

AGENDA
DAYTON PLANNING COMMISSION



DATE: THURSDAY, MARCH 14, 2024

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 at: <https://us06web.zoom.us/j/84042533209>

Dayton - Rich in History . . . Envisioning Our Future

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE #</u>
A.	CALL TO ORDER & PLEDGE OF ALLEGIANCE	
B.	APPROVAL OF ORDER OF AGENDA	
C.	APPEARANCE OF INTERESTED CITIZENS	
	The public is strongly encouraged to relay concerns and comments to the Commission of any other topic in one of the following ways:	
	<ul style="list-style-type: none"> • Email - at any time up to 5 pm the day of the meeting to rvargas@daytonoregon.gov. The Chair will read the comments emailed to the Planning Coordinator. • Appear in person - 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 City Hall Annex. • Appear by Telephone only - please sign up prior to the meeting by emailing the Planning Coordinator at rvargas@daytonoregon.gov the chat function is not available when calling by phone into Zoom. • Appear Virtually via Zoom - once in the meeting send a chat directly to the Planning Coordinator Rocio Vargas, use the raise hand feature in Zoom to request to speak during public comment, you must give the Planning Coordinator your First and Last Name, Address and Contact Information (email or phone number) before you are allowed to speak. 	
	When it is your turn, the Chair will announce your name and unmute your mic.	
D.	APPROVAL OF MINUTES	
	1. November 9, 2023	1-2
	2. December 14, 2023	3-7
E.	PUBLIC HEARING	
	Zone Change Request ZC 2023-06 - to consider a zoning map amendment to change the subject property from Commercial Residential (CR) to Commercial (C) zoning designation. - Staff Report	9-16
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F. OTHER BUSINESS

1. Informational Item

- i. Preliminary Schedule for the Housing Comprehensive Plan

79-81

G. ADJOURN

Posted:

By: Rocio Vargas, City Recorder/Planning Coordinator

NEXT MEETING DATE

Planning Commission Meeting Thursday, April 11, 2024 (if needed)

Planning Commission Meeting Thursday, May 9, 2024 (if needed)

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

**Minutes
Dayton Planning Commission
November 9, 2023**

Dayton Commissioners Present: Ann-Marie Anderson
Rob Hallyburton
Tim Parsons
Dave Mackin

Dayton Commissioners Absent: Kate Weber Van Genderen

Dayton Staff Present: Curt Fisher, City Planner
Rocio Vargas, City Recorder/Planning Coordinator

A. CALL TO ORDER

Dayton Planning Commission Chair Ann-Marie Anderson called the meeting to order at 6:30pm.

B. APPROVAL OF AGENDA

Agenda was approved.

C. APPEARANCE OF INTERESTED CITIZENS

There were none.

D. PUBLIC HEARING

Chairperson Anderson opened the Public Hearing at 6:31pm for the HIST 2023-03 Demolition Request of the "Dayton Common School" located at 508 4th Street, in Dayton's Commercial Residential (CR) zoning district and Historical Property Overlay Zone (HPO). Chairperson Anderson read the introductory script into the record and asked if there were any declarations of ex-parte contact or objection to the notice provided for this hearing, or to any members of the Commission that were participating in the hearing.

Commissioners declared that they have passed or driven by the building in question.

Chairperson Anderson turned the meeting over to City Planner Curt Fisher to present the staff report.

City Planner Fisher presented the application and the exhibits for the request to remove the schoolhouse building, as well as the recommendation from the Dayton Historic Preservation Committee.

Chairperson Anderson opened the meeting up to the public for comment asking if there was anyone present in favor or against.

Steve Scott, Portland, representing Twin Towers, spoke in favor of the removal of the building.

There being no more questions, Chairperson Anderson closed the Public Hearing at 6:40pm

Rob Hallyburton moved to adopt the findings on the staff report and approve the HIST 2023-03 Demolition. Seconded by Tim Parsons.
Motion carried unanimously.

E. OTHER BUSINESS

Next meeting will be December 14th, 2023.

F. ADJOURN

There being no further business the meeting was adjourned at 6:44pm.

Respectfully submitted:

APPROVED BY COMMISSION, **March 14, 2024**

As Written **As Amended**

By: Rocio Vargas
City Recorder

Ann-Marie Anderson, Planning Commission Chair

**MINUTES
DAYTON PLANNING COMMISSION
DECEMBER 14, 2023**

Dayton Commissioners Present: Ann-Marie Anderson, Chairperson
Rob Hallyburton, Vice-Chairperson
Tim Parsons
Dave Mackin
Kate Weber Van Genderen

Dayton Commissioners Absent:

Dayton Staff Present: Curt Fisher, City Planner
Rocio Vargas, City Recorder/Planning Coordinator
Dave Rucklos, Tourism and Economic Development Director

A. CALL TO ORDER

Dayton Planning Commission Chair Ann-Marie Anderson called the meeting to order at 6:30pm.

B. APPROVAL OF AGENDA

Agenda was approved.

C. APPEARANCE OF INTERESTED CITIZENS

There were none.

D. PUBLIC HEARING

Chairperson Anderson opened the public hearing at 6:33pm for the text amendments to Chapter 7.2.111 of the Dayton Land Used Code to add design standards for new development in the Central Business Area Overlay District (CBO).

Chairperson Anderson invited Curt Fisher, City Planner, to give the staff report.

Curt Fisher, City Planner presented the staff report. He read public comments that were sent via email from Twin Towers LLC. The first inquiry was to clarify the proposed Bonus Building Height and the conditional habitable space usage requirements above 55 feet. Does this require all the conditional habitable space above 55 feet to be overnight accommodation? Or can it include mixed uses, for example: bar, restaurant, or spa above 55 if overnight accommodations are provided above the ground floor?

City Planner stated that there isn't a limit to the accommodation that can qualify for the bonus.

The second public comment from Twin Towers LLC was an inquiry about the mechanical infrastructure being omitted from the height limitations, and can it exceed 65 feet?

City Planner stated that good point to discuss and provided an example from the City of Gresham that does include projections above maximum building height.

Public Testimony

Steve Scott, 9235 NW Hopedale, Portland, OR. Stated his questions that were submitted via email. He asked for clarification on the Gresham example if there was additional height allowed for mechanisms. He stated that he didn't have any additional testimony at this time.

Commissioner Rob Hallyburton, Vice-Chairperson, inquired Mr. Scott if he was asking to exceed the 65 feet limit or just wanted to know if it could be done.

Mr. Scott stated that there are intensions to develop a flagship hotel by Twin Towers LLC that will a be viable investment and a benefit to the community. He stated that sizing is important and understanding the code to maximize potential is important.

Judy Gerard, 305 Main Street, spoke in favor of the information presented in the staff report from the TAC Advisory Committee. She thanked the commission for honoring the work that was done to create the Business Area Overlay amendments.

City Planner stated that he didn't have anything else to add. He clarified that the amendment recommendations do not address the projections addressed for the mechanical being over the 65 feet height limit.

Vice-Chairperson Hallyburton inquired if there is a section that addresses height limitations in all zones.

City Planner stated that there is not.

Commissioner Dave Mackin inquired how much height mechanical infrastructure would add to the 65 feet.

City Planner stated that it could add 7-8 feet in height depending on the height of the elevator shaft and the HVAC system.

Commissioner Mackin clarified that this mechanism would only take up the space it needs and not the whole rooftop.

City Planner agreed and stated that if the language to include the height projection above the 65 feet was added he recommends adding language to make the equipment hidden or screened form view.

Steve Scott, commented in favor of allowing mechanical projections above the 65 feet height limit.

There being no further public comment Chairperson Anderson closed the public hearing at 7:05pm. Chairperson Anderson opened the floor for discussion of the Planning Commission.

Commissioner Mackin stated that there would have to be an allowance for buildings to have extra height for the mechanical infrastructure. He stated that to have a building of 65 feet it would need a mechanism for people to be able to reach that height.

Commissioner Katelyn Weber Van Genderen agreed with Commissioner Mackin. She stated that this could also benefit Historical Buildings. She inquired if the Historic Standards would apply to the new construction within the Historic Zone.

City Planner stated that Historic Zone Standards would not apply to the new construction because it is an overlay, but there are new design standards that need to be followed to make sure the new development is compatible with the historic zone.

Commissioner Weber Van Genderen inquired where the boundary, for the 10 feet setback, is established from, the sidewalk or from anything that is 35 feet in height must be setback 10 feet from the boundary.

City Planner stated that it is from the zone boundary line, because the street counts as the setback. He stated that the purpose is to avoid large scale commercial up against a lower density residential zone.

Commissioner Weber Van Genderen inquired about the reasons that brought the additional height allowance for 3rd and Ferry.

City Planner stated that it started with the design recommendations initially a 45 feet height limit with 55 feet bonus for the whole district. He stated that there was concern that it would not work for the entire district. He stated that it was analyzed that this standard wouldn't work for several reasons that were cited.

Commissioner Weber Van Genderen inquired if the height standard would apply only for the part facing Ferry Street or the entire block.

City Planner stated that it would apply to the entire block.

There was a discussion of the commercial and commercial residential zoning of the 3rd and Ferry block.

Commissioner Weber Van Genderen inquired if the setbacks applied to the whole block or only to the part that is facing residential zone.

City Planner stated that it would apply to the part facing the residential zone.

Vice-Chairperson Hallyburton inquired if the setback is up to the street to the only residential zone, would the building be 65 feet all the way to the street. Stated that he thought it applied to both the street and residential zone.

City Planner stated that it is meant to accommodate the right of way, the street would create the buffer for the setback.

There was a discussion on how the setback would apply to the height of the building.

Commissioner Weber Van Genderen inquired if there was a minimum requirement for multi-family unit or overnight stay accommodations necessary to qualify for a bonus height.

City Planner stated if there is one unit that meets the requirement the building would qualify the building for the bonus height.

Chairperson Anderson inquired if the language on what will be allowed on the bonus height in terms of multi-family units is clear enough.

City Planner stated that the requirement is to ensure or encourage a minimum overnight accommodation or multi-family living if the building is other than a hotel and the intent is to qualify for the bonus height.

Commissioner Weber Van Genderen inquired if the approval is still up to the discretion of the City Council and the Planning Commission based on the code. There isn't anything else in the city code that requires multi-family living or overnight stay.

City Planner stated that in the proposed code there is only a minimum requirement of one overnight unit above ground level to approve additional height.

Vice-Chairperson Hallyburton stated that initially he believed 65 feet was tall enough but had not considered the mechanical infrastructure.

There was a discussion on language for the height bonus and allowing the extra height for screened mechanical equipment, considering the standard building requirements and ADA requirements to have an elevator that will take all persons up to the top floor on the bonus height of 65 feet.

Vice-Chairperson Hallyburton moved to adopt the staff report and recommend the City Council approve the amendments with additional language to include additional height above maximum building height for screened mechanical infrastructure. Seconded by Commissioner Mackin. Motion carried unanimously.

E. OTHER BUSINESS

City Planner gave a report on projects that are being worked on that will be coming to the commission. He stated that a staff report and the proposed code amendments will be ready seven days prior to the City Council meeting for the second Public Hearing.

F. ADJOURN

There being no further business the meeting was adjourned at 7:39 pm.

Respectfully submitted:

APPROVED BY COMMISSION, **March 14, 2024**
 As Written **As Amended**

By: Rocio Vargas
City Recorder

Ann-Marie Anderson, Planning Commission Chair

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STAFF REPORT

ZC 2023-06 PUBLIC HEARING BEFORE PLANNING COMMISSION

HEARING DATE: March 14, 2024

FILE NUMBER: ZC 2023-06

SUBJECT: Public Hearing to consider a zoning map amendment to change the subject property from the Commercial Residential (CR) to the Commercial (C) zoning designation.

**APPLICANT/
OWNERS:** Twin Towers, LLC

**SUBJECT
PROPERTIES:** North of Ferry Street:
201 Ferry Street, Assessor's Map 04S-03W-17DA Lot 3000
205 Ferry Street, Assessor's Map 04S-03W-17DA Lot 3101
No address, Assessor's Map 04S-03W-17DA Lot 3200

South of Ferry Street:
145 Ferry Street, Assessor's Map 04S-03W-17DA Lot 5800
204 Ferry Street. Assessor's Map 04S-03W-17DA Lot 5900

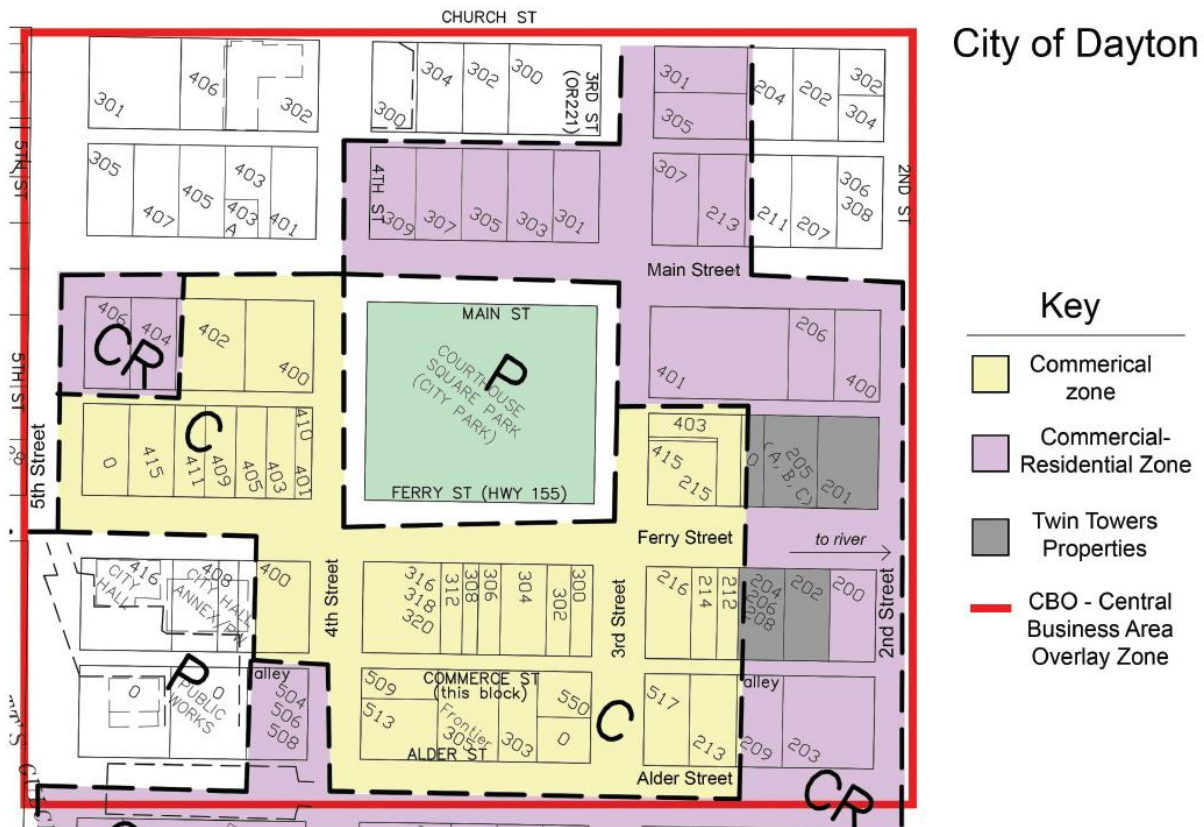
**APPROVAL
CRITERIA:** Dayton Land Use Development Code, Section 7.3.111.03, A – E.

EXHIBITS: A. Proposed Map Amendment
B. Applicant's Submittal
C. Engineering Comments
D. Case File 03-01 enacting CR Zoning District

I. REQUESTED ACTION

A request to change the zoning of the subject property described above from the current Commercial Residential (CR) zoning designation to Commercial (C). The Applicant provided the map in Figure 1 to describe the request. The properties subject to the request are shown in gray in the Applicant's exhibit:

Figure 1: Applicant's Zoning Exhibit



II. SITE DESCRIPTION

The request involves property on the north and south sides of Ferry Street between 2nd and 3rd Street. The entire area included in the request is within the Central Business Area Overlay (CBO) and borders the existing Commercial (C) district to the west.

The area to the north of Ferry Street contains residential uses and is adjacent to residential uses to the north and east. The adjacent property to the west is within the existing Commercial district and is vacant. The Applicant received preliminary approval for a property line adjustment application to consolidate the lots on the north side of Ferry Street into a single lot extending from 2nd to 3rd Street.

The area to the south of Ferry Street is vacant and contains two discrete lots. Adjacent areas to the south and east are developed with residential uses. Adjacent properties to the west are developed with commercial uses within the existing Commercial zoning district.

The Commercial Residential zone was enacted in 2003 by City Case File 03-01 (Exhibit D). Prior to 2003, the subject properties were included in the Commercial zoning district. The proposed zone change request would return the area to the previous historic zoning designation.

Figure 2: Aerial View of Subject Properties



III. PROCESS

Section 7.3.111.01 of the DLUDC explains how zone changes shall be reviewed in accordance with the procedures for Type III review specified in Section 7.3.202.02. A Type III action is a quasi-judicial process in which the City Council applies a mix of objective and subjective standards. Staff and the Planning Commission have advisory roles. Type III reviews of zone changes are limited to applications affecting 5 or fewer adjacent parcels or less than 10 acres of land. As previously discussed, with the Applicant's approved lot consolidation, the request involves a total of 3 lots. Approval criteria for Zone Changes are found in Section 7.3.111.03.

The application was received by the City on December 4, 2023. The Applicant was notified of items needed to complete the application on January 2, 2024. The Applicant submitted additional information on January 10, 2024 to address the applicable review criteria. Written notice of the March 14, 2024 public hearing at Planning Commission and the April 1, 2024 hearing at City Council was mailed on February 7. On February

8, 2024, staff submitted the required 35-day notice to the Department of Land Conservation and Development.

IV. FINDINGS ADDRESSING APPROVAL CRITERIA

7.3.111.01 Process

Zone changes shall be reviewed in accordance with the Type III review procedures specified in Section 7.3.201. Type III reviews shall be limited to zone changes affecting 5 or fewer adjacent parcels ownerships or less than 10 acres of land. Zone changes affecting more than 5 adjacent parcels ownerships or more than 10 acres shall be considered legislative actions and subject to a Type IV review process.

Findings: The Applicant’s preliminary submittal included title information on properties outside the boundaries of the application within the existing Commercial District. The Applicant has also received preliminary approval (PLA 23-07) to consolidate the lots to the north of Ferry Street into a single lot occupying the entire block between 2nd and 3rd Streets. The property to the south of Ferry Street includes two discrete lots – Lots 144 and 145 of the Dayton Town Plat. Therefore, with the anticipated recording of the approved lot consolidation, the proposal involves three lots under the same ownership consisting of less than 10 acres. The Type III process applies and a Type IV legislative Zone Change is not required.

7.3.111.02 Application And Fee

An application for a zone change 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.

Findings: The application was received by the City on December 4, 2023. The Applicant was notified of items needed to complete the application on January 2, 2024. The Applicant submitted additional information on January 10, 2024. Written notice of the March 14, 2024 public hearing at Planning Commission and the anticipated April 1 hearing at City Council was mailed at least 20 days prior to the hearing date to the applicant and owners of property within 200 feet of the boundaries of the properties subject to the request. On February 8, 2024, staff issued the required 35-day notice to the Department of Land Conservation and Development.

7.3.111.03 Criteria For Approval

Zone change proposals shall be approved if the applicant provides evidence substantiating the following:

- A. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.*

Findings: The proposal involves changing the zoning of the subject area from one commercial zoning designation (Commercial Residential) to another commercial zoning designation (Commercial) on land designated for Commercial use in the Comprehensive Plan. The proposed Commercial zoning designation is appropriate for the Commercial land use designation. Chapter 8.5 of the Comprehensive Plan includes a number of economic policies related to commercial development. Staff extrapolated information relevant to Comprehensive Plan policies in Chapter 8.5 from the Applicant’s submitted written statement. Staff find the following policies applicable to the application:

- 1. The City shall promote diversification of the City’s economy by designating sufficient lands for commercial and industrial uses.*

Findings: The area subject to the application is proposed to remain in the Commercial land use designation. Therefore, the proposal does not change the land available for Commercial use. Staff find this policy is satisfied.

2. *The City shall support and cooperate with appropriate regional, State and Federal agencies that acknowledge and aid the special needs of rural communities for the purposes of improving the economy of Dayton.*

Findings: The proposal has no impact on the City efforts to support and cooperate with appropriate regional, State and Federal agencies. This policy does not appear to be relevant to this application.

3. *The City shall actively pursue measures and incentives to encourage the retention and expansion of existing firms and attract new commercial and industrial businesses to locate in Dayton.*

Findings: While not specifically directed in response to this policy, the Applicant included the following in their written statements addressed generally to the economic policies in Chapter 8.5 of the Comprehensive Plan:

Twin Towers desires to change from Commercial Residential to Commercial because of the flexibility allowed in commercial zone development. A high-quality development aligns with the policies found in Section 8.5 of the Dayton Comprehensive Plan. The focus will be on hospitality-based concepts including a flagship hotel. This will accomplish Dayton objectives, including but not limited to amplifying the central business district as the primary retail center of the of the community, provide a focal point for both residents and visitors and increase employment opportunities within the City's downtown. As a hotel of this scale does not yet exist in the City of Dayton, it will diversify and improve the City's economy.

Staff incorporates the Applicant's statement as evidence that the proposal can potentially encourage a new hospitality-oriented firm to locate in Dayton. This policy is satisfied.

4. *The City shall encourage, and establish regulations supporting, the location of wineries and their attendant businesses in the community.*

Findings: No specific development is proposed as part of the application. The Applicant's written statement suggests that under Commercial zoning, the subject properties would be more attractive to wine attendant businesses, and cites some examples of how wine attendant business could be restricted under in the existing Commercial Residential zone:

For example, if the parcels remain designated as Commercial Residential, a wine tasting room that retails wine would be a conditional use, or a rooftop bar would be excluded per the code. It would also require the project to apply for a Conditional Use Permit, which is not desired.

Prior to 2003, the subject properties were zoned Commercial. The Commercial Residential was applied to the subject area in 2003. The stated purpose of the Commercial Residential zone is *to provide areas for the development of a mixture of single family, multi-family, and manufactured homes, and limited retail and service commercial uses.* Commercial uses that do not comply with the permitted uses in DLUDC 7.2.105.02.B, such as taverns, bars, and similar establishments are allowed with a Conditional Use Permit, as are wineries with retail sales. While the regulations within the Commercial Residential zone do not specifically discourage or prohibit wineries and wine attendant business within the community, the primary stated purpose of the zone is to provide area as for residential development and limit retail and commercial service uses. Staff observe that wineries and wine attendant businesses typically involve retail and commercial service uses, therefore the Planning Commission can find that the Commercial zone is more encouraging of wineries and wine attendant businesses and better satisfies this policy than the existing Commercial Residential zone. This policy is satisfied.

5. *The City shall ensure necessary public services are available, are of sufficient capacity and adequately maintained to provide for growth and development of identified commercial and industrial property.*

Findings: As previously discussed, the application does not involve physical development at this time. The City Engineer submitted comments on the application indicating that public services are available to serve

the site but the adequacy of public services for serving future development will be evaluated through Site Development Review. That review will result in conditions of approval requiring public facilities to be provided or upgraded where they are found to be insufficient to support the development. Staff also observes that the similarity between the allowed uses in the existing Commercial Residential and the requested Commercial district, in the absence of any specific development proposed, support the conclusion that necessary services are available to serve uses permitted in the Commercial zone. The proposal is consistent with this policy.

6. Development shall be controlled in such a way that the maximum utilization of public utilities can be achieved.

Findings: As previously discussed, the application does not involve physical development at this time and new development will be evaluated through Site Development Review. That review will result in conditions of approval requiring public facilities to be provided or upgraded where they are found to be insufficient to support the development. Therefore, through the Site Development Review Process, the proposal can be found to be consistent with this policy.

7. Commercial development shall take into consideration traffic safety and compatibility with respect to Ferry Street, Highway 18 and Highway 221. The City shall confer with the Oregon Department of Transportation regarding development along or near these streets.

Findings: Commercial development within the subject area shall take into consideration traffic safety and compatibility with respect to Ferry Street, Highway 18 and Highway 221 through Site Development Review. The application does not involve changing the Commercial land use designation of the property, therefore the proposal does not affect this policy.

8. The City shall promote the continued function and preservation of the central business district as the primary retail center of the community. This general policy statement shall be supported by the following policies:

- *The City shall designate Commercial zoned land located south of Church Street, east of fifth Street, north of Alder Street and west of Second Street as the Central Business District (CBD).*
- *Competing commercial activity outside the CBD, especially linear “strip” commercial development, shall be discouraged.*
- *Downtown development and redevelopment, renovation of existing structures, and preservation of historic structures in the CBD shall be encouraged.*
- *High quality development in the CBD shall be encouraged through separate design standards and the design review process.*

Findings: The City recently implemented new design standards in the CBO district consistent with this policy. Those standards will apply to the rezoned properties as they do now. As previously discussed, the purpose of the Commercial Residential district prioritizes residential development over retail and commercial uses. Therefore, application of the Commercial zone to this property better satisfies the policy than existing Commercial Residential zone.

B. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.

Findings: Future commercial uses within the requested Commercial zone will be reviewed as part of future Site Development Review applications to, in part, ensure that permitted uses can be accommodated on the property without exceeding its physical capacity. This criterion can be met.

C. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Code.

Findings: Future commercial uses within the requested Commercial zone will be reviewed for compliance with the development requirements of the code as part of future Site Development Review. This criterion can be met.

D. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.

Findings: The applicant is not proposing development as part of this application. Therefore, staff is relying on historic information to determine the adequacy of public facilities to serve potential future development in the requested Commercial district. As previously discussed, the public facilities serving the site were originally planned and sited to serve the Commercial district before the Commercial Residential zone was enacted and applied to the properties. Further, the use standards in the Commercial Residential zone allow all commercial uses not otherwise permitted in the Commercial Residential with a Conditional Use permit. Therefore, because of the similarity in the uses and intensity of uses allowed in the requested Commercial zone when compared to the uses allowed in the existing Commercial Residential zone, staff finds that public facilities are adequate to serve future commercial use. The comments submitted from the City Engineer on the application stated that there does not appear to be any issues with streets or utilities that would preclude the zone change. Finally, development within the Commercial zone requires Site Development Review. Therefore, the adequacy of public facilities, services, and transportation networks will be evaluated in the course of that review to ensure that any needed facilities are provided concurrently with development of the property when it is proposed. This criterion can be met.

E. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.

Findings: The proposal does not involve a residential zone change. This criterion does not apply.

7.3.111.04 Zone Change Conditions

A. Imposition of Conditions. Approval of a zone change application may be conditioned to require provisions for buffering or provision of off-site public facilities. In order to impose conditions on a zone change, findings must be adopted showing that:

- 1. The zone change will allow uses more intensive than allowed in the current zone; and*
- 2. The conditions are reasonably related to impacts caused by development allowed in the proposed zone or to impacts caused by the specific development proposed on the subject property; and*
- 3. Conditions will serve a public purpose such as mitigating the negative impacts of allowed uses on adjacent properties; and*

Findings: As previously discussed, the existing Commercial Residential zone allows for similar range and intensity of uses as are allowed in the requested Commercial zone. The residential use currently allowed in the Commercial Residential zone will no longer be permitted outright in the Commercial zone. Staff has observed that the area was originally zoned Commercial before the Commercial Residential zone was applied. The City Engineer has verified that public services are in place to serve future development. The adequacy of public facilities, services, and transportation networks will be evaluated as part of future Site Development Review. Comments from the City Engineer also describe the improvements the Applicant should anticipate providing as a condition of future development. Additional conditions of approval addressing Criteria 1-3 above are not warranted for this decision but should be anticipated with future development.

B. Conditions. Conditions that could meet the criteria in A., include, but are not limited to:

- 1. Dedication of right-of-way for public streets, utility easements, etc.; including additional right-of-way consistent with the requirements of an approved Transportation Plan.*

2. *Improvement of private roadways or public streets, including bike paths, curbs, and sidewalks.*
3. *Provision of storm drainage facilities.*
4. *Extension of public sewer, storm drain, and water service including over-sizing to permit development on other lands.*
5. *Provision of fire suppression facilities and equipment.*
6. *Provision of transit and traffic control facilities.*
7. *Special building setbacks, orientation, landscaping, fencing, berming, and retention of natural vegetation.*
8. *Special locations for truck loading, parking, access routes, or any outdoor activity that could impact adjacent property.*
9. *Financial contributions to public agencies to offset increased costs for providing services or facilities related to the intensification of the use of the property.*

Findings: As previously discussed, the application does not include physical development. Therefore, there is no nexus to require these conditions as part of this application. Comments from the City Engineer describe the improvements the Applicant should anticipate providing as a condition of future development. Conditions for the purposes described in Sections B. 1 through 9 are not warranted at this time.

V. CONCLUSION

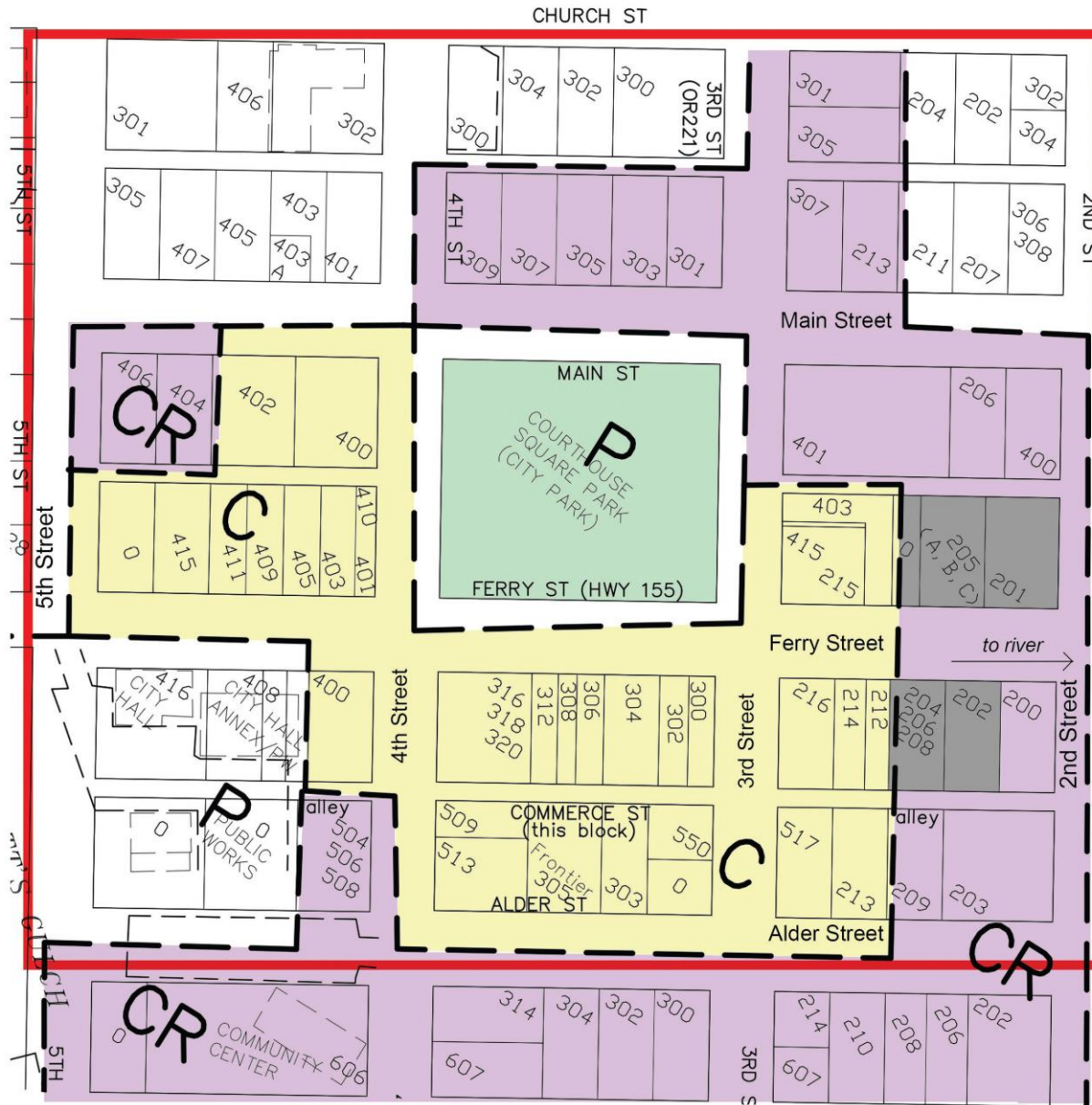
The application satisfies the approval criteria for a Zone Change under DLUDC 7.3.111.03.

VI. PLANNING COMMISSION ACTION – Sample Motion

A Planning Commissioner may make a motion to either:

1. Adopt the staff report and recommend the City Council approve the Zone Change. A sample motion is:
I move the Planning Commission adopt the staff report and recommend the City Council approve the Zone Change.
2. Adopt a revised staff report with changes by the Planning Commission and recommend the City Council approve the revised amendments. A sample motion is:
I move the Planning Commission adopt a revised staff report with the following revisions...state the revisions...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 Planning Commission recommend 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 Planning Commission 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.

EXHIBIT A



City of Dayton

Key

- Commerical zone
- Commercial-Residential Zone
- Twin Towers Properties **To be added to Commercial District**
- CBO - Central Business Area Overlay Zone



Paul M. Falsetto Architect

EXHIBIT B

Twin Towers, LLC
7401 SW Washo Ct. Suite 200
Tualatin, OR 97062

December 1, 2023

City of Dayton, Planning
PO Box 339
Dayton, OR 97114

Re: Application for Zone Change

Twin Towers LLC is proposing a zoning change for 3 properties currently zoned Commercial Residential (CR). We request that the zone be changed to a Commercial (C) zone, for purposes of developing a greater amount and type of commercial spaces in Dayton's downtown core. These three properties directly abut Courthouse Square Park and will allow for an increase in commercial space available in the area that is best set up for such development.

The proposed zone will allow for development of a future hotel. A development of this type complies with requirements in the Code and is consistent with the Dayton Comprehensive Plan land use classification.

We understand that Dayton currently has adequate public facilities and services to support additional commercial capacity in the downtown core. We do not anticipate an additional Commercial (C) zone exceeding demand.

The zone change proposed will allow for continuity in meeting land use and code requirements in the future development of the properties identified in this application. However, Twin Towers LLC is not proposing a formal development plan at this time. This will be proposed at a later date and subject to review for adequate public facilities, services and transportation networks in advance of development commencing.

Sincerely,



Wayne Marschall
Manager
Twin Towers, LLC



Zone Change Application

416 Ferry St - PO Box 339
 Dayton OR 97114
 Phone # (503) 864-2221
 Fax # (503) 864-2956
www.daytonoregon.gov
cityofdayton@daytonoregon.gov

For City of Dayton use:

Date Application Received: <u>12/1/23</u>	Received By: <u>[Signature]</u>	File Number:
Public Hearing Date:		Fee Amount: <u>\$2,000</u>
Application Completed Date:	Application Approval Date:	

Name of Applicant: Twin Towers, LLC

Physical Address: 7401 SW Washo Ct. Suite 200 City: Tualatin ST: OR Zip: 97062

Mailing Address: Same as above City: _____ ST: _____ Zip: _____

Telephone Number: 971-241-2076 Cell Number: Same

Email Address: kellyjhaverkate@gmail.com

By signing below I certify that all the information and required documents are in all respects true and correct to best of my knowledge. I further understand that issuance of a permit based upon this application will not excuse me from complying with all City, County and State rules and regulations. I agree that it is my responsibility to comply with any conditions set forth in the approval, or any statutory requirements related to this request. Furthermore, I understand that I will be responsible to reimburse the City for any costs incurred on my behalf for planning, engineering, legal services, and city staff time over the base fee as related to my request.

Applicant Signature: [Signature] Date: 11/22/2023

Parcel/Property # 1

Site Address or Location: 403 3rd St. Dayton, OR 97114 (All properties included in concurrent Property Line Adjustment application.)

Nearest Cross Street: 3rd and Ferry Streets

Map & Tax Lot Number: R4317DA 03300, 03500, 03200, 03400 Square Footage or Acreage: 35,880 Sq Ft

Map & Tax Lot Number: 03101.03000.

Current Zoning: CR Proposed Zoning: C

Property Owner (If different) from Applicant: Same as applicant

Address: 7401 SW Washo Court, Suite 200 City: Tualatin ST: OR Zip: 97062

Phone: 503-612-1563 Email Address: wayne.marschall@thestollergroup.com

Property Owner Signature: [Signature] Date: 11/22/2023

I/We the above signed Property Owner(s), consent to the zone change of our property as shown on the attached plan map.

For Office Use

Fee: <u>\$2000</u>	Deposit:	Amount Paid: <u>\$2,000</u>	Date Paid: <u>12/1/23</u>	Receipt # <u>15963</u>
Approved by: <input type="checkbox"/> City Manager <input type="checkbox"/> City Planner <input type="checkbox"/> Public Works Director <input type="checkbox"/> City Engineer <input type="checkbox"/> Fire Marshall/Chief				
Applicant Notification Date:		Comments:		
Additional Services Amount Billed:		Paid:	<input type="checkbox"/> Planner	
<input type="checkbox"/> Engineer		<input type="checkbox"/> Staff Time		<input type="checkbox"/> Other
Notes:				

SITE/LOCATION INFORMATION

Parcel/Property #2

Site Address or Location: 145 Ferry St. Dayton, OR 97114 (Vacant lot, no structures)
Nearest Cross Street: 2nd & Ferry Streets
Map & Tax Lot Number: R4317DA 05800 Square Footage or Acreage: 7,200 Sq Ft
Plan Designation: Current zoning CR Zoning: Requested zoning C
Property Owner: Same as applicant
Address: 7401 W Washo Court, Suite 200 City: Tualatin ST: OR Zip: 97062
Phone: 503-612-1563 Email Address: wayne.marschall@thestollergroup.com
Property Owner Signature: W. Marshall Date: 11/22/2023
I/We the above signed Property Owner(s), consent to the zone change of our property as shown on the attached plan map.

Parcel/Property #3

Site Address or Location: 204 Ferry St Dayton, OR 97114 (Vacant lot, no structures)
Nearest Cross Street: 2nd and Ferry Streets
Map & Tax Lot Number: R4317DA 05900 Square Footage or Acreage: 7,200 Sq ft.
Plan Designation: Current zoning CR Zoning: Requested zoning C
Property Owner: Same as applicant
Address: 7401 SW Washo Court, Suite 200 City: Tualatin ST: OR Zip: 97062
Phone: 503-612-1563 Email Address: wayne.marschall@thestollergroup.com
Property Owner Signature: W. Marshall Date: 11/22/2023
I/We the above signed Property Owner(s), consent to the zone change of our property as shown on the attached plan map.

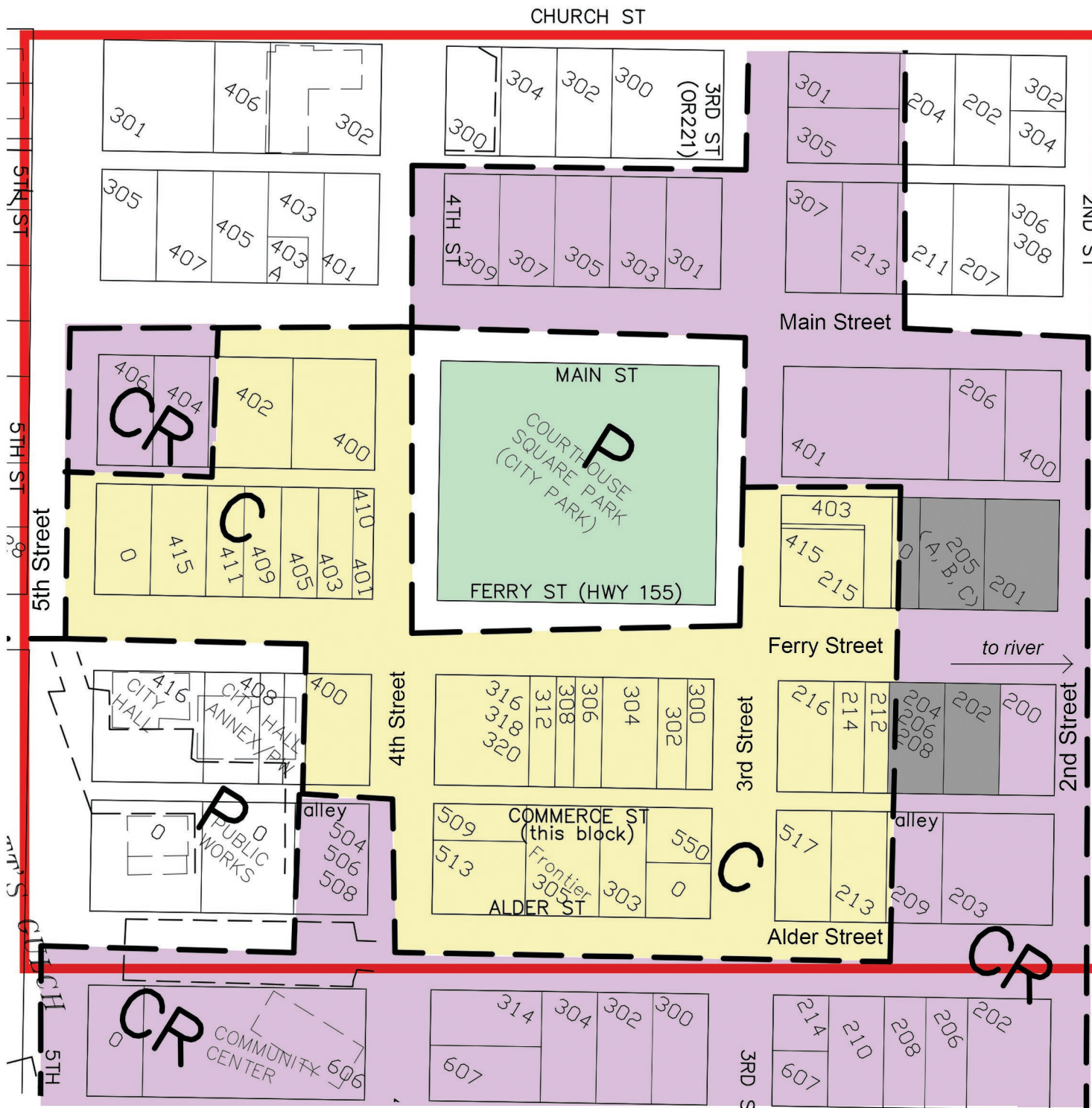
Parcel/Property #4

Site Address or Location:
Nearest Cross Street:
Map & Tax Lot Number: Square Footage or Acreage:
Plan Designation: Zoning:
Property Owner:
Address: City: ST: Zip:
Phone: Email Address:
Property Owner Signature: Date:
I/We the above signed Property Owner(s), consent to the zone change of our property as shown on the attached plan map.

Parcel/Property #5

Site Address or Location:
Nearest Cross Street:
Map & Tax Lot Number: Square Footage or Acreage:
Plan Designation: Zoning:
Property Owner:
Address: City: ST: Zip:
Phone: Email Address:
Property Owner Signature: Date:
I/We the above signed Property Owner(s), consent to the zone change of our property as shown on the attached plan map.

City of Dayton



Key

-  Commercial zone
-  Commercial-Residential Zone
-  Twin Towers Properties
-  CBO - Central Business Area Overlay Zone



Paul M. Falsetto Architect



320 Church St. NE, Salem, OR 97301
PHONE (503)581-1431 FAX (503)364-8716

STATUS OF RECORD TITLE

FSBO
November 20, 2023
Title Number: 615158AM
Title Officer: Carlee Novak
Fee: \$200.00
Your Reference No. 145 Ferry Street

We have searched the status of record title as to the following described property:

Lot 145, ORIGINAL TOWN OF DAYTON, Yamhill County, Oregon.

Vestee:

Twin Towers, LLC, an Oregon limited liability company

and dated as of **November 18, 2023** at 7:30 a.m.

Said property is subject to the following on record matters:

Tax Information:

Taxes assessed under Code No. 8.0 Account No. 115734 Map No. R4317DA 05800

NOTE: The 2023-2024 Taxes: \$2,489.11, are Paid

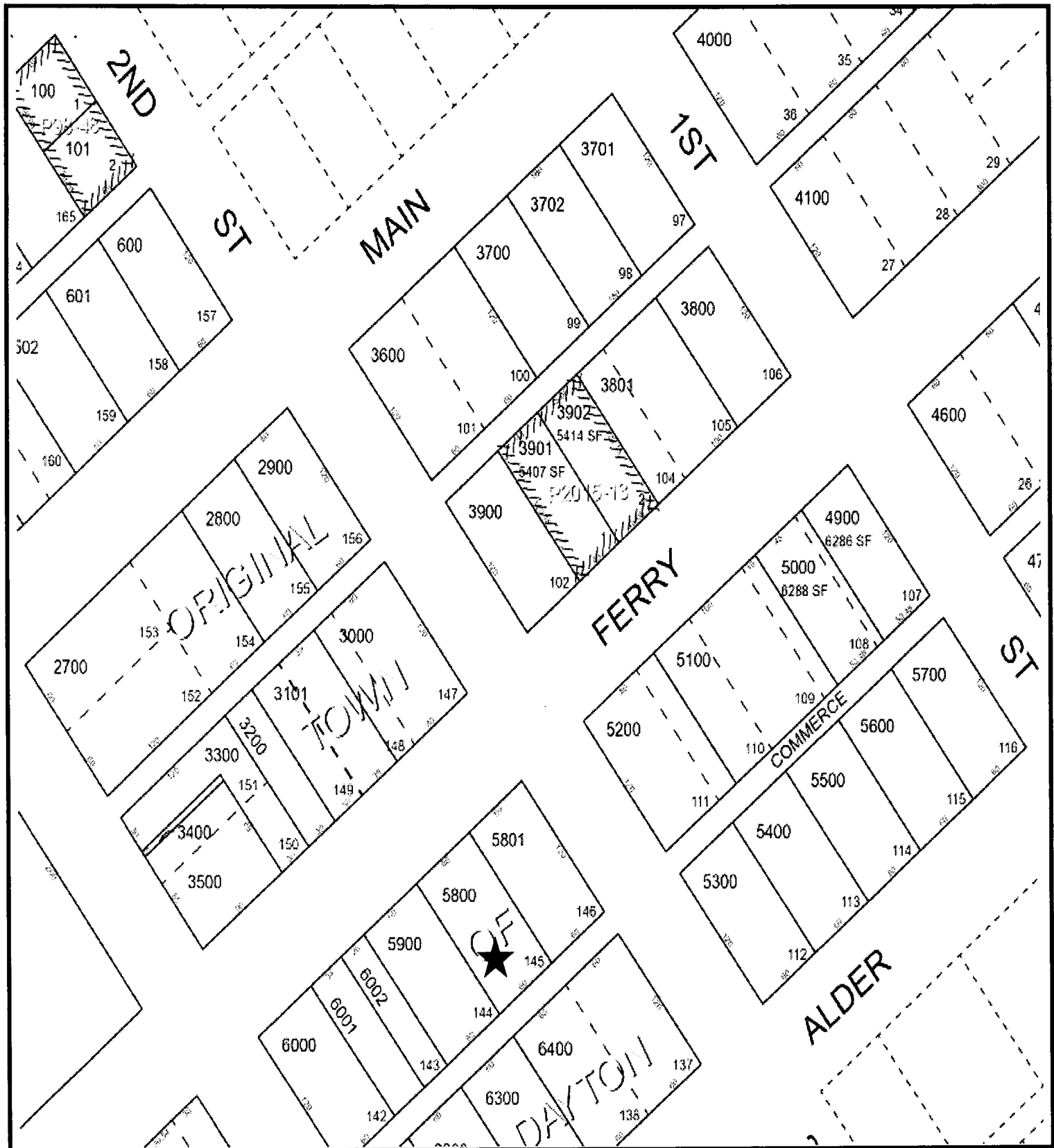
1. City liens, if any, of the City of Dayton.
(No inquiry has been made. If no search is requested, this exception will remain in the policy. A charge of \$25.00 per account will be added if a search is requested)
2. The property lies within and is subject to the levies and assessments of the Yamhill Soil and Water Conservation District.
3. Effect, if any, of a Easement,
From: Curtis A. and Mary F. Huber
To: Thomas C. Torrence
Recorded: December 1, 1977
Instrument No.: Film: 125 Page: 33

Amended by instrument,
Recorded: May 31, 2019
Instrument No.: 2019-06919
4. Unrecorded leaseholds, if any, and the rights of vendors and holders of security interest in personal property of tenants to remove said personal property at the expiration of the term.

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

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"Superior Service with Commitment and Respect for Customers and Employees"



**145 Ferry Street
Dayton, OR 97114**

THIS MAP IS FURNISHED AS AN ACCOMMODATION STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. IT DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREOF



320 Church St. NE, Salem, OR 97301
PHONE (503)581-1431 FAX (503)364-8716

STATUS OF RECORD TITLE

FSBO
November 21, 2023
Title Number: 615167AM
Title Officer: Michele Harris
Fee: \$200.00

Your Reference No. 201 Ferry Street

We have searched the status of record title as to the following described property:

See attached Exhibit 'A'

Vestee:

Twin Towers, LLC, an Oregon limited liability company

and dated as of **November 17, 2023** at 7:30 a.m.

Said property is subject to the following on record matters:

Tax Information:

Taxes assessed under Code No. 8.0 Account No. 115422 Map No. 04S-03W-17DA 3000

NOTE: The 2023-2024 Taxes: \$2,446.42, are Paid

1. City liens, if any, of the City of Dayton.
2. The property lies within and is subject to the levies and assessments of the Yamhill Soil and Water Conservation District.
3. Right, title and interest of the public in and to those portions of the Land lying within roads, streets or highways.

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

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"Superior Service with Commitment and Respect for Customers and Employees"

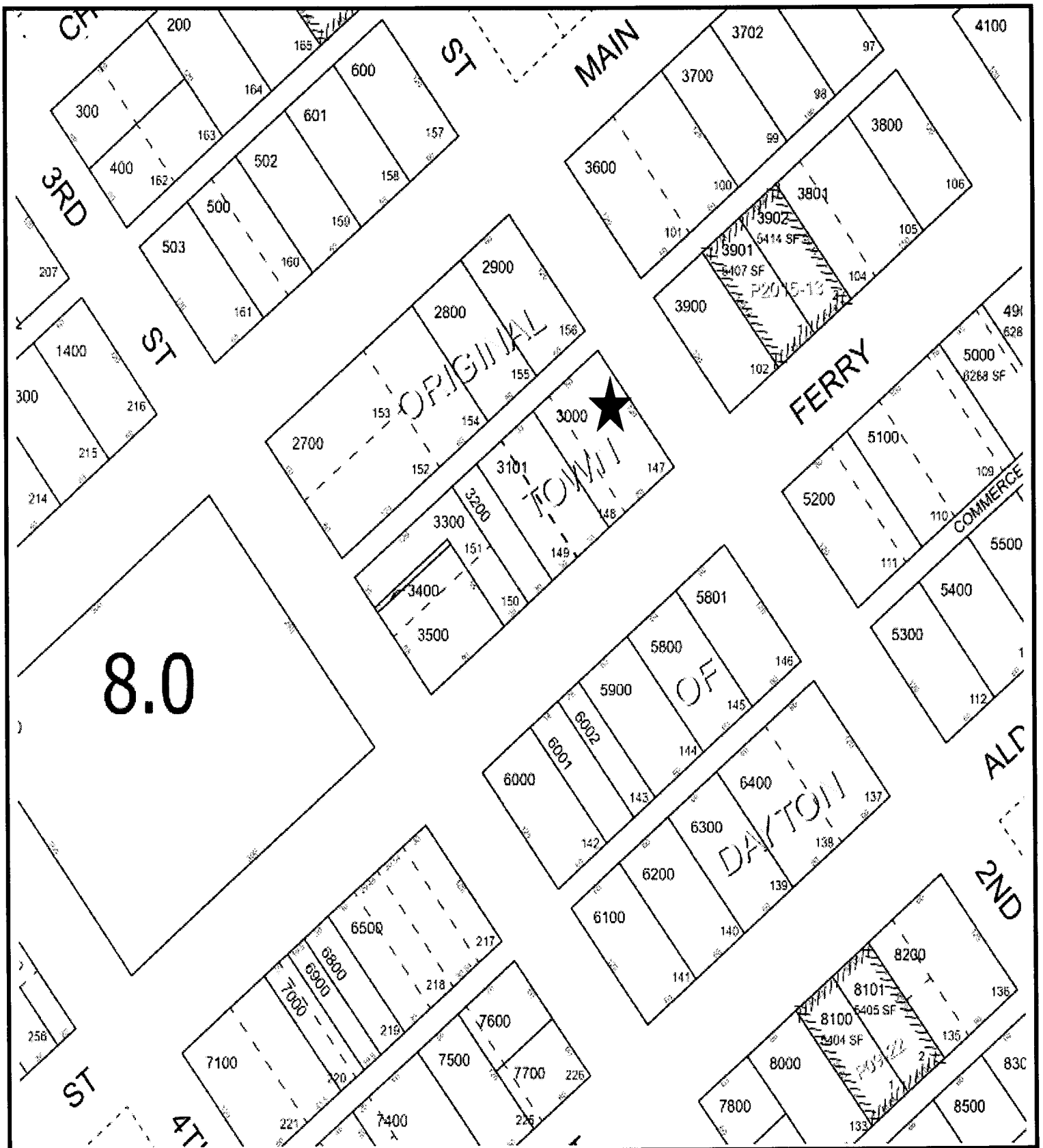
EXHIBIT 'A'

File No. 615167AM

PARCEL1: Lot 147 in the TOWN OF DAYTON in Yamhill County, Oregon.

PARCEL 2: A portion of Lot 148 in the TOWN OF DAYTON in Yamhill County, Oregon, more particularly described as follows:

COMMENCING on the North line of Ferry Street at the corner of Lots 147 and 148; thence Southwesterly along the North line of Ferry Street, 20 feet; thence Northwesterly and parallel to the line between Lots 147 and 148, 120 feet to the most Northerly line of said Lot 148; thence Northeasterly along said Northerly line of said Lot 148, 20 feet to the most Northeasterly corner of said Lot 148; thence Southeasterly along the line between Lots 147 and 148, 120 feet to the place of beginning.



**R4317DA 3000, 201 Ferry Street
Dayton, OR 97114**

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320 Church St. NE, Salem, OR 97301
PHONE (503)581-1431 FAX (503)364-8716

To: FSBO

Attn: Kelly Haverkate – Property
Manager

Your File No.: 205 Ferry Street

Date: November 21, 2023

Order No. 615166AM

Reference: 205 Ferry Street
Dayton, OR 97114

We have enclosed our Status of Record Report pertaining to order number 615166AM.

Thank you for the opportunity to serve you. Your business is appreciated!

If you have any questions or need further assistance, please do not hesitate to contact your Title Officer listed below.

Sincerely,

Carlee Novak

carlee.novak@amerititle.com

Title Officer

NOTICE: Please be aware that, due to the conflict between federal and state laws concerning the legality of the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving land that is associated with these activities.



320 Church St. NE, Salem, OR 97301
PHONE (503)581-1431 FAX (503)364-8716

STATUS OF RECORD TITLE

FSBO
November 21, 2023
Title Number: 615160AM
Title Officer: Holly Noble
Fee: \$200.00
Your Reference No. 204 Ferry Street

We have searched the status of record title as to the following described property:

See attached Exhibit 'A'

Vestee:

Twin Towers, LLC, an Oregon limited liability

and dated as of **November 17, 2023** at 7:30 a.m.

Said property is subject to the following on record matters:

1. City liens, if any, of the City of Dayton.
(No inquiry has been made. If no search is requested, this exception will remain in the policy. A charge of \$25.00 per account will be added if a search is requested)
2. The property lies within and is subject to the levies and assessments of the Yamhill Soil and Water Conservation District.
3. An easement including the terms and provisions thereof, affecting the portion of said Land and for the purposes stated therein as set forth in instrument:
Recorded: December 10, 1977
Instrument No.: Volume: 125 Page: 33
4. Ordinance 629 City of Dayton, Oregon, including the terms and provisions thereof,
Recorded: January 11, 2016
Instrument No.: 2016-00345
5. An easement including the terms and provisions thereof, affecting the portion of said Land and for the purposes stated therein as set forth in instrument
Recorded: May 31, 2019
Instrument No.: 2019-06919
Book: , Page:
6. Unrecorded leaseholds, if any, and the rights of vendors and holders of security interest in personal property of tenants to remove said personal property at the expiration of the term.

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

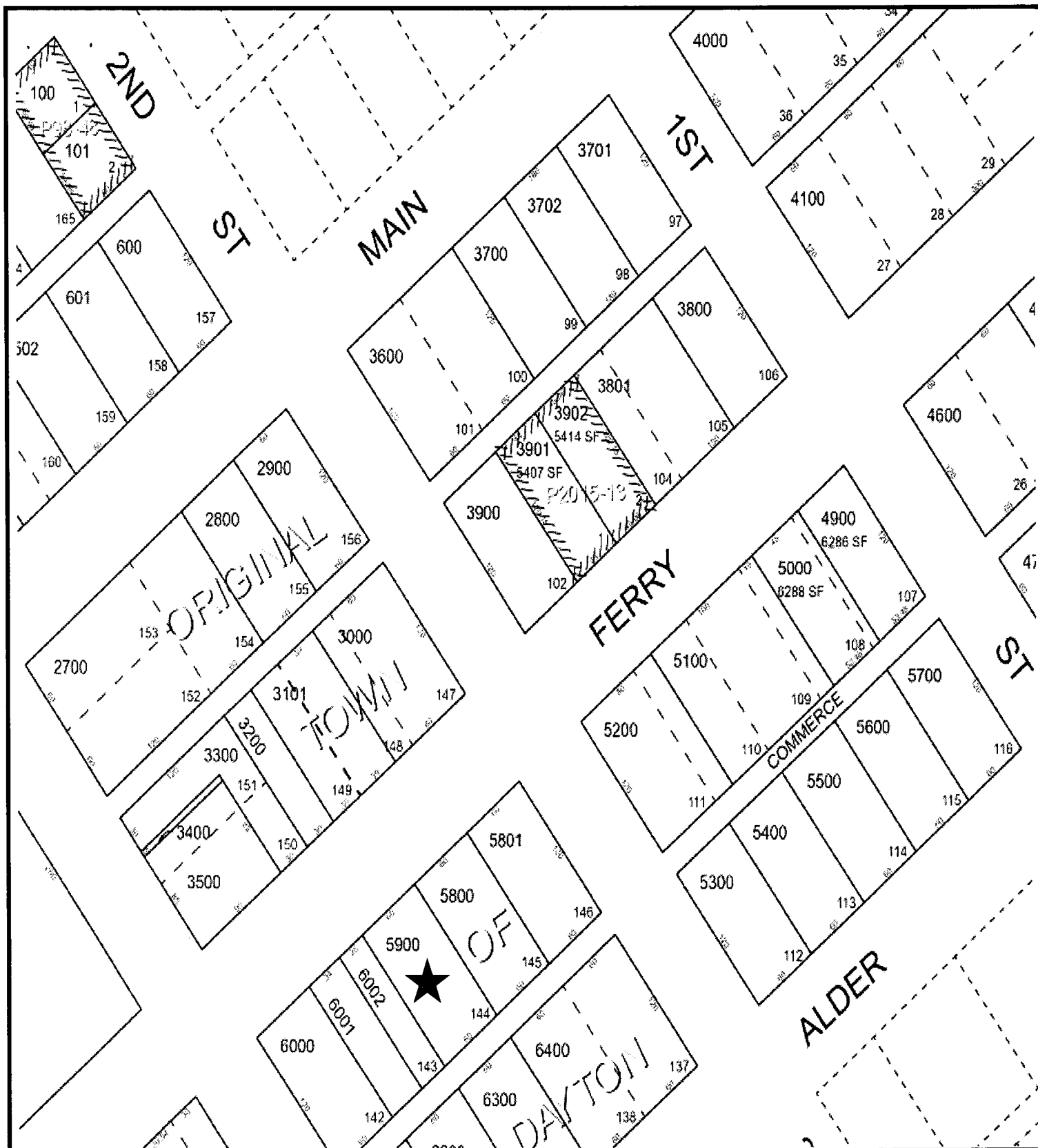
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"Superior Service with Commitment and Respect for Customers and Employees"

EXHIBIT 'A'

File No. 615160AM

Lot 144, TOWN OF DAYTON, County of Yamhill, State of Oregon.



**R4317DA 5900, 204 Ferry Street
Dayton, OR 97114**

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320 Church St. NE, Salem, OR 97301
PHONE (503)581-1431 FAX (503)364-8716

STATUS OF RECORD TITLE

FSBO
November 22, 2023
Title Number: 615166AM
Title Officer: Carlee Novak
Fee: \$200.00

Your Reference No. 205 Ferry Street

We have searched the status of record title as to the following described property:

A portion of Lots 148 and 149 of the ORIGINAL TOWN OF DAYTON, in the City of Dayton at the most Southerly corner of that tract of land conveyed to Mike Griffith, by Deed recorded March 28, 1978 in Film Volume 127, Page 1645, Deed and Mortgage Records, said point also being the most Easterly corner of a tract of land sold by Yamhill County to C. C. Munford et ux., in Deed recorded August 3, 1970 in Film Volume 80, Page 996, Deed and Mortgage Records and the True Point of Beginning of the property to be described herein; thence Northwesterly along the line common to the said Griffith and Munford tracts, a distance of 120 feet to a point on the North line of Lot 149, ORIGINAL TOWN OF DAYTON and on the South line of a 20 foot wide alley; thence Northeasterly along the North line of Lots 149 and 148. ORIGINAL TOWN OF DAYTON, a distance of 31 feet to a point; thence Southerly parallel with the line common to the said Griffith and Munford tracts, a distance of 120 feet to a point on the North line of Ferry Street; thence Southwesterly along the North line of Ferry Street and the South line of Lots 148 and 149, ORIGINAL TOWN OF DAYTON, a distance of 31 feet to the True Point of Beginning.

ALSO, the following described tract of land:

A tract of land in the City of Dayton, in Yamhill County, Oregon, and being a portion of Lot 148 in the Town of Dayton, more particularly described as follows:

BEGINNING at the most Westerly corner of that tract of land conveyed to Austin D. Cottam et ux. , by Deed recorded June 17, 1976 in Film Volume 112, Page 1936, Deed and Mortgage Records, said point also being the most Northerly corner of that tract of land conveyed to Mike Griffith, by Deed recorded March 28, 1978 in Film Volume 127, Page 1645, Deed and Mortgage Records, and the True Point of Beginning of the property to be described herein; thence Southeasterly along the line common to the said Cottam and Griffith tracts, a distance of 120 feet to the North line of Ferry Street; thence Southwesterly along the North line of Ferry Street, a distance of 39 feet to a point; thence Northwesterly parallel with the line common to the said Cottam and Griffith tracts, a distance of 120 feet to a point on the North line of Lot 148 In the Town of Dayton and on the South line of a 20 foot wide alley; thence Northwesterly along the North line of Lot 148, a distance of 39 feet to the True Point of Beginning, the property described herein also being known as the Easterly 39 feet of even width of the said Griffith property, as described in Deed recorded March 28, 1978 in Film Volume 127, Page 1645, Deed and Mortgage Records.

Vestee:

Twin Towers, LLC, an Oregon limited liability company

and dated as of **November 17, 2023** at 7:30 a.m.

Said property is subject to the following on record matters:

Tax Information:

Taxes assessed under Code No. 8.0 Account No. 403780 Map No. R4317DA 03101

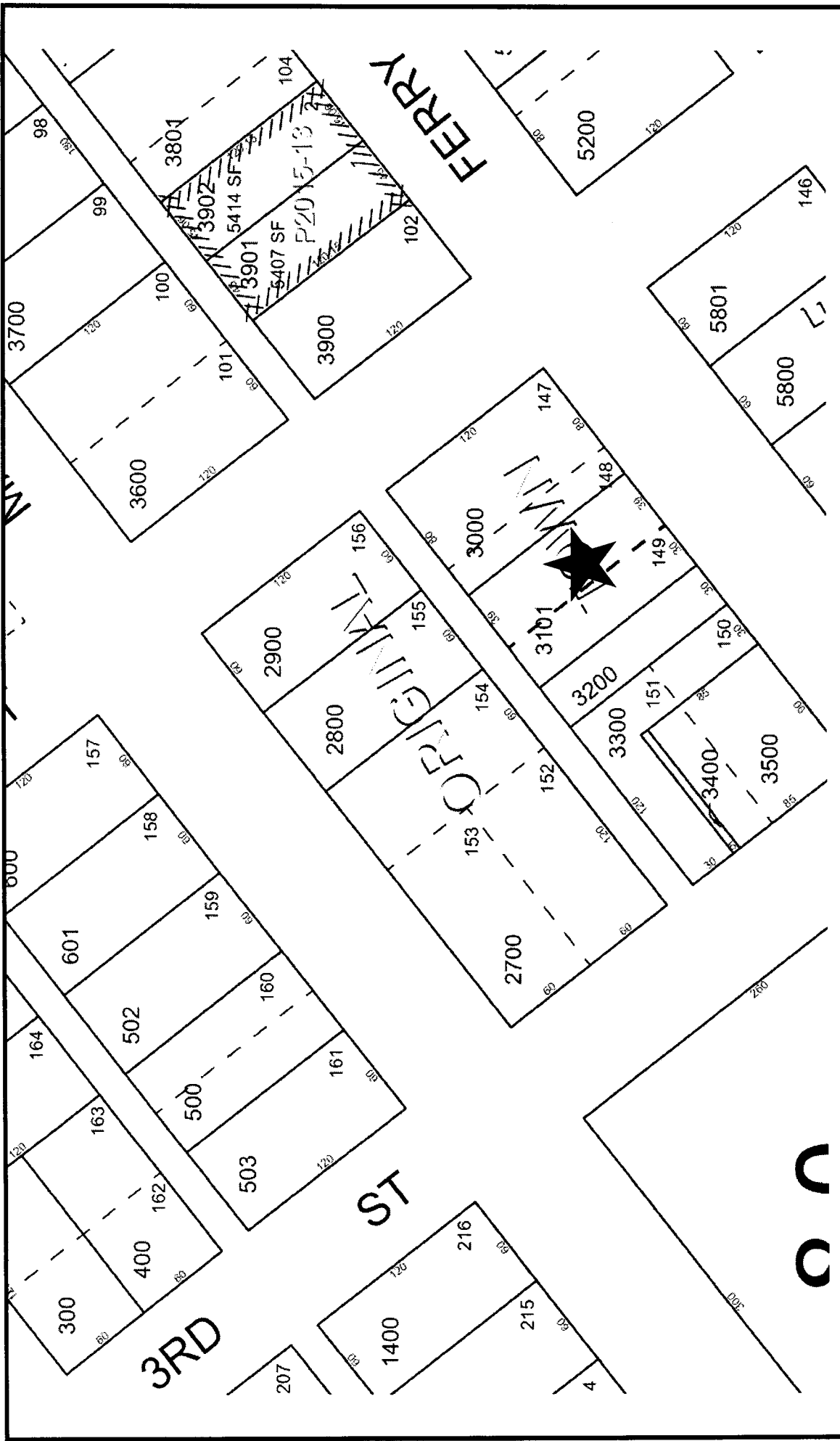
NOTE: The 2023-2024 Taxes: \$2,881.11, are Paid

1. City liens, if any, of the City of Dayton.
(No inquiry has been made. If no search is requested, this exception will remain in the policy. A charge of \$25.00 per account will be added if a search is requested)
2. The property lies within and is subject to the levies and assessments of the Yamhill Soil and Water Conservation District.
3. Agreement for Easement, including the terms and provisions thereof,
Recorded: June 1, 1997
Instrument No.: Film: 213 Page: 1464
4. An easement including the terms and provisions thereof, affecting the portion of said Land and for the purposes stated therein as set forth in instrument:
Granted To: Oregon Department of Environmental Quality
Recorded: January 25, 2011
Instrument No.: 2011-01160
5. Unrecorded leaseholds, if any, and the rights of vendors and holders of security interest in personal property of tenants to remove said personal property at the expiration of the term.

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

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"Superior Service with Commitment and Respect for Customers and Employees"



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**205 Ferry Street
Dayton, OR 97114**





320 Church St. NE, Salem, OR 97301
PHONE (503)581-1431 FAX (503)364-8716

STATUS OF RECORD TITLE

FSBO
November 21, 2023
Title Number: 615161AM
Title Officer: Whitney Estes
Fee: \$200.00
Your Reference No. 403 3rd Street

We have searched the status of record title as to the following described property:

See attached Exhibit 'A'

Vestee:

Twin Towers, LLC, an Oregon Limited Liability Company

and dated as of **November 21, 2023** at 7:30 a.m.

Said property is subject to the following on record matters:

Tax Information:

Taxes assessed under Code No. 8.0 Account No. 115440 Map No. R4317DA 03200

NOTE: The 2023-2024 Taxes: \$138.37, are Paid

Taxes assessed under Code No. 8.0 Account No. 115459 Map No. R4317DA 03300

NOTE: The 2023-2024 Taxes: \$530.54, are Paid

Taxes assessed under Code No. 8.0 Account No. 115468 Map No. R4317DA 03400

NOTE: The 2023-2024 Taxes: \$17.30, are Paid

Taxes assessed under Code No. 8.0 Account No. 115477 Map No. R4317DA 03500

NOTE: The 2023-2024 Taxes: \$294.29, are Paid

1. City liens, if any, of the City of Dayton.
(No inquiry has been made. If no search is requested, this exception will remain in the policy. A charge of \$25.00 per account will be added if a search is requested)
2. The property lies within and is subject to the levies and assessments of the Yamhill Soil and Water Conservation District.
3. Right, title and interest of the public in and to those portions of the Land lying within roads, streets or highways.

4. Reservation of Oil, gas, minerals, or other hydrocarbons and geothermal resources, including the terms and provisions contained therein, in deed from Chevron U.S.A. Inc., a California corporation.
Recorded: March 15, 1978
Instrument No.: Film Volume: 138 Page: 97
The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
5. An easement including the terms and provisions thereof, affecting the portion of said Land and for the purposes stated therein as set forth in instrument:
Granted To: The Secretary of Housing and Urban Development, his/her successors and assigns
Recorded: June 1, 1997
Instrument No.: Film Volume: 213 Page: 1464
6. An easement including the terms and provisions thereof, affecting the portion of said Land and for the purposes stated therein as set forth in instrument:
Granted To: Oregon Department of Environmental Quality
Recorded: January 25, 2011
Instrument No.: 2011-01160
7. Rights of tenants under existing leases or tenancies.
8. Personal property taxes, if any.

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: This report does not include a search for financing statements filed in the office of the Secretary of State in this or any other State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a financing statement is filed in the office of the County Clerk (Recorder) covering fixtures on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system by recorded lot and block.

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"Superior Service with Commitment and Respect for Customers and Employees"

EXHIBIT 'A'

File No. 615161AM

PARCEL 1: The South Half of Lot 149, ORIGINAL TOWN OF DAYTON in Yamhill County, State of Oregon.

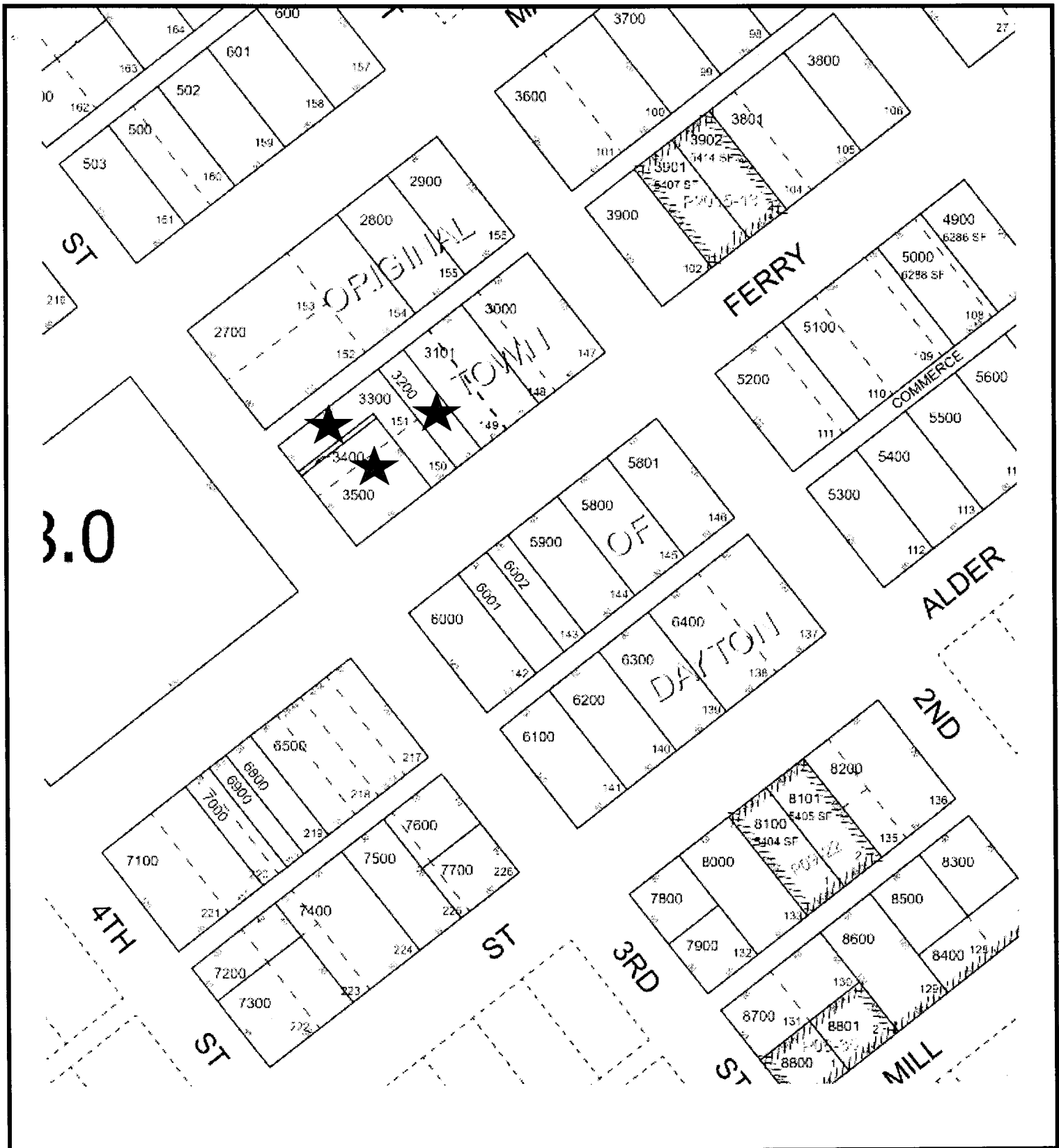
PARCEL 2: Beginning at a point on the Southeasterly line of Lot 150, 30 feet Southwesterly from the Southeasterly corner of said Lot 150; running thence Northwesterly parallel with the Northeasterly line of Lot 150, 90 feet; thence Southwesterly parallel with the Northwesterly line of Lot 151, 90 feet to the Southwesterly line of Lot 151; thence Northwesterly 30 feet to the Northwest corner of Lot 151; thence Northeasterly along the Northwesterly line of Lot 151, 120 feet to the Northeasterly corner of said Lot; thence Southeasterly along the Northeasterly line of Lot 151 and 150, 120 feet to the Northeasterly corner of Lot 150; thence Southwesterly along the Southeasterly line of Lot 150, 30 feet to the Point of Beginning, the same being a piece of land 30 feet in width across the Northeasterly end of Lots 150 and 151 and along the Northwesterly side of Lot 151, all in the Town of DAYTON in Yamhill County, Oregon.

PARCEL 3: A portion of Lots 150 and 151 in the ORIGINAL TOWN OF DAYTON in Yamhill County, Oregon, described as follows;

BEGINNING at the Southwesterly corner of Lot 150 in the CITY OF DAYTON, in Yamhill County, Oregon, and running thence Northwesterly 85 feet along the Easterly line of Third Street in said City of Dayton; thence Northeasterly parallel with the Northerly line of said Ferry Street, 90 feet; running thence Southeasterly, parallel with the said Easterly line of Third Street 85 feet to the said Northerly line of Ferry Street and thence Southwesterly along the said Northerly line of Ferry Street to the point of beginning, being a part of Lots 150 and 151 of the said CITY OF DAYTON, Yamhill County, Oregon.

PARCEL 4: A portion of Lot 151 in the ORIGINAL TOWN OF DAYTON in Yamhill County, Oregon, being more particularly described as follows;

BEGINNING at a point 30 feet Southeasterly from the most Westerly corner of Lot 151 in said ORIGINAL TOWN OF DAYTON; thence Southeasterly 5 feet along the Easterly line of 3rd Street; thence Northeasterly, parallel with the Northerly line of Ferry Street 90 feet; thence Northwesterly 5 feet; thence Southwesterly, parallel with the Northerly line of Ferry Street, 90 feet to the Point of Beginning.



**R4317DA 3300. 3500. 3200. 3400, 403 3rd
Street
Dayton, OR 97114**

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After recording, return to
(File No. 4-00011)

Jamieson Law Firm
2121 Front Street NE
Salem, OR 97301

Until a change is requested, all tax statements
shall be sent to the following address:

No change

Yamhill County Official Records	201906919
DMR-DDMR	
Stn=3 SUTTONS	05/31/2019 03:20:00 PM
3Pgs \$15.00 \$11.00 \$5.00 \$60.00	\$91.00
I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Brian Van Bergen - County Clerk	

STATUTORY QUITCLAIM DEED
(93.865)


Twin Towers, LLC, an Oregon limited liability company, as successor in interest to Thomas C. Torrence, Grantor, releases and quitclaims to Barton Scott Meaders and Tracie Leann Meaders, successors in interest to Curtis A. and Mary F. Huber, Grantee, all of Grantor's right, title and interest in and to the easement benefitting Grantor's property described on Exhibit A, burdening Grantees' property described on Exhibit A, and recorded on December 1, 1977 at Book 125, Page 033, Deed Records of Yamhill County, Oregon (the "Property").

The true and actual consideration for this transfer in terms of dollars is \$0; however, the true and actual consideration consists, in whole or part, of other property or value given.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED this 29th day of May, 2019.

TWIN TOWERS, LLC,
an Oregon limited liability company

By: 
Wayne Marschall, Manager

NOTE: FIRST AMERICAN TITLE IS RECORDING THIS DOCUMENT AS AN ACCOMMODATION TO CLIENT ONLY AND WILL NOT ASSUME ANY RESPONSIBILITY AS TO ITS VALIDITY.

FIRST AMERICAN - 3244495

After recording, return to
(File No. 4-00011)

Jamieson Law Firm
Attn: Eric Jamieson
3550 Liberty Street S., Suite 290
Salem, OR 97302

Until a change is requested, all tax statements
shall be sent to the following address:

Twin Towers, LLC
7401 SW Washo Court, Suite 200
Tualatin, OR 97062

OFFICIAL YAMHILL COUNTY RECORDS
BRIAN VAN BERGEN, COUNTY CLERK

202122094



\$91.00

11/08/2021 12:52:13 PM

DMR-DDMR Cnt=1 Stn=6 MILLSA
\$15.00 \$5.00 \$11.00 \$60.00

STATUTORY WARRANTY DEED
(ORS 93.850)

Dayton Properties, LLC, an Oregon limited liability company, Grantor, conveys and warrants to Twin Towers, LLC, an Oregon limited liability company, Grantee, the following described real property situated in Yamhill County, State of Oregon, free of encumbrances except as specifically set forth herein:

PARCEL 1: Lot 147 in the TOWN OF DAYTON in Yamhill County, Oregon.

PARCEL 2: A portion of Lot 148 in the TOWN OF DAYTON in Yamhill County, Oregon, more particularly described as follows:

COMMENCING on the North line of Ferry Street at the corner of Lots 147 and 148; thence Southwesterly along the North line of Ferry Street, 20 feet; thence Northwesterly and parallel to the line between Lots 147 and 148, 120 feet to the most Northerly line of said Lot 148; thence Northeasterly along said Northerly line of said Lot 148, 20 feet to the most Northeasterly corner of said Lot 148; thence Southeasterly along the line between Lots 147 and 148, 120 feet to the place of beginning.

The true and actual consideration for this transfer in terms of dollars is \$0; however, the true and actual consideration consists, in whole or part, of other property or value given. This transfer is intended as a tax-free transfer by Grantor to the owner of Grantor.

SUBJECT TO:

1. Proceedings by a public agency which may result in taxes or assessments or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Easements, liens, encumbrances, interests, or claims thereof which are not shown by the public records; any facts, rights, interest, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of

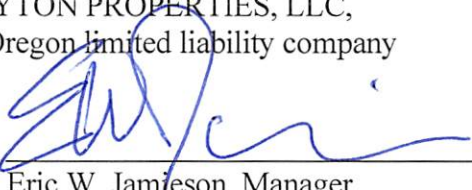
persons in possession thereof.

3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose and which are not shown by the public records.
4. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets, highways, or right-of ways.
5. Unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims or title to water, whether or not shown by the public records.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED this 3rd day of November, 2021.

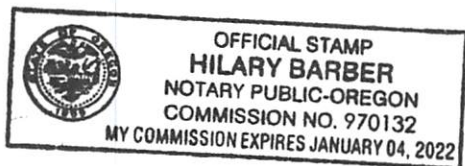
DAYTON PROPERTIES, LLC,
an Oregon limited liability company

By: 
Eric W. Jamieson, Manager

Notary jurat on following page

STATE OF OREGON)
) ss.
County of Marion)

This instrument was acknowledged before me on November 3, 2021, by Eric W. Jamieson as Manager of Dayton Properties, LLC.



Hilary Barber
NOTARY PUBLIC FOR OREGON
My Commission Expires: 01/04/22

STATUTORY WARRANTY DEED

THIS SPACE RESERVED FOR RECORDER'S USE

Ticor Title Insurance Company

Grantor: Gene H. Belt
Grantee: Twin Towers, LLC

Until a change is requested, all tax statements shall be sent to the following address:
Twin Towers, LLC
7401 SW Washo Ct., Ste 200
Tualatin OR 97062-8343

After Recording return to:
Twin Towers, LLC
7401 SW Washo Ct., Ste 200
Tualatin OR 97062-8343

Escrow No. 915282 LLF
Title No. 915282

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

200727223



\$26.00

00289692200700272230010012

12/28/2007 03:12:17 PM

DMR-DDMR Cnt=1 Stn=2 ANITA
\$5.00 \$10.00 \$11.00

915282 LLF

GENE H. BELT, Grantor, conveys and warrants to TWIN TOWERS, LLC, AN OREGON LIMITED LIABILITY COMPANY, Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in Yamhill County, Oregon, to wit:

Lot 144, TOWN OF DAYTON, County of Yamhill, State of Oregon.

The said property is free from encumbrances except:

- 1 Rights of the public in and to that portion lying within streets, roads and highways.
- 2 TOGETHER WITH an easement created by instrument recorded December 1, 1977 in Film Volume 125, Page 33, Deed and Mortgage Records of Yamhill County, Oregon.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

The true consideration for this conveyance is \$150,000.00. (Here comply with the requirements of ORS 93.030).

Dated this 28 day of December, 2007.

Gene H. Belt
Gene H. Belt

State: OR
County: Yamhill

The foregoing instrument was acknowledged before me this 28 day of December, 2007 by:

Gene H. Belt

Linda L. Finn
Notary Public
My Commission Expires: 2/6/2008



STATUTORY WARRANTY DEED

THIS SPACE RESERVED FOR RECORDER'S USE

Grantor: Nelson L. Hoopman

Grantee: Twin Towers, LLC

Until a change is requested, all tax statements shall be sent to the following address:
Twin Towers, LLC
7401 SW Washo Ct., Suite 200
Tualatin OR 97062

After Recording return to:
Twin Towers, LLC
7401 SW Washo Ct., Suite 200
Tualatin OR 97062

Escrow No. 904939 LLF
Title No. 904939

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

200720568



\$36.00

00281758200700205680030039

09/18/2007 10:17:56 AM

DMR-DDMR Cnt=1 Stn=2 ANITA
\$15.00 \$10.00 \$11.00

NELSON L. HOOPMAN, ALSO KNOWN AS NELSON HOOPMAN AND GINATH HOOPMAN, AS TENANTS BY THE ENTIRETY, Grantor, conveys and warrants to TWIN TOWERS, LLC, AN OREGON LIMITED LIABILITY COMPANY, Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in Yamhill County, Oregon, to wit:

See Attached Legal Description!

The said property is free from encumbrances except: Rghts of the public in and to that portion lying within streets, roads and highways; Reservations, including the terms and provisions thereof in Deed recorded March 15, 1978, FV 138, Pg 97, Deed and Mortgage Records; Utility Easement recorded June 1, 1987, FV 213, Pg 1464, Deed and Mortgage Records. 2007/2008 taxes a lien due but not yet payable.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

The true consideration for this conveyance is **\$500,000.00**. (Here comply with the requirements of ORS 93.030).

Dated this 17th day of September, 2007.

Nelson Hoopman
Nelson L. Hoopman

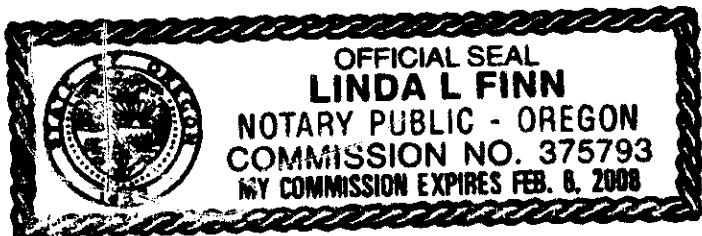
Ginath Hoopman
Ginath Hoopman

State: OR
County: Yamhill

The foregoing instrument was acknowledged before me this 17th day of September, 2007 by:

Nelson L. Hoopman and Ginath Hoopman

Linda L. Finn
Notary Public
My Commission Expires: 2/6/2008



TICOR TITLE INSURANCE COMPANY
904939 LF

YAMHILL TITLE PLANT

829 N. Hwy 99 West
P.O. Box 267 • McMinnville OR 971280267
(503) 472-6101 • FAX: (503) 434-5311

REFERENCE ORDER NUMBER: 904939

PARCEL 1: A portion of Lots 148 and 149 of the ORIGINAL TOWN OF DAYTON, in the City of Dayton at the most Southerly corner of that tract of land conveyed to Mike Griffith, by Deed recorded March 28, 1978 in Film Volume 127, Page 1645, Deed and Mortgage Records, said point also being the most Easterly corner of a tract of land sold by Yamhill County to C. C. Munford et ux., in Deed recorded August 3, 1970 in Film Volume 80, Page 996, Deed and Mortgage Records and the True Point of Beginning of the property to be described herein; thence Northwesterly along the line common to the said Griffith and Munford tracts, a distance of 120 feet to a point on the North line of Lot 149, ORIGINAL TOWN OF DAYTON and on the South line of a 20 foot wide alley; thence Northeasterly along the North line of Lots 149 and 148, ORIGINAL TOWN OF DAYTON, a distance of 31 feet to a point; thence Southerly parallel with the line common to the said Griffith and Munford tracts, a distance of 120 feet to a point on the North line of Ferry Street; thence Southwesterly along the North line of Ferry Street and the South line of Lots 148 and 149, ORIGINAL TOWN OF DAYTON, a distance of 31 feet to the True Point of Beginning.

ALSO, the following described tract of land:

A tract of land in the City of Dayton, in Yamhill County, Oregon, and being a portion of Lot 148 in the Town of Dayton, more particularly described as follows:

BEGINNING at the most Westerly corner of that tract of land conveyed to Austin D. Cottam et ux., by Deed recorded June 17, 1976 in Film Volume 112, Page 1936, Deed and Mortgage Records, said point also being the most Northerly corner of that tract of land conveyed to Mike Griffith, by Deed recorded March 28, 1978 in Film Volume 127, Page 1645, Deed and Mortgage Records, and the True Point of Beginning of the property to be described herein; thence Southeasterly along the line common to the said Cottam and Griffith tracts, a distance of 120 feet to the North line of Ferry Street; thence Southwesterly along the North line of Ferry Street, a distance of 39 feet to a point; thence Northwesterly parallel with the line common to the said Cottam and Griffith tracts, a distance of 120 feet to a point on the North line of Lot 148 In the Town of Dayton and on the South line of a 20 foot wide alley; thence Northwesterly along the North line of Lot 148, a distance of 39 feet to the True Point of Beginning, the property described herein also being known as the Easterly 39 feet of even width of the said Griffith property, as described in Deed recorded March 28, 1978 in Film Volume 127, Page 1645, Deed and Mortgage Records.

PARCEL 2: The South Half of Lot 149, ORIGINAL TOWN OF DAYTON in Yamhill County, State of Oregon.

PARCEL 3: Beginning at a point on the Southeasterly line of Lot 150, 30 feet Southwesterly from the Southeasterly corner of said Lot 150; running thence Northwesterly parallel with the Northeasterly line of Lot 150, 90 feet; thence Southwesterly parallel with the Northwesterly line of Lot 151, 90 feet to the Southwesterly line of Lot 151; thence Northwesterly 30 feet to the Northwest corner of Lot 151; thence Northeasterly along the Northwesterly line of Lot 151, 120 feet to the Northeasterly corner of said Lot; thence Southeasterly along the Northeasterly line of Lot 151 and 150, 120 feet to the Northeasterly

corner of Lot 150; thence Southwesterly along the Southeasterly line of Lot 150, 30 feet to the Point of Beginning, the same being a piece of land 30 feet in width across the Northeasterly end of Lots 150 and 151 and along the Northwesterly side of Lot 151, all in the Town of DAYTON in Yamhill County, Oregon.

PARCEL 4: A portion of Lots 150 and 151 in the ORIGINAL TOWN OF DAYTON in Yamhill County, Oregon, described as follows:

BEGINNING at the Southwesterly corner of Lot 150 in the CITY OF DAYTON, in Yamhill County, Oregon, and running thence Northwesterly 85 feet along the Easterly line of Third Street in said City of Dayton; thence Northeasterly parallel with the Northerly line of said Ferry Street, 90 feet; running thence Southeasterly, parallel with the said Easterly line of Third Street 85 feet to the said Northerly line of Ferry Street and thence Southwesterly along the said Northerly line of Ferry Street to the point of beginning, being a part of Lots 150 and 151 of the said CITY OF DAYTON, Yamhill County, Oregon.

PARCEL 5: A portion of Lot 151 in the ORIGINAL TOWN OF DAYTON in Yamhill County, Oregon, being more particularly described as follows:

BEGINNING at a point 30 feet Southeasterly from the most Westerly corner of Lot 151 in said ORIGINAL TOWN OF DAYTON; thence Southeasterly 5 feet along the Easterly line of 3rd Street; thence Northeasterly, parallel with the Northerly line of Ferry Street 90 feet; thence Northwesterly 5 feet; thence Southwesterly, parallel with the Northerly line of Ferry Street, 90 feet to the Point of Beginning.

Tentative Lot Line Adjustment for: Twin Towers, LLC

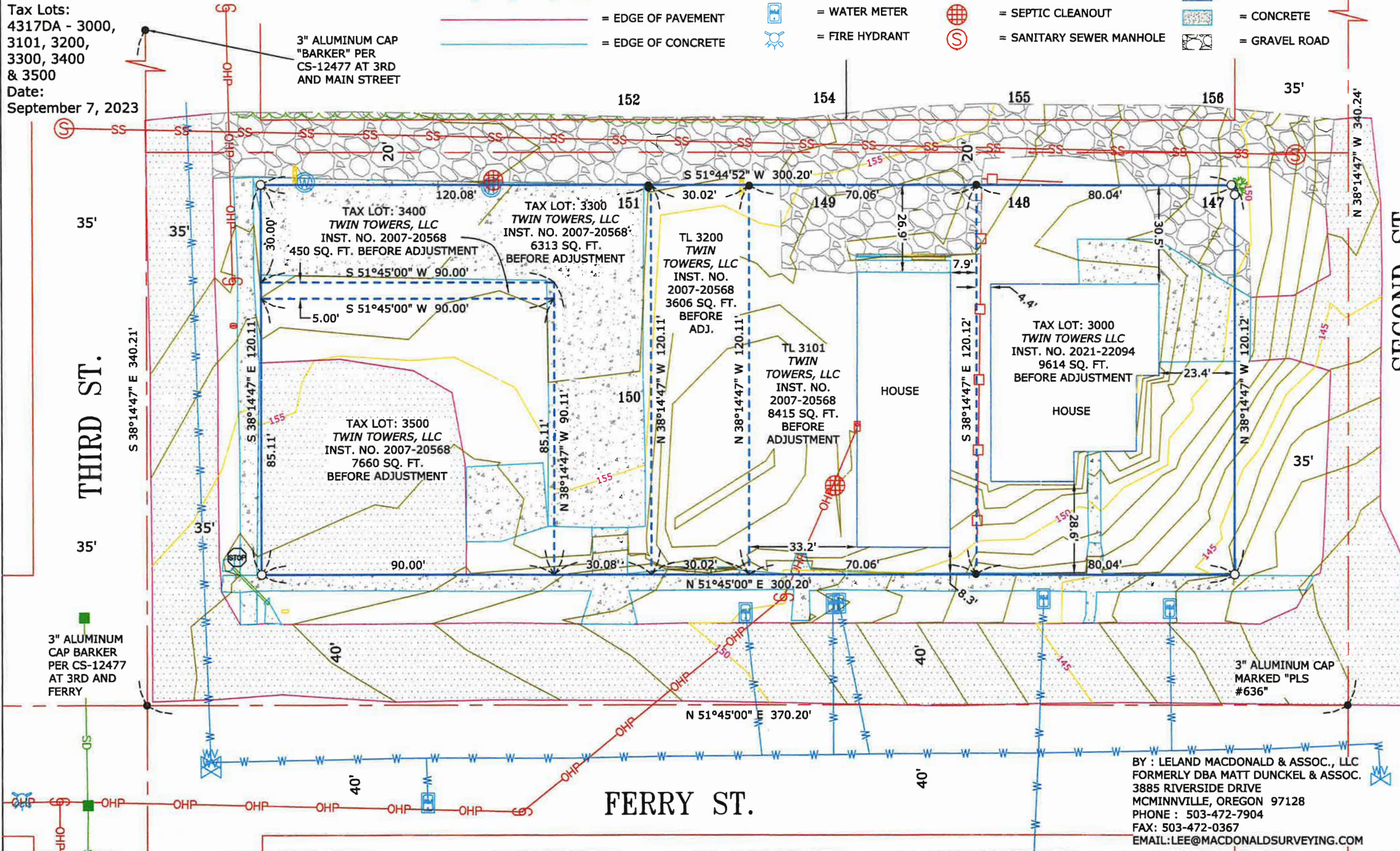
Location: SE 1/4 Section 17, T. 4 S., R. 3 W., WM.,
LOTS 147 - 151, ORIGINAL TOWN OF DAYTON
City of Dayton, Yamhill County, Oregon.

Tax Lots:
4317DA - 3000,
3101, 3200,
3300, 3400
& 3500
Date:
September 7, 2023

- = PROPERTY LINE
- = PUBLIC RIGHT-OF-WAY
- = OVERHEAD POWER
- = EDGE OF ROCK
- = SANITARY SEWER LINE
- = STORM DRAIN LINE
- = WATER LINE
- = EDGE OF PAVEMENT
- = EDGE OF CONCRETE
- = MAJOR CONTOUR INTERVAL (5')
- = MINOR CONTOUR INTERVAL (1')
- = CENTERLINE OF PUBLIC ROAD
- = FENCE
- = MONUMENT FOUND
- = WELL
- = WATER VALVE
- = WATER METER
- = FIRE HYDRANT
- = POWER METER
- = POWER POLE
- = GUY ANCHOR
- = SEPTIC CLEANOUT
- = SANITARY SEWER MANHOLE
- = STORM DRAIN CATCH BASIN
- = CULVERT
- = PHONE RISER
- = SIGNS
- = TREES
- = ASPHALT
- = BUILDING
- = CONCRETE
- = GRAVEL ROAD



Scale: 1" = 30'



TX LOT	ZONE
3000	R-2
3101	R-2
3200	C
3300	C
3400	R-1
3500	C

LOT AREA AFTER CONSOLIDATION
36,057.8 SQ. FT.
OR 0.82 ACRES

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
January 16, 2002
LELAND A. MACDONALD
53226

Renews 31 December 2024

#9943

BY : LELAND MACDONALD & ASSOC., LLC
FORMERLY DBA MATT DUNCKEL & ASSOC.
3885 RIVERSIDE DRIVE
MCMINNVILLE, OREGON 97128
PHONE : 503-472-7904
FAX: 503-472-0367
EMAIL: LEE@MACDONALDSURVEYING.COM

RENEWS 31 DECEMBER 2024

Leland MacDonald & Assoc.
3885 Riverside Drive
McMinnville, OR 97128
Phone: (503) 472-7904
Fax: (503) 472-0367



25 October 2023

Description of Real property for: Consolidation of Tax Lots 3000, 3101, 3200, 3300, 3400 and 3500

Lots 147, 148, 149, 150 and 151, ORIGINAL TOWN OF DAYTON, located in Section 17 Township 4 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, being more particularly described as follows:

BEGINNING at a 1" copper survey disk marking the southerly corner of said Lot 150; thence North 51°45'00" East 300.20 feet to a 1" copper survey disk marking the east corner of said Lot 147; thence North 38°14'47" West 120.12 feet (passing an iron rod at 117.12 feet) to the north corner of said Lot 147; thence South 51°44'52" West 300.20 feet (passing an iron rod at 1.00 feet) to a 1" copper survey disk marking the west corner of said Lot 151; thence South 38°14'47" East 120.11 feet to the POINT OF BEGINNING.

Basis of Bearings for this description is County Survey - 12477.

END DESCRIPTION

This summarizes missing information requested January 2, 2024, from a Zone Change application filed December 1, 2023.

1. Clarify the number of adjacent parcels included in the Zone Change application:

We are requesting a Zoning Change from Commercial Residential to Commercial for the following tax lots:

- TL 4317DA 03101
- TL 4217DA 03000

In addition to these two tax lots, Twin Towers requests a change for TL 4317DA 03200 as it currently falls within the Commercial Residential Zone. However, the Zone Consolidation application, dated December 1, 2023, will consolidate it with tax lots TL 4317DA 03300, 03400, and 03500 which fall within the Commercial Zone. As a result of the consolidation, our request is for three (3) tax lots.

2.a. Complete responses to the Zone Change approval criteria.

7.3.111.03.A. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.

Twin Towers desires to change from Commercial Residential to Commercial because of the flexibility allowed in commercial zone development. A high-quality development aligns with the policies found in Section 8.5 of the Dayton Comprehensive Plan. The focus will be on hospitality-based concepts including a flagship hotel. This will accomplish Dayton objectives, including but not limited to amplifying the central business district as the primary retail center of the of the community, provide a focal point for both residents and visitors and increase employment opportunities within the City's downtown. As a hotel of this scale does not yet exist in the City of Dayton, it will diversify and improve the City's economy.

7.3.111.03.B. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.

Development plans are currently in conceptual phase. Since the permitted uses in both Commercial Residential and Commercial zones are similar, changing the parcels to a Commercial zone will result in no greater impact to the physical capacity of the site than the uses currently allowed in the Commercial Residential zone.

7.3.111.03.C. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Code.

There are conditional uses and exclusions within the Commercial Residential zone that would limit Twin Towers' ability to build a hotel with appropriate functions to attract high-quality retail operators and enhance the downtown core. For example, if the parcels remain designated as Commercial Residential, a wine tasting room that retails wine would be a conditional use, or a rooftop bar would be excluded per the code. It would also require the project to apply for a Conditional Use Permit, which is not desired.

7.3.111.03.D. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.

Twin Towers will work with the City Engineer to address potential capacity issues. Some of those potential issues that have been identified include:

- Water and sewer system improvements which conform with city standards as applicable.
- Sewer system improvements that conform with city standards as applicable.
- Storm drainage which conforms to city standards as well as limiting storm runoff.
- Off-street and pedestrian improvements.

2.b. Further, a Zone Change is not needed to increase the commercial space available in the Dayton's downtown core, nor is it required to develop a hotel. Section 7.2.105.04 lists the Conditional Uses that are allowed in the Commercial Residential zone which includes commercial activities which do not comply with the provisions of 7.2.105.02.B.

Understood. We respectfully request a Zone Change to prevent the future need for a conditional use permit for the use of a hotel on these tax lots.

When the City adopted the Commercial Residential zone in 2003, it acknowledged in the *Exhibit "A" Findings* report that the change would allow for single family residences to remain conforming as part of the development code. As implied from the report, the creation of the Commercial Residential zone was to allow for residential sites adjacent to the commercial core the opportunity to develop commercially. The findings, while not limited to, place emphasis on the allowance of a home to be converted to commercial use and not on new construction within the zone.

The report says that the change to Commercial Residential will "provide greater flexibility for current property owners" (VI.B). This same benefit does not apply to the tax lots that we are requesting the change for as we do not plan to keep the existing residential buildings in place as part of our plan. Nor is the intended use of a hotel a permitted use within Commercial Residential as it is only conditional.

The report also acknowledges that the "CR zone is somewhat more restrictive than the Commercial zone" (V.D.) We hope to remove these additional restrictions to our project with the rezoning of the tax lots.

EXHIBIT C

Curt Fisher

From: Denny Muchmore <dmuchmore@westech-eng.com>
Sent: Monday, December 18, 2023 7:40 PM
To: Curt Fisher; John Lindow, Dayton PW (jlindow@DaytonOregon.gov); Don Cutler, Dayton PW (dcutler@daytonoregon.gov)
Cc: Rochelle Roaden, Dayton (rroaden@daytonoregon.gov)
Subject: Zone Change Application, Ferry 2nd-3rd, Land Use Application Review Comments & Proposed/Suggested
Attachments: Utility map excerpts, 3rd & Ferry ZC-PLA.pdf; Zone change limits, 3rd & Ferry.pdf

External: Please report suspicious email to security@wesd.org

John, Don & Curt,

We assume you will forward the information below to other City staff as applicable, once you have reviewed it and added any additional comments you may have.

At the zone change stage, our review is typically limited to verification as to whether the zone change will allow for the orderly extension of urban services (*ie. verification as to whether adequate facilities either exist or can be provided in conjunction with development*). Overall, there does not appear to be any issues from a street or utility viewpoint that would preclude the zone change of this property.

If the Planning staff, Planning Commission or City Council wishes to impose conditions of approval, or address variances based on information that we may not be aware of, we assume that this will be coordinated with Public Works as part of the land use process.

Background Information.

The property proposed for zone change is generally located along Ferry Street between 2nd & 3rd Street (*both sides of the street*).

Excerpts from the City utility maps are attached for reference. These maps show the approximate location and layout of the surrounding properties and utilities.

The proposed zone change consists the following eight (8) tax lots.

- TL 4317DA-03000 (201 Ferry Street).
- TL 4317DA-03101 (205 Ferry Street).
- TL 4317DA-03200 (no address).
- TL 4317DA-03300 (no address).
- TL 4317DA-03400 (no address).
- TL 4317DA-03500 (no address).
- TL 4317DA-05800 (202 Ferry Street).
- TL 4317DA-05900 (204-210 Ferry Street).

A tentative development layout was not submitted for reference on how the applicant anticipates the property might be developed following zone change.

Existing Plats, Easements, etc.

Our maps show that this property is included within the plat for the original town of Dayton.

- Title Report.

- While title reports were provided with the zone change application, copies of the recorded easements referenced in those title reports were not provided. As such, we were not able to determine how the existing easements on or to the benefit of these properties which might affect future development.
- We suggest that the City require a current title report and copies of all referenced documents be submitted in conjunction with any development application.

Previous Land Use Approvals.

We are not aware of any previous land use approvals relating to this property (*at least during our tenure*).

Streets & Utilities.

Since street & utility improvements are typically not included as conditions to an zone change approval, the following are general informational comments only (*ie. to illustrate how it is currently anticipated that the existing infrastructure will need to be upgraded and/or extended to provide service to this property*).

All streets required to fronting on, or which provide access to and through this property will need to be improved to City standards at the time of development.

- **Streets** –
 - Currently, the streets fronting this property include 3rd Street, Ferry Street and 2nd Street.
 - The developer should anticipate that a certain level of improvements to the existing 3rd Street (*ie. widening with new curbs & sidewalks*) and to the existing 2nd Street (*full street & sidewalk improvements*) will be required in conjunction with future development.
 - While the exact extent of these improvements will not be known until a development application is submitted, it is anticipated that full street improvements will likely be required to 2nd Street between Ferry & Main Street in order to provide safe access to and from this property from the surrounding street grid. Pedestrian access will be required from the site to 3rd Street, Ferry Street and 2nd Street, and a pedestrian crossing at 2nd & Ferry will also likely be required in conjunction with the future development.

In summary, it appears that adequate vehicular and pedestrian access can be constructed to provide service to this zone change property, although it appears that it will require some offsite street and/or pedestrian improvements.

- **Water** - It appears that waterline improvements will need to be provided along 2nd Street in order to provide a looped system around this block to provide reliable fire flows to the site.
 - At the time of development of the zone change property, the developer will be responsible to provide water system improvements which conform with City standards as applicable.
- **Sewer** –It appears that the existing sewer along the alley can be upgraded to provide gravity sewer service capacity for the site, although offsite improvements downstream toward 1st Street may be required depending on the condition of the downstream sewers (*which condition will need to be verified in conjunction with the design for the future development*).
 - At the time of development of the zone change property, the developer will be responsible to provide sewer system improvements which conform with City standards as applicable.
- **Storm** – Storm drainage improvements will be required in conjunction with future development in order to provide for drainage along Ferry Street down to the new storm improvements currently being constructed at 1st & Ferry. The property slopes generally toward the south toward Ferry Street.
 - With any development, the developer will be responsible to develop a storm drainage system which conforms with City standards as applicable.
 - Detention may be required with the future development of this property, to limit storm runoff to existing conditions, unless adequate capacity is provided by the new storm drainage improvements.

If you have any questions or need additional information regarding this review, please contact us to discuss.

Denny Muchmore, PE (OR, WA)

Westech Engineering, Inc., 3841 Fairview Industrial Drive SE, Suite 100, Salem, OR 97302

503-585-2474 ph 503-585-3986 fax 503-931-8708 cell

dmuchmore@westech-eng.com *Celebrating 55 Years of Service 1968 - 2023*

KEELER (Private)
2001-11
2001-10
2000-46

2-46

5)

ORIGINAL TOWN OF DAYTON (1865)

LEGION FIELD / (CITY PARK & BALL FIELD)

DAYTON REPLAT 175-176

82 83 84 85

CHURCH ST

2018-21
8/20-20

ORIGINAL TOWN OF DAYTON (1865)

2ND ST

ORIG DA

2015-13

MAIN ST
COURTHOUSE SQUARE PARK (CITY PARK)
FERRY ST (HWY 155)

(X) (X) (X) (X)

CS1382 (2022 PLA)

ORIGINAL TOWN OF DAYTON (1865)

COMMERCE (this bloc

ALDE

LIPPINCOTT'S GRITCH

CITY HALL
CITY HALL ANNEX/PM
PUBLIC WORKS
alley

COMMERCE ST (this block)
Frontier
ALDER ST

2009-22

2011-16 COMMUNITY CENTER

2006-35

MILL ST

MILL ST

LIPPINCOTT'S PURCHASE (SEE ORIG DAYTON PLAT) (1865)

92-40

PALMER CREEK APTS

PLAT Invoex

PALMER

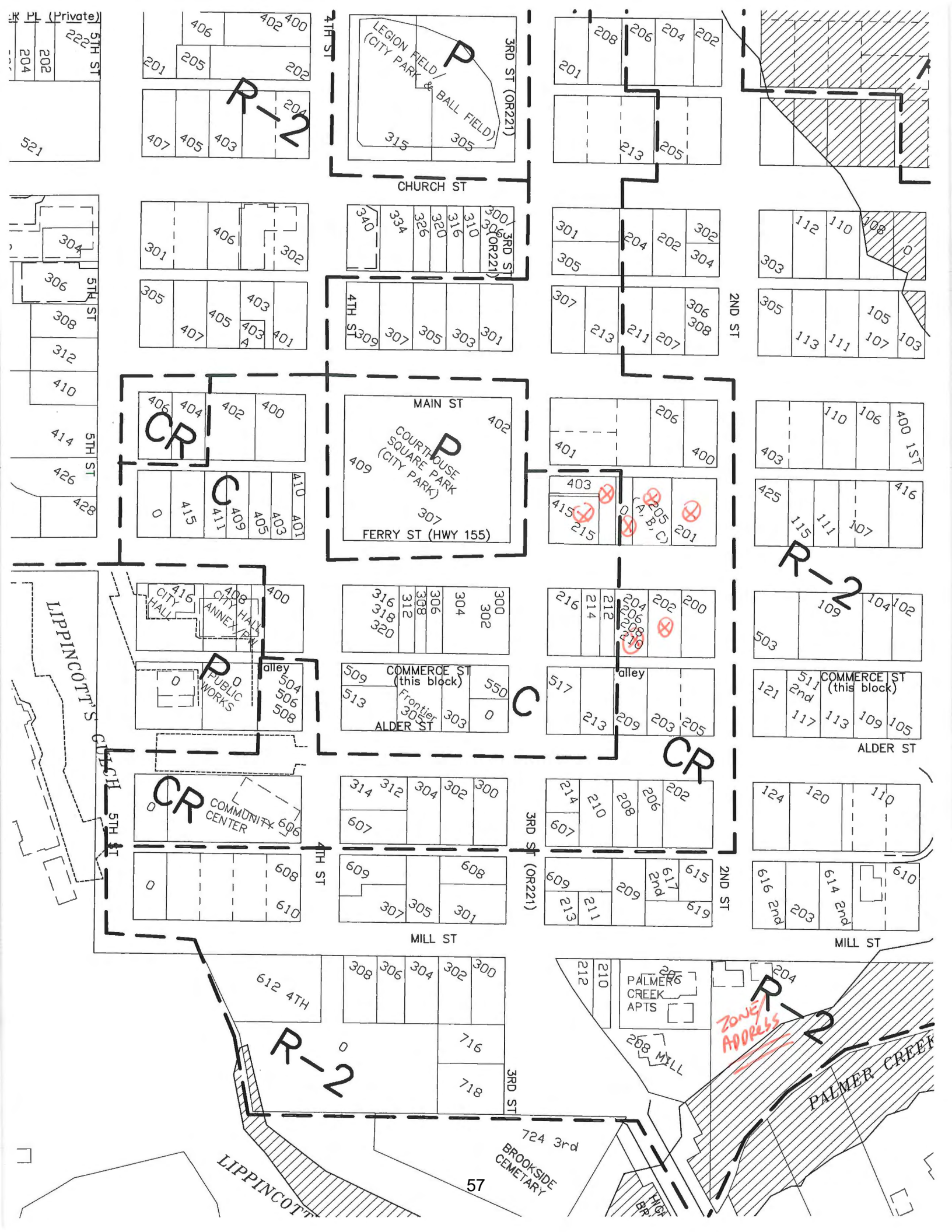
LIPPINCOTT

BROOKSIDE CEMETARY

56

HIGH BR.

ROSENTE



PL (Private)
222
202
204
5TH ST
521

406 402 400
201 205 202
407 405 403 204
R-2

3RD ST (OR221)
LEGION FIELD (CITY PARK & BALL FIELD)
315 305
P

208 206 204 202
201
213 205

Hatched area with diagonal lines and an arrow pointing up-right.

304
306
308
312
410
414
426
5TH ST
428

301 406 302
305 407 405 403 401
405 404 402 400
CR

340 334 328 320 316 310 306 (OR221)
309 307 305 303 301
4TH ST

301 204 202 302
305 304
307 213 211 207 306 308
2ND ST

112 110 108
303
305 105 107 103
113 111

LIPPINCOTT'S CHURCH
5TH ST

416 408 400
CITY HALL CITY HALL ANNEX
0 114 409 405 403 401
114
C
0 415
D
PUBLIC WORKS
alley
504 506 508
P

316 318 320 306 304 302 300
308 312
509 513 303 550
COMMERCE ST (this block)
Frontier
ALDER ST
C

216 214 212 204 202 200
208 210
415 215 205 201
A, B, C
alley
517 213 209 203 205
CR

110 106 400 1ST
403
425 115 111 407 416
R-2
503 109 104 102
121 511 113 109 105
COMMERCE ST (this block)
2nd
ALDER ST

606 606
COMMUNITY CENTER
608 610
609 307 305 301
4TH ST
CR

314 312 304 302 300
607
609 608
307 305 301
3RD ST (OR221)

214 210 208 206 202
607
609 209 217 615
213 211 219 619
2ND ST

124 120 110
616 2nd 203 614 2nd 610
MILL ST

612 4TH
308 306 304 302 300
716 718
R-2
3RD ST

212 210 206
PALMER CREEK APTS
208 MILL
R-2

204
PALMER CREEK
R-2

LIPPINCOTT'S

724 3rd
BROOKSIDE CEMETARY
57

5TH ST

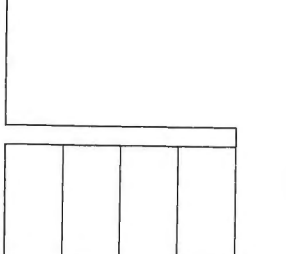
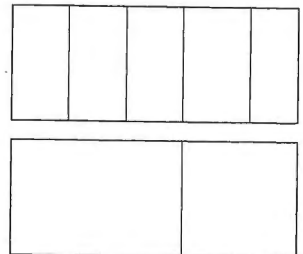
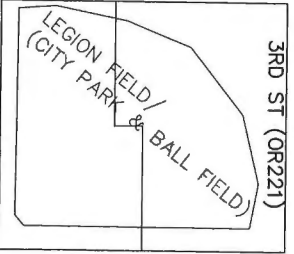
6TH ST

DER PL (Private)

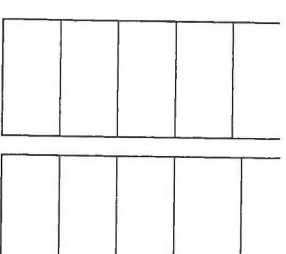
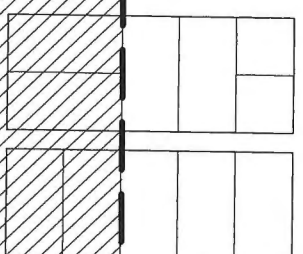
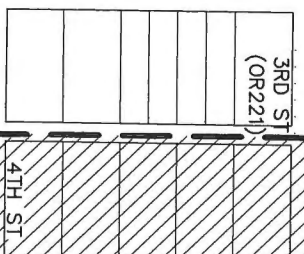
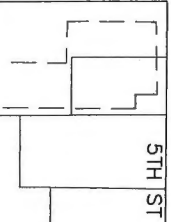
OAK ST

5TH ST

4TH ST



CHURCH ST

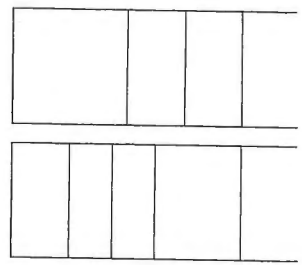
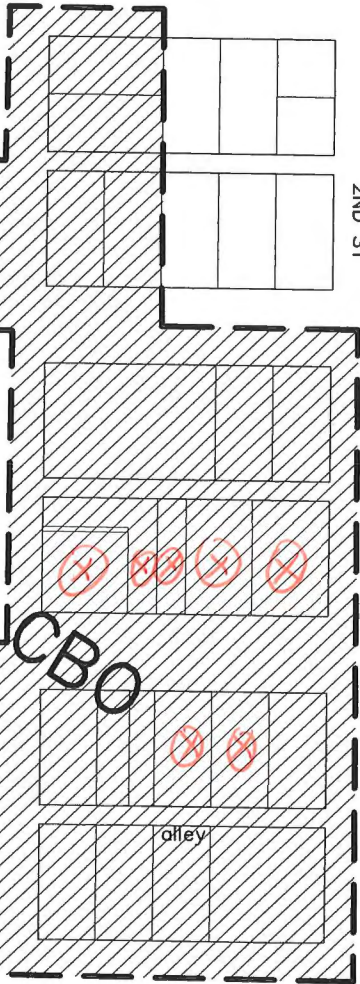
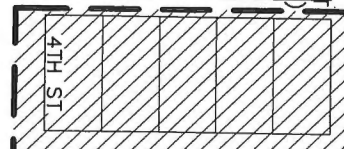
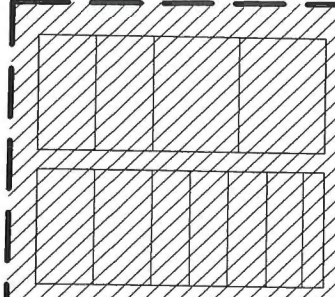


5TH ST

3RD ST (OR221)

2ND ST

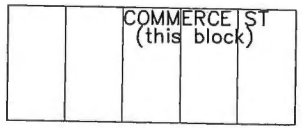
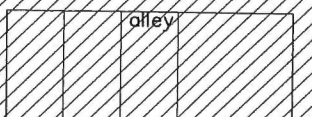
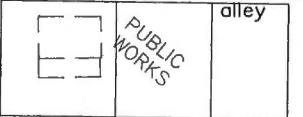
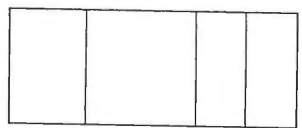
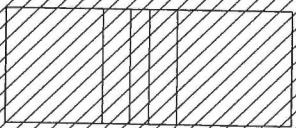
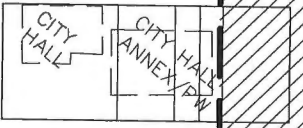
5TH ST



MAIN ST

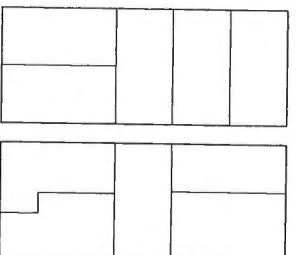
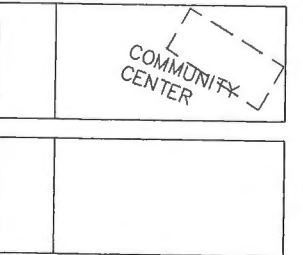
COURTHOUSE
SQUARE PARK
(CITY PARK)

FERRY ST (HWY 155)



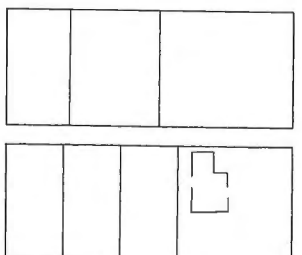
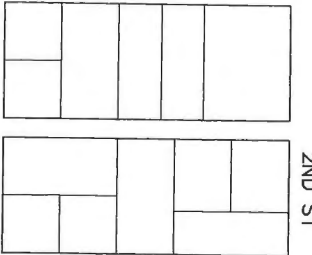
LIPPINCOTT'S CULCH

5TH ST



3RD ST (OR221)

2ND ST



MILL ST

4TH ST

MILL ST

PALMER CREEK APTS

CBO OVERLAY

PALMER CREEK

3RD ST

58

BROOKSIDE CEMETARY

LIPPINCOTT'S



4317DB

4317DA

4317DD

4317DA

4317DD

B

WDB

317

431

TAX MAP &
TAX LOT

LEGION FIELD /
(CITY PARK & BALL FIELD)

COURTHOUSE
SQUARE PARK
(CITY PARK)

CITY HALL
ANNEX / PW

PUBLIC
WORKS

COMMUNITY
CENTER

PALMER
CREEK
APTS

BROOKSIDE
CEMETARY

PALMER CREEK

59

(Private)
04500
04503
04505
04400

01200 01100 01000
01300 01400
01800 01700 01600 01500

00900 00800 00802 00801
01000 01200

01301 01302 01303 01300

06700 06800 06900 06902 06903 07000

01900 02000 02100

01000 00900 00800 00700
00700 (OR221)

00300 00200 00201 00100
00400 00101

01400 01500 01601 01602 01600

07100 07200 07300

02600 02500 2400 2200 2201 2300

01100 01101 01200 01300 01400

00503 00500 00502 00601 00600

01700 01800 01900 01901 02000

01800 01700 01600 01500

02600
02600
02400
02300
02200
02100
02000
01900

02700 02800 02900

03600 03700 03702 03701

01900 02000 02100 02200 02300 02400 02500

03400 03300 03200 03101 03000
03500

03400 03300 03200 03101 03000
03500

03900 03901 03902 03801 03800

00500 00400 00300 00200 00100

07100 06800 06900 07000 06800 06600 06500

06000 06001 06002 05900 05800 05801

05200 05100 05000 04900

00600 00700 00800 00500

07200 07100 07000 07300 07400 07500 07600 07700

06100 06200 06300 06400

05300 05400 05500 05600 05700

00900 01000

01300 01500 01601 01600
01390

07800 08000 08100 08101 08200
07900

00901 00900 00600

01100 01200

01900 01800 01700 01701
02000

08700 08600 08500 08300
08800 08801 08400

01001 01000 01101 01100

02601

02500 02400 02300 02200 02100

01200 01201 01400

01500

02600 02604 02603

02600 02604 02603

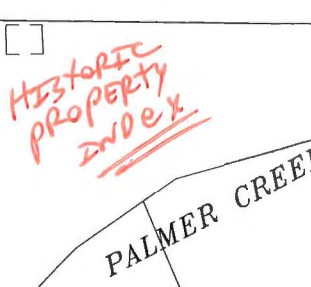
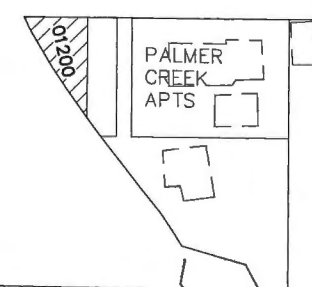
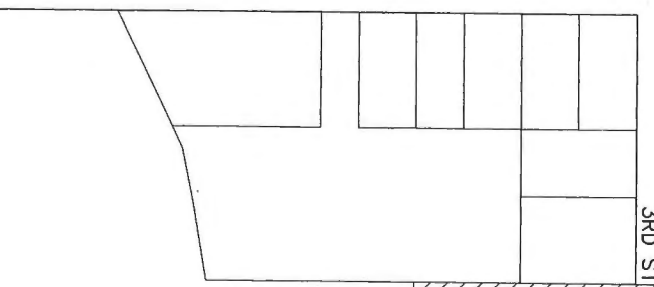
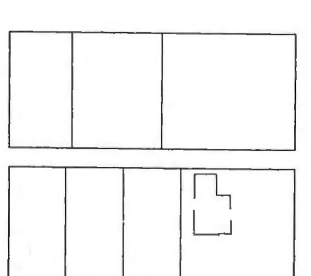
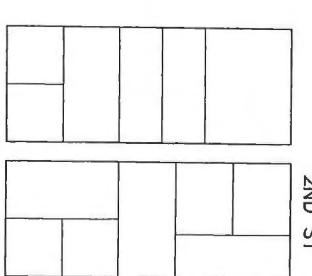
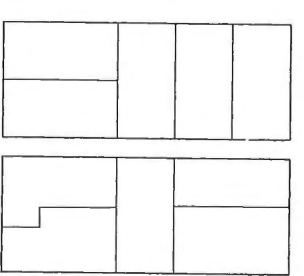
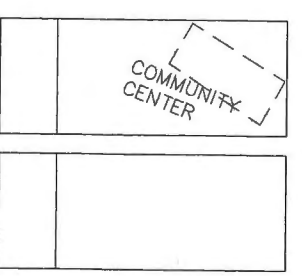
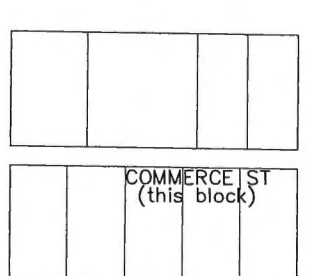
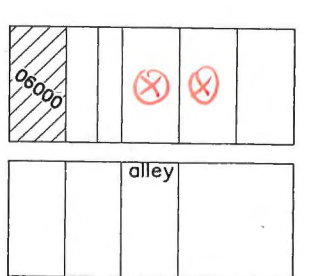
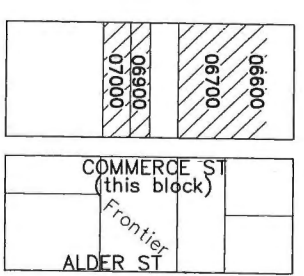
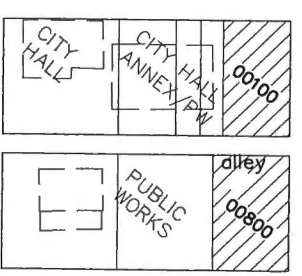
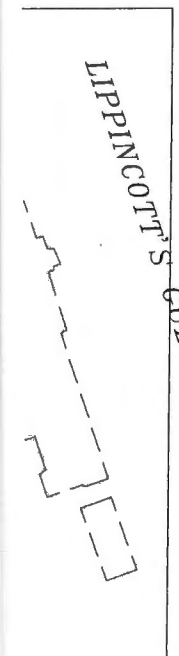
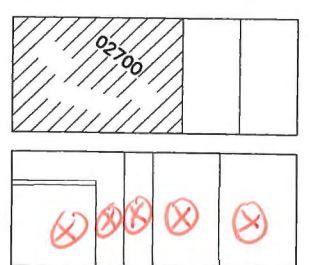
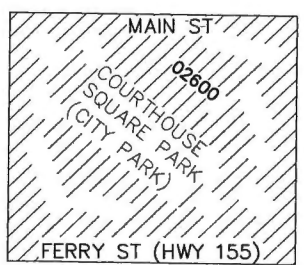
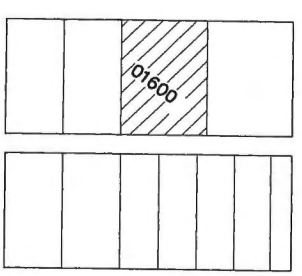
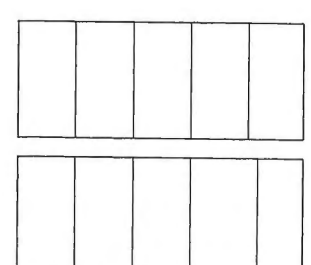
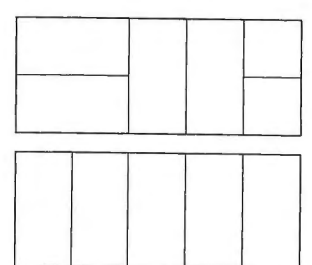
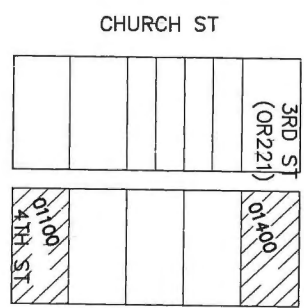
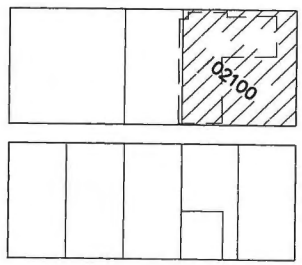
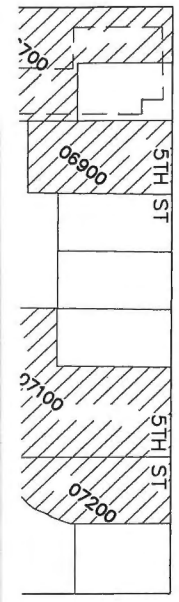
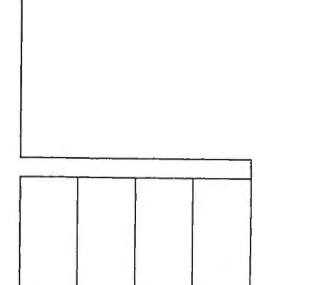
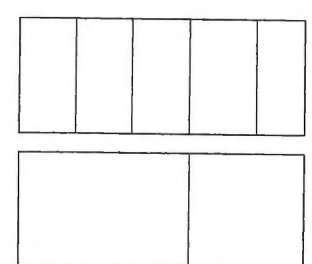
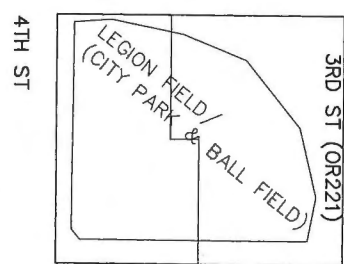
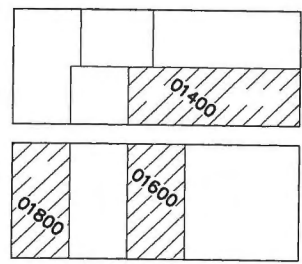
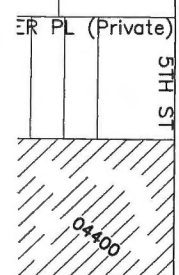
01300

01601 01602

LIPPINCOTT

HIGH BR

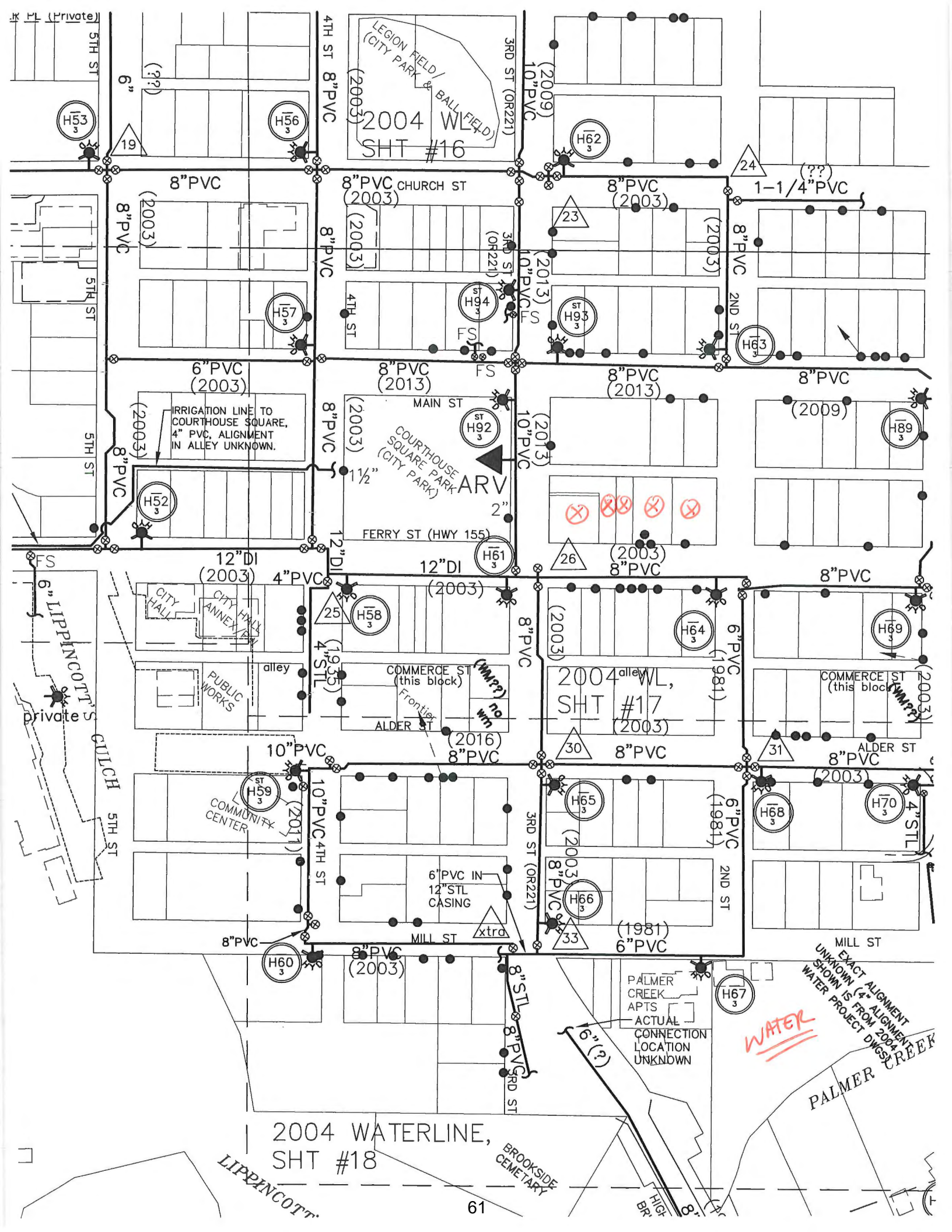
PALMER CREEK



HISTORIC PROPERTY INDEX

LIPPINCOTT'S

60
BROOKSIDE CEMETARY



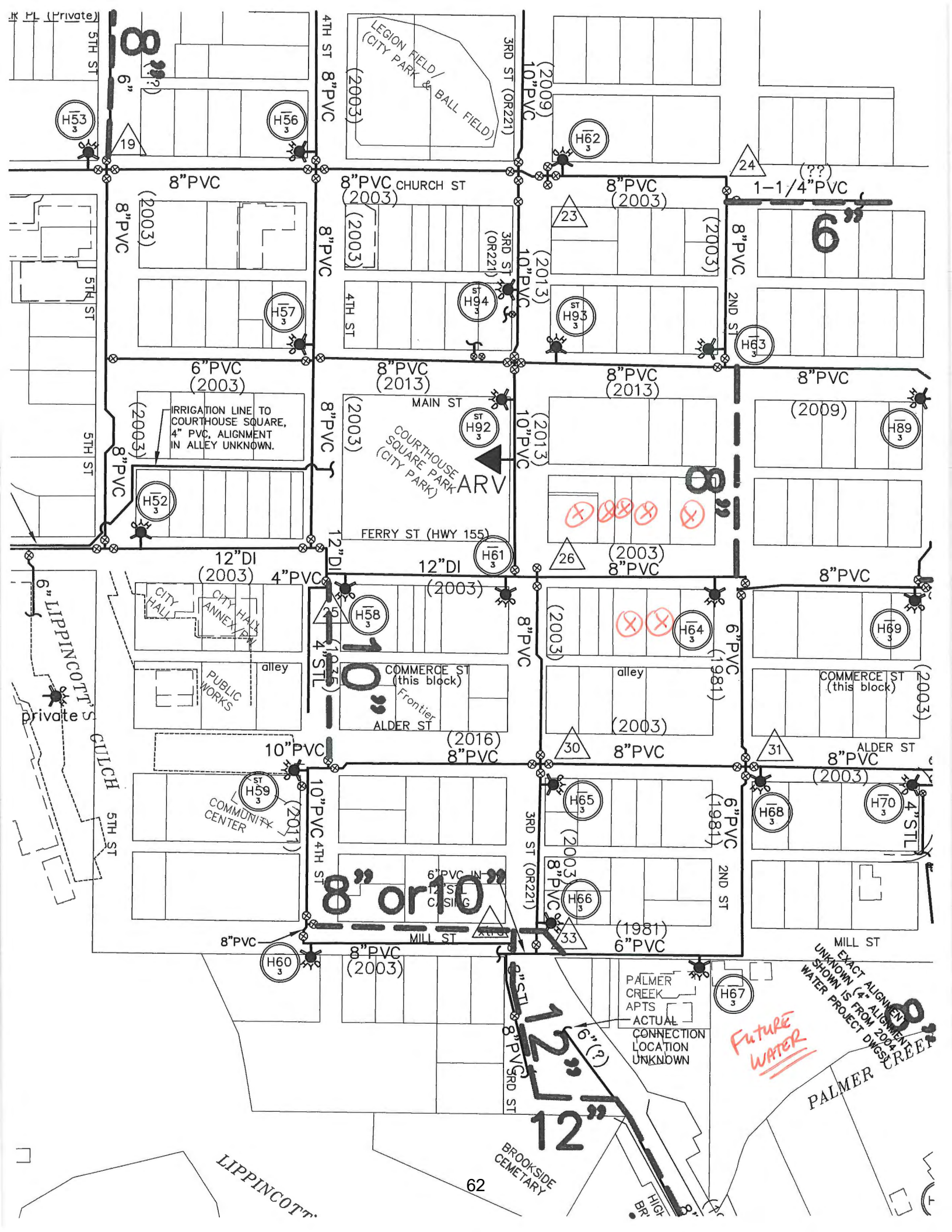
LEGION FIELD /
(CITY PARK & BALL FIELD)
2004 WL
SHT #16

COURTHOUSE
SQUARE PARK
(CITY PARK)
ARV

2004 WL,
SHT #17

2004 WATERLINE,
SHT #18

WATER
EXACT ALIGNMENT
UNKNOWN & ALIGNMENT
SHOWN IS FROM 2004
WATER PROJECT DWG WEST CREEK



PL (Private)

8" (??)
6"

4TH ST 8" PVC (2003)

LEGION FIELD / CITY PARK & BALL FIELD

3RD ST (OR221) 10" PVC (2009)

8" PVC (2003)
8" PVC (2003)

8" PVC CHURCH ST (2003)
8" PVC (2003)

8" PVC (2003)

1-1/4" PVC (??)

6"

6" PVC (2003)

IRRIGATION LINE TO COURTHOUSE SQUARE, 4" PVC, ALIGNMENT IN ALLEY UNKNOWN.

8" PVC (2013)

8" PVC (2013)

8" PVC (2009)

H52

ST H92

ST H93

H63

H89

COURTHOUSE SQUARE PARK (CITY PARK) ARV

FERRY ST (HWY 155)

8" PVC (2003)

8" PVC

12" DI (2003)

4" PVC

12" DI (2003)

8" PVC (2003)

8" PVC (2003)

8" PVC

6" LIPPINCOTT'S private CULCH 5TH ST

CITY HALL CITY ANNEX PW

PUBLIC WORKS alley

COMMERCE ST (this block) Frontier

ALDER ST

8" PVC (2003)

6" PVC (1981)

COMMERCE ST (this block) (2003)

COMMERCE ST (this block) (2003)

10" PVC

12" DI (2003)

8" PVC (2016)

8" PVC (2003)

8" PVC (2003)

8" PVC (2003)

ALDER ST (2003)

COMMUNITY CENTER

ST H59

10" PVC (2011)

10" PVC 4TH ST

8" or 10" 6" PVC IN 12" STL CASING

H65

6" PVC (1981)

H68

H70

8" PVC (2003)

8" PVC (2003)

8" PVC (2003)

6" PVC (1981)

6" PVC (1981)

H67

PALMER CREEK APTS ACTUAL CONNECTION LOCATION UNKNOWN

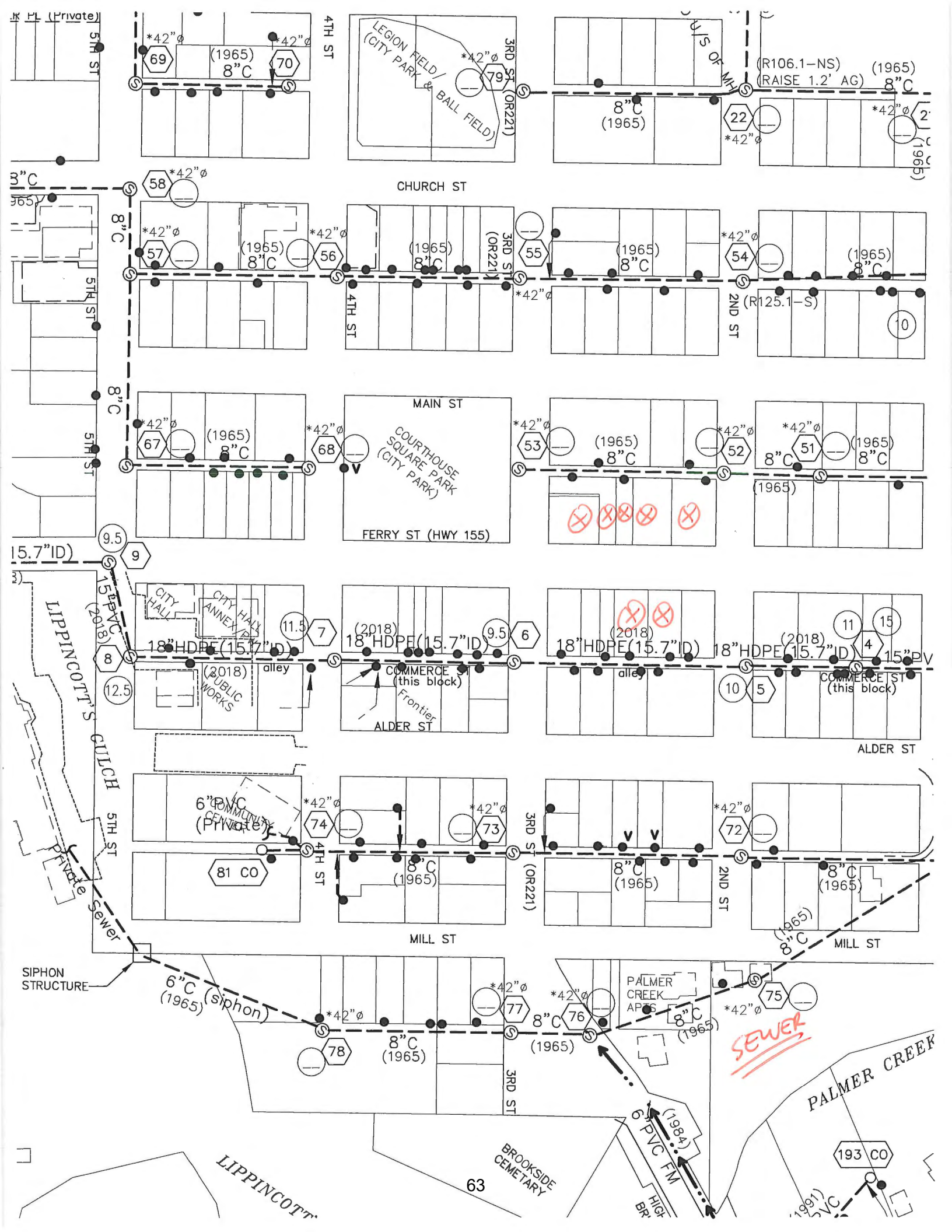
Future Water

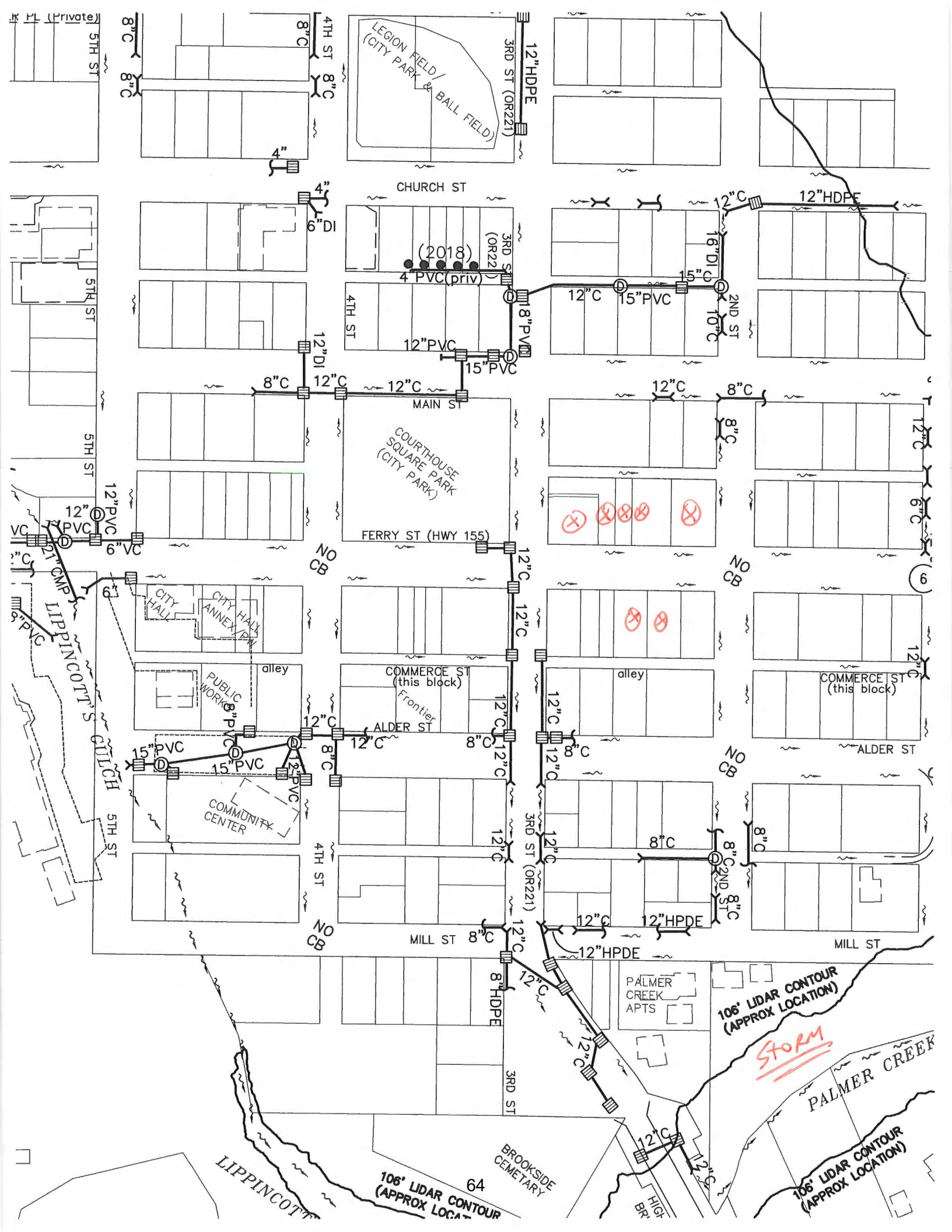
EXACT ALIGNMENT UNKNOWN SHOWN AS FROM 2004 WATER PROJECT DWGS PALMER CREEK

BROOKSIDE CEMETARY

LIPPINCOTT

62





LEGION FIELD /
(CITY PARK & BALL FIELD)

CHURCH ST
 (2018)
 4" PVC (priv)
 3RD ST (OR221)
 4TH ST
 12" PVC
 15" PVC

COURTHOUSE
 SQUARE PARK
 (CITY PARK)
 FERRY ST (HWY 155)

CITY HALL
 CITY HALL ANNEX
 alley
 PUBLIC WORKS
 COMMUNITY CENTER
 COMMERCIAL ST (this block)
 Frontier
 ALDER ST

COMMUNITY CENTER
 4TH ST
 MILL ST
 PALMER CREEK APTS
 BROOKSIDE CEMETARY
 106' LIDAR CONTOUR (APPROX LOC)

106' LIDAR CONTOUR (APPROX LOCATION)
STORM
 PALMER CREEK
 106' LIDAR CONTOUR (APPROX LOCATION)

PL (Private)
 5TH ST

5TH ST

5TH ST
 LIPPINCOTT'S CULCH
 5TH ST

LIPPINCOTT'S CULCH
 5TH ST

12" HDPE
 3RD ST (OR221)
 12" HDPE

12" HDPE
 16" DI
 12" C
 15" PVC
 10" C
 2ND ST

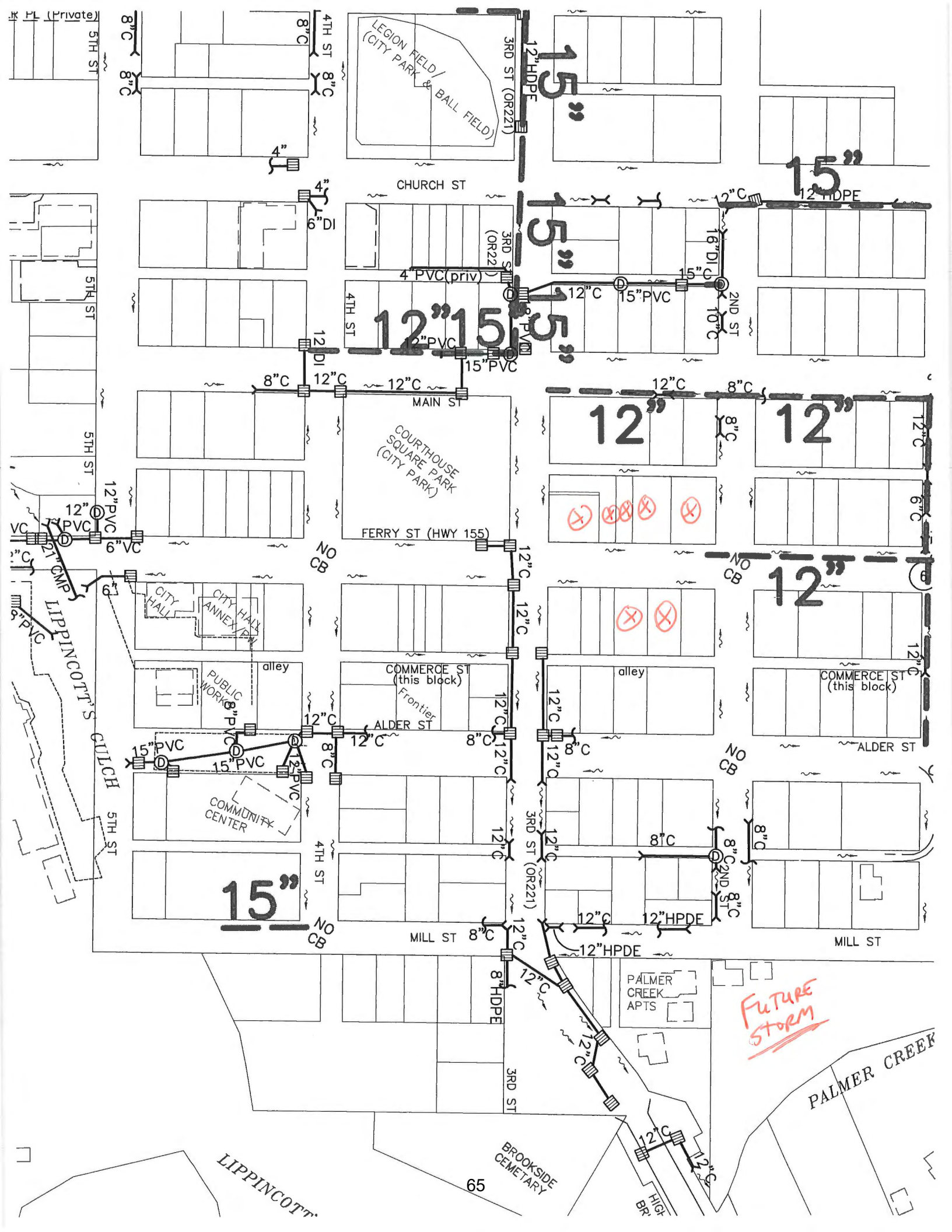
12" C
 8" C
 8" C
 12" C
 8" C
 NO CB

12" C
 12" C
 12" C
 12" C
 8" C
 8" C
 NO CB

12" C
 12" C
 12" C
 12" C
 8" C
 8" C
 NO CB

12" HDPE
 12" C
 12" HDPE
 12" C
 12" C
 12" C

12" C
 12" C
 12" C



5TH ST

8" C

8" C

4TH ST

LEGION FIELD / (CITY PARK & BALL FIELD)

3RD ST (OR221)

12" HDPE

15"

CHURCH ST

15"

15"

12" HDPE

5TH ST

4" DI

4" PVC (priv)

3RD ST (OR221)

15"

12" C

15" PVC

16" DI

2ND ST

10" C

12" 15" 15" 15"

12" PVC

15" PVC

12" DI

8" C

12" C

12" C

12" C

12"

12"

5TH ST

12" PVC

12" PVC

6" VC

COURTHOUSE SQUARE PARK (CITY PARK)

FERRY ST (HWY 155)

X X X X

X X

12"

LIPPINCOTT'S CULCH

CITY HALL
CITY HALL ANNEX

NO CB

12" C

X X

NO CB

COMMERCE ST (this block)

12" C

12" C

8" C

COMMERCE ST (this block)

12" C

alley

PUBLIC WORKS

12" C

ALDER ST

12" C

12" C

12" C

12" C

8" C

12" C

12" C

8" C

NO CB

COMMERCE ST (this block)

12" C

COMMUNITY CENTER

15" PVC

15" PVC

12" PVC

8" C

12" C

12" C

8" C

12" C

12" C

12" C

NO CB

Frontier

12" C

12" C

12" C

8" C

12" C

12" C

12" HPDE

12" HPDE

12" C

12" C

12" C

12" C

12" C

12" C

12" C

12" C

12" C

8" C

8" C

8" C

8" C

8" C

8" C

8" C

FUTURE STORM

PALMER CREEK

PALMER CREEK APTS

MILL ST

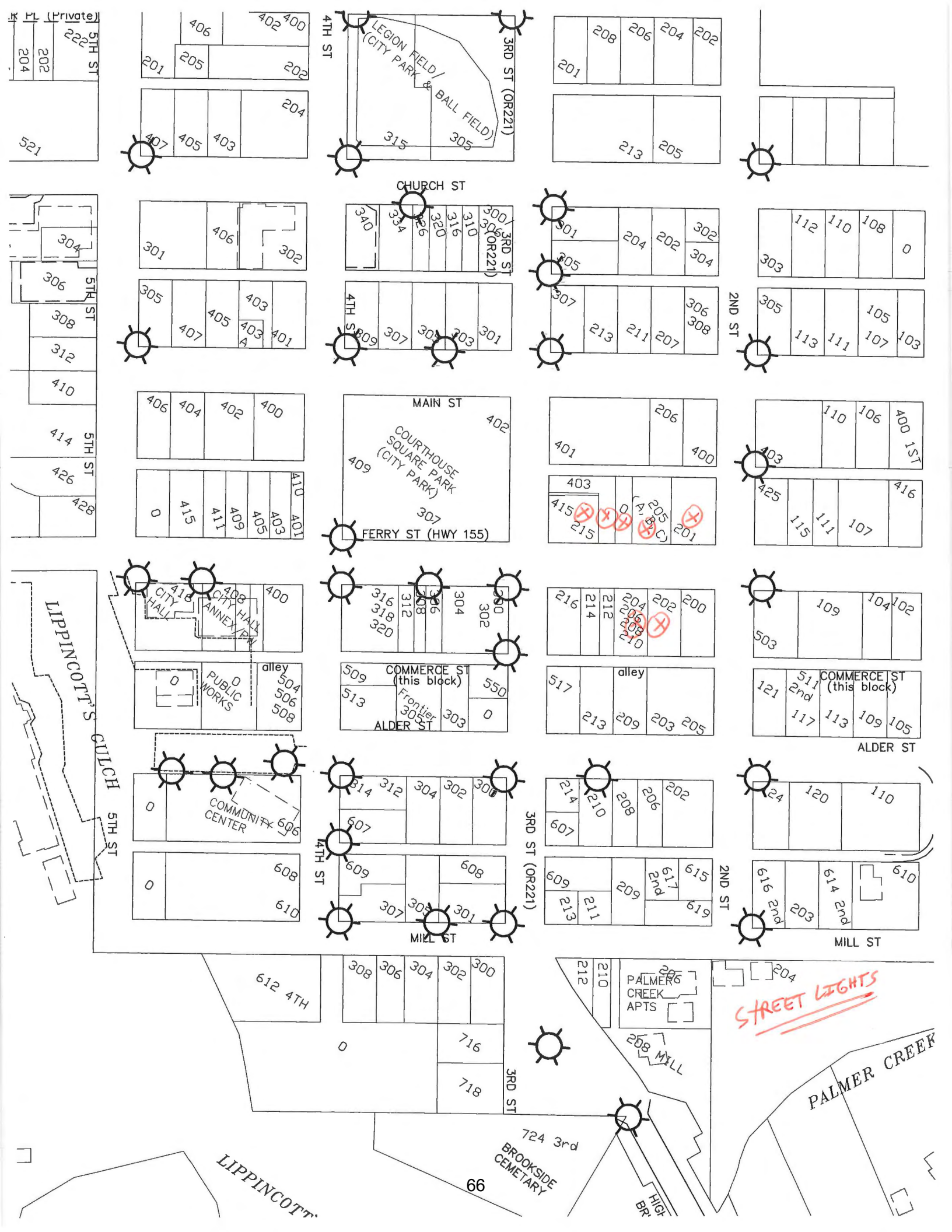
MILL ST

LIPPINCOTT

65

BROOKSIDE CEMETARY

HIGH BR.



PL (Private)
222
202
204
5TH ST
521

406
402
400
201
205
202
407
405
403
204

4TH ST
LEGION FIELD / BALL FIELD
(CITY PARK & BALL FIELD)
315
305
3RD ST (OR221)

208
206
204
202
201
213
205

112
110
108
0
303
305
113
111
107
103

304
306
308
312
410
414
426
428
5TH ST

301
406
302

CHURCH ST
340
334
326
320
316
310
306
306 (OR221)
306 (OR221)

301
204
202
302
305
307
213
211
207
306
308

2ND ST
303
112
110
108
0
305
113
111
107
103

305
407
405
403
401

4TH ST
309
307
305
303
301

301
204
202
302
305
307
213
211
207
306
308

2ND ST
303
112
110
108
0
305
113
111
107
103

406
404
402
400

MAIN ST
402
COURTHOUSE SQUARE PARK
(CITY PARK)
409
307
FERRY ST (HWY 155)

401
206
400

403
110
106
400 1ST

410
401
0
415
411
409
405
403
401

409
307
FERRY ST (HWY 155)

403
415
215
205
201
206
204
202
200
208
210

403
425
115
111
107
416

LIPPINCOTT'S CULCH
5TH ST

416
408
400
CITY HALL
ANNEX/PW

316
318
312
308
306
304
302

216
214
212
204
202
200
208
210

109
104
102
503

0
PUBLIC WORKS
alley
504
506
508

509
513
COMMERCE ST (this block)
Frontier
305 ST
ALDER ST
550
0

517
213
209
203
205

121
511
2nd
117
113
109
105
COMMERCE ST (this block)
ALDER ST

0
COMMUNITY CENTER
506

314
312
304
302
300
607
609
608
610

214
210
208
206
202
607

24
120
110

0
608
610

4TH ST
307
305
301
MILL ST

3RD ST (OR221)
609
213
211
209
2nd
617
615
619

2ND ST
616
2nd
203
614
2nd
610
MILL ST

612 4TH

308
306
304
302
300
716
718
3RD ST

212
210
PALMER CREEK APTS
208 MILL

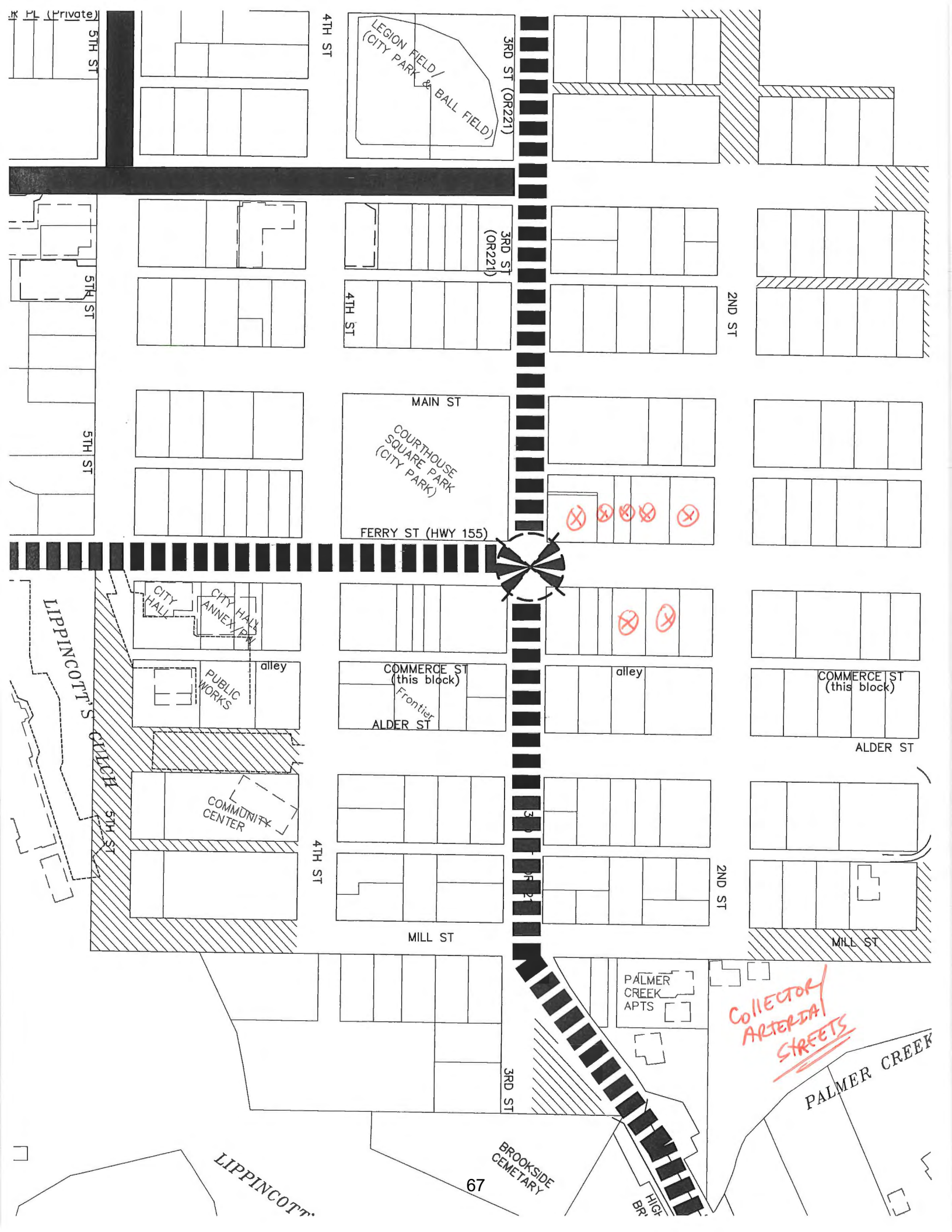
204
STREET LIGHTS

LIPPINCOTT

724 3rd
BROOKSIDE CEMETARY
66

HIGH BR

PALMER CREEK



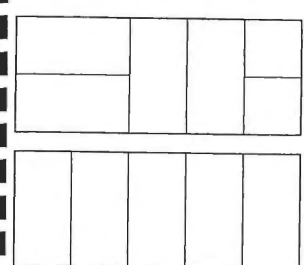
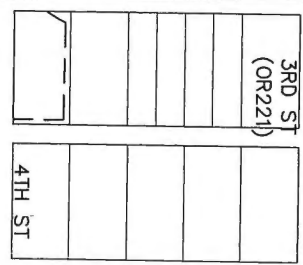
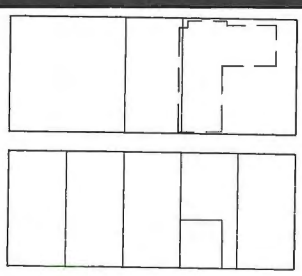
PL (Private)
5TH ST

4TH ST

LEGION FIELD/
(CITY PARK & BALL FIELD)

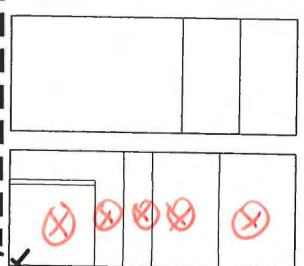
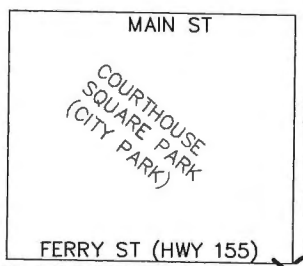
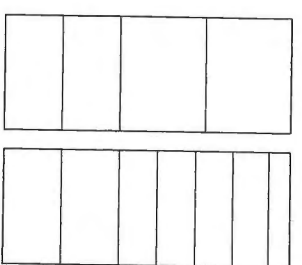
3RD ST (OR221)

5TH ST



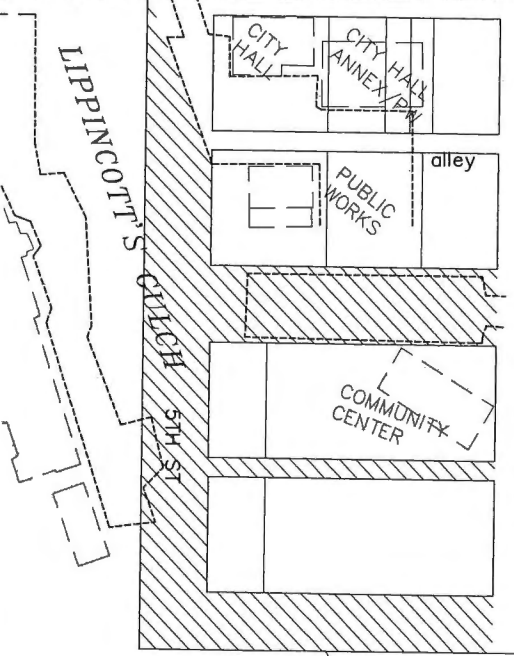
2ND ST

5TH ST



MAIN ST
COURTHOUSE
SQUARE PARK
(CITY PARK)

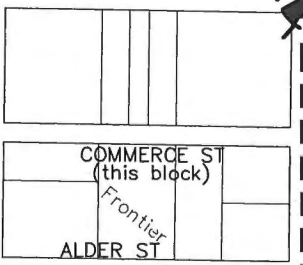
FERRY ST (HWY 155)



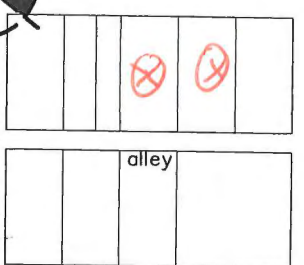
CITY HALL
CITY HALL ANNEX

PUBLIC WORKS

COMMUNITY CENTER



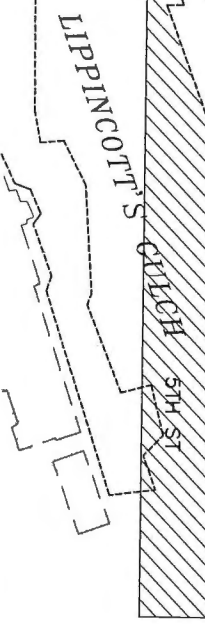
COMMERCE ST
(this block)
Frontier
ALDER ST



alley

COMMERCE ST
(this block)

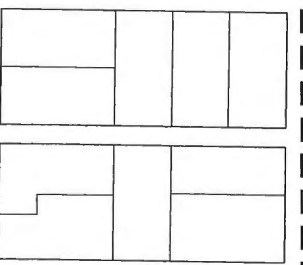
ALDER ST



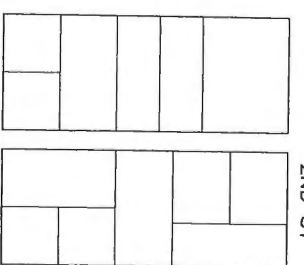
LIPPINCOTT'S CHURCH

5TH ST

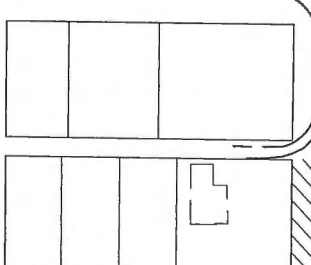
4TH ST



MILL ST



2ND ST

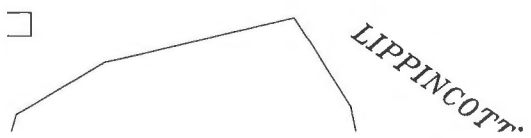


MILL ST

PALMER CREEK APTS

COLLECTOR ARTERIAL STREETS

PALMER CREEK

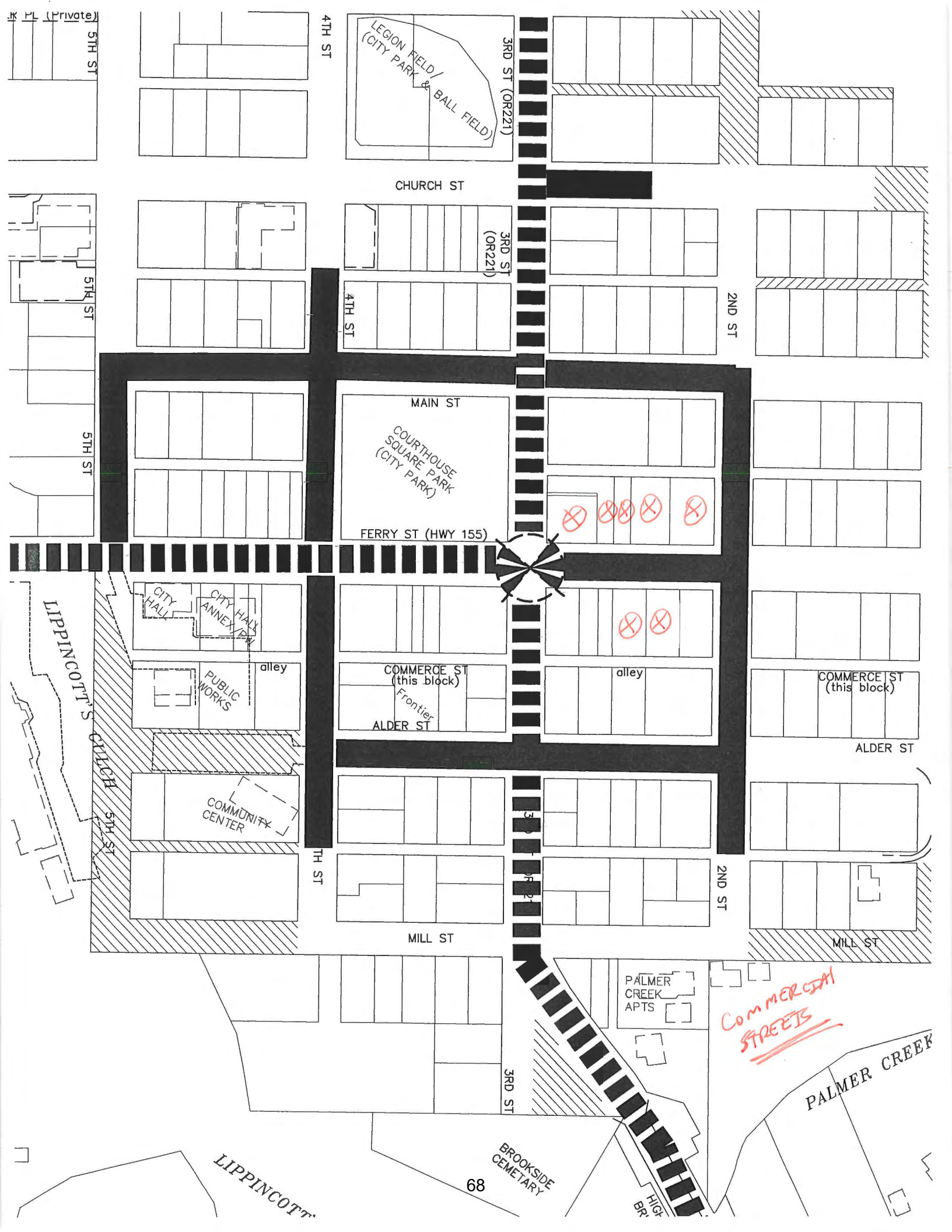


LIPPINCOTT'S

67

BROOKSIDE CEMETARY

HIGH BR.



Private

4TH ST

LEGION FIELD /
CITY PARK & BALL FIELD

3RD ST (OR221)

CHURCH ST

3RD ST
(OR221)

4TH ST

2ND ST

MAIN ST

COURTHOUSE
SQUARE PARK
(CITY PARK)

FERRY ST (HWY 155)



CITY HALL
CITY HALL ANNEX

PUBLIC WORKS

alley

COMMERCE ST
(this block)

Frontier
ALDER ST



alley

COMMERCE ST
(this block)

ALDER ST

LIPPINCOTT'S CHURCH

COMMUNITY CENTER

TH ST

MILL ST

2ND ST

MILL ST

PALMER CREEK APTS

COMMERCIAL STREETS

PALMER CREEK

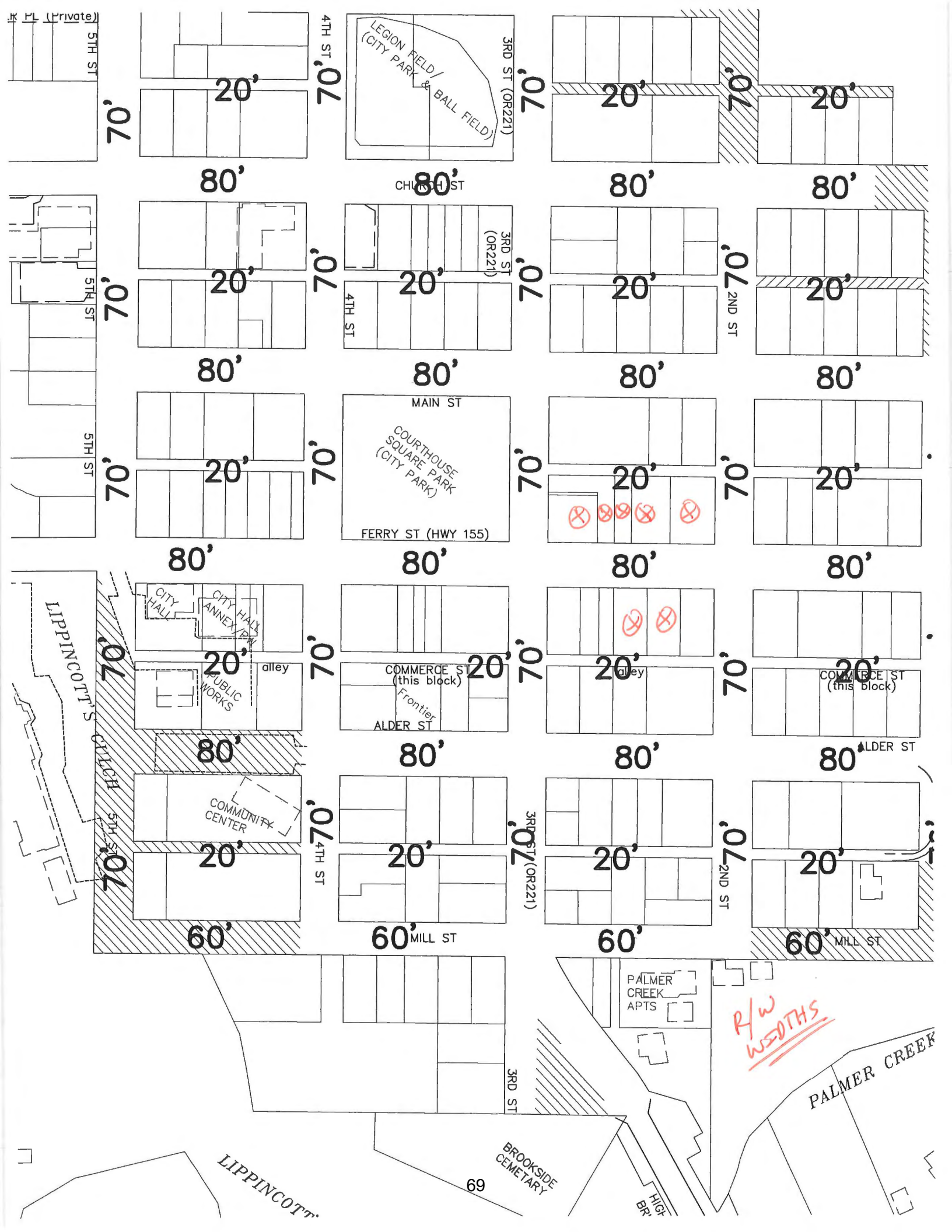
3RD ST

BROOKSIDE CEMETARY

68

LIPPINCOTT'S

HIGH BR



Private

LEGION FIELD /
(CITY PARK & BALL FIELD)

CHURCH ST

MAIN ST
COURTHOUSE
SQUARE PARK
(CITY PARK)
FERRY ST (HWY 155)

LIPPINCOTT'S CREEK

CITY HALL
CITY ANNEX/PARK
PUBLIC WORKS
alley

COMMERCE ST
(this block)
Frontier
ALDER ST

COMMERCE ST
(this block)

COMMUNITY CENTER

PALMER CREEK APTS

R/W WOODS

PALMER CREEK

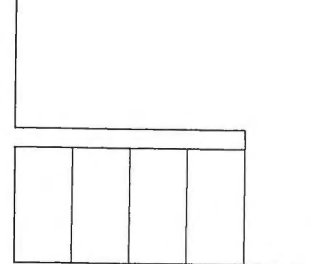
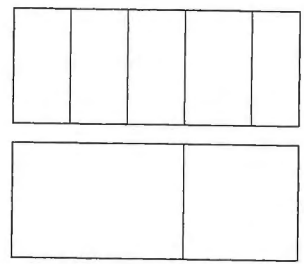
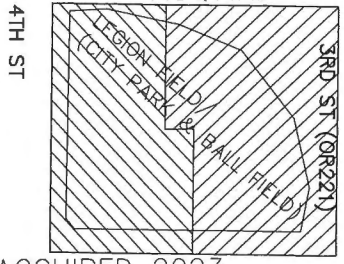
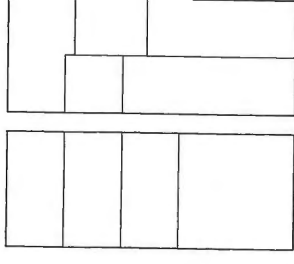
BROOKSIDE CEMETARY

LIPPINCOTT'S

69

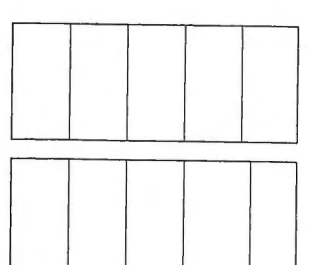
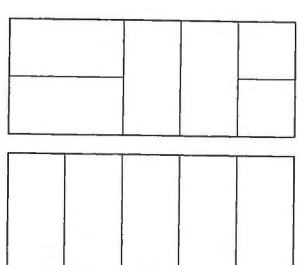
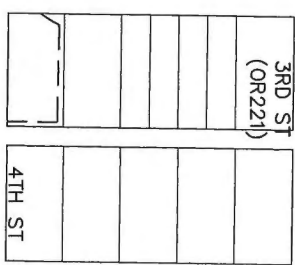
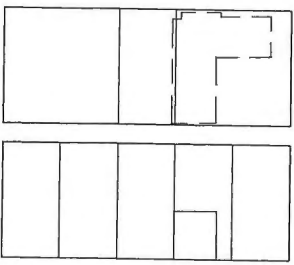
HIGH BR.

PL (Private)
5TH ST

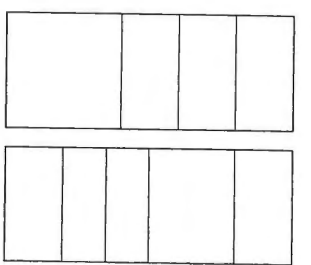
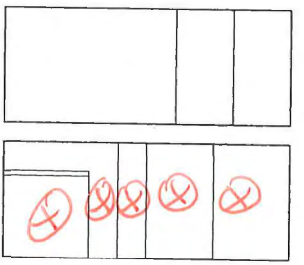
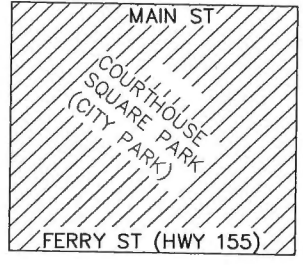


ACQUIRED 2023
CHURCH ST

5TH ST
5TH ST

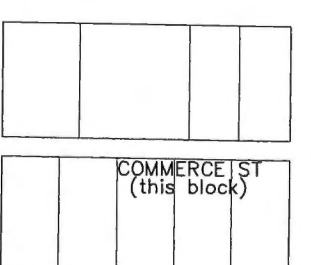
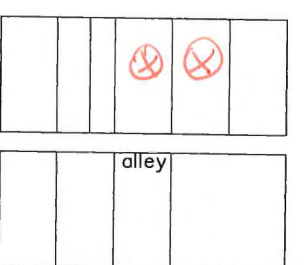
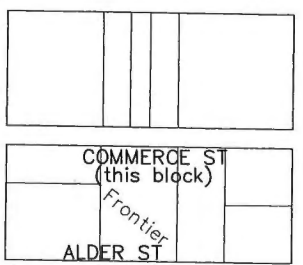
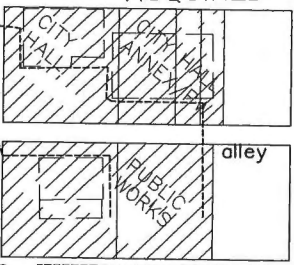


ACQUIRED 1865

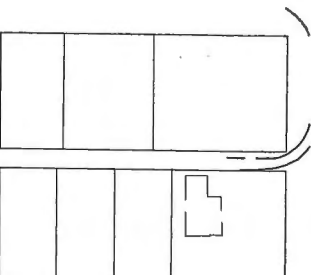
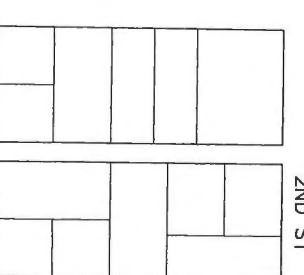
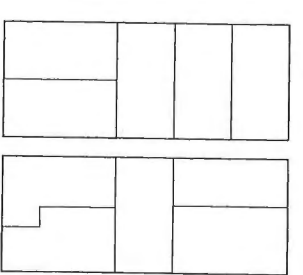
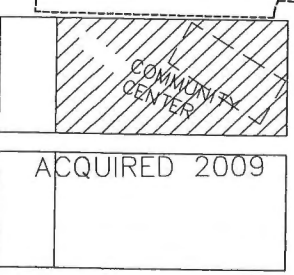


ACQUIRED 1976

LIPPINCOTT'S
GULCH
5TH ST



ACQUIRED



MILL ST

MILL ST

PALMER CREEK APTS

CITY OWNED PROPERTY

PALMER CREEK

LIPPINCOTT

BROOKSIDE CEMETARY

70

HIGH BR

EXHIBIT D

ORDINANCE #555 CITY OF DAYTON, OREGON

Title: *An Ordinance Amending the Dayton Zoning Map*

WHEREAS, on October 6, 2003, the City Council of the City of Dayton, Oregon, sat in Regular Session to conduct City business; and

WHEREAS, on August 12, 2003, the Planning Commission conducted a public hearing to consider the proposed amendments to the Dayton Zoning Map, identified as part of an application within Planning File Case No. 03-01; and

WHEREAS, notice of the said public hearing was duly given pursuant to the Land Use & Development Code of the City of Dayton and the public was given a full opportunity to be present and heard on the matter; and

WHEREAS, on August 12, 2003, the Planning Commission met to consider the proposed action, received the recommendation of City staff and voted to recommend City Council approval of the proposed amendment to the Dayton Zoning Map; and

WHEREAS, on September 15, 2003, the City Council of the City of Dayton conducted a public hearing on the matter; and

WHEREAS, notice of the said public hearings were duly given pursuant to the Land Use & Development Code of the City of Dayton; and

WHEREAS, on September 15, 2003, the City Council met to consider the proposed action, received the recommendations of the Planning Commission, testimony by the public and considered the information provided by City staff.

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

Section 1. The City Council of the City of Dayton does hereby APPROVE the change in the zoning on tax lots shown in Exhibit A, and by this reference made a part hereof, from Commercial (C) to Commercial/Residential (C/R); and

Section 2. The City Council of the City of Dayton does hereby adopt those certain findings of fact in support of the decision attached hereto as EXHIBIT "B" and by this reference made a part hereof.

PASSED AND APPROVED THIS 3rd day of November, 2003.

Mode of Enactment:

Date of first reading October 6, 2003 In full ___ or by title only xx

Date of second reading November 3, 2003 In full ___ or by title only xx

x No council member present at the meeting requested that the ordinance be read in full.

___ A copy of the ordinance was provided for each council member; three copies were provided for public inspection in the office of the city recorder not later than one week before the first reading of the ordinance; and notice of the availability of copies is given by written posting at the city hall and two other public places in the city or by advertisement in a newspaper of general circulation in the city.

Final Vote:

In favor COLEMAN, HAVERKATE, JONES, MCBRIDE

Opposed NONE

Absent BRONS, RING

Abstained WINDISH


Georgia M Windish, Mayor

November 3, 2003
Date of Signing

Attested by:


Sue C. Hollis
City Administrator/Recorder

November 3, 2003
Date of Enactment

Attachment

WKS4\ORDINANCES\ORD.554

TAX LOTS CURRENTLY ZONED COMMERCIAL(C)
 IN THE CITY OF DAYTON, OREGON AND PROPOSED TO BE
 CHANGED TO COMMERCIAL/RESIDENTIAL (C/R)

R4317AD

400
 500
 600
 800
 900
 1000

R4317DD

800
 900
 1000
 1300
 1390
 1500
 1600

R4317DA

300
 400
 500
 503
 1100
 1101
 1200
 1300
 1400
 1700
 1800
 2700
 2800
 2900

3000
 3101
 3200
 5800
 5801
 5900
 6300
 6400
 7800
 7900
 8000
 8100
 8200

**EXHIBIT "A"
DAYTON CITY COUNCIL FINDINGS
Planning File No. Zone Change 03-01**

I. NATURE OF THE APPLICATION

This matter comes before the Dayton City Council on the application of the City of Dayton to amend the Dayton Zoning Map by re-zoning certain properties from Commercial (C) to Commercial Residential (CR).

II. GENERAL INFORMATION

A. Location and Site Description

The proposal affects a number of existing Commercial zoned properties surrounding the designated Dayton downtown. Specific parcels are identified in Attachment "A."

B. Background Information

The proposal would amend the Zoning Map by re-zoning the property identified in Attachment "A" from Commercial (C) to Commercial Residential (CR).

III. PUBLIC HEARING

A. Planning Commission Action

A public hearing was duly held on this application before the Dayton Planning Commission on August 12, 2003. At the hearing, City Planning File Zone Change 03-01 was made a part of the record. No objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

At the conclusion of the hearing, the Dayton Planning Commission voted to recommend the City Council adopt the proposed revisions to the Dayton Zoning Map. The Dayton Planning Commission found the proposed Zone Change request complies with the applicable decision criteria. The Commission directed staff to prepare an Order of Recommendation.

B. City Council Action

A public hearing was held before the City Council on September 15, 2003. At that hearing,

EXHIBIT A

City Planning File No. Zone Change 03-01 was made a part of the record. No objection was raised as to jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing. At the conclusion of the hearing, the City Council deliberated on the issue and voted to adopt the proposed revisions to the Dayton Zoning Map for the properties shown in Attachment "A." The City Council found the proposed revisions comply with the applicable decision criteria. Staff was directed to prepare the adopting ordinance.

V. FINDINGS OF FACT-GENERAL

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

- A. The applicant is the City of Dayton.
- B. The proposal affects a number of existing Commercial zoned properties surrounding the designated Dayton downtown. Specific parcels are identified in Attachment "A."
- C. The proposal would amend the Zoning Map by re-zoning the property identified in Attachment "A" from Commercial (C) to Commercial Residential (CR).
- D. The decision criteria for the proposed amendment are found in the Dayton Land Use and Development Code, Section 7.3.111 (Zone Change).

V. APPLICATION SUMMARY

- A. The subject parcels are currently zoned designated "General Commercial" in the Dayton Comprehensive Plan and zoned Commercial. A significant number of these parcels contain single family residences, many of them designated historic resources.
- B. Within the Commercial zone however, these homes are considered nonconforming. This presents a particular problem to the owners. Under current regulations, the homes may be maintained and repaired but may not be expanded without authorization of a Nonconforming Use application. In this situation, the owners are offered no guarantee of approval. Further, in the event the home is converted to a commercial use, the building cannot be reconverted back to a residence if the commercial activity fails. With this combination of factors, there is little incentive to maintain or improve upon existing homes. This is detrimental to both the property owner and City.
- C. In response, the City created a Commercial Residential (CR) zone as part of the

EXHIBIT A

new Development Code. This is a mixed-use zone allowing both a variety of residential uses and limited commercial development that could be compatible with residential uses. The specific intent of the zone is to allow the owners of land adjacent to the community's commercial core and opportunity to develop land commercially if such a demand exists, or, maintain the home as a residence with full authority to expand or modify the structure. In addition, the regulations would allow conversion between commercial and residential uses without penalty. The only stipulation is the use must comply with applicable provisions on setbacks, parking, building height and so forth.

- D. Affected property owners will lose some of their development rights as the CR zone is somewhat more restrictive than the Commercial zone. For example, a service station may be conditionally permitted in the Commercial zone but is prohibited in the CR zone. However, there is a benefit to being able to maintain the existing home and the zone provides a transition between adjacent residential uses and the core commercial area. During the Commission work session held in June, it was apparent the property owners saw the zone change as beneficial.
- E. Since the change was initiated by the City, the zone change is a Type IV legislative action and requires a hearing before the Commission and City Council. The Commission provides a recommendation and the Council makes the final decision.

VI. CRITERIA AND FINDINGS - ZONE CHANGE

- A. The action would change the zoning from Commercial to Commercial Residential for certain properties identified in Attachment "A." A zone change is subject to the provisions in Dayton Land Use and Development Code, Section 7.3.111. Subsection 7.311.03 establishes the specific decision criteria. These criteria and findings are noted as follows:

- 1. Section 7.311.03.A - The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.

FINDINGS: The Plan offers policies regarding transportation, public facilities, economics and urbanization which are related to the proposal. Each policy is reviewed separately, below:

- a. Transportation: *Transportation policies seek to minimize adverse impacts on land uses while meeting accepted standards of safety and*

EXHIBIT A

design. This action neither adds nor detracts from potential traffic generation. In all likelihood a number of homes will not be converted to commercial uses thereby reducing traffic impacts on the whole. The existing street system is more than adequate to accommodate the zone change and potential uses.

- b. **Public facilities:** *In general, the Comprehensive Plan seeks to ensure that adequate facilities either are available, or can be made available at the time of development.* Sewer, water and private utility facilities are available and currently serve the subject properties. Additional system improvements are not required, although improvements may be required as each parcel redevelops.
- c. **Economics:** *In general, Plan policies call for the diversification of the City economy, specifically through designating sufficient land for commercial and industrial use. The City should promote the central business district. Adequate facilities are also required.* A completed Buildable Lands Inventory indicated a total of 18.45 acres are required to meet the commercial land needs to the year 2015. There are approximately 32.04 acres of commercial land within the City. This action does not alter the ability of the City to provide commercial land. In effect, the CR zone is a separate type of commercial zoning that provides a transition between the commercial core and surrounding residential zoning. The core commercial area is not affected and will likely be enhanced as subject property owners have new incentive to maintain their property.
- d. **Land Use and Urbanization:** *This component seeks to provide an orderly and efficient transition from rural to urban land use.* The subject properties are located within the City limits, have access to the public street system and public facilities and services are available to the site. Urbanization issues are not affected by the proposal

As a final note, pursuant to Section 7.1.103.02, the CR zone is consistent with the General Commercial designation of the subject properties.

- 2. Section 7.311.03.B. - The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.

FINDINGS: Many of the parcels are currently developed with either commercial or residential uses. These parcels can be developed for uses

EXHIBIT A

permitted in the zone and have a greater potential development as the CR zone would also allow residences.

3. Section 7.311.03.C. - Allowed uses in the proposed zone can be established in compliance with the development requirements in this Code.

FINDINGS: As previously noted, a number of parcels are currently developed. Since the CR zone also allows residential uses, the development potential increases.

4. Section 7.311.03.D. - Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.

FINDINGS: As previously noted, facilities are currently in place to serve the properties.

5. Section 7.311.03.E. - For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.

FINDINGS: This criterion does not apply as the proposed CR zone is not a residential designated zone pursuant to Section 7.1.03.02.

- B. In summary, the zone change would establish the CR zone on the subject properties, provide greater flexibility for current property owners and produce incentives to maintain existing properties, especially those with historic significance.

VII. CONCLUSION

The Dayton City Council concludes the proposed Zone change, amending the Dayton Zoning Map, is consistent with the decision criteria contained in the Land Use and Development Code.

VIII. ORDER

It is hereby found that the proposed Zone Change, affecting property listed in ATTACHMENT "A," complies with the decision criteria in the Land Use and Development Code for the reasons stated above.

THEREFORE, it is the decision of the Dayton City Council to approve the proposed amendment to the Dayton Zoning Map.

DAYTON CITY COUNCIL
Exhibit "A" Findings
Planning File Zone Change 03-01

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MEMORANDUM

To: Curt Fisher, Rochelle Roaden, Melissa Ahrens

From: Jesse Winterowd, AICP, PMP, Grace Coffey AICP

Date: March 7, 2024

Re: Dayton Housing Element Roadmap and Middle Housing Work Program Tasks and Schedule

The following is a proposed project schedule for the Dayton Housing Element Roadmap and Middle Housing Work Program with the City of Dayton, organized by tasks and subtasks, subtasks contain project deliverables. This memorandum provides the Winterbrook deliverable for Task 1.

Task 1: Project Kick-Off and Management		April 2024
Winterbrook	Hold Kick Off Meeting and schedule regular monthly meetings. Prepare project schedule including summary of major tasks and action items for project. Deliverables: <u>Summary of major tasks and action items for the Project; and Proposed Project schedule</u>	March 2024
MIG	Prepare Community Engagement Plan, Participate in Kickoff Meeting Deliverables: <ul style="list-style-type: none"> • Draft and Final Community Engagement Plan • Participation in Kickoff Meeting 	April 2024
City	Schedule and participate in Kickoff Meeting Deliverables: <ul style="list-style-type: none"> • List of potential community stakeholders • Summary of results of any previous related community engagement efforts 	April 2024
Meetings	<ul style="list-style-type: none"> • Kick off Meeting (City, Winterbrook, MIG) • Regular monthly check in meetings (City, Winterbrook) 	
Task 2: Residential Buildable Lands Inventory (BLI)		March-May 2024
Winterbrook	Residential Buildable Land Inventory Deliverables: <ul style="list-style-type: none"> • Memorandum presenting the residential BLI • Presentation Materials • Maps, and GIS shapefiles 	March-April 2024
Meetings	Present results to Project Advisory Committee (PAC) at PAC Meeting 1 (Winterbrook)	

Task 3: Housing Engagement and Education		April-September 2024
Winterbrook	Attend stakeholder meetings, prepare summary of housing engagement results. Deliverables: <ul style="list-style-type: none"> • Outline of suggested questions and topics for engagement with housing consumers and producers. • Residential designation policy interpretation of existing comprehensive plan. Contextualized summary of engagement and housing policies. 	April-September 2024
MIG	Engagement: Review and comment on a list of potential stakeholder interview participants. Prepare interview questionnaires or discussion guides for review by other project team members; update materials to address resulting comments. Prepare an overall summary of meeting results based on notes provided by City staff and Housing Consultant team members. Deliverables: <ul style="list-style-type: none"> •Meeting to discuss stakeholder meeting participants and discussion topics •Draft and Final Stakeholder Meeting Discussion Guide or Questionnaire •Stakeholder Meetings Overall Summary of Results 	May-September 2024
	Develop an Online Story Map Deliverables: <ul style="list-style-type: none"> •StoryMap Initial Content •StoryMap Update #1 •StoryMap Update #2 •StoryMap Update #3 	May-July 2024
	Community Meeting: Meet with City staff and the Housing Consultant to discuss and agree on the meeting objectives, format and promotion. Prepare a meeting flyer and text for email and Website announcements or other promotional efforts to be undertaken by City staff. Assist in preparing presentation materials using information provided by the Housing Consultant. Attend the meeting; one MIG staff member will attend to support City staff and the Housing Consultant’s participating team members. Prepare a meeting summary. Deliverables: <ul style="list-style-type: none"> •Community Meeting Plan and Presentation Materials •Community Meeting Participation and Summary 	July-September 2024
City	Deliverables <ul style="list-style-type: none"> • Participation in meetings to plan for engagement activities • Stakeholder interview logistical support and staffing, as needed • Incorporate links to and announcements for engagement materials and activities in the City’s Website • Logistical arrangements and staffing of Community Meeting 	May-September 2024

	<ul style="list-style-type: none"> Review and comments on all engagement materials and summaries Meeting notice and agenda. 	
Meetings	<ul style="list-style-type: none"> Up to 6 one-on-one or small group meetings with stakeholder groups. (City, Winterbrook) Present summary of engagement and housing policies to PAC at PAC Meeting 2 (MIG, Winterbrook, City) Public Open House or Meeting to present middle housing data, findings and recommendations. (MIG, Winterbrook, City) 	
Task 4: Comprehensive Plan Housing Audit and Roadmap		May -September 2024
Winterbrook	<p>Prepare a housing chapter roadmap containing actions necessary for Dayton to update the housing element of the comprehensive plan, how other elements of the plan interact with the housing element, and recommendations on how to structure the comprehensive plan to simplify future updates.</p> <p>Deliverables:</p> <ul style="list-style-type: none"> A recommendation report summarizing findings, recommended changes to City’s comprehensive plan and land use regulations to address housing and residential land needs. Presentation materials to explain findings and recommendations at a public meeting. 	May-August 2024
City	<p>Deliverables:</p> <ul style="list-style-type: none"> Public meeting notice(s) 	August-October 2024
Meetings	<ul style="list-style-type: none"> Present recommendation report to PAC at PAC Meeting 3 (Winterbrook, City) Public meeting to present the findings and recommendations (Winterbrook, City). 	

Meetings Schedule and Summary:

In addition to regular check in meetings or internal meetings as necessary, the following schedule is proposed:

Kickoff Meeting	March
PAC Meeting 1 (Winterbrook presents BLI)	April
Up to 6 stakeholder meetings (Conducted by Winterbrook, City)	May-August
PAC Meeting 2 (MIG presents summary of engagement and middle housing policies)	October
PAC Meeting 3 (Winterbrook presents Comp Plan Housing Roadmap)	October
Public Open House or Meeting (MIG, Winterbrook, City present middle housing data, findings, and recommendations)	November