

**AGENDA
DAYTON CITY COUNCIL
REGULAR SESSION**



DATE: MONDAY, AUGUST 2, 2021
TIME: 6:30 PM
PLACE: CITY HALL ANNEX, 408 FERRY STREET; or
VIRTUAL: ZOOM MEETING – ORS 192.670/HB 2560

If you would like to attend the meeting virtually, please click the link: <https://us06web.zoom.us/j/94322193926> to join the webinar or Telephone: 1 346 248 7799

Dayton – Rich in History . . . Envisioning Our Future

<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE #</u>
A.	CALL TO ORDER	
B.	ROLL CALL & PLEDGE OF ALLEGIANCE	
C.	APPEARANCE OF INTERESTED CITIZENS	
This time is reserved for questions or comments from persons in the audience on any topic.		
D.	ACTION ITEMS	
	PUBLIC HEARING	
	<i>The City Council will hold a public hearing to obtain citizen input on text amendments to the Dayton Land Use and Development Code – Planning Action, Ordinance 626, Amending Chapter 7, Sign Code</i>	
	1. LA 20/21-01 Staff Report by Kiel Jenkins, City Planner	1 - 22
	2. First Reading of Ordinance 626 – Amending Chapter 7, Sign Code	23-48
	3. Public Safety Discussion and Survey Results	49-62
	4. Approval of Resolution 2021/22-04 Local Option Levy	63-66
	5. Approval of Resolution 2021/22-05 Public Record Request Policy Update	67-82
	6. Approval of Resolution 2021/22-06 Fee Schedule Update	83-88
E.	CITY COUNCIL COMMENTS/CONCERNS	
F.	INFORMATION REPORTS	
	1. City Manager’s Report	89-96
G.	ADJOURN	

Posted: July 29, 2021
Patty Ringnalda, City Recorder

Persons with hearing, visual or manual impairments who wish to participate in the meeting should contact the City of Dayton AT LEAST 32 WORKING HOURS (4 DAYS) prior to the meeting date in order that appropriate communication assistance can be arranged. The City Hall Annex is accessible to the disabled. Please let us know if you need any special accommodations to attend this meeting.

NEXT MEETING DATES

City Council Regular Session, Tuesday, September 7, 2021- *In Person or Virtually via Zoom*
City Council Regular Session, Monday, October 4, 2021- *In Person or Virtually via Zoom*

CITY OF DAYTON

416 Ferry Street – P. O. Box 339
Dayton, OR 97114-0039
503-864-2221 fax 503-864-2956

STAFF REPORT

City Council – August 2, 2021

REPORT DATE: July 22, 2021

FILE NUMBER: LA 2021-01 (Legislative Amendment)

APPLICANT: City of Dayton

REQUEST: Amend the Dayton Development Code to add sign regulations for all properties within the City of Dayton.

PROPERTY:

<u>Tax Lot</u>	<u>Size</u>	<u>Zoning</u>
Citywide	NA	All Zones

ZONING: All Zones

SURROUNDING ZONING: North: NA
South: NA
East: NA
West: NA

CURRENT USE: N/A

CRITERIA: **Dayton Land Use and Development Code (LUDC)**
Section 7.3.112.03: Criteria to Amend Development Code Text

EXHIBITS: A: Text Amendments
B: Marked-up draft amendments reviewed by the Planning Commission
C: Heights of existing signs
D: Letter from Kellington law group attorney regarding proposed amendments.

I. PURPOSE

The purpose of this staff report is to provide the City Council with information related to proposed additions to the Dayton Development Code regarding the regulation of signs within the City Limits.

II. PROCESS

The proposed amendments are a legislative change to the LUDC and are processed as a legislative Type IV land use action.

The LUDC Type IV process set forth in Section 7.3.203.01, Type IV Initiation, requires a Type IV process to be initiated by a majority of the City Council, a majority of the Planning Commission or by a recommendation by the City Manager subject to majority approval by Planning Commission or the City Council. The Planning Commission has held two work sessions, on February 11, 2021 and April 20, 2021. At the second work session, the Planning Commission directed staff to prepare a set of draft amendments for review.

Measure 56 notice was sent to all property owners within the City Limits on May 5, 2021. Newspaper notice was posted on Friday, May 21, 2021. On the date of the originally scheduled meeting on May 27, the Planning Commission did not have enough present members for a quorum, so the hearing was rescheduled to June 24. All members of the public present at the meeting were asked to provide contact information. Newspaper notice was re-posted on June 8, 2021, and notice was sent to those in attendance at the May 27 meeting. On June 24th, the Planning Commission Hearing was continued to a date and time certain- 6:30 PM on July 8th. On July 8th, the Planning Commission recommended approval of LA 2021-01 with changes. Notice for the City Council hearing was posted in the McMinnville News-Register on July 23, 2021, 10 days prior to the hearing.

Written comment was received by Mr. Fred Wilson with Kellington Law Group on May 27, 2021 and is attached as Exhibit D to the staff report.

III. BACKGROUND

Staff have incorporated comments from the Planning Commission given at the April 20, 2021 work session, the June 24, 2021 PC meeting, the July 8, 2021 PC meeting, and received from the City Attorney as follows:

1. Comment: Add "US" to section 7.4.101.A regarding the constitution.
Response: Upon review of the proposed amendments, the City Attorney recommended removal of all reference to the first amendment.
2. Comment: Replace "in order to" with "So as to" as originally written in section 7.4.101.4.B
Response: Changed back as requested.
3. Comment: Change typo saying "per limit" to "per minute" as intended in section 7.4.101.4.H
Response: Changed as requested.
4. Comment: Add change of ownership requirement for removal of non-conforming signs in section 7.4.101.6.D
Response: Added requirement that new owners or tenants must remove non-conforming signs within six months of the change.
5. Comment: Add six-month replacement requirement for non-conforming signs when affected by natural causes in section 7.4.101.F

Response: Added requirement that owners or tenants must bring non-conforming signs into conformance within six months of the damage occurring.

6. Comment: Change timeline for repair of non-conforming signs with less than 50% damage from one year to six months in section 7.4.101.F.ii.

Response: Changed to one year as requested.

7. Comment: Add definitions for free-standing and off-premise signs.

Response: Definitions have been added as requested.

8. Comment: Clarify that the “property owner approval” in reference to off-premise signs refers to the property owner of the property on which the off-premise sign is to be placed upon in section 7.4.101.7.

Response: Clarified as requested.

9. Comment: Add section for signs within the public zone.

Response: Added as requested. New section is 7.4.107.

10. Comment: Look into existing signs within the City of Dayton to determine an appropriate height for signs within the Commercial zone. Reduce height maximum from 30 feet to 20 feet.

Response: Not all, but the majority of signs within the commercial district are below 20 feet as indicated on Exhibit C. The maximum height has been reduced to 20 feet as requested.

11. Comment: Clarify regulations for the CR zone.

Response: Commercial uses within the CR zone are subject to the standards of the Commercial zone. Additionally, signs utilized for commercial uses within the CR zone in the CBO will be subject to the standards of the CBO.

12. Comment: Edit typo adding currently reading “sixty (21) days” in section 7.4.104.2.c.i.

Response: Changed to “twenty-one (21) days” as requested.

13. Comment: Add freestanding signs as a permitted sign type within the CBO.

Response: Added to section 7.4.105.2.B as requested.

14. Comment: Add 15-foot maximum height of freestanding signs within the CBO.

Response: Added as requested.

15. Comment: Look into lighting requirements.

Response: Lighting requirements for development are listed in multiple sections throughout the development code. Typically, lighting requirements indicate the need to direct lighting away from adjacent properties, similar to the requirements for signs within the proposed sign code. The standards as proposed are more restrictive than typical within the LUDC.

16. Comment: Remove “Grand Opening and special event signs” from Section 7.4.2.4.C.i because it relates to the content of the sign.

Response: Removed as requested.

Comments from 6/24 Meeting:

17. Comment: Replace reference to removed section of the ordinance relating to sign variances and replacing with the new section 7.3.2.

Response: Changed as requested.

18. Comment: Increase permitted sign height and area for signs located on properties with frontage on highway 18

Response: Added as subsections to sign regulations for Commercial and Industrial zones.

19. Comment: Reduce sign height and area to 6 and 24 feet respectively for CBO signs.

Response: Added to sections 7.4.105.3B and 4B.

20. Comment: Change CBO design guidelines to design standards to ensure they are clear and objective.

Response: Changed as requested.

21. Comment: Internal or underlit lighting of awnings should be prohibited within the CBO.

Response: Changed as requested. Staff recommends the Planning Commission review further to determine if the additional design standards should be removed entirely.

22. Comment: Sign imagery or writing shall be located only on the awning skirt.

Response: Changed as requested.

23. Comment: Freestanding signs should be limited within the CBO.

Response: Provision added in Section 7.4.105.5.D.i

24. Comment: Draft example language for both the prohibition of internally illuminated signs in the CBO and a CUP process for internally illuminated signs.

Response: Added as requested

25. Comment: Add requirement for planting around base of freestanding signs within the CBO

Response: Added to design standards as listed in Section 7.4.105.7.F.v

Changes as recommended by the Planning Commission on July 8, 2021

26. Comment: Remove all design standards for the CBO (7.4.105.7) excepting the following:

7A. The placement of signage shall not visually obscure architecturally significant features of the building.

7B. Where signage is proposed on (or behind) window surfaces, such signage should not substantially obscure visibility through the window and should be incidental to the scale of the window. Larger window signs will be considered in the overall sign allowances for individual tenants.

7C. Generally, the placement of signage shall occur below the sill of the second story windows. Alternative placement may be considered under the following circumstances:

i. Freestanding signs must have a base of either a flower bed or shrubbery to integrate the sign into the streetscape.

ii. The placement of signs must not disrupt or obstruct the vision of drivers or pedestrians so as to create a hazardous situation. No signs shall be so located as to significantly obstruct pedestrian circulation.

Response: Removed as recommended.

27. Comment: Remove options for CUP and prohibition of illuminated signs within the CBO as written per 7.4.105.B.

Response: Removed as recommended.

28. Comment: Staff observed a typo in section 7.4.101.8- Adjustments and Variances. The text reviewed by the PC says variances shall be reviewed as a Type II procedure, when variances should be reviewed as a Type II due to the subjective nature of the variance criteria.

Response: Changed review type to Type II.

Changes recommended by City Attorney, July 23, 2021

29. Remove all references to off-premise signs because off-premise signs are defined by content.

Response: Deleted definition “off-premise signs” and Section 7.4.101.07- Off-premise signs. The removed section included a Conditional Use Permit process for off-premise signs. As edited, off-premise signs will be subject to the regulations of the zone in which they are located.

IV. PROPOSED AMENDMENTS – AMENDMENT LISTED

A list of proposed amendments is included as attachment A to the staff report.

V. PROPOSED AMENDMENTS – MARK-UP VERSION- PC REVIEW

A marked-up version of the proposed amendments reviewed by the Planning Commission is included as attachment B to the staff report.

Vi. APPLICABLE APPROVAL CRITERIA

The Dayton Land Use and Development Code, Section 7.3.112.03, Criteria For Approval of Development Code text amendments.

7.3.112.03 CRITERIA FOR APPROVAL, DEVELOPMENT CODE TEXT AMENDMENTS

7.3.112.03, A:

A. Impact of the proposed amendment on land use and development patterns within the city, as measured by:

1. Traffic generation and circulation patterns;

FINDINGS: Not applicable because the proposed amendments are related to sign code regulations, which do not affect traffic generation and circulation patterns.

2. Demand for public facilities and services;

FINDINGS: Not applicable because the proposed amendment does not affect public facilities and services.

3. *Level of park and recreation facilities;*

FINDINGS: Not applicable because the proposed amendment does not affect park and recreation facilities.

4. *Economic activities;*

FINDINGS: Not applicable because the proposed amendment does not affect economic activities.

5. *Protection and use of natural resources;*

FINDINGS: Not applicable because the proposed amendment does not affect natural resources.

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

FINDINGS: Not applicable because the proposed amendment does not affect adopted special purpose plans or programs such as public facilities improvements.

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

FINDINGS: There is no existing sign code for any properties located outside of the Central Business Overlay Zone. As such, the City has no ability to regulate location and size of signs within the City Limits. Staff finds the lack of sign code represents a demonstrated need for the product of the amendments.

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

FINDINGS: The Statewide Planning Goals follow.

Goal 1, Citizen Involvement: The Planning Commission held a work session regarding the proposed amendment on February 10, 2021, and second work session on April 20, 2021. Measure 56 notice was sent to all property owners within the City of Dayton on May 5, 2021, 22 days prior to the date of the scheduled Planning Commission Hearing on May 27. Newspaper notice was provided on May 21st. At the meeting on May 27, the Planning Commission did not have a quorum and was therefore unable to act on the application. The public hearing was rescheduled for June 24 and re-noticed on June 8. The public hearing was then continued to date and time certain at 6:30 on July 8. The City Council hearing is scheduled for August 2, 2021. The hearings are consistent with the Development Code's procedures for legislative amendments to the Development Code. Goal 1 is met.

Goal 2, Land Use Planning: Goal 2 supports clear and thorough local procedures. The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Development Code for processing legislative amendments to the Development Code.

Goal 3, Agricultural Lands and Goal 4, Forest lands: Goals 3 and 4 are not applicable. The proposal does not involve or affect farm or forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources. Goal 5 is not applicable. The proposal amends the City's historic resources regulations in accordance with Goal 5 requirements.

Goal 6, Air, Water and Land Resource Quality: Goal 6 is not applicable. The proposal does not address Goal 6 resources.

Goal 7, Natural Hazards: Goal 7 is not applicable. The proposal does not address Goal 7 resources.

Goal 8, Recreation: Goal 8 is not applicable. The proposal does not address recreational needs.

Goal 9, Economic Development: Goal 9 is not applicable. The proposal does not address Goal 9 issues.

Goal 10, Housing: Goal 10 is not applicable. The proposal does not address Goal 10 issues.

Goal 11, Public Facilities and Services: Goal 11 is not applicable. The proposal does not address Goal 11 issues.

Goal 12, Transportation: Goal 12 is not applicable. The proposal does not address Goal 12 issues.

Goal 13, Energy Conservation: Goal 13 is not applicable. The proposal does not address Goal 13 resources.

Goal 14, Urbanization: Goal 14 is not applicable. The proposal does not address Goal 14 issues.

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

1. It corrects identified error(s) in the provisions of the plan.

FINDINGS: There are no identified errors in the provisions of the plan.

2. It represents a logical implementation of the plan.

FINDINGS: There are no specific guidelines for the regulation of signs listed in the comprehensive plan.

3. It is mandated by changes in federal, state, or local law.

FINDINGS: The changes are not mandated by changes in federal, state, or local law.

4. It is otherwise deemed by the council to be desirable, appropriate, and proper.

FINDINGS: The City Council requested staff review the sign code provisions. Therefore, staff finds that the update to the sign code and the associated amendments can be considered deemed by the council to be desirable, appropriate, and proper.

VII. STAFF RECOMMENDATION

Based upon the staff report and the above findings, staff recommends the City Council adopt the findings in the staff report approve LA 2021-01 via ordinance # 652.

VIII. PLANNING COMMISSION OPTIONS – Sample Motions

A. Option 1: Adopt as presented.

Motion: I move the City Council adopt the staff report and findings and adopt Ordinance #652 approving LA 2021-01.

B. Option 2: Adopt with changes.

Motion: I move the City Council adopt the staff report and findings and adopt Ordinance #652 approving LA 2021-01

C. Option 3: Do not adopt.

I move the City Council deny LA 2021-01 and adopt findings to support the denial of Ordinance #652 and the findings are.....

D. Option 4: Continue the Hearing.

Motion: I move the City Council continue the public hearing to a date/time/location certain for staff to provide more information on the following issues...and state the issues.

Exhibit B- Final Amendments

7.2.111.07- Signs: Sign standards within the Central Business Overlay Zone may be found in Section 7.4.105

7.4.101 General Provisions

1. Applicability. All properties within Dayton City Limits shall be subject to the provisions of this section. Unless specifically listed as a permitted use or type in this section, other sign types and uses are prohibited.
2. Purpose
 - A. While signs communicate all types of helpful information, unregulated signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this section is to regulate the size, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values; the character of the various neighborhoods; the creation of a convenient, attractive, and harmonious community; protection against destruction of or encroachment on historic properties, convenience to citizens and encouraging economic development. This section allows adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs. If any provision of this section is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this section which can be given effect without the invalid provision.
 - B. A sign placed on land or on a building for the purpose of identification, protection, or directing persons to a use conducted therein must be deemed to be an integral, but accessory and subordinate, part of the principal use of land or building. Therefore, the intent of this section is to establish limitations on signs to ensure they are appropriate to the land, building, or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (A) of this section.
 - C. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
 - D. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
 - E. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

3. Definitions:

Abandoned Sign: A sign that is no longer used by the person who constructed/installed the sign on the property where the sign is located or cessation of use of the property where the sign is located.

A-Board Sign: Includes signs that are ordinarily in the shape of an “A”, or some variation thereof, on the ground, easily movable and which is usually two sided.

Area Sign: The area contained within lines drawn between or around the outermost points of a sign, including cutouts, but does not include essential sign structure, foundations or supports. The area of a sign having two display surfaces facing in opposite traffic directions shall be computed by measuring the largest face. For signs having two or more display surfaces, the area is the maximum area of the surfaces that can be seen from any one point.

Banner Sign: A sign made of fabric or other non-rigid material with no enclosing framework or not affixed to the primary structure and shall include every type of decoration or banner displayed over or upon the city streets of the City of Dayton on a temporary or seasonal basis, whether attached to utility poles or any other structure.

Billboard: A sign height over ten feet from the ground surface, on which same is located, to the top of such billboard, and sign area greater than sixty-four (64) square feet, on which the copy is designed to be periodically changed and which is not located on the premises to which such advertising copy pertains.

Direct Illumination: A source of illumination directed towards such signs so that the beam of light falls upon the exterior surface of the sign.

Facade: The architectural front of a building; usually the front but sometimes the rear or side, used to meet architectural treatment details and setting the tone for the rest of the building.

Freestanding Sign: A sign, including monument signs, supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign.

Government Sign: A sign erected, constructed, or placed within the public right-of-way or on public property by or with the approval of the government agency having authority over, control of, or ownership of the right-of-way or public property.

Highway Oriented Signs: Signs fronting Highway 18.

Illuminated Sign: A sign illuminated by an interior or exterior light source, which exterior light source is primarily designed to illuminate such sign.

Integrated Business Center: A group of two or more businesses that are planned or designed as a center, or Center: share a common off-street parking area or access, whether or not the businesses, buildings, or land are under common ownership.

Light-Emitting Diode or LED: A form of illumination using a semiconductor light source that converts applied voltage to light and is used in digital displays.

Mural: A hand-painted, hand-tiled or digitally printed image on the exterior wall of a building.

Neon Light: A form of illumination using inert gases in glass tubes and includes black light and other neon lights.

Nonconforming Sign: A sign that was lawful when it was constructed but does not meet the requirements of this Section.

Portable Sign: A sign that is not attached to any building or facade that is easily portable. It may stand alone or be illuminated, have wheels attached, or be located on a trailer.

Projecting Sign or Blade Sign: A two-sided sign other than a wall sign which projects beyond the building surface to which it is attached.

Reader Board: Any sign not permanently attached to the ground or building and capable of being moved from place to place, including signs attached to vehicles and trailers.

Sign: A display, illustration, structure or device that has a visual display visible from a right-of-way, private roadway or lot under other ownership.

Temporary Sign: A sign not permanently attached to a building, structure or ground that is intended to be displayed for a limited period of time. Such signs may include banners, pennants, streamers, spinners, or other similar devices.

Vehicle Sign: A sign placed in or attached to the motor vehicle, trailer, railroad car, or light rail car that is used for either personal purpose or is regularly used for purposes other than the display of signs.

Wall Sign: A sign that is painted or attached on a wall of a building, and extending no more than twelve inches from the wall. Window signs that are permanently attached to the outside of a window are wall signs.

Window Sign: Includes text or graphics that are painted on or attached to a window. Window signs do not include business hours of operation or non-illuminated open/closed signs.

4. Prohibited Signs. Signs not conforming to Section 7.4 of the Dayton Municipal Code are unlawful and shall constitute a Class C violation according to the City of Dayton Fee Schedule.
 - A. Installation or posting of any notice or signage on utility poles, street lights, stop signs, other street signs, trees in the public right-of-way, public places or premises shall be prohibited without approval from the Utility or the City of Dayton.
 - B. Access. Signs that block ingress or egress so as to interfere with the flow of pedestrian or vehicle traffic, doors, windows, fire escapes or parking areas shall be prohibited.
 - C. Billboards.
 - D. Any sign on vacant property unless allowed as a temporary sign.
 - E. Condition. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.
 - F. Reader board or portable signs.
 - G. Obscene Signs- A sign that creates a public nuisance displaying an obscenity as defined under ORS Chapter 167.
 - H. Flashing signs, signs that produce glare, or animated signs that change image more than six times per minute.
5. Exempt Signs. The following signs and devices shall not be subject to the provisions of this Chapter and shall no require approval from the City.
 - A. Identification Signs. Memorial and Historic Identification Signs and Donation Plates. Memorial tablets, cornerstones, donation plates or similar plaques, such as National Register listing, not exceeding six square feet.
 - B. Occupant or Owner Sign. A sign identifying the name of the occupant or owner, provided the sign is not larger than one (1) square foot, is not illuminated and is either attached to the structure or located within the front yard setback.
 - C. Window signs shall not be calculated in total sign area calculations but are limited to a maximum of twenty-four (24) square feet or twenty five percent (25%) of the total window area, whichever is less.
 - D. State Highway Requirements. Applicants are advised to contact the State Highway Division of the Oregon Department of Transportation regarding other possible sign regulations adjacent to Ferry Street and Third Street.
 - E. Vehicle Signs. Signs painted on or otherwise attached to vehicles.
6. Non-conforming signs: Non-conforming signs are subject to the following provisions:
 - a. Legally established nonconforming permanent signs may continue to exist in accordance with this section. Nonconforming Signs that were not legally established have no legal right to continue and must be removed or reconstructed in conformance with this code.

- b. Maintenance. A non-conforming sign may undergo normal maintenance, which includes normal care or servicing needed to keep a sign functional, such as cleaning, replacing or repairing a part made unusable by ordinary wear, and changing light bulbs. “Normal maintenance” excludes major structural repairs designed to extend the useful life of the non-conforming sign.
- c. Sign face. The sign face or sign copy may be changed without affecting the nonconforming status of the sign.
- d. Ownership. Should a property change ownership or a building have a new tenant, all non-conforming signs must be removed within six months of the change.
- e. Changes to nonconforming signs.
 - i. A non-conforming sign shall not be enlarged or altered in a way that would increase its nonconformity.
 - ii. Signs and sign structures that are moved or replaced shall be brought into conformance with the sign regulations.
 - iii. Signs that are structurally altered by more than fifty (50) percent of the replacement value, shall be brought into conformance with the sign regulations.
 - iv. Signs that are structurally altered by fifty (50) percent or less than the replacement value may continue to be used as a nonconforming sign provided the alterations do not increase the nonconformity of the sign.
- f. Damaged nonconforming signs:
 - i. When a nonconforming sign is damaged by wind, fire, neglect or by any other cause, and such damage exceeds fifty (50) percent of its replacement value, non- conforming sign shall be removed or brought into conformance with the sign regulations within six months of the date the damage occurred.
 - ii. When a nonconforming sign is damaged by wind, fire, or by any other cause and the estimated cost to repair the sign is fifty (50) percent or less of its replacement value, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a nonconforming sign, provided that such repairs and restoration are started within six months of the date the sign was damaged and are diligently pursued thereafter.
 - 1. Whenever repairs and restoration of a damaged nonconforming sign are not started within one year of the date the sign was damaged or are diligently pursued once started, the sign shall be deemed abandoned.
 - 2. Abandoned signs shall not be permitted as nonconforming signs. Abandoned signs shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found.

7. Adjustments and Variances.

Sign adjustments/variances shall be reviewed in accordance with a Type II action, as specified in Section 7.3.2 using the following criteria.

Criteria for Sign Variance/Adjustments.

- A. Compliance with the applicable standard would create an unnecessary hardship due to physical conditions of the property (topography, lot size or shape, or other circumstances over which the applicant has no control), which are not present on other properties in the same zone, and the adjustment is necessary to permit signage comparable with other properties in the same zone.
- B. The hardship does not result from actions of the applicant, owner(s) or previous owner(s), or from personal circumstances of the applicant, owner(s) or previous owner(s), such as physical condition, age or financial situation; and
- C. Approval of the adjustment will not adversely affect the function or appearance of the development and use of the subject property and surrounding properties; and will not impose limitations on other properties and signage in the area including signage that would be allowed on adjacent properties.

7.4.102- Review Procedures

- 1. All signs not specifically exempt from permitting requirements by Section 7.4.101.5 shall be subject to the permitting procedures of this section. No signs in conflict with any provisions of this ordinance shall be permitted.
- 2. Permit Fees: Permit fees shall be established by City Council resolution and updated as needed.
- 3. Application Requirements: An application for a sign permit shall be submitted on a form provided by the City Planner or designee. The application shall include the following items, at minimum:
 - A. A sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises.
 - B. The sign's location, graphic design, structural and mechanical design and engineering data which ensures its structural stability.
 - C. The names and address of the sign company, person authorizing erection of the sign and the owner of the subject property.
- 4. Revocation of permits: Sign permits mistakenly issued in violation of these regulations or other provisions of the Dayton Land Use and Development Code are void. The City Planner or designee may revoke a sign permit if they find that there was a material and misleading false statement of fact in the application for the permit.
- 5. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:
 - A. Compliance with Building Codes. All signs shall comply with the applicable provisions of the Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance

of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements.

- B. Materials. Except for banners, flags, portable signs, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure.
- C. Maintenance. All signs shall be maintained in a good structural condition and readable at all times.
- D. Owner Responsibility. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Ordinances regulating signs.
- E. Aesthetics. All signs shall be professional in appearance, constructed in a workmanship like manner to professional standards.

DESIGN STANDARDS

7.4.103 Residential

1. Purpose and applicability: To provide a set of regulations for the placement of signs within Residential (R-1, R-2, R-3) zones. The provisions within this section shall also apply to residential uses within the Commercial Residential zone.
2. Permitted Signs- All permitted signs are subject to the standards of 7.4.103
 - A. Wall, canopy, and window signs.
 - B. Free-standing signs
 - C. Temporary signs. Temporary signs within Residential zones shall be limited to 21 days per calendar year.
3. Maximum sign area
 - A. Single Family and Duplex uses: 6 square feet.
 - B. Multi-family (greater than two units): For subdivisions, multiple-family developments (including planned developments), uses, or identified neighborhood areas, one single or double-faced, indirectly lit sign not to exceed 24 square feet for one face or 48 square feet in surface area for two or more faces is permitted. The applicant for the sign permit must own or represent a majority of the lots or dwelling units within the subdivision, multiple-family development, identified neighborhood area, or the applicable homeowner's association. If the sign pertains to any development request, then the location and design shall be subject to the appropriate review.
 - C. Temporary Signs: 12 square feet.
4. Maximum sign height: 6 feet
5. Location:
 - A. Wall, canopy or window sign shall be set back from the property lines of the lot on which it is located, the same distance as the building containing the permitted

use; provided that wall signs may project into the required setback space up to 1.5 feet.

- B. Free-standing signs are permitted where fences are allowed for residential uses.
6. Illumination
- A. Single family and duplex uses: Not permitted.
 - B. Multi-family: May only be indirectly illuminated by a concealed light source and shall not be illuminated between 10:00 PM and 6:00 AM. No lighting shall blink, flash, fluctuate, or produce glare.

7.4.104 Commercial Zone

1. Purpose and applicability: To provide a set of regulations for the placement of signs within the Commercial (C) zoning district. Signs located on properties within the CBO (Central Business Overlay) shall be subject to the provisions of Section 7.4.105.
2. Permitted Signs
 - a. Wall signs
 - b. Free-standing signs
 - c. Temporary signs: Temporary signs shall be permitted within the Commercial zoning district in accordance with the following provisions.
 - i. Permitted Temporary signs are allowed provided they are erected not longer than twenty-one (21) days prior to an event and fifteen (15) days after an event. Temporary fabric or paper signs may be placed upon the window opening of a non-residential building when such signs do not obscure more than twenty (20) percent of the window area, and no more than ten (10) percent of the total primary facade area.
 - ii. All other temporary signs shall be installed for not longer than 30 days in a calendar year.
3. Maximum sign area
 - A. Non-Integrated business center
 - i. Wall signs: 1 square foot per lineal foot of building frontage with a maximum of 120 square feet.
 - ii. Free-standing signs: 50 square feet per sign face. Total area of $\frac{3}{4}$ square feet per lineal foot of street frontage.
 - iii. Temporary signs: 12 square feet
 - B. Integrated business center
 - i. Wall signs: 1 square foot per lineal foot of building frontage with a maximum of 120 square feet.
 1. Wall signs may be placed over all shared main public entries to the business center. Shared public entries must be shared by at least two tenants. Such signs are limited to 130 square feet in size.
 2. When an individual business does not have frontage on a street or parking lot, the business is allowed a maximum aggregate wall sign area of 16 square feet.

or maintenance of any sign at any place or in any manner unlawful under any other city code provision or other applicable law. In any case where a part of the Dayton Sign Code conflicts with a provision of any zoning, development, building, fire, safety or health ordinance or code, the provision which establishes a stricter standard for the protection of the public health and safety shall prevail.

2. Permitted Signs- All permitted signs are subject to the standards of 7.4.105
 - A. Wall signs
 - B. Freestanding signs
 - C. Projecting signs
 - D. A-Board signs (one per tenant space)
 - E. Temporary Signs
 - i. Temporary signs are allowed provided they are erected not longer than sixty (60) days prior to an event and fifteen (15) days after an event. Temporary fabric or paper signs may be placed upon the window opening of a non-residential building when such signs do not obscure more than twenty (20) percent of the window area, and no more than ten (10) percent of the total primary facade area.
 - ii. All other temporary signs shall be installed for not longer than 30 days in a calendar year.
 - F. Awning signs
 - i. Sign lettering and imagery may only be located on the awning skirt.
 - G. Flags (maximum of two per property)
3. Maximum sign area:
 - A. Wall signs: one (1) square foot of sign area for each one linear foot of building façade not exceeding 100 square feet. This maximum area shall apply to all signs attached to the building such that the total area of all signs combined on the property does not exceed 100 square feet.
 - B. Freestanding Signs: 24 square feet
 - C. Projecting signs: Blade, projecting or hanging signs shall be limited to one (1) per tenant space. Projecting signs shall have a maximum area of eight (8) square feet.
 - D. One (1) A-Board sign is permitted per business or property and shall measure no more than three (3) feet wide and not more than four (4) feet high. A-Board signs shall not be calculated in total sign area calculations.
 - E. Temporary signs: 12 square feet
 - F. Awning: 6 square feet. Must comply with the provisions of 7.4.105.2.F.i
 - G. Flags: 15 square feet per flag.
4. Maximum sign height:
 - A. Wall signs: 6 feet. May not project higher than the height of the roof.
 - B. Freestanding signs: 6 feet
5. Location:
 - A. Wall signs shall be placed in traditional locations in order to fit within architectural features, such as: above transoms, on cornice fascia boards, or below cornices.

- B. The edge of a projecting sign furthest from the wall shall not extend more than 42 inches from a wall, the bottom of the sign shall be no lower than eight (8) feet above a right-of-way or private sidewalk area and the top of the sign shall not extend over the roof line of the building.
 - C. A-board signs
 - i. A-Board signs may be placed upon private property or within an adjacent public right-of-way along the frontage of the business displaying the sign when a minimum of forty-two (42) inches of clear pedestrian walkway is available immediately adjacent to the sign.
 - ii. Removal. A-Board signs shall be movable at all times and displayed only during the hours the business is open.
 - D. Freestanding
 - i. Freestanding signs shall only be permitted when the property has a building setback greater than 15 feet.
 - E. Temporary signs must be located on the subject property and may not infringe upon the frontage of another business.
 - F. Awnings: Text on awnings shall be limited to that placed upon the awning skirt only and shall be included in the calculation of the maximum allowable sign area.
6. Illumination
- A. Hanging signs may be externally illuminated although ambient light is usually sufficient to light these small signs. Planning staff must review and approve alternative lighting designs.
 - B. Direct or in-direct illumination shall be permitted, provided all illumination is directed away from adjacent property. The applicant must submit a photometric plan showing that there will be no light trespass on neighboring properties.
 - i. Internally lit signs, including Neon or LED signage shall be permitted subject to the following restrictions:
 - 1. Signs shall be limited to one (1) sign per business, not exceeding three (3) square feet in area, and shall be limited to three (3) colors. Strobe, blinking or flashing lights are prohibited.
 - C. Awning signs may not be illuminated.

7. Design Standards: All signs within the CBO shall be subject to the following additional design standards.

- A. The placement of signage shall not visually obscure architecturally significant features of the building.
- B. Where signage is proposed on (or behind) window surfaces, such signage should not substantially obscure visibility through the window and should be incidental to the scale of the window. Larger window signs will be considered in the overall sign allowances for individual tenants.
- C. Generally, the placement of signage shall occur below the sill of the second story windows. Alternative placement may be considered under the following circumstances:

- i. Freestanding signs must have a base of either a flower bed or shrubbery to integrate the sign into the streetscape.
- ii. The placement of signs must not disrupt or obstruct the vision of drivers or pedestrians so as to create a hazardous situation. No signs shall be so located as to significantly obstruct pedestrian circulation.

7.4.106 Industrial

1. Purpose and applicability: Purpose and applicability: To provide a set of regulations for the placement of signs within the Industrial (I) zone.
2. Permitted Signs
 - A. Wall signs
 - B. Freestanding signs
 - C. Awning signs
 - D. Temporary Signs
 - i. Temporary signs are allowed provided they are erected not longer than sixty (60) days prior to an event and fifteen (15) days after an event. Temporary fabric or paper signs may be placed upon the window opening of a non-residential building when such signs do not obscure more than twenty (20) percent of the window area, and no more than ten (10) percent of the total primary facade area.
 - ii. All other temporary signs shall be installed for not longer than 30 days in a calendar year.
2. Maximum sign area
 - A. Wall signs: 1 square foot per lineal foot of building frontage with a maximum of 120 square feet.
 - i. A tenant occupying a minimum of 40,000 square feet will be allowed a maximum of 200 square feet.
 - B. Free-standing signs: 50 square feet per sign face. Total area of $\frac{3}{4}$ square feet per lineal foot of street frontage.
 - C. Temporary signs: 12 square feet
 - D. Highway-Oriented Signs
 - i. Wall signs: 1 square foot per lineal foot of building frontage with a maximum of 250 square feet.
 - ii. Free-standing signs: 160 square feet per sign face. Total area of $\frac{3}{4}$ square feet per lineal foot of street frontage.
 - iii. Temporary signs: 12 square feet.
3. Maximum sign height:
 - A. Wall signs: No maximum, but no sign shall not project onto or over a parapet or roof eave.
 - B. Free-standing signs: 30 feet
4. Location:
 - A. Wall or projecting signs may project up to two feet from a building.

- B. Signs shall be placed on the central 50 percent of the street frontage or 50 feet from any adjacent freestanding sign. Signs on corner properties may be placed near the corner if vision clearance provisions are met.
- 5. Illumination:
 - A. No lighting shall blink, flash, fluctuate, or produce glare. The applicant must submit a photometric plan showing that there will be no light trespass on neighboring properties or an adjacent public right of way.

7.4.107- Public

- 1. Purpose and applicability: To provide a set of regulations for the placement of signs within the Public zoning district.
- 2. Permitted Signs- All permitted signs are subject to the standards of 7.4.107
 - A. Wall, canopy, and window signs.
 - B. Free-standing signs
 - C. Temporary signs. Temporary signs within the Public Zone shall be limited to 21 days per calendar year, with a maximum of 5 signs per calendar year.
- 3. Maximum sign area
 - A. 32 square feet
- 4. Maximum sign height:
 - A. Freestanding Signs: 20 feet
 - B. Wall Signs: 6 feet, but no sign shall project over a parapet or roof eave.
- 5. Location
 - A. Wall or projecting signs may project up to two feet from a building.
 - B. Signs shall be placed on the central 50 percent of the street frontage or 50 feet from any adjacent freestanding sign. Signs on corner properties may be placed near the corner if vision clearance provisions are met.
- 6. Illumination
 - A. May only be indirectly illuminated by a concealed light source and shall not be illuminated between 10:00 PM and 6:00 AM. No lighting shall blink, flash, fluctuate, or produce glare. Animated signs are permitted so long as they do not change image more than 6 times per minute.

To: Honorable Mayor and City Councilors
From: Rochelle Roaden, City Manager
Issue: First Reading of Ordinance 652 Updating the Dayton Municipal Code Establishing Sign Regulations
Date: August 2, 2021

Background and Information

This is the first step to updating the Dayton Municipal Code establishing sign regulations for all properties within the City of Dayton.

Kiel Jenkins, City Planner, will be attending the August 2nd Council Meeting to present his Staff Report and discuss the code amendments, and seek your input.

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

City Manager Recommendation: I recommend approving the first reading of Ordinance 652.

Potential Motion to Approve the 1st Reading: “I move to approve the reading of Ordinance 652 an Ordinance of the Dayton City Council Amending the Dayton Development Code, Chapter 7 of the Dayton Municipal Code, Section 7.2.111.07 Central Business Area Overlay Zone Signs and Adding Section 7.4 Signs to Add Sign Regulations for All Properties within the City of Dayton.”

City Council Options:

- 1 – Approve the 1st Reading of Ordinance 652 as recommended.
- 2 – Approve the 1st Reading of Ordinance 652 with amendments.
- 3 –Take no action and ask staff to do more research and bring further options back to the City Council.

ORDINANCE NO. 652

AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING THE DAYTON DEVELOPMENT CODE, CHAPTER 7 OF THE DAYTON MUNICIPAL CODE, SECTION 7.2.111.07 CENTRAL BUSINESS AREA OVERLAY ZONE SIGNS AND ADDING SECTION 7.4 SIGNS TO ADD SIGN REGULATIONS FOR ALL PROPERTIES WITHIN THE CITY OF DAYTON

WHEREAS, the City Council desires to adopt the text amendments to Chapter 7, Section 7.2.111.07, and add Section 7.4, Dayton Land Use and Development Code (DLUDC) that are detailed in Exhibit 1; and

WHEREAS, the purpose of these amendments is to add sign regulations that apply to all properties within the City; and.

WHEREAS, a public hearing was held before the Planning Commission on July 8, 2021, where the Commission considered the proposed text amendments to Section 7.2.111.07 and 7.4; and

WHEREAS, notice of the Planning Commission hearing was provided consistent with ORS 227.186; and,

WHEREAS, the Planning Commission recommended the proposed text amendments be adopted by the City Council with a vote of 4 in favor, 0 opposed and 1 absent; and

WHEREAS, a public hearing was held before the City Council on August 2, 2021, to consider the proposed text amendments; and

WHEREAS, notice of the City Council hearing was provided consistent with section 7.3.204.03 of the DLUDC.

The City of Dayton ordains as follows:

Section 1. The City Council hereby adopts the findings in the Staff Report dated July 22, 2021, attached as Exhibit 1.

Section 2. The City Council adopts the amendments to Chapter 7 of the DLUDC detailed in Exhibit 1 and set forth in their final form in Exhibit 2.

Section 3. This Ordinance shall become effective 30 days after adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Dayton on this 2nd day of August 2021.

Mode of Enactment:

Date of first reading: _____ In full _____ or by title only _____

Date of second reading: _____ In full _____ or by title only _____

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

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

Final Vote:

In Favor:

Opposed:

Absent:

Abstained:

Elizabeth Wytoski, Mayor

Date of Signing

ATTESTED BY:

Patty Ringnalda, City Recorder

Date of Enactment

EXHIBIT 1

CITY OF DAYTON

416 Ferry Street – P. O. Box 339
Dayton, OR 97114-0039
503-864-2221 fax 503-864-2956

STAFF REPORT

City Council – August 2, 2021

REPORT DATE: July 22, 2021

FILE NUMBER: LA 2021-01 (Legislative Amendment)

APPLICANT: City of Dayton

REQUEST: Amend the Dayton Development Code to add sign regulations for all properties within the City of Dayton.

PROPERTY:

<u>Tax Lot</u>	<u>Size</u>	<u>Zoning</u>
Citywide	NA	All Zones

ZONING: All Zones

SURROUNDING ZONING: North: NA
South: NA
East: NA
West: NA

CURRENT USE: N/A

CRITERIA: **Dayton Land Use and Development Code (LUDC)**
Section 7.3.112.03: Criteria to Amend Development Code Text

EXHIBITS: A: Text Amendments
B: Marked-up draft amendments reviewed by the Planning Commission
C: Heights of existing signs
D: Letter from Kellington law group attorney regarding proposed amendments.

I. PURPOSE

The purpose of this staff report is to provide the City Council with information related to proposed additions to the Dayton Development Code regarding the regulation of signs within the City Limits.

II. PROCESS

The proposed amendments are a legislative change to the LUDC and are processed as a legislative Type IV land use action.

The LUDC Type IV process set forth in Section 7.3.203.01, Type IV Initiation, requires a Type IV process to be initiated by a majority of the City Council, a majority of the Planning Commission or by a recommendation by the City Manager subject to majority approval by Planning Commission or the City Council. The Planning Commission has held two work sessions, on February 11, 2021 and April 20, 2021. At the second work session, the Planning Commission directed staff to prepare a set of draft amendments for review.

Measure 56 notice was sent to all property owners within the City Limits on May 5, 2021. Newspaper notice was posted on Friday, May 21, 2021. On the date of the originally scheduled meeting on May 27, the Planning Commission did not have enough present members for a quorum, so the hearing was rescheduled to June 24. All members of the public present at the meeting were asked to provide contact information. Newspaper notice was re-posted on June 8, 2021, and notice was sent to those in attendance at the May 27 meeting. On June 24th, the Planning Commission Hearing was continued to a date and time certain- 6:30 PM on July 8th. On July 8th, the Planning Commission recommended approval of LA 2021-01 with changes. Notice for the City Council hearing was posted in the McMinnville News-Register on July 23, 2021, 10 days prior to the hearing.

Written comment was received by Mr. Fred Wilson with Kellington Law Group on May 27, 2021 and is attached as Exhibit D to the staff report.

III. BACKGROUND

Staff have incorporated comments from the Planning Commission given at the April 20, 2021 work session, the June 24, 2021 PC meeting, the July 8, 2021 PC meeting, and received from the City Attorney as follows:

1. Comment: Add "US" to section 7.4.101.A regarding the constitution.
Response: Upon review of the proposed amendments, the City Attorney recommended removal of all reference to the first amendment.
2. Comment: Replace "in order to" with "So as to" as originally written in section 7.4.101.4.B
Response: Changed back as requested.
3. Comment: Change typo saying "per limit" to "per minute" as intended in section 7.4.101.4.H
Response: Changed as requested.
4. Comment: Add change of ownership requirement for removal of non-conforming signs in section 7.4.101.6.D
Response: Added requirement that new owners or tenants must remove non-conforming signs within six months of the change.
5. Comment: Add six-month replacement requirement for non-conforming signs when affected by natural causes in section 7.4.101.F

Response: Added requirement that owners or tenants must bring non-conforming signs into conformance within six months of the damage occurring.

6. Comment: Change timeline for repair of non-conforming signs with less than 50% damage from one year to six months in section 7.4.101.F.ii.

Response: Changed to one year as requested.

7. Comment: Add definitions for free-standing and off-premise signs.

Response: Definitions have been added as requested.

8. Comment: Clarify that the “property owner approval” in reference to off-premise signs refers to the property owner of the property on which the off-premise sign is to be placed upon in section 7.4.101.7.

Response: Clarified as requested.

9. Comment: Add section for signs within the public zone.

Response: Added as requested. New section is 7.4.107.

10. Comment: Look into existing signs within the City of Dayton to determine an appropriate height for signs within the Commercial zone. Reduce height maximum from 30 feet to 20 feet.

Response: Not all, but the majority of signs within the commercial district are below 20 feet as indicated on Exhibit C. The maximum height has been reduced to 20 feet as requested.

11. Comment: Clarify regulations for the CR zone.

Response: Commercial uses within the CR zone are subject to the standards of the Commercial zone. Additionally, signs utilized for commercial uses within the CR zone in the CBO will be subject to the standards of the CBO.

12. Comment: Edit typo adding currently reading “sixty (21) days” in section 7.4.104.2.c.i.

Response: Changed to “twenty-one (21) days” as requested.

13. Comment: Add freestanding signs as a permitted sign type within the CBO.

Response: Added to section 7.4.105.2.B as requested.

14. Comment: Add 15-foot maximum height of freestanding signs within the CBO.

Response: Added as requested.

15. Comment: Look into lighting requirements.

Response: Lighting requirements for development are listed in multiple sections throughout the development code. Typically, lighting requirements indicate the need to direct lighting away from adjacent properties, similar to the requirements for signs within the proposed sign code. The standards as proposed are more restrictive than typical within the LUDC.

16. Comment: Remove “Grand Opening and special event signs” from Section 7.4.2.4.C.i because it relates to the content of the sign.

Response: Removed as requested.

Comments from 6/24 Meeting:

17. Comment: Replace reference to removed section of the ordinance relating to sign variances and replacing with the new section 7.3.2.

Response: Changed as requested.

18. Comment: Increase permitted sign height and area for signs located on properties with frontage on highway 18

Response: Added as subsections to sign regulations for Commercial and Industrial zones.

19. Comment: Reduce sign height and area to 6 and 24 feet respectively for CBO signs.

Response: Added to sections 7.4.105.3B and 4B.

20. Comment: Change CBO design guidelines to design standards to ensure they are clear and objective.

Response: Changed as requested.

21. Comment: Internal or underlit lighting of awnings should be prohibited within the CBO.

Response: Changed as requested. Staff recommends the Planning Commission review further to determine if the additional design standards should be removed entirely.

22. Comment: Sign imagery or writing shall be located only on the awning skirt.

Response: Changed as requested.

23. Comment: Freestanding signs should be limited within the CBO.

Response: Provision added in Section 7.4.105.5.D.i

24. Comment: Draft example language for both the prohibition of internally illuminated signs in the CBO and a CUP process for internally illuminated signs.

Response: Added as requested

25. Comment: Add requirement for planting around base of freestanding signs within the CBO

Response: Added to design standards as listed in Section 7.4.105.7.F.v

Changes as recommended by the Planning Commission on July 8, 2021

26. Comment: Remove all design standards for the CBO (7.4.105.7) excepting the following:

7A. The placement of signage shall not visually obscure architecturally significant features of the building.

7B. Where signage is proposed on (or behind) window surfaces, such signage should not substantially obscure visibility through the window and should be incidental to the scale of the window. Larger window signs will be considered in the overall sign allowances for individual tenants.

7C. Generally, the placement of signage shall occur below the sill of the second story windows. Alternative placement may be considered under the following circumstances:

i. Freestanding signs must have a base of either a flower bed or shrubbery to integrate the sign into the streetscape.

ii. The placement of signs must not disrupt or obstruct the vision of drivers or pedestrians so as to create a hazardous situation. No signs shall be so located as to significantly obstruct pedestrian circulation.

Response: Removed as recommended.

27. Comment: Remove options for CUP and prohibition of illuminated signs within the CBO as written per 7.4.105.B.

Response: Removed as recommended.

28. Comment: Staff observed a typo in section 7.4.101.8- Adjustments and Variances. The text reviewed by the PC says variances shall be reviewed as a Type II procedure, when variances should be reviewed as a Type II due to the subjective nature of the variance criteria.

Response: Changed review type to Type II.

Changes recommended by City Attorney, July 23, 2021

29. Remove all references to off-premise signs because off-premise signs are defined by content.

Response: Deleted definition “off-premise signs” and Section 7.4.101.07- Off-premise signs. The removed section included a Conditional Use Permit process for off-premise signs. As edited, off-premise signs will be subject to the regulations of the zone in which they are located.

IV. PROPOSED AMENDMENTS – AMENDMENT LISTED

A list of proposed amendments is included as attachment A to the staff report.

V. PROPOSED AMENDMENTS – MARK-UP VERSION- PC REVIEW

A marked-up version of the proposed amendments reviewed by the Planning Commission is included as attachment B to the staff report.

Vi. APPLICABLE APPROVAL CRITERIA

The Dayton Land Use and Development Code, Section 7.3.112.03, Criteria For Approval of Development Code text amendments.

7.3.112.03 CRITERIA FOR APPROVAL, DEVELOPMENT CODE TEXT AMENDMENTS

7.3.112.03, A:

A. Impact of the proposed amendment on land use and development patterns within the city, as measured by:

1. Traffic generation and circulation patterns;

FINDINGS: Not applicable because the proposed amendments are related to sign code regulations, which do not affect traffic generation and circulation patterns.

2. Demand for public facilities and services;

FINDINGS: Not applicable because the proposed amendment does not affect public facilities and services.

3. *Level of park and recreation facilities;*

FINDINGS: Not applicable because the proposed amendment does not affect park and recreation facilities.

4. *Economic activities;*

FINDINGS: Not applicable because the proposed amendment does not affect economic activities.

5. *Protection and use of natural resources;*

FINDINGS: Not applicable because the proposed amendment does not affect natural resources.

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

FINDINGS: Not applicable because the proposed amendment does not affect adopted special purpose plans or programs such as public facilities improvements.

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

FINDINGS: There is no existing sign code for any properties located outside of the Central Business Overlay Zone. As such, the City has no ability to regulate location and size of signs within the City Limits. Staff finds the lack of sign code represents a demonstrated need for the product of the amendments.

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

FINDINGS: The Statewide Planning Goals follow.

Goal 1, Citizen Involvement: The Planning Commission held a work session regarding the proposed amendment on February 10, 2021, and second work session on April 20, 2021. Measure 56 notice was sent to all property owners within the City of Dayton on May 5, 2021, 22 days prior to the date of the scheduled Planning Commission Hearing on May 27. Newspaper notice was provided on May 21st. At the meeting on May 27, the Planning Commission did not have a quorum and was therefore unable to act on the application. The public hearing was rescheduled for June 24 and re-noticed on June 8. The public hearing was then continued to date and time certain at 6:30 on July 8. The City Council hearing is scheduled for August 2, 2021. The hearings are consistent with the Development Code's procedures for legislative amendments to the Development Code. Goal 1 is met.

Goal 2, Land Use Planning: Goal 2 supports clear and thorough local procedures. The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Development Code for processing legislative amendments to the Development Code.

Goal 3, Agricultural Lands and Goal 4, Forest lands: Goals 3 and 4 are not applicable. The proposal does not involve or affect farm or forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources. Goal 5 is not applicable. The proposal amends the City's historic resources regulations in accordance with Goal 5 requirements.

Goal 6, Air, Water and Land Resource Quality: Goal 6 is not applicable. The proposal does not address Goal 6 resources.

Goal 7, Natural Hazards: Goal 7 is not applicable. The proposal does not address Goal 7 resources.

Goal 8, Recreation: Goal 8 is not applicable. The proposal does not address recreational needs.

Goal 9, Economic Development: Goal 9 is not applicable. The proposal does not address Goal 9 issues.

Goal 10, Housing: Goal 10 is not applicable. The proposal does not address Goal 10 issues.

Goal 11, Public Facilities and Services: Goal 11 is not applicable. The proposal does not address Goal 11 issues.

Goal 12, Transportation: Goal 12 is not applicable. The proposal does not address Goal 12 issues.

Goal 13, Energy Conservation: Goal 13 is not applicable. The proposal does not address Goal 13 resources.

Goal 14, Urbanization: Goal 14 is not applicable. The proposal does not address Goal 14 issues.

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

1. It corrects identified error(s) in the provisions of the plan.

FINDINGS: There are no identified errors in the provisions of the plan.

2. It represents a logical implementation of the plan.

FINDINGS: There are no specific guidelines for the regulation of signs listed in the comprehensive plan.

3. It is mandated by changes in federal, state, or local law.

FINDINGS: The changes are not mandated by changes in federal, state, or local law.

4. It is otherwise deemed by the council to be desirable, appropriate, and proper.

FINDINGS: The City Council requested staff review the sign code provisions. Therefore, staff finds that the update to the sign code and the associated amendments can be considered deemed by the council to be desirable, appropriate, and proper.

VII. STAFF RECOMMENDATION

Based upon the staff report and the above findings, staff recommends the City Council adopt the findings in the staff report approve LA 2021-01 via ordinance # 652.

VIII. PLANNING COMMISSION OPTIONS – Sample Motions

A. Option 1: Adopt as presented.

Motion: I move the City Council adopt the staff report and findings and adopt Ordinance #652 approving LA 2021-01.

B. Option 2: Adopt with changes.

Motion: I move the City Council adopt the staff report and findings and adopt Ordinance #652 approving LA 2021-01

C. Option 3: Do not adopt.

I move the City Council deny LA 2021-01 and adopt findings to support the denial of Ordinance #652 and the findings are.....

D. Option 4: Continue the Hearing.

Motion: I move the City Council continue the public hearing to a date/time/location certain for staff to provide more information on the following issues...and state the issues.

EXHIBIT 2

Exhibit B- Final Amendments

7.2.111.07- Signs: Sign standards within the Central Business Overlay Zone may be found in Section 7.4.105

7.4.101 General Provisions

1. Applicability. All properties within Dayton City Limits shall be subject to the provisions of this section. Unless specifically listed as a permitted use or type in this section, other sign types and uses are prohibited.
2. Purpose
 - A. While signs communicate all types of helpful information, unregulated signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this section is to regulate the size, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values; the character of the various neighborhoods; the creation of a convenient, attractive, and harmonious community; protection against destruction of or encroachment on historic properties, convenience to citizens and encouraging economic development. This section allows adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs. If any provision of this section is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this section which can be given effect without the invalid provision.
 - B. A sign placed on land or on a building for the purpose of identification, protection, or directing persons to a use conducted therein must be deemed to be an integral, but accessory and subordinate, part of the principal use of land or building. Therefore, the intent of this section is to establish limitations on signs to ensure they are appropriate to the land, building, or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (A) of this section.
 - C. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
 - D. These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
 - E. These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

3. Definitions:

Abandoned Sign: A sign that is no longer used by the person who constructed/installed the sign on the property where the sign is located or cessation of use of the property where the sign is located.

A-Board Sign: Includes signs that are ordinarily in the shape of an “A”, or some variation thereof, on the ground, easily movable and which is usually two sided.

Area Sign: The area contained within lines drawn between or around the outermost points of a sign, including cutouts, but does not include essential sign structure, foundations or supports. The area of a sign having two display surfaces facing in opposite traffic directions shall be computed by measuring the largest face. For signs having two or more display surfaces, the area is the maximum area of the surfaces that can be seen from any one point.

Banner Sign: A sign made of fabric or other non-rigid material with no enclosing framework or not affixed to the primary structure and shall include every type of decoration or banner displayed over or upon the city streets of the City of Dayton on a temporary or seasonal basis, whether attached to utility poles or any other structure.

Billboard: A sign height over ten feet from the ground surface, on which same is located, to the top of such billboard, and sign area greater than sixty-four (64) square feet, on which the copy is designed to be periodically changed and which is not located on the premises to which such advertising copy pertains.

Direct Illumination: A source of illumination directed towards such signs so that the beam of light falls upon the exterior surface of the sign.

Facade: The architectural front of a building; usually the front but sometimes the rear or side, used to meet architectural treatment details and setting the tone for the rest of the building.

Freestanding Sign: A sign, including monument signs, supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign.

Government Sign: A sign erected, constructed, or placed within the public right-of-way or on public property by or with the approval of the government agency having authority over, control of, or ownership of the right-of-way or public property.

Highway Oriented Signs: Signs fronting Highway 18.

Illuminated Sign: A sign illuminated by an interior or exterior light source, which exterior light source is primarily designed to illuminate such sign.

Integrated Business Center: A group of two or more businesses that are planned or designed as a center, or Center: share a common off-street parking area or access, whether or not the businesses, buildings, or land are under common ownership.

Light-Emitting Diode or LED: A form of illumination using a semiconductor light source that converts applied voltage to light and is used in digital displays.

Mural: A hand-painted, hand-tiled or digitally printed image on the exterior wall of a building.

Neon Light: A form of illumination using inert gases in glass tubes and includes black light and other neon lights.

Nonconforming Sign: A sign that was lawful when it was constructed but does not meet the requirements of this Section.

Portable Sign: A sign that is not attached to any building or facade that is easily portable. It may stand alone or be illuminated, have wheels attached, or be located on a trailer.

Projecting Sign or Blade Sign: A two-sided sign other than a wall sign which projects beyond the building surface to which it is attached.

Reader Board: Any sign not permanently attached to the ground or building and capable of being moved from place to place, including signs attached to vehicles and trailers.

Sign: A display, illustration, structure or device that has a visual display visible from a right-of-way, private roadway or lot under other ownership.

Temporary Sign: A sign not permanently attached to a building, structure or ground that is intended to be displayed for a limited period of time. Such signs may include banners, pennants, streamers, spinners, or other similar devices.

Vehicle Sign: A sign placed in or attached to the motor vehicle, trailer, railroad car, or light rail car that is used for either personal purpose or is regularly used for purposes other than the display of signs.

Wall Sign: A sign that is painted or attached on a wall of a building, and extending no more than twelve inches from the wall. Window signs that are permanently attached to the outside of a window are wall signs.

Window Sign: Includes text or graphics that are painted on or attached to a window. Window signs do not include business hours of operation or non-illuminated open/closed signs.

4. Prohibited Signs. Signs not conforming to Section 7.4 of the Dayton Municipal Code are unlawful and shall constitute a Class C violation according to the City of Dayton Fee Schedule.
 - A. Installation or posting of any notice or signage on utility poles, street lights, stop signs, other street signs, trees in the public right-of-way, public places or premises shall be prohibited without approval from the Utility or the City of Dayton.
 - B. Access. Signs that block ingress or egress so as to interfere with the flow of pedestrian or vehicle traffic, doors, windows, fire escapes or parking areas shall be prohibited.
 - C. Billboards.
 - D. Any sign on vacant property unless allowed as a temporary sign.
 - E. Condition. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.
 - F. Reader board or portable signs.
 - G. Obscene Signs- A sign that creates a public nuisance displaying an obscenity as defined under ORS Chapter 167.
 - H. Flashing signs, signs that produce glare, or animated signs that change image more than six times per minute.
5. Exempt Signs. The following signs and devices shall not be subject to the provisions of this Chapter and shall not require approval from the City.
 - A. Identification Signs. Memorial and Historic Identification Signs and Donation Plates. Memorial tablets, cornerstones, donation plates or similar plaques, such as National Register listing, not exceeding six square feet.
 - B. Occupant or Owner Sign. A sign identifying the name of the occupant or owner, provided the sign is not larger than one (1) square foot, is not illuminated and is either attached to the structure or located within the front yard setback.
 - C. Window signs shall not be calculated in total sign area calculations but are limited to a maximum of twenty-four (24) square feet or twenty five percent (25%) of the total window area, whichever is less.
 - D. State Highway Requirements. Applicants are advised to contact the State Highway Division of the Oregon Department of Transportation regarding other possible sign regulations adjacent to Ferry Street and Third Street.
 - E. Vehicle Signs. Signs painted on or otherwise attached to vehicles.
6. Non-conforming signs: Non-conforming signs are subject to the following provisions:
 - a. Legally established nonconforming permanent signs may continue to exist in accordance with this section. Nonconforming Signs that were not legally established have no legal right to continue and must be removed or reconstructed in conformance with this code.

- b. Maintenance. A non-conforming sign may undergo normal maintenance, which includes normal care or servicing needed to keep a sign functional, such as cleaning, replacing or repairing a part made unusable by ordinary wear, and changing light bulbs. "Normal maintenance" excludes major structural repairs designed to extend the useful life of the non-conforming sign.
- c. Sign face. The sign face or sign copy may be changed without affecting the nonconforming status of the sign.
- d. Ownership. Should a property change ownership or a building have a new tenant, all non-conforming signs must be removed within six months of the change.
- e. Changes to nonconforming signs.
 - i. A non-conforming sign shall not be enlarged or altered in a way that would increase its nonconformity.
 - ii. Signs and sign structures that are moved or replaced shall be brought into conformance with the sign regulations.
 - iii. Signs that are structurally altered by more than fifty (50) percent of the replacement value, shall be brought into conformance with the sign regulations.
 - iv. Signs that are structurally altered by fifty (50) percent or less than the replacement value may continue to be used as a nonconforming sign provided the alterations do not increase the nonconformity of the sign.
- f. Damaged nonconforming signs:
 - i. When a nonconforming sign is damaged by wind, fire, neglect or by any other cause, and such damage exceeds fifty (50) percent of its replacement value, non-conforming sign shall be removed or brought into conformance with the sign regulations within six months of the date the damage occurred.
 - ii. When a nonconforming sign is damaged by wind, fire, or by any other cause and the estimated cost to repair the sign is fifty (50) percent or less of its replacement value, it may be repaired and restored to the condition it was in before it was damaged and may continue to be used as a nonconforming sign, provided that such repairs and restoration are started within six months of the date the sign was damaged and are diligently pursued thereafter.
 - 1. Whenever repairs and restoration of a damaged nonconforming sign are not started within one year of the date the sign was damaged or are diligently pursued once started, the sign shall be deemed abandoned.
 - 2. Abandoned signs shall not be permitted as nonconforming signs. Abandoned signs shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such sign may be found.

7. Adjustments and Variances.

Sign adjustments/variances shall be reviewed in accordance with a Type II action, as specified in Section 7.3.2 using the following criteria.

Criteria for Sign Variance/Adjustments.

- A. Compliance with the applicable standard would create an unnecessary hardship due to physical conditions of the property (topography, lot size or shape, or other circumstances over which the applicant has no control), which are not present on other properties in the same zone, and the adjustment is necessary to permit signage comparable with other properties in the same zone.
- B. The hardship does not result from actions of the applicant, owner(s) or previous owner(s), or from personal circumstances of the applicant, owner(s) or previous owner(s), such as physical condition, age or financial situation; and
- C. Approval of the adjustment will not adversely affect the function or appearance of the development and use of the subject property and surrounding properties; and will not impose limitations on other properties and signage in the area including signage that would be allowed on adjacent properties.

7.4.102- Review Procedures

- 1. All signs not specifically exempt from permitting requirements by Section 7.4.101.5 shall be subject to the permitting procedures of this section. No signs in conflict with any provisions of this ordinance shall be permitted.
- 2. Permit Fees: Permit fees shall be established by City Council resolution and updated as needed.
- 3. Application Requirements: An application for a sign permit shall be submitted on a form provided by the City Planner or designee. The application shall include the following items, at minimum:
 - A. A sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises.
 - B. The sign's location, graphic design, structural and mechanical design and engineering data which ensures its structural stability.
 - C. The names and address of the sign company, person authorizing erection of the sign and the owner of the subject property.
- 4. Revocation of permits: Sign permits mistakenly issued in violation of these regulations or other provisions of the Dayton Land Use and Development Code are void. The City Planner or designee may revoke a sign permit if they find that there was a material and misleading false statement of fact in the application for the permit.
- 5. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:
 - A. Compliance with Building Codes. All signs shall comply with the applicable provisions of the Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance

of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements.

- B. Materials. Except for banners, flags, portable signs, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure.
- C. Maintenance. All signs shall be maintained in a good structural condition and readable at all times.
- D. Owner Responsibility. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Ordinances regulating signs.
- E. Aesthetics. All signs shall be professional in appearance, constructed in a workmanship like manner to professional standards.

DESIGN STANDARDS

7.4.103 Residential

- 1. Purpose and applicability: To provide a set of regulations for the placement of signs within Residential (R-1, R-2, R-3) zones. The provisions within this section shall also apply to residential uses within the Commercial Residential zone.
- 2. Permitted Signs- All permitted signs are subject to the standards of 7.4.103
 - A. Wall, canopy, and window signs.
 - B. Free-standing signs
 - C. Temporary signs. Temporary signs within Residential zones shall be limited to 21 days per calendar year.
- 3. Maximum sign area
 - A. Single Family and Duplex uses: 6 square feet.
 - B. Multi-family (greater than two units): For subdivisions, multiple-family developments (including planned developments), uses, or identified neighborhood areas, one single or double-faced, indirectly lit sign not to exceed 24 square feet for one face or 48 square feet in surface area for two or more faces is permitted. The applicant for the sign permit must own or represent a majority of the lots or dwelling units within the subdivision, multiple-family development, identified neighborhood area, or the applicable homeowner's association. If the sign pertains to any development request, then the location and design shall be subject to the appropriate review.
 - C. Temporary Signs: 12 square feet.
- 4. Maximum sign height: 6 feet
- 5. Location:
 - A. Wall, canopy or window sign shall be set back from the property lines of the lot on which it is located, the same distance as the building containing the permitted

use; provided that wall signs may project into the required setback space up to 1.5 feet.

B. Free-standing signs are permitted where fences are allowed for residential uses.

6. Illumination

A. Single family and duplex uses: Not permitted.

B. Multi-family: May only be indirectly illuminated by a concealed light source and shall not be illuminated between 10:00 PM and 6:00 AM. No lighting shall blink, flash, fluctuate, or produce glare.

7.4.104 Commercial Zone

1. Purpose and applicability: To provide a set of regulations for the placement of signs within the Commercial (C) zoning district. Signs located on properties within the CBO (Central Business Overlay) shall be subject to the provisions of Section 7.4.105.

2. Permitted Signs

a. Wall signs

b. Free-standing signs

c. Temporary signs: Temporary signs shall be permitted within the Commercial zoning district in accordance with the following provisions.

i. Permitted Temporary signs are allowed provided they are erected not longer than twenty-one (21) days prior to an event and fifteen (15) days after an event. Temporary fabric or paper signs may be placed upon the window opening of a non-residential building when such signs do not obscure more than twenty (20) percent of the window area, and no more than ten (10) percent of the total primary facade area.

ii. All other temporary signs shall be installed for not longer than 30 days in a calendar year.

3. Maximum sign area

A. Non-Integrated business center

i. Wall signs: 1 square foot per lineal foot of building frontage with a maximum of 120 square feet.

ii. Free-standing signs: 50 square feet per sign face. Total area of $\frac{3}{4}$ square feet per lineal foot of street frontage.

iii. Temporary signs: 12 square feet

B. Integrated business center

i. Wall signs: 1 square foot per lineal foot of building frontage with a maximum of 120 square feet.

1. Wall signs may be placed over all shared main public entries to the business center. Shared public entries must be shared by at least two tenants. Such signs are limited to 130 square feet in size.

2. When an individual business does not have frontage on a street or parking lot, the business is allowed a maximum aggregate wall sign area of 16 square feet.

or maintenance of any sign at any place or in any manner unlawful under any other city code provision or other applicable law. In any case where a part of the Dayton Sign Code conflicts with a provision of any zoning, development, building, fire, safety or health ordinance or code, the provision which establishes a stricter standard for the protection of the public health and safety shall prevail.

2. Permitted Signs- All permitted signs are subject to the standards of 7.4.105
 - A. Wall signs
 - B. Freestanding signs
 - C. Projecting signs
 - D. A-Board signs (one per tenant space)
 - E. Temporary Signs
 - i. Temporary signs are allowed provided they are erected not longer than sixty (60) days prior to an event and fifteen (15) days after an event. Temporary fabric or paper signs may be placed upon the window opening of a non-residential building when such signs do not obscure more than twenty (20) percent of the window area, and no more than ten (10) percent of the total primary facade area.
 - ii. All other temporary signs shall be installed for not longer than 30 days in a calendar year.
 - F. Awning signs
 - i. Sign lettering and imagery may only be located on the awning skirt.
 - G. Flags (maximum of two per property)
3. Maximum sign area:
 - A. Wall signs: one (1) square foot of sign area for each one linear foot of building façade not exceeding 100 square feet. This maximum area shall apply to all signs attached to the building such that the total area of all signs combined on the property does not exceed 100 square feet.
 - B. Freestanding Signs: 24 square feet
 - C. Projecting signs: Blade, projecting or hanging signs shall be limited to one (1) per tenant space. Projecting signs shall have a maximum area of eight (8) square feet.
 - D. One (1) A-Board sign is permitted per business or property and shall measure no more than three (3) feet wide and not more than four (4) feet high. A-Board signs shall not be calculated in total sign area calculations.
 - E. Temporary signs: 12 square feet
 - F. Awning: 6 square feet. Must comply with the provisions of 7.4.105.2.F.i
 - G. Flags: 15 square feet per flag.
4. Maximum sign height:
 - A. Wall signs: 6 feet. May not project higher than the height of the roof.
 - B. Freestanding signs: 6 feet
5. Location:
 - A. Wall signs shall be placed in traditional locations in order to fit within architectural features, such as: above transoms, on cornice fascia boards, or below cornices.

- B. The edge of a projecting sign furthest from the wall shall not extend more than 42 inches from a wall, the bottom of the sign shall be no lower than eight (8) feet above a right-of-way or private sidewalk area and the top of the sign shall not extend over the roof line of the building.
 - C. A-board signs
 - i. A-Board signs may be placed upon private property or within an adjacent public right-of-way along the frontage of the business displaying the sign when a minimum of forty-two (42) inches of clear pedestrian walkway is available immediately adjacent to the sign.
 - ii. Removal. A-Board signs shall be movable at all times and displayed only during the hours the business is open.
 - D. Freestanding
 - i. Freestanding signs shall only be permitted when the property has a building setback greater than 15 feet.
 - E. Temporary signs must be located on the subject property and may not infringe upon the frontage of another business.
 - F. Awnings: Text on awnings shall be limited to that placed upon the awning skirt only and shall be included in the calculation of the maximum allowable sign area.
6. Illumination
- A. Hanging signs may be externally illuminated although ambient light is usually sufficient to light these small signs. Planning staff must review and approve alternative lighting designs.
 - B. Direct or in-direct illumination shall be permitted, provided all illumination is directed away from adjacent property. The applicant must submit a photometric plan showing that there will be no light trespass on neighboring properties.
 - i. Internally lit signs, including Neon or LED signage shall be permitted subject to the following restrictions:
 - 1. Signs shall be limited to one (1) sign per business, not exceeding three (3) square feet in area, and shall be limited to three (3) colors. Strobe, blinking or flashing lights are prohibited.
 - C. Awning signs may not be illuminated.

7. Design Standards: All signs within the CBO shall be subject to the following additional design standards.

- A. The placement of signage shall not visually obscure architecturally significant features of the building.
- B. Where signage is proposed on (or behind) window surfaces, such signage should not substantially obscure visibility through the window and should be incidental to the scale of the window. Larger window signs will be considered in the overall sign allowances for individual tenants.
- C. Generally, the placement of signage shall occur below the sill of the second story windows. Alternative placement may be considered under the following circumstances:

- i. Freestanding signs must have a base of either a flower bed or shrubbery to integrate the sign into the streetscape.
- ii. The placement of signs must not disrupt or obstruct the vision of drivers or pedestrians so as to create a hazardous situation. No signs shall be so located as to significantly obstruct pedestrian circulation.

7.4.106 Industrial

1. Purpose and applicability: Purpose and applicability: To provide a set of regulations for the placement of signs within the Industrial (I) zone.
2. Permitted Signs
 - A. Wall signs
 - B. Freestanding signs
 - C. Awning signs
 - D. Temporary Signs
 - i. Temporary signs are allowed provided they are erected not longer than sixty (60) days prior to an event and fifteen (15) days after an event. Temporary fabric or paper signs may be placed upon the window opening of a non-residential building when such signs do not obscure more than twenty (20) percent of the window area, and no more than ten (10) percent of the total primary facade area.
 - ii. All other temporary signs shall be installed for not longer than 30 days in a calendar year.
2. Maximum sign area
 - A. Wall signs: 1 square foot per lineal foot of building frontage with a maximum of 120 square feet.
 - i. A tenant occupying a minimum of 40,000 square feet will be allowed a maximum of 200 square feet.
 - B. Free-standing signs: 50 square feet per sign face. Total area of $\frac{3}{4}$ square feet per lineal foot of street frontage.
 - C. Temporary signs: 12 square feet
 - D. Highway-Oriented Signs
 - i. Wall signs: 1 square foot per lineal foot of building frontage with a maximum of 250 square feet.
 - ii. Free-standing signs: 160 square feet per sign face. Total area of $\frac{3}{4}$ square feet per lineal foot of street frontage.
 - iii. Temporary signs: 12 square feet.
3. Maximum sign height:
 - A. Wall signs: No maximum, but no sign shall not project onto or over a parapet or roof eave.
 - B. Free-standing signs: 30 feet
4. Location:
 - A. Wall or projecting signs may project up to two feet from a building.

- B. Signs shall be placed on the central 50 percent of the street frontage or 50 feet from any adjacent freestanding sign. Signs on corner properties may be placed near the corner if vision clearance provisions are met.
- 5. Illumination:
 - A. No lighting shall blink, flash, fluctuate, or produce glare. The applicant must submit a photometric plan showing that there will be no light trespass on neighboring properties or an adjacent public right of way.

7.4.107- Public

- 1. Purpose and applicability: To provide a set of regulations for the placement of signs within the Public zoning district.
- 2. Permitted Signs- All permitted signs are subject to the standards of 7.4.107
 - A. Wall, canopy, and window signs.
 - B. Free-standing signs
 - C. Temporary signs. Temporary signs within the Public Zone shall be limited to 21 days per calendar year, with a maximum of 5 signs per calendar year.
- 3. Maximum sign area
 - A. 32 square feet
- 4. Maximum sign height:
 - A. Freestanding Signs: 20 feet
 - B. Wall Signs: 6 feet, but no sign shall project over a parapet or roof eave.
- 5. Location
 - A. Wall or projecting signs may project up to two feet from a building.
 - B. Signs shall be placed on the central 50 percent of the street frontage or 50 feet from any adjacent freestanding sign. Signs on corner properties may be placed near the corner if vision clearance provisions are met.
- 6. Illumination
 - A. May only be indirectly illuminated by a concealed light source and shall not be illuminated between 10:00 PM and 6:00 AM. No lighting shall blink, flash, fluctuate, or produce glare. Animated signs are permitted so long as they do not change image more than 6 times per minute.

To: Honorable Mayor and City Councilors
From: Rochelle Roaden, City Manager
Issue: Public Safety Discussion and Survey Results
Date: August 2, 2021

Background and Information

The City Council evaluated options for renewing or replacing existing three-year public safety levy at the March 15, 2021, work session. Our current 3-year tax levy will expire June 30, 2022. The Council agreed to change the 3-year levy to a 5-year levy at that time. However, in reviewing the cost comparison for one deputy vs adding an additional deputy, the Council asked for more information. I created a short survey which the Mayor reviewed/edited before staff rolled it out in both English and Spanish to our residents via email and webpage links on social media. The results from this survey are attached. 154 property owners in Dayton answered the survey in English and 6 property owners in Dayton answered in Spanish.

56% feel that the current police services provided are adequate for Dayton. 44% do not. 38.6% of the respondents would support a property tax increase while 61.4% would not.

The last question was open-ended asking those that answered “no” to “would you support a property tax increase to cover an additional deputy?” why they would not. I have included the detail on the 75 English and 2 Spanish responses received for your reference. *An interesting note in reviewing the data is that of the 64 people who said they didn’t feel that the current police services were adequate in Dayton, 16 of those (25%) said they would not support a property tax increase.*

Another variable in this discussion is current revenue generated from the \$1.85/\$1000 and the actual expenses incurred. Attached is a cost breakout which was also reviewed at the March 15th work session. On the expenses chart, I have updated the 911 Services and Salaries/Benefits lines to reflect the FY21-22 budget. Cost went down for the 911 Services dues to all small cities in Yamhill County by 25% this year due to a new state tax funding more of the 911 services. So, I have updated the costs to reflect these changes. In order to pay for 2 deputies, the City would need to increase the tax levy from \$1.85/\$1000 property valuation to \$3.55/\$1000.

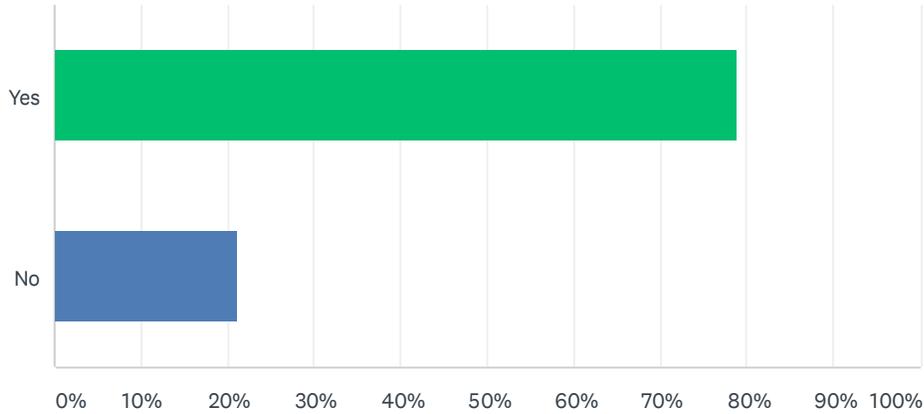
From the survey data, it does not appear that we would have enough voter support to fund an additional deputy at this time. We have two opportunities to put it out to the voters before our current levy expires. November of 21 and March of 22. If the Council chooses, we could go out for the 5-year \$3.55/1000 levy in November and if it does not pass, we could put it out again in March of 2022 back at the 1 deputy level.

The Local Option Tax Levy has been \$1.85 for the last twelve years. Costs have increased over that time with a majority going to the Sheriff’s contract due to pay equity adjustments over the last 3 years. If the Council does not feel a second deputy is needed, the tax levy will still need to

increase from \$1.85/\$1000 to \$2.30/\$1000 to cover current expenses or revenue in the Local Option Tax Fund will be short approximately \$58,000 for FY2022-2023.

Q1 Do you own a home within the City Limits of Dayton?

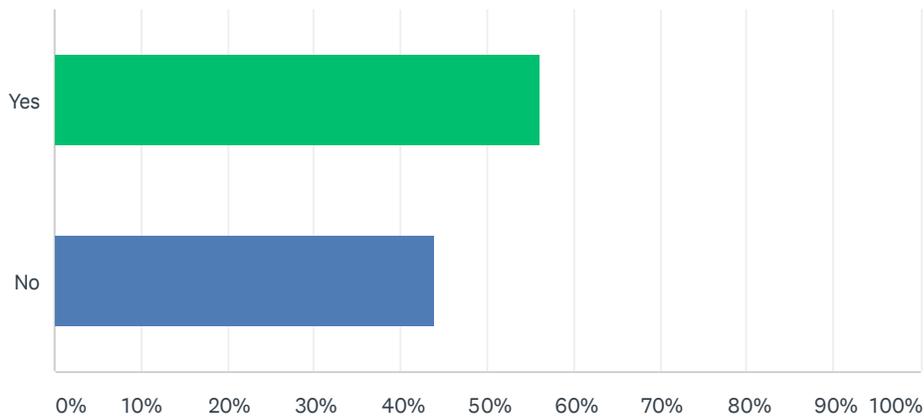
Answered: 195 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	78.97%	154
No	21.03%	41
TOTAL		195

Q2 Do you feel that the current police services provided are adequate for Dayton?

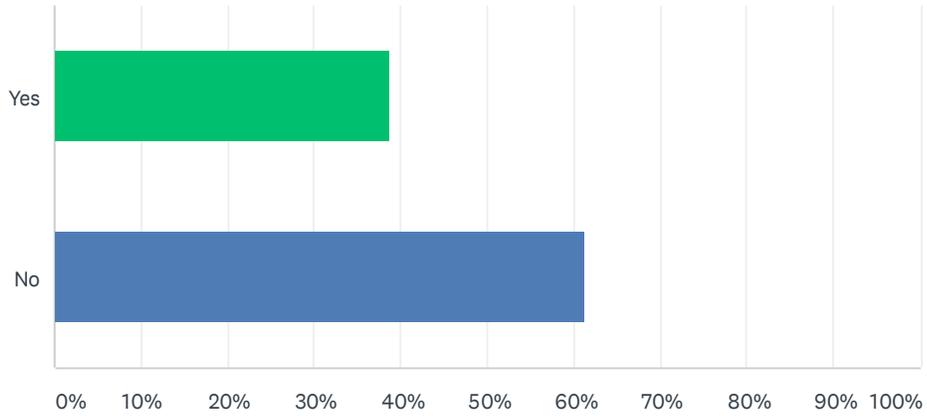
Answered: 146 Skipped: 49



ANSWER CHOICES	RESPONSES	
Yes	56.16%	82
No	43.84%	64
TOTAL		146

Q3 Would you support a property tax increase to cover an additional deputy?

Answered: 145 Skipped: 50



ANSWER CHOICES	RESPONSES	
Yes	38.62%	56
No	61.38%	89
TOTAL		145

Q4 If no, why not?

Answered: 75 Skipped: 120

Q4 If no, why not?

Answered: 75 Skipped: 120

#	RESPONSES	DATE
1	Taxes are high enough and we already pay taxes for county law enforcement.	7/27/2021 11:07 AM
2	We have a low crime rate in our town	7/27/2021 9:05 AM
3	I am happy with police service and can not afford more taxes	7/26/2021 9:24 AM
4	Can't afford it	7/25/2021 10:32 PM
5	I am living on SSI and would not be able to pay such a big increase	7/25/2021 8:32 PM
6	Ycso does not do anything. Dep Broyles is not proactive or friendly. Sits playing on phone all day. This has been notorious for years with most of the deputies. Would rather have newberg Dundee police take the contract than Ycso.	7/25/2021 5:12 PM
7	My property tax are very high now, I don't want to have to pay additional costs. There has to be another way to fund this issue.	7/25/2021 2:54 PM
8	People already voted for a levy to increase police presence in a recent election, which resulted in little to no difference (other than in our property taxes). We do not need more police here anyway. It's already out of the way and if it becomes a known speed trap then that's just more reason to avoid coming. Focus on equity and increasing quality of life, not on making a large percentage of residents less comfortable living here.	7/25/2021 1:02 PM
9	They are never around when you need them, why pay for more	7/25/2021 11:52 AM
10	Because the amount work accomplished does not reflect a full time effort. I have seen the statistics from city counsel records and the calls responded to. Lack of traffic enforcement is sad. Presence is spotty at best. I don't think we are getting a value for the cost. Adding more taxation to a community that already has school bonds is not conducive to those already struggling. Go back to county only as I do not see a value proposition.	7/25/2021 10:29 AM
11	Too much of an increase. We do not need it. Why does the city counsel think we need it? Show evidence of crimes.	7/25/2021 8:40 AM
12	We currently have adequate coverage and the Sheriff's office does a great job. Another Officer is unnecessary and would be a waste of my hard earned money. I will vote as well as the the other 5 registered voters in my household.	7/24/2021 8:22 PM
13	Always more taxes, never tax cuts/breaks	7/24/2021 4:18 PM
14	I have not witnessed or been affected by any criminal acts.	7/24/2021 2:52 PM
15	Because no one ever sees the deputy and we have speeders on my street that is on a curve and speeds sometimes exceed 50-60 miles an hour.	7/24/2021 1:53 PM
16	Taxes are to high for what is here! NO fuel, no community center for kids, one Restaraunt, not much else	7/24/2021 11:43 AM
17	Although we've just moved to the area we've not seen anything that indicates a need for increased police presence. If as we become more familiar with the community that need becomes apparent we would then support the proposal.	7/24/2021 10:36 AM
18	Tax rates are too high already and most people can't afford another increase.	7/24/2021 9:20 AM
19	Doesn't go to officers	7/24/2021 9:02 AM
20	I feel that Dayton is a very safe town and the services provided by the Sheriff are adequate.	7/24/2021 8:40 AM
21	Don't know how much the one has been utilized	7/24/2021 8:18 AM
22	I don't feel that additional police presence would help anything; they aren't concerned with	7/24/2021 7:28 AM

Public Safety Services Survey

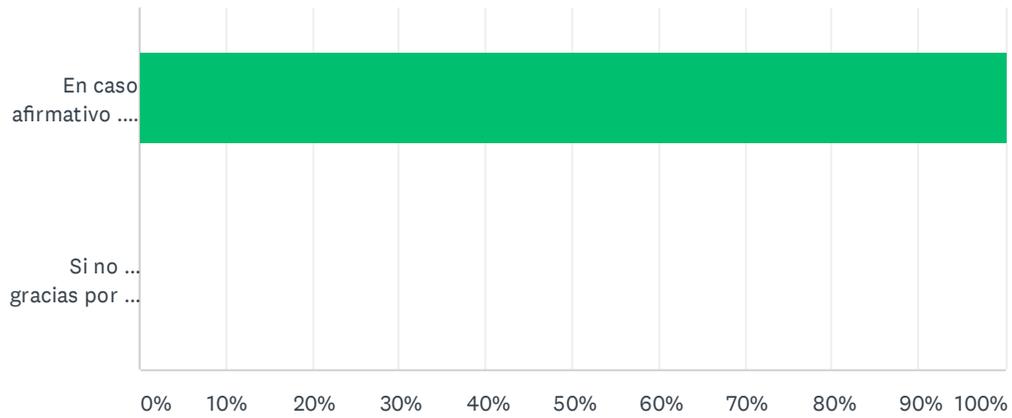
	helping people, just handing out tickets. I don't want more of my taxes going toward something like this.	
23	Not necessary	7/24/2021 6:30 AM
24	Low crime. We don't need anymore taxes	7/24/2021 12:19 AM
25	Prefer local policing - Community policing or sheriff practicing more community policing. Too paramilitary.	7/23/2021 10:32 PM
26	Can not afford higher taxes - period	7/23/2021 8:11 PM
27	Too big of an increase in taxes.	7/23/2021 7:57 PM
28	I feel this town is a safe place and I don't feel the need to increase taxes for something that is not needed.	7/23/2021 6:04 PM
29	I see LE regularly. Please review real data. Have calls for service increased? Have Documented crimes like theft, burglary, domestic violence increased? If signif so then consider. If not, I'll pass. I don't want to pay to fix or throw money at a "Perceived problem."	7/23/2021 5:57 PM
30	I can't afford it	7/23/2021 5:36 PM
31	I do not see an issue that additional support is needed	7/23/2021 5:31 PM
32	Little crime in area and if a situation requires additional police presence, YCSO will send it on an as needed basis. Times are tough for many people right now and o Increasing taxes is kicking them while they are down.	7/23/2021 5:13 PM
33	I feel we are covered well enough.	7/23/2021 4:55 PM
34	The proposed increase per \$1000 pencils out to much more than one officer.	7/23/2021 4:52 PM
35	We are 8 miles from county sheriffs that we already pay for and 6 miles from state police that we pay for. We are a small town of less than 3000 according to city signs, spend more wisely and budget better or give provable reasons as to why we need more police presence. Also, creating good after school programs will help with the drug issues and bored youth crime.	7/23/2021 4:47 PM
36	The times I have called police the response time has been fantastic. I feel this town is safe and crime is low. I do not have the funds in my budget to pay extra in property taxes when the service we already receive is sufficient	7/23/2021 4:46 PM
37	I have heard the Yamhill county Sheriff say to the deputies not to use gas. They do not do pro active police work.	7/23/2021 3:59 PM
38	I appreciate police protection but Oregon taxes and Dayton water rates too much	7/23/2021 3:48 PM
39	To expensive!	7/23/2021 3:39 PM
40	Everything is adequate	7/23/2021 3:38 PM
41	police don't arrest people for committing crimes. They give a ticket and let them walk.	7/23/2021 3:19 PM
42	I feel like I pay too much as it is.	7/23/2021 3:15 PM
43	Not necessary	7/23/2021 3:14 PM
44	We cannot continue to afford higher taxes. Our taxes have tripled at least. This will tax people out of homes.	7/23/2021 3:08 PM
45	It's not no, it's maybe. I'd have to learn more about why people in town feel the coverage now is inadequate. For me, I've not had problems or run ins with potential bad people. Maybe I'm in a safety bubble.	7/23/2021 3:04 PM
46	I don't feel like the money we already pay is working for us, so why pay more?	7/23/2021 2:54 PM
47	One deputy is sufficient for a town our size.	7/23/2021 2:47 PM
48	We have a nice, quite community and don't think additional police presence is needed.	7/23/2021 2:39 PM
49	Sufficient coverage. No need for more.	7/23/2021 2:38 PM
50	We already pay enough taxes to expect police coverage. If we have a full time officer he isn't	7/23/2021 2:35 PM

Public Safety Services Survey

	visible as full time.	
51	I think one police is enough to monitor the peek crime times, and the county police covers our area, right? Maybe there's more crime than I think there is? If the community needs more police, then I am for it. I just want there to be a need, before we raise taxes.	7/23/2021 2:34 PM
52	It's already too high	7/23/2021 2:26 PM
53	Taxes are allready to high!	7/23/2021 2:24 PM
54	Never see the one we got now	7/23/2021 2:21 PM
55	The county gives the city an officer until an urgent call is needed or something else comes up. Just doesn't seem like a whole lot of value added. Having more "dedicated" police presence doesn't mean that during a 911 call situation we will get more police.	7/23/2021 2:21 PM
56	Because of COVID funds are already tight.	7/23/2021 2:20 PM
57	There is not enough crime here in Dayton to justify that kind of tax increase.	7/23/2021 2:18 PM
58	City feels safe enough with only one	7/23/2021 2:15 PM
59	Because I don't feel there is a need for additional resources.	7/23/2021 2:11 PM
60	Price increase	7/23/2021 2:11 PM
61	I feel like it would be traffic (this income) focused. Biggest problem I have seen is car break ins at night	7/23/2021 2:10 PM
62	Have not had any issue with safety.	7/23/2021 2:08 PM
63	In large part because our taxes are already incredibly high for the community. I do not particularly see a lot of crime either that justifies another deputy. I may not be aware of said crime though either.	7/23/2021 2:04 PM
64	Police are tasked with finding crimes and making money NOT making us safe	7/23/2021 2:03 PM
65	Don't need additional police.	7/23/2021 2:00 PM
66	Assessment is too high.	7/23/2021 1:57 PM
67	Crime here is very low, relatively speaking. If that changes, then I would be open. But for now, I think one is fine.	7/23/2021 1:57 PM
68	I don't feel so unsafe that I am willing to spend more tax money to add police coverage.	7/23/2021 1:53 PM
69	Small town, low crime rate, tax increases are never a good thing. Very against this.	7/23/2021 1:52 PM
70	on fixed income, can't afford higher taxes	7/23/2021 1:52 PM
71	The current level of service is not worth the money.	7/23/2021 1:51 PM
72	Taxes are high enough already. People on fixed incomes can't afford anymore taxes.	7/23/2021 1:44 PM
73	There is zero crime in Dayton, why would we need to increase the police force?	7/23/2021 1:42 PM
74	I feel like the majority of our issues is from speeders. Would speed cameras be more affordable?	7/23/2021 1:41 PM
75	Crime isn't a serious problem in Dayton, and I don't want my taxes going up.	7/23/2021 1:39 PM

Q1 ¿Es propietario de una casa dentro de los límites de la ciudad de Dayton?

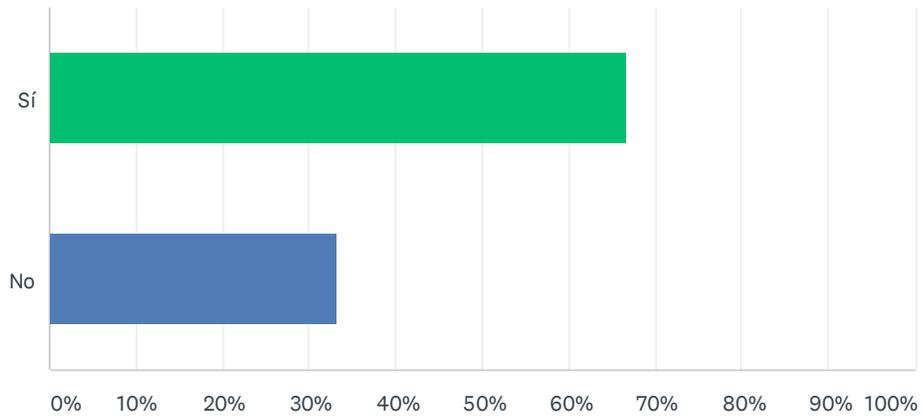
Answered: 6 Skipped: 0



ANSWER CHOICES	RESPONSES	
En caso afirmativo ... pase a la pregunta 2	100.00%	6
Si no ... gracias por su tiempo.	0.00%	0
TOTAL		6

Q2 ¿Considera que los servicios policiales que se ofrecen actualmente son adecuados para Dayton?

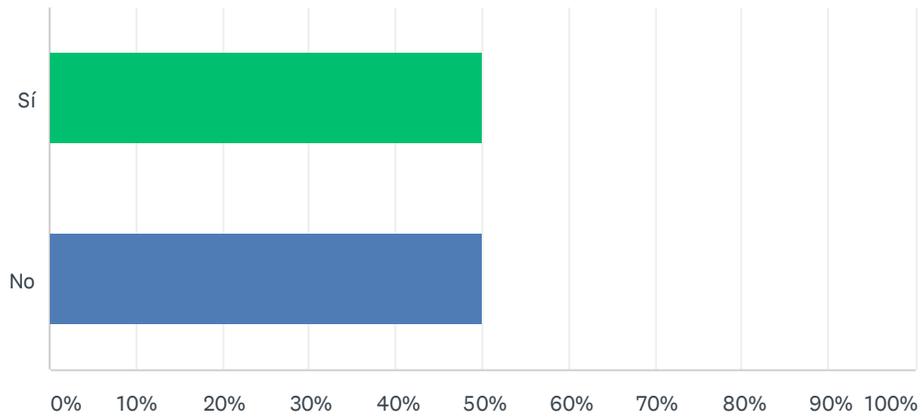
Answered: 6 Skipped: 0



ANSWER CHOICES	RESPONSES	
Sí	66.67%	4
No	33.33%	2
TOTAL		6

Q3 ¿Apoyaría un aumento de impuestos sobre las propiedades para cubrir el costo de obtener a un oficial adicional?

Answered: 6 Skipped: 0



ANSWER CHOICES		RESPONSES	
Sí		50.00%	3
No		50.00%	3
TOTAL			6

Q4 ¿Por qué no?

Answered: 2 Skipped: 4

Q4 ¿Por qué no?

Answered: 2 Skipped: 4

#	RESPONSES	DATE
1	No es necesario.	7/23/2021 2:14 PM
2	no puedo pagarlo	7/23/2021 2:11 PM

Scenarios Based on 2020-21 Taxable Property Value of \$140,075,192

Amount of Increase per \$1,000 RP	\$0.00	\$0.15	\$0.40	\$0.45	\$0.50	\$0.65	\$1.15	\$1.40	\$1.45	\$1.65	\$1.70	\$1.75
Local Option Levy	\$1.85/\$1000	\$2.00/\$1000	\$2.25/\$1000	\$2.30/\$1000	\$2.35/\$1000	\$2.50/\$1000	\$3.00/\$1000	\$3.25/\$1000	\$3.30/\$1000	\$3.50/\$1000	\$3.55/\$1000	\$3.60/\$1000
Tax Revenue	\$ 259,139	\$ 280,150	\$ 315,169	\$ 322,173	\$ 329,177	\$ 350,188	\$ 420,226	\$ 455,244	\$ 462,248	\$ 490,263	\$ 497,267	\$ 504,271
Other Revenue Average	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000
Revenue Generated	\$ 274,139	\$ 295,150	\$ 330,169	\$ 337,173	\$ 344,177	\$ 365,188	\$ 435,226	\$ 470,244	\$ 477,248	\$ 505,263	\$ 512,267	\$ 519,271

	City Funded		1.75 Deputy .25 SRO	1.5 Deputy .50 SRO
	1 Deputy	2 Deputy		
Sheriffs Contract	\$ 181,000	\$ 360,000	\$ 315,000	\$ 270,000
911 Services	\$ 29,000	\$ 29,000	\$ 34,608	\$ 34,608
Legal Fees	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000
Salaries/Benefits (.79 FTE)	\$ 67,452	\$ 67,452	\$ 66,983	\$ 66,983
Material/Services	\$ 32,440	\$ 32,440	\$ 32,440	\$ 32,440
Capital Outlay	\$ 2,000	\$ 2,000	\$ 2,000	\$ 2,000
Total Expenses	\$ 331,892	\$ 510,892	\$ 471,031	\$ 426,031

61 FTE
 .50 Code Enforcement
 .29 Court/Admin
 *911 Svcs & Salaries reflect FY2 1-22 Budget

To: Honorable Mayor and City Councilors
From: Rochelle Roaden, City Manager
Issue: Approval of Resolution 21/22-4 Local Option Levy
Date: August 2, 2021

Background and Information

Currently the City funds our public safety services through a local option tax which assesses \$1.85 per \$1,000 on all real property in Dayton. (A home valued at \$200,000 pays \$370 annually.) The services include a contract for one Yamhill County Sheriff's Office Deputy, their vehicle, training and certification and equipment, .50 FTE code enforcement staff, .29 FTE Court Services/Admin, and 911 dispatch operations administered by Yamhill County. Our current levy expires on June 30, 2022.

The current levy has been approved by Dayton voters in 2007, 2010, 2012, 2015 and 2018. The tax levy amount has not changed since 2007. In 2015, the Council discussed increasing the levy by .15 - .25 per \$1,000 but chose not to increase it at that time.

It should also be noted that the levy has been voted down in the past. Dayton has contracted with Yamhill County Sheriff's Office as early as 1987. In 2001, the levy did not pass which resulted in no police services in Dayton for the fiscal year 2001-2002. (For your reference, I have attached the letter that was sent out to Dayton residents in 2002 when the levy was then reinstated.)

Our current local option tax levy expires in June of 2022. To take this to the voters on the November ballot, a resolution needs to be approved at tonight's meeting to meet all election deadlines.

At the March 15, 2021 work session, the City Council agreed to increasing it from a 3 year levy to a 5 year levy and that change is reflected in the attached Resolution.

The current tax levy is \$1.85/\$1000 property valuation and has not been changed in 14 years. Due to increased police services expenses, we are no longer generating enough revenue and need to increase the levy to at least \$2.30/\$1000 to cover police services. If not, the Local Option Tax fund will have a revenue shortfall of approximately \$58,000 in fiscal year 2022-2023. (See attached spreadsheet.)

Council Goal E – Engage in efficient and effective activities to promote community safety and wellness.

City Manager Recommendation: I recommend approval of Resolution 21/22-4.

Potential Motion to Approve Resolution 21/22-4: “I move approval of Resolution 21/22-4 A Resolution of the Dayton City Council Submitting to the Registered Voters of the City for Their Approval a Local Option Tax at a Rate of \$2.30 Per \$1,000 of Assessed Value Annually for 5 Years Beginning in Fiscal year 2022-2023 to Provide Police Services.”

City Council Options:

- 1 – Move approval of Resolution 21/22-4.
- 2 – Move approval of Resolution 21/22-4 with amendments.

**RESOLUTION NO. 2021/22-04
CITY OF DAYTON, OREGON**

Title: A Resolution of the Dayton City Council Submitting to the Registered Voters of the City for Their Approval A Local Option Tax at a Rate of \$2.30 Per \$1,000 of Assessed Value Annually for 5 Years Beginning in Fiscal Year 2022-2023 to Provide Police Services.

WHEREAS, policing is a basic and vital city service; and

WHEREAS, the City of Dayton previously placed a three-year operating levy on the ballot for public safety that was approved by the voters in 2007, 2010, 2012, 2015 and 2018; and

WHEREAS, due to increasing costs associated with law enforcement costs and public safety services the amount of the local option levy must be increased; and

WHEREAS, the City of Dayton’s local option levy for funding law enforcement and public safety services expires on June 30, 2022; and

WHEREAS, the City Council has reviewed a number of options to provide such services; and

WHEREAS, the City Council desires to send a local option tax to the voters for the November 2, 2021 General Election; and

WHEREAS, this proposed tax measure is outside the limitation imposed by Section 11, Article XI of the Oregon Constitution and must be submitted to the voters of the City for their approval.

The City of Dayton resolves as follows:

Section 1: An election is hereby called in and for the City of Dayton, Yamhill County, Oregon for the purpose of submitting to the legal voters of said city the following:

QUESTION: Shall Dayton levy \$2.30 per \$1,000 assessed property value each year for 5 years for police services beginning 2022-2023? This measure may cause property taxes to increase more than three percent.

Section 2: Tuesday, November 2, 2021 is hereby designated the date for holding the election for the purpose of voting on the measure as stated in Section 1 of this resolution.

Section 3: The election will be held by mail-in ballot in the City of Dayton, Yamhill County, Oregon.

Section 4: The precincts for said election shall be and constitute all of the territory included within the corporate limits of the City of Dayton.

Section 5: The ballot title to appear on the ballots shall be:

CAPTION: 5 YEAR LOCAL OPTION TAX FOR POLICE SERVICES

QUESTION: Shall Dayton levy \$2.30 per \$1,000 assessed property value each year for 5 years for police services beginning 2022-2023? This measure may cause property taxes to increase more than three percent.

SUMMARY: The proposed levy would fund the current Yamhill County deputy sheriff to provide police service exclusively in the City and could include the following services: Municipal Court, Court/Records Clerk, Code Enforcement Officer, 9-1-1 services and support services.

The City contracts these services out through an intergovernmental agreement with Yamhill County and receives numerous public safety benefits for the cost of service.

The City’s current law enforcement local option tax will expire June 30, 2022. The current tax funds one full-time sheriff deputy and one half-time code enforcement officer. It also funds Municipal Court, 9-1-1 services and support services. This increase in the local option tax for the first time in 14 years is to maintain current service levels.

The estimated total amount of the levy is \$322,173 per year for 5 years. A home assessed at \$100,000.00 would pay \$230 annually.

The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessor at the time of estimate.

Section 6: In compliance with ORS 251.345, the City Recorder is hereby authorized to submit an impartial explanatory statement for the Yamhill County Voters’ Pamphlet on behalf of the City.

Section 7: A copy of the ballot title shall be published in the next available edition of a newspaper of general distribution in the City as well as notice of the seven day ballot challenge period as required in ORS 250.296.

Section 8: This resolution is effective on August 2, 2021.

ADOPTED this 2nd day of August 2021.

In Favor:

Opposed:

Absent:

Abstained:

Elizabeth Wytoski, Mayor

Date of Signing

ATTESTED BY:

Patty Ringnalda, City Recorder

Date of Enactment

To: Honorable Mayor and City Councilors
From: Rochelle Roaden, City Manager
Issue: Approval of Resolution 21/22-5 Repealing Resolution 10/11-7 and Amending the Public Records Policy and Approval of Resolution 21/22-6 Amending the Fee Schedule – Public Record Requests
Date: August 2, 2021

Background and Information

In August of 2010, the City Council approved Resolution 10/11-7 which established a Public Records Policy and set the associated Fees. In 2018, Senate Bill 481 made modifications to the Oregon Public Records Law in the Oregon Revised Statutes (ORS) 192.410 to 192.440. Staff has developed a new policy and it is included as Exhibit A in your packet. Rather than update our previous policy, we put together a new policy to incorporate all the changes needed.

In addition to a policy change, the fees that we have been charging for public record requests have not changed since 2010 and are not reflective of actual costs. Staff put together a report (excel spreadsheet attached) polling other cities to see how they calculate their fees. As you can see there are a variety of ways to calculate it with most based on actual staff rates.

Charging \$60 for the first hour would cover the fully loaded staff rate of our City Recorder who is responsible for all public record requests. \$15 per every 15 minutes after the first hour. \$5 for a cd and \$10 for a 16GB USB Drive. Additionally, we would like to add faxing costs of .50 per page and include the actual Attorney fees when our attorney's time is used for public record requests. Currently the city is not charging for faxing and these requests can be timely when having to fax over a large quantity of pages rather than scanning them. Attorney fees are not currently being recouped and those can be quite expensive as you know. We are able to isolate the exact cost via the attorney's monthly invoice so we will be able to charge those actual costs back accordingly.

City Manager Recommendation: I recommend approval of Resolution 21/22-4 and Resolution 21/22-5.

Potential Motion to Approve Resolution 21/22-4: "I move approval of Resolution 21/22-5 A Resolution of the Dayton City Council Repealing Resolution 10/11-7 and Amending the Public Records Policy."

Potential Motion to Approve Resolution 21/22-5: "I move approval of Resolution 21/22-6 A Resolution of the Dayton City Council Amending the Fee Schedule."

City Council Options:

- 1 – Move approval of Resolution 21/22-4 and Resolution 21/22-5.
- 2 – Move approval of Resolution 21/22-4 and Resoluion 21/22-5 with amendments.

**RESOLUTION # 10/11-7
CITY OF DAYTON, OREGON**

Title: *A Resolution Establishing a Public Records Policy and Setting Fees*

WHEREAS, Under ORS 192.440, the City of Dayton is authorized to establish fees reasonably calculated to reimburse local governments for its actual costs in making records available. The City of Dayton is also expressly permitted to include in its fees costs for summarizing, compiling or tailoring the public records either in organization or media costs for providing those records; and

WHEREAS, The City of Dayton desires to adopt a policy addressing the procedure for inspection of public records within the City of Dayton; and

The City of Dayton resolves as follows:

- 1) **That** the City of Dayton hereby establishes a Public Records Request Policy as described and set forth in the attached Exhibit A.
- 2) **That** this resolution shall become effective immediately upon adoption.

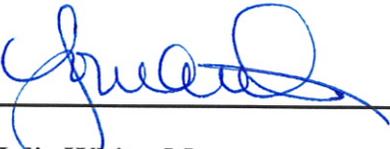
ADOPTED this 16th day of **August 2010**.

In Favor **Blackburn, Dickson, Frank, Hensley, White**

Opposed **None**

Absent **Evers, Wytoski**

Abstained **None**



Jolie White, Mayor

9/15/10

Date of Signing

ATTESTED BY:



**Peggy Selberg
City Recorder**

8/16/10

Date of Enactment

Attachment – Exhibit A

CITY OF DAYTON PUBLIC RECORDS REQUEST POLICY

SECTION 1. Right to Inspect Public Records. Every person has a right to inspect any non-exempt public record held by the City of Dayton. Requests for any records of the City must be made under the Oregon Public Records Law, and in accordance with the rules of this City of Dayton Public Records Policy. The City of Dayton will make available any public record requested by any person pursuant to ORS 192.420 provided the records are not exempt from disclosure under ORS 192 or any other law.

SECTION 2. Application for Public Records Inspection.

1. All applications for inspection of non-exempt public records shall be addressed to the City Recorder using the Public Records Request form (Attachment A).

2. Upon receipt of said application, the application may be referred to legal counsel to determine whether records requests are exempt from disclosure.

3. The City Recorder is the official "Records Officer". The Records Officer shall take reasonable measures to preserve the integrity of the City of Dayton's records. In this capacity, the Records Officer may adopt reasonable rules necessary to protect the records and prevent interference with the regular discharge of duties of the City of Dayton.

SECTION 3. Specificity of Request. In order to facilitate the public's access to records in the City's possession, and to avoid unnecessary expenditure of staff time, persons requesting access to public records for inspection or copying, or who submit written requests for copies of public records, shall specify the records requested with particularity, furnishing the dates, subject matter and such other detail, if known, as may be necessary to enable City personnel to readily locate the records sought.

SECTION 4. Reasonable Opportunity to Inspect and Copy.

1. The Records Officer shall allow a person applying for inspection and/or copying of public records a reasonable opportunity to inspect and copy the records during usual business hours. The Records Officer will set a date and time when the records will be available as soon as practicable and without unreasonable delay for inspection at the City Hall.

2. The Records Officer may furnish a certified copy of the record to a person requesting said record. Certification shall mean a statement on the cover sheet or last sheet of the copy certifying that the copy is a true and correct copy and signed by the Records Officer.

3. If the public record is maintained in a machine readable or electronic form, the custodian shall provide copies of the public record in the form requested, if available. If not available in the form requested, it shall be made available in the form in which it is maintained.

4. The public right to receive copies of public records shall be complied with by the Records Officer within a reasonable time. It is the policy of the City of Dayton not to postpone or disrupt current and on-going matters of city business to provide staff time for inspection or copying of non-exempt public records. Staff time shall be coordinated by the Records Officer and shall be provided within a reasonable period of time from the date the record request was made.

5. The City is not required to produce "lists" of records that are not already available in the form of a "list".

SECTION 5: Fees for Public Records. In order to cover its actual costs for responding to public records requests, the following fee schedule is adopted by the City:

1. Copies of Public Records: Copies of public records shall be .25 cents per page for standard black and white copies. Color copies will be .50 per page for copies.

2. Electronic Format: Electronic documents may include sound recordings, video recordings, and electronic documents. These non-exempt public records will be provided in electronic format on CD or DVD at a cost of \$5.00 each. For records that are not already in electronic format and requested to be converted a Research Fee will be required as stated in this policy.

3. Copies of Maps and other Nonstandard Documents: Charges for maps, large documents, or other nonstandard size documents, shall be charged in accordance with the actual costs incurred by the City to reproduce them.

4. Additional Fees: If research and copying time requires more than thirty (30) minutes of staff time, the time will be billed at a rate of \$10.00 per half hour. In addition to the fees charged above, the City may also recover costs associated with locating the requested records, supervising an inspection of an original document, copying records, reviewing and redacting necessary portions of records, and any other costs incurred to comply with the public records request. If a request is of such magnitude and nature that compliance would disrupt the City's normal operation, the City may impose such additional charges as are necessary to reimburse the City for its actual costs of producing the records.

The City will provide a written cost estimate for record production to requestor and must receive confirmation that the requestor wants the City to proceed with the request. Cost estimates over \$10 will be paid in advance. If the actual time and cost are less than estimated, the excess money shall be refunded to the requestor. If the actual cost and time are in excess of the estimated cost, the difference shall be paid at the time the records are produced.

4. Electronic Searches: For non-exempt public record requests including e-mails or other electronic files stored on any City network the information shall be provided on CD/DVD. The cost will be \$5.00 per CD/DVD plus employee costs plus overhead.

5. Search Fees: The City may charge for search time even if the public record is not located or if the records are subsequently determined to be exempt from disclosure.

6. Reduced Fee or Free Copies: Whenever the City determines that furnishing copies of public records in its possession at a reduced fee or without costs would be in the public interest, the City may so authorize as set forth under ORS 192.440(4).

SECTION 6: Review of Original Records. If a request to review original records is made, the City shall permit such a review provided that search fees are paid in advance in accordance with Section 5, above. A representative of the City shall be present at any time original records are reviewed. At no time shall an original record of the City be removed from the City's files or the place at which the record is regularly maintained, except upon authorization of the City.

If any person attempts to alter, remove, or destroy any original record, the City representative shall immediately terminate such person's review, and notify the City Attorney.

SECTION 7: Denial of Public Record Requests. Denied requests will be accompanied by a written statement identifying the specific reasons of the denial. If the request does not clearly fall into an exempt category, the Records Officer will review the request with the City Attorney prior to issuance of the written statement.



City of Dayton Public Records Request Policy

The City desires to update its policy addressing the procedure for records request to comply with the Oregon Public Records Law, ORS 192.420. Exempt records will be determined by the City's Attorney's Office.

Section 1. Right to Inspect Public Records.

ORS 192.420 give every person the right to inspect any non-exempt public record held by a public body. Requests for such City records must be made under the Oregon Public Records Law and in accordance with this policy.

Section 2. Written Requests. All requests must be made in writing [ORS 192.440(1)].

Section 3. Levels of Requests and Staff Response. The purpose of this policy is to help provide accurate records to the public in reasonable time. In order to accommodate the purpose of this policy, levels of requests have been established.

Level 1 Request. Requested records must be current and accessible, require no duplication, are not subject to the record request fees in the City's Fee Schedule, and must require no additional staff time or resources to be made available.

Level 2 Request. Requested records are not accessible, but can be made accessible with no more than 30 minutes of staff time. Level 2 requests can be made to the public records officer for departments as specified in Section 4 C. Requested records must be located in a single department and readily accessible. Records requiring attorney review are Level 3.

Level 3 Request. This type of request is complex, involves multiple staff and/or departments, or requires more than 30 minutes of staff time. It may involve extensive research or compilation of records. Any requests requiring legal review fall under this section.

Section 4. Procedures.

- A. Requests for public records must include: name, address, sufficient contact information, date of the request, and a detailed description of the requested records including year of creation or range of dates. If electronic records are requested, keywords must be sufficient to locate the requested records.
- B. Except as otherwise provided by these rules, public records will not be released for inspection or copies provided to the requestor unless the City receives payment of the required estimated fee from the requesting party.
- C. Written requests for inspection or copies of city records must be submitted, on the City's form, to one of the following or designees for processing: The City Recorder for general City records, the court administrator for court records or designees. If the City needs additional information or clarification, staff will contact the requestor.
- D. If the City is unable to comply with a request, a written response explaining why the City is unable to process the request will be sent to the requesting party.

Section 5. City Response.

The City shall follow timelines as required under ORS 192.

- A. Within five business days the City will acknowledge all records requests.

- B. As soon as reasonably possible, but not later than 10 business days after the date by which a public body is required to acknowledge receipt of the request under ORS 192.440, the City shall;
 - i. Complete its response to the public records request; or
 - ii. Provide a written statement that the City is still processing the request and a reasonable estimated date by which City staff expects to complete its response base on the information currently available.

Section 6. Appeal.

The person who has submitted a written public records request in compliance with City policy may seek review of the following, in the same manner as a person petitions when inspection of a public record is denied under ORS 192.410 to 192.505:

- A. The failure of a public body to provide the response required by ORS 192 within the proscribed period. A failure of the public body to timely respond shall be treated as a denial of the request unless the public body demonstrates that compliance was not required.
- B. An estimate of time provided by a public body – if the person believes that the estimated timeframe for the response is unreasonably long and will result in undue delay of disclosure.
- C. Any other instance in which the person believes that the public body has failed to comply with ORS 192.
- D. The district attorney and the court have the same authority with respect to petitions under this section as when inspection of a public record is denied.

Section 7. Fees.

- A. Fees for public records requests are set by resolution through the City’s Fee Schedule process.
- B. Once receipt of a public records request has been acknowledged, staff will prepare a cost estimate reflecting the cost of City staff time and materials required to make the records available. Cost estimate will include costs of summarizing, compiling, or researching the public records request. The City will require a deposit in the full amount of the estimated costs before expending additional City Resources on the request. City Staff will begin work on the request only upon receipt of the deposit. If the actual cost of completing the request exceeds the estimate, the City will not release records until the City’s actual costs are received in full. If the actual cost of responding to the request is less than the estimated cost, then the balance of the deposit will be refunded promptly. The payment will be in the form generally accepted for City purchases.
- C. A person requesting a waiver or deduction of fees must file a written request and include the requestor’s name, address, basis for the request and whether the requestor can demonstrate benefit to the general public. The city may consider the requestor’s ability to pay and any financial hardship on the City that would arise from granting a waiver. Any requestor disabled within the definition of the Americans with Disabilities Act may also apply for a waiver or reduction of fees if any of the cost of complying with the request is due to the requestor’s disability. Level 1 or Level 2 requests by the news media will be made available without charge. Any request at a Level 3 may be charged in accordance with the City’s Fee Schedule. The decision of the City Manager or designee on any fee waiver or reduction is final.

Section 7. Inspection of Records.

- A. Inspection of records will occur during regular City business hours, by appointment. All records shall be inspected at the City of Dayton’s place of business. A person making a public records request may personally inspect the requested records, but the right to inspect records does not include the right to access file cabinets or the right to disassemble or change the order of records in files or binders. Original records may not leave the custody of the City. A City staff member must be present while any records are inspected to ensure protection of the records. If any person attempts to alter, remove, or destroy any record, the City staff shall immediately terminate review and notify the city manager.

- B. If the City maintains copyrighted material, the City will permit the person making the request to inspect the copyrighted material, and may allow limited copying of such material if allowed under Federal copyright law. The City may require the requestor to obtain written consent from the copyright holder before allowing copying of such materials.

Section 8. Closing of the Request.

- A. Response to a public records request is complete when the City:
- i. Provides access to copies of all requested records within the possession or custody of the City that are not exempt from public disclosure, or explains where the records are already publicly available;
 - ii. Asserts any exemptions from disclosure that the City believes apply to any requested records and, if the public body cites ORS 192.502(8) or (9), identifies the state or federal law that the City relied on in asserting the exemptions;
 - iii. Complies with ORS 192.505;
 - iv. To the extent that the City is not the custodian of records that have been requested, provides a written statement to that effect;
 - v. To the extent that state or federal law prohibits the City from acknowledging whether or a requested record exists would result in loss of federal benefits or imposition of another sanction, provides a written statement to that effect, citing the state or federal law that the City relies on, unless the written statement itself would violate state or federal law;
 - vi. If the City asserts that one or more requested records are exempt from public disclosure, includes a statement that the requester may seek review of the City determination pursuant to ORS 192.450, 192.460, 192.470, 192.480 and 192.490.

**RESOLUTION NO. 21/22-5
CITY OF DAYTON, OREGON**

Title: A Resolution of the Dayton City Council Repealing Resolution 10/11-7 and Amending the Public Records Policy

WHEREAS, the City of Dayton adopted Resolution 10/11-7 which outlined a City policy for responding to Public Records requests; and

WHEREAS, under ORS 192.440, the City of Dayton is authorized to establish fees reasonably calculated to reimburse local governments for its actual costs in making records available. The City of Dayton is also expressly permitted to include in its fees costs for summarizing, compiling or tailoring the public records either in organization or media costs for providing those records; and

WHEREAS, the Oregon State Legislature approved Senate Bill 481 in July of 2017 which took effect in January of 2018; and

WHEREAS, Senate Bill 481 modifies the Oregon Public Records Law in the Oregon Revised Statutes (ORS) 192.410 to 192.440. This bill amends the following:

- A) Requirement for a written records request policy by providing written response to requests within at least five days with at least one of the following responses:
 - i. Confirm that the public body is the custodian of the requested record;
 - ii. Inform the requester that the public body is not the custodian of the requested record; or
 - iii. Notify the requestor that the public body is uncertain whether the public body is the custodian of the requested record

- B) Provides further definition for the timeframe to respond to public records requests as described in ORS 192.440 as soon as practicable and without unreasonable delay.
 - i. A public body's response to a public records request is complete when the public body:
 - a. Provides access to or copies of all requested records within the possession or custody of the public body that the public body does not assert are exempt from public disclosure, or explains where the records are already publicly available;
 - b. Asserts any exemptions from disclosure that the public body believes apply to any requested records and, if the public body cites ORS 192.502 (8) or (9), identifies the state or federal law that the public body relied on in asserting the exemptions;
 - c. Complies with ORS 192.505;
 - d. To the extent that the public body is not the custodian of records that have been requested, provides a written statement to that effect;
 - e. To the extent that state or federal law prohibits the public body from acknowledging whether a requested record exists would result in loss of federal benefits or imposition of another sanction, provides a written statement to that effect, citing the state or federal law that the public body

relies on, unless the written statement itself would violate state or federal law; and
f. If the public body asserts that one or more requested records are exempt from public disclosure, includes a statement that the requester may seek review of the public body's determination pursuant to ORS 192.450, 192.460, 192.470, 192.480 and 192.490.

C.) As soon as reasonably possible, but no later than 10 business days after the date by which a public body is required to acknowledge receipt of the request under ORS 192.440, a public body shall:

- i. Complete its response to the public records request; or
- ii. Provide a written statement that the public body is still processing the request and a reasonable estimated date by which the public body expects to complete its response based on the current information available.

The City of Dayton resolves as follows:

Section 1: Authorization to repeal Resolution 10/11-7:

Section 2: Adopt the city policy on public records request as stated in Exhibit A, which is incorporated in full by this reference.

Section 2: This resolution will take effect on August 2, 2021.

ADOPTED this 2nd day of August 2021.

In Favor:

Opposed:

Absent:

Abstained:

Elizabeth Wytoski, Mayor

Date of Signing

ATTESTED BY:

Patty Ringnalda, City Recorder

Date of Enactment

Attachment: Exhibit A



City of Dayton Public Records Request Policy

The City desires to update its policy addressing the procedure for records request to comply with the Oregon Public Records Law, ORS 192.420. Exempt records will be determined by the City's Attorney's Office.

Section 1. Right to Inspect Public Records.

ORS 192.420 give every person the right to inspect any non-exempt public record held by a public body. Requests for such City records must be made under the Oregon Public Records Law and in accordance with this policy.

Section 2. Written Requests. All requests must be made in writing [ORS 192.440(1)].

Section 3. Levels of Requests and Staff Response. The purpose of this policy is to help provide accurate records to the public in reasonable time. In order to accommodate the purpose of this policy, levels of requests have been established.

Level 1 Request. Requested records must be current and accessible, require no duplication, are not subject to the record request fees in the City's Fee Schedule, and must require no additional staff time or resources to be made available.

Level 2 Request. Requested records are not accessible, but can be made accessible with no more than 30 minutes of staff time. Level 2 requests can be made to the public records officer for departments as specified in Section 4 C. Requested records must be located in a single department and readily accessible. Records requiring attorney review are Level 3.

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 - iii. Complies with ORS 192.505;
 - iv. To the extent that the City is not the custodian of records that have been requested, provides a written statement to that effect;
 - v. To the extent that state or federal law prohibits the City from acknowledging whether or a requested record exists would result in loss of federal benefits or imposition of another sanction, provides a written statement to that effect, citing the state or federal law that the City relies on, unless the written statement itself would violate state or federal law;
 - vi. If the City asserts that one or more requested records are exempt from public disclosure, includes a statement that the requester may seek review of the City determination pursuant to ORS 192.450, 192.460, 192.470, 192.480 and 192.490.

RECORDS REQUEST FEES SURVEY - JUNE 2021

Type of Charge	City of Dayton Current Fees	Proposed Fees	City of Amity	City of Stayton	City of Nehalem	City of Waldport	City of Carlton	City of Independence	City of Newberg	City of Sherwood
Records Requests (plus the cost of copies):										
Research Fees	\$10 1st 1/2 hr	\$60 1st hour	\$35 per/hour	\$20 1st 1/2 hr	Staff Rate	Staff Rate	\$40 per/hour	\$25 1st 1/2 hr	\$60 1st hour	Staff Rate
Additional Minutes/Deposits	\$10 per/30 min	\$15 per/15 min	\$100 Deposit	Staff Rate	Staff Rate	Staff Rate	\$40 per/hour	Staff Rate	\$15 per/15min	Staff Rate
CD	\$5 per/unit	\$5.00		\$10.00			\$15.00	\$5.00		\$25.00
16 GB - USB Drive	N/A	\$10.00			\$5.00					
Faxing per/page	no charge	.50 cents			\$2.00		\$0.50	\$2.00		\$2+\$1 p/page
Attorney Research Fees		Actual Costs			Actual Costs	Actual Costs	\$180 per/hour		\$92 per/hour	

Staff Time Means :

Sherwood - Fully Loaded hourly rate applicable at the time of service.

Stayton - Charge based on salary and fringe benefits of employee(s) charged with task, converted to hourly rate. Charged in 15-minute increments with a 15 minute minimum.

Nehalem - Staff's regular hourly wage multiplied by the time required to fulfill the request. Actual costs of equipment & materials.

Waldport - Gross hourly wage of employee, billed in 15 minute increments.

RESOLUTION No. 21/22-06
City of Dayton, Oregon

Title: A Resolution Amending the City of Dayton Fee Schedule

WHEREAS, the City performs and offers certain services, the costs of which are mostly reasonably borne by the resident, as opposed to paying for said services with general City Funds; and

WHEREAS, the City of Dayton City Council adopted the City of Dayton Fee Schedule per Resolution No.16/17-3; and

WHEREAS, the Public Record Policy Fees have not been updated since 2010; and

WHEREAS, under ORS 192.440 the City of Dayton is authorized to establish fees reasonably calculated to reimburse local governments for its actual costs in making records available; and

WHEREAS, the city of Dayton is also expressly permitted to include in its fees costs for summarizing, compiling, or tailoring the public records either in organization or media costs for providing those records.

The City of Dayton resolves as follows:

- 1) **THAT** the City of Dayton Fee Schedule is hereby amended and adopted according to Exhibit A (attached hereto and made a part herein); and
- 2) **THAT** this resolution shall become effective immediately upon adoption.

ADOPTED this 2nd day of August 2021.

In Favor:

Opposed:

Absent:

Abstained:

Elizabeth Wytoski, Mayor

Date Signed

ATTEST:

Patty Ringnalda, City Recorder

Date of Enactment

Attachment: Exhibit A

SECTION 10:

MISC FEES

Type of Charge	Current Fee	Resolution/ Code	Adopted
Photocopy Charges – Black & White	\$.25 per/page	2010/11-07	08/16/10
Photocopy Charges – Colored	\$.50 per/page	2010/11-07	08/16/13
Maps, Large Documents, or other non-standard sized documents	Actual Costs	2010/11-07	08/16/13
NSF Check & Stop Payment Check Fee	\$25.00		
Records Request – Research Fees *Up to 30 minutes = Cost of Copies or \$10.00 *Over 30 minutes = \$10.00 per ½ hour plus the cost of copies	\$10.00 per ½ hour	2010/11-07	08/16/13
Record Request Research Fees:			
Staff Research Time - First Hour	\$60.00	2020/21-06	
Staff Research Time - Additional 15-minute increments	\$15.00	2020/21-06	
City Attorney Research	Actual Costs	2020/21-06	
Record Request with media provided 16 GB USB Thumb Drive	\$10.00	2020/21-06	
Records Request – media Provided CD, DVD, VHS	\$5.00 per/disk	2010/11-07	08/16/13
Credit/Debit Card Fee	No Charge	2008/09-15	09/02/08
Notary Services – Residents (inside city limits)	No Charge	2011/12-02	07/05/11
Notary Services – Non-Residents	\$10.00 Per notary act	2011/12/02	07/05/11
Harvest Festival Booth Rental Fee- Registered Businesses	\$10.00	Fees set by Harvest Festival Committee	
Harvest Festival Booth Rental Fee- Non-Registered Businesses	\$20.00		
Harvest Festival Booth Rental Fee – With Electricity	Add \$15.00		
Lien Search Fee	No Charge	n/a	n/a
Holiday Bazaar Vendor Booth Fee	\$15.00	n/a	n/a
Holiday Bazaar Vendor Booth with Electricity Fee	\$25.00	n/a	n/a
FERRY STREET NEWSLETTER ADVERTISEMENT FEE SCHEDULE:			
Color Copy:	Cost		
Full Page – 7 x 9.5 inches	\$250.00	2020/21-00	
Half Page – 7 x 4.6 or 3.33 x 9.5 inches	\$125.00	2020/21-00	
Quarter Page – 4.6 x 3.33 or 3.33 x 4.6 inches	\$75.00	2020/21-00	
1/8 page or Milestone Announcement – 2.3 x 1.67 inches	\$25.00	2020/21-00	
Black & White Copy:	Cost		
Full Page – 7 x 9.5 inches	\$75.00	2020/21-00	
Half Page – 7 x 4.6 or 3.33 x 9.5 inches	\$40.00	2020/21-00	
Quarter Page – 4.6 x 3.33 or 3.33 x 4.6 inches	\$30.00	2020/21-00	
1/8 page or Milestone Announcement – 2.3 x 1.67 inches	\$15.00	2020/21-00	

Report Criteria:
 Report type: Summary

GL Period	Check Issue Date	Check Number	Vendor Number	Payee	Invoice Number	Invoice Sequence	Invoice GL Account	Discount Taken	Check Amount	
06/21	06/04/2021	26875	189	CIS Trust	JUNE 2021	22	400.400.594.00	.00	16,987.90-	V
06/21	06/08/2021	26895	1796	Diamond K Sales	TRAILER	1	750.750.903.00	.00	.00	V
06/21	06/08/2021	26896	1796	Diamond K Sales	TRAILER	1	750.750.903.00	.00	9,497.00	
06/21	06/15/2021	26897	238	A&E Security & Electronic	186438	1	300.301.705.00	.00	125.70	
06/21	06/15/2021	26898	261	AUCA Western First Aid & Safety	PDX4-00087	10	400.400.601.00	.00	767.64	
06/21	06/15/2021	26899	127	Baker & Taylor	Multiple	1	100.104.715.00	.00	54.13	
06/21	06/15/2021	26900	151	Beery, Elsner & Hammond	Multiple	11	500.500.700.00	.00	1,092.50	
06/21	06/15/2021	26901	1786	Bend Mailing Services	72953	10	400.400.705.00	.00	2,237.44	
06/21	06/15/2021	26902	105	City of Dayton	Multiple	1	300.301.707.00	.00	1,033.63	
06/21	06/15/2021	26903	362	City of Newberg	MAY 2021	4	100.106.716.00	.00	919.30	
06/21	06/15/2021	26904	860	City Sweepers, LLC	27897	1	200.200.614.40	.00	693.02	
06/21	06/15/2021	26905	466	Copy Cats	406973	5	400.400.614.00	.00	133.00	
06/21	06/15/2021	26906	1658	Creative Product Source, Inc	CPI090067	1	100.104.730.00	.00	232.84	
06/21	06/15/2021	26907	532	Dayton Community Development	9	1	500.500.752.22	.00	2,500.00	
06/21	06/15/2021	26908	111	DCBS Fiscal Services	MAY 2021	1	100.106.700.35	.00	122.00	
06/21	06/15/2021	26909	789	Edge Analytical	Multiple	1	300.300.751.00	.00	122.00	
06/21	06/15/2021	26910	513	Elizabeth Wytoski	JUNE 2021	1	500.500.752.00	.00	50.00	
06/21	06/15/2021	26911	996	Emily Umbenhower	DEPOSIT RE	2	400.400.750.00	.00	53.51	
06/21	06/15/2021	26912	694	GPEC Electrical Contractors	7543	1	400.400.614.50	.00	1,560.00	
06/21	06/15/2021	26913	542	Grainger	9913956422	1	400.400.616.00	.00	771.82	
06/21	06/15/2021	26914	178	Hach Company	12479981	2	400.400.616.00	.00	256.22	
06/21	06/15/2021	26915	921	Highway Fuel Company	Multiple	1	780.780.920.20	.00	5,865.00	
06/21	06/15/2021	26916	814	Homeward Bound Pets Adoption	JUNE 2021	2	500.500.752.20	.00	3,000.00	
06/21	06/15/2021	26917	134	Iron Mountain Records Mgmt	DRBC809	10	400.400.601.00	.00	76.24	
06/21	06/15/2021	26918	1795	Junior Library Guild	567608	1	100.104.715.00	.00	1,306.20	
06/21	06/15/2021	26919	139	Lowe's	Multiple	1	300.301.616.00	.00	327.81	
06/21	06/15/2021	26920	124	Mid-Willamette Valley COG	202105DAYT	1	100.105.705.20	.00	2,374.84	
06/21	06/15/2021	26921	1259	Museum of Natural and Cultural H	Multiple	1	100.104.730.10	.00	200.00	
06/21	06/15/2021	26922	109	News Register	121717	10	400.400.705.00	.00	826.20	
06/21	06/15/2021	26923	871	Office Depot, Inc	Multiple	10	400.400.601.00	.00	61.85	
06/21	06/15/2021	26924	173	One Call Concepts, Inc.	1050357	2	400.400.799.00	.00	27.93	
06/21	06/15/2021	26925	163	Oregon Dept of Revenue	MAY 2021	1	101.101.700.35	.00	90.00	
06/21	06/15/2021	26926	244	OreVac West Inc.	6308	1	400.400.614.60	.00	780.00	
06/21	06/15/2021	26927	103	PGE	Multiple	1	300.301.600.00	.00	5,804.59	
06/21	06/15/2021	26928	116	Pitney Bowes	3313557740	10	400.400.601.10	.00	238.65	
06/21	06/15/2021	26929	621	Portland Engineering, Inc	10344	3	400.400.705.10	.00	90.00	
06/21	06/15/2021	26930	106	Recology Western Oregon	16393779	2	200.200.603.00	.00	303.99	
06/21	06/15/2021	26931	1763	Terrence D. Mahr	21-005	1	101.101.705.40	.00	250.00	
06/21	06/15/2021	26932	818	TK Elevator	3005974062	1	100.100.707.30	.00	796.29	
06/21	06/15/2021	26933	1006	US Bank	Multiple	24	100.103.616.10	.00	6,495.03	
06/21	06/15/2021	26934	546	USPS	BOX 339 - 20	10	400.400.601.10	.00	322.00	
06/21	06/15/2021	26935	186	VFW post # 10626	21-005	1	101.101.705.00	.00	37.50	
06/21	06/15/2021	26936	154	Westech Engineering, Inc	Multiple	1	770.770.910.20	.00	2,232.29	
06/21	06/15/2021	26937	112	Wilco	Multiple	1	100.103.619.00	.00	1,939.90	
06/21	06/15/2021	26938	1472	WIN-911 Software	73362F80-20	1	300.301.705.30	.00	660.00	
06/21	06/15/2021	26939	865	Xylem Water Solutions USA	3556B74984	1	400.400.614.00	.00	2,746.00	
06/21	06/15/2021	26940	114	Yamhill County Sheriff	JUNE 2021	1	101.101.705.10	.00	13,438.26	
06/21	06/15/2021	26941	115	Yamhill County Sheriff	21-005	1	101.101.700.35	.00	32.00	
06/21	06/15/2021	26942	196	Your Community Mediators	2021 DONAT	1	500.500.752.20	.00	4,000.00	
06/21	06/15/2021	26943	614	Ziplyfiber	Multiple	1	300.300.602.00	.00	303.94	
Grand Totals:								.00	59,860.36	

Summary by General Ledger Account Number

M = Manual Check, V = Void Check

TO: MAYOR WYTOSKI AND CITY COUNCIL MEMBERS

**THROUGH: ROCHELLE ROADEN
CITY MANAGER**

**FROM: STEPHEN SAGMILLER
PUBLIC WORKS DIRECTOR**

SUBJECT: PUBLIC WORKS ACTIVITIES REPORT JULY 2021

Water:

Clean methane strippers
Well 1 repair
Regulatory Samples bi weekly
Locates
Water service line repair
Chlorine generator maintenance
Daily rounds
Work orders
Locates
Meter reading
Turn ons / turn offs
Water Report to Lafayette
Water report to State
Emergency shut offs (various)
Receive chemicals at Treatment Plant
Check chlorine feed daily
Mow at treatment plant
Mow at Springs

Wastewater:

Regulatory Samples bi weekly
Daily Rounds
Check operation of lift stations daily
Locates
DMR to DEQ
Equipment removal at lagoons
Prep pumps at lagoons

Parks:

Dump garbage all parks
Mow at CH Square
Mow at AS Park
Mow at Alderman Park
Mow at Cemetery

Facilities:

Fire extinguisher checks

Storm water:

Locates

Streets:

Street sweeping
Dump garbage on Ferry

Misc:

Prep for Bands on the Run
Bands on the Run

STAFF REPORT

TO: Honorable Mayor and City Councilors
 Through: Rochelle Roaden, City Manager
 From: Isaac Sullens, Code Enforcement Officer
 Subject: Code Enforcement Activities Report July 2021
 Date: July 29, 2021

Type of Violation	July 2021	June 2021	May 2021	April 2021	March 2021
Animals	4	3	3	4	2
Building	0	0	1	0	1
Burning	0	0	0	0	0
Clear vision	1	1	0	1	1
Encroachment	0	0	1	0	0
Junk	3	3	3	3	5
Noise	1	0	3	1	1
Noxious Vegetation	2	2	3	4	0
Parking	7	14	27	16	3
Attractive Nuisance	1	0	0	0	0
Posting	1	1	1	2	2
RV - Camping	1	0	0	3	3
Sidewalks	1	3	2	3	0
Towed	0	2	1	0	1
Land Use	0	0	0	1	0
Citations Issued	1	0	0	0	1
Right-of-Way	10	13	13	4	14
Other	0	0	3	0	2
TOTAL	33	42	61	42	36

Please Note: The monthly statistics are calculated from the Dayton City app, phone calls, emails, written notes, in person and code compliance officer observation.

TO: MAYOR WYTOSKI AND CITY COUNCIL MEMBERS

THROUGH: ROCHELLE ROADEN, CITY MANAGER

FROM: CYNDI PARK, LIBRARY DIRECTOR

SUBJECT: LIBRARY ACTIVITIES REPORT JULY 2021

The library is open! We were able to open on Monday, July 5th and are currently open Monday – Friday 1:00 – 5:00 p.m. We've seen so many kids and families since we've been back! Our afternoon group of boys that play on the computers have returned, and we're constantly marveling at how much all of our little patrons have grown since the last time we saw them.



Summer reading will come to an end on August 3rd when we team up with the City to host one large joint event on National Night Out. The library staff and volunteer will be on hand giving out free books, helping out with laser tag, being part of the mystery for kids to solve, and giving out any prizes left over from summer reading.

Speaking of summer reading prizes, we have been really impressed with the number of kids coming in to turn in their reading logs! For every log sheet they turn in, they receive a scratcher ticket which reveals the prize that they have won. This has been a real hit – the kids and their parents have thought that this is a lot of fun. Believe it or not, we've begun planning the Halloween party...more to come about that later!



NATIONAL NIGHT OUT 2021



AUGUST 3, 2021

6-8 PM

DAYTON COMMUNITY CENTER
606 4th Street, Dayton, Oregon

A FREE Event

Fun for the whole family!

Laser Tag

Walking Tacos

Snow Cones

Cotton Candy

Popcorn



POLICE-COMMUNITY PARTNERSHIPS

Fishing Game

Fire Truck

Sheriff's Vehicle

Solve the Mystery

Treasure Hunt



**DAYTON CITY-WIDE
GARAGE SALE
Aug 21-22**

Call City Hall to be
included on the
map!

503-864-2221

Dayton Community Free Swap Meet

August 23-27, 2021

Dayton Community Events Center Parking Lot

Here's how it works:

- Donate/Drop off items that you no longer want but still have life!
(Household items, furniture, appliances, etc.)
 - Please no: mattresses, batteries, pesticides, liquid waste, insecticides, paint, or propane tanks
- Find/Take items you can use! No questions asked! If you can use it, take it!
- Swap Meet will run Monday-Friday. Community Clean Up Day will be Saturday, August 28th, 8 am-Noon, at Dayton City Hall. Bring items you want to dispose of (including mattresses) to this event.
(No charge for City of Dayton Residents.)

In conjunction with Community Clean Up Day on 8/28/2021

Questions? Call Dayton City Hall at 503-864-2221



DAYTON CITYWIDE CLEAN-UP

Saturday, August 28, 2021
8:00 AM – 12:00 PM



Bring your unwanted items to the yard behind Dayton City Hall at 416 Ferry Street, Dayton, Oregon.
No charge for Dayton residents (proof required).

We are unable to accept: Appliances, Computers, Monitors/TV's, Batteries, Tires, Paint, Insecticides, Pesticides, Motor Oil, Propane Tanks, Liquid Waste

Free Swap Meet is August 23rd-27th at the Dayton Community Events Center 606 4th Street. Drop off/Pick Up Used Household Items (no mattresses please)

Questions? Call City Hall at 503-864-2221