aesthetic character of the area.
- B. Modification of the standards in this Section shall only be approved if the Planning Commission finds that the specific design proposed is substantially in compliance with the intent and purpose of the Central Business Area design provisions.

