

AGENDA  
CITY OF DAYTON  
REGULAR SESSION

DATE: MONDAY, DECEMBER 2, 2024  
TIME: 6:30 PM  
PLACE: DAYTON CITY HALL ANNEX – 408 FERRY STREET, DAYTON, OREGON  
VIRTUAL: ZOOM MEETING – ORS 192.670/HB 2560

You may join the Council Meeting online via YouTube:  
<https://youtube.com/live/68tOBC1yval?feature=share>

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

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<u>ITEM</u>	<u>DESCRIPTION</u>	<u>PAGE #</u>
A.	CALL TO ORDER & PLEDGE OF ALLEGIANCE	
B.	ROLL CALL	
C.	APPEARANCE OF INTERESTED CITIZENS	
D.	CONSENT AGENDA	
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E.	PUBLIC HEARING	
	<i>The Dayton City Council will hold a Public Hearing to obtain citizen input on Text amendments to the Dayton Land Use Development Code to implement statute changes passed by the State Legislature during the 2023 and 2024 sessions (HB 3395 and SB 1537).</i>	
F.	ACTION ITEMS	
	1. Staff Report - Text amendments to the Dayton Land Use Development Code to implement statute changes passed by the State Legislature during the 2023 and 2024 sessions (HB 3395 and SB 1537), Curt Fisher, City Planner	7-13
	2. First Reading of Ordinance 665 Amending Chapter 7 of the Dayton Land Use and Development Code	14-48
	3. Yamhill County Sheriff's Office Annual Stats for FY 23/24 and FY24/25 Projections, Sheriff Elliott	
	4. Approval of Resolution 24/25-08 Changing Signing Authority for US Bank	49-52

**Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice:** City Hall Annex is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Recorder (503) 864-2221 or [rvargas@daytonoregon.gov](mailto:rvargas@daytonoregon.gov).

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|--|-------|
| 5. Approval of Resolution 24/25-09 Dissolution of the existing Community Events Committee and Fireworks Committee establishing Dayton Events Committee | 53-58 |
| 6. Certification of Election Results   | 59-61 |
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G. CITY COUNCIL COMMENTS/ CONCERNS

H. INFORMATION REPORTS

1. Tourism and Economic Development

I. CITY MANAGER'S REPORT

67-71

J. CITY ATTORNEY REPORT

K. ADJOURN

Posted: November 27, 2024

By: Rocio Vargas, City Recorder

NEXT MEETING

January 6, 2025, Regular Session Meeting

February 3, 2025, Regular Session Meeting

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

The public is encouraged to relay concerns and/or comments to the City Council in one of the following methods:

- a **Email - any time up to 5:00 p.m.** the day of the meeting to [rvargas@daytonoregon.gov](mailto:rvargas@daytonoregon.gov). The Mayor will read the comments emailed to the City Recorder.
- b **Appear in person** - if you would like to speak during public comment, please sign up on the sign-in sheet located on the table when you enter the Council Chambers.
- c **Appear by Telephone only** - please sign up prior to the meeting by emailing the City Recorder at [rvargas@daytonoregon.gov](mailto:rvargas@daytonoregon.gov). (The chat function is not available when calling by phone into Zoom.)
- d **Appear virtually via Zoom** - send an email directly to the City Recorder, Rocio Vargas, prior to the meeting to request to speak during public comment. **The City Recorder will need your first and last name, address, and contact information** (email, phone number), **and topic name** you will receive the Zoom Meeting link or information. When it is your turn, the Mayor will announce your name and your microphone will be unmuted.

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**MINUTES  
DAYTON CITY COUNCIL  
REGULAR SESSION  
NOVEMBER 4, 2024**

**PRESENT:** Mayor Annette Frank  
Councilor Drew Hildebrandt  
Councilor Scott Hover  
Councilor Kitty Mackin  
Councilor Jim Maguire  
Councilor Chris Teichroew

**ABSENT:** Council President Luke Wildhaber

**STAFF:** Cyndi Park, Interim City Manager  
Rocio Vargas, City Recorder  
Dave Rucklos, Tourism & Economic Development Director  
Don Cutler, Public Works Supervisor

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

Mayor Annette Frank called the meeting to order at 6:31pm and all those present gave the Pledge of Allegiance.

**B. ROLL CALL**

Mayor Frank noted that Councilors Hildebrandt, Hover, Mackin, Maguire and Teichroew were present in person. Council President Wildhaber was absent unexcused.

**C. APPEARANCE OF INTERESTED CITIZENS**

None.

**D. CONSENT AGENDA**

**1. Approval of October 21, 2024, Work/Special Session Minutes**

Councilor Maguire requested edits to the roll call section.

Councilor Mackin made requested edits to action item 3 and 4 to reflect who performed the readings of the ordinances by title.

**JIM MAGUIRE MOVED TO APPROVE THE OCTOBER 21, 2024; MINUTES AS AMENDED. SECONDED BY KITTY MACKIN.** Motion carried with Frank, Hildebrandt, Hover, Mackin, Maguire and Teichroew voting aye. Council President Wildhaber was absent.

The agenda order was amended to move the executive session and resolution 2024/25-07 to the end of the meeting.

**E. ACTION ITEMS**

**1. Approval of Resolution 2024/25-06 Concurring with the Urban Renewal Plan to Include Public Building Projects**

Dave Rucklos, Tourism and Economic Development Director explained the inclusion of a public building projects and the resolution needs to be approved by the City Council to use funds on these projects.

**DREW HILDEBRANDT MOVED TO APPROVE RESOLUTION 2024/25-06 CONCURRING WITH THE INCLUSION OF A PUBLIC BUILDING PROJECT IN THE DAYTON URBAN RENEWAL PLAN. SECONDED BY KITTY MACKIN.** Motion carried with Frank, Hildebrandt, Hover, Mackin, Maguire and Teichroew voting aye. Council President Wildhaber was absent.

**2. Second Reading of Ordinance 664 Adopting the Dayton Urban Renewal Plan**

Councilor Mackin noted the name of 11<sup>th</sup> street park should be Andrew Smith Park. She noted the street name change from Ash to Flower Lane in the report page 149 and edit on page 150.

**The second reading of Ordinance 664 by title only was performed by Councilor Teichroew.**

**KITTY MACKIN MOVED TO APPROVE THE SECOND READING OF ORDINANCE 664 BY TITLE ONLY, AN ORDINANCE OF THE DAYTON CITY COUNCIL MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO AND APPROVING THE DAYTON URBAN RENEWAL PLAN AND DIRECTING THAT NOTICE OF APPROVAL BE PUBLISHED, AS AMENDED. SECONDED BY JIM MAGUIRE.** Motion carried with Frank, Hildebrandt, Hover, Mackin, Maguire and Teichroew voting aye. Council President Wildhaber was absent.

**DREW HILDEBRANDT MOVED TO ADOPT ORDINANCE 664 AS AMENDED, AN ORDINANCE OF THE DAYTON CITY COUNCIL MAKING CERTAIN DETERMINATIONS AND FINDINGS RELATING TO AND APPROVING THE DAYTON URBAN RENEWAL PLAN AND DIRECTING THAT NOTICE OF APPROVAL BE PUBLISHED. SECONDED BY JIM MAGUIRE.** Motion carried with Frank, Hildebrandt,

Hover, Mackin, Maguire and Teichroew voting aye. Council President Wildhaber was absent.

### **3. Discussion on City Council Connection Opportunity with the School District**

Rocio Vargas, City Recorder presented Ana Lundgren from the Dayton Jr/High School who had ideas of how the City Council could help to motivate students to increase school attendance.

Ana stated that she welcomes any ideas from Council on how to motivate students.

Rocio will be the point of contact for the ideas from Council.

### **F. EXECUTIVE SESSION**

***Pursuant to ORS 193.660(2)(a) to consider the employment of an officer, employee, staff member or agent.***

Mayor Frank read the executive session statement.

The City Council went into executive session.

The City Council returned from executive session at 7:04 pm.

**DREW HILDEBRANDT MOVED TO APPROVE THE SALARY COMMENCING EFFECTIVE DATE OF DECEMBER 16, 2024, TO PAY EMPLOYEE AN ANNUAL BASE SALARY OF \$108,100 PAYABLE IN INSTALLMENTS AT EH SAME TIME THAT THE OTHER DEPARTMENT HEADS OF THE CITY ARE PAID. SECONDED BY JIM MAGUIRE.** Motion carried with Frank, Hildebrandt, Hover, Mackin, Maguire and Teichroew voting aye. Council President Wildhaber was absent.

### **4. Approval of Resolution 2024/25-07 Approving a Contract for City Manager**

**JIM MAGUIRE MOVED TO APPROVE RESOLUTION 2024/25-07 APPROVING A CONTRACT FOR CITY MANAGER WITH MR. JEREMY CAUDLE. SECONDED BY SCOTT HOVER.** Motion carried with Frank, Hildebrandt, Hover, Mackin, Maguire and Teichroew voting aye. Council President Wildhaber was absent.

### **G. COUNCILOR COMMENTS AND CONCERNS**

Councilor Maguire stated that it was commented last year that the Breakfast with Santa appearance would be from 10 to noon this year.

Mayor Frank invited Jeremy Caudle to make any comments.

Jeremy Caudle stated that he is excited to come to the City of Dayton and get to work.

Mayor inquired if any other council members registered for the Elected Officials Essentials training. She invited everyone to attend the Fall into Christmas Craft Faire and to share the event.

## **H. INFORMATION REPORTS**

### **1. TED**

Dave Rucklos, TED Director gave an update on the footbridge the panels that will replace the plywood will arrive sooner than anticipated. He stated that stairs were added to the side of the parking lot to avoid sliding and deterioration of the slope.

Mayor Frank inquired if the approach entrance that connects to the new midspan would be leveled or finished to be made more accessible.

Dave stated that he would inquire about the issue to Stellar J and Denny.

Dave updated on the bandstand remodel, that it would be postponed to after the holiday events. He invited Councilor Mackin to visit City Hall to give her opinion on the ramp the Public Works modular has.

String lights will be added to the footbridge midspan that could be changed in color depending on the time of the year and the holidays.

There were no responses to the tractor parade, but the event will continue as planned other years.

Tree lighting event and other ideas were discussed.

The City was granted \$23,500 from Travel Oregon to develop the Discover Dayton website, the City match was \$16,000 budgeted, and he anticipates that this will be a great website.

Dave stated he and Rocio will be attending the LOC Small Cities Lunch Meeting in Jefferson on Thursday November 7.

Dave will attend the US Conference of Mayor's P3 on Improvement of American Infrastructure and will report the information to the Mayor.

Councilor Hover inquired about the HWY 221 Lift Station completion. Dave stated that they had an issue with the cap being the wrong size, but they are working on it.

Councilor Mackin inquired about the Neck Road project. Dave stated that there is a new proposal that will be reviewed in November.

Sgt. Eubanks reported on Dayton's statistics of types of calls and the areas that are being patrolled for traffic complaints. He stated that every 112 the rural division shift changes from day to night. He stated that he is impressed with Dayton residents that always support each other.

Sgt. Eubanks proposed having a truancy court established in Judge Blake’s court to hold students accountable for attendance. He stated that it would be great if the school district considered having an SRO again.

**I. CITY MANAGER’S REPORT**

Cyndi Park, Interim City Manager stated Dave gave all the updates. She reported that the Library Halloween Party was successful and mentioned that the By-Pass donated half of the pizzas.

**J. ADJOURN**

There being no further business to discuss the meeting adjourned at 7:50pm.

Respectfully submitted:

APPROVED BY COUNCIL on **Date**

By:

As Written

As Amended

Rocio Vargas, City Recorder

\_\_\_\_\_  
Annette Frank, Mayor

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## STAFF REPORT

### LA 2024-02 PUBLIC HEARING BEFORE CITY COUNCIL

<b><u>Hearing Date:</u></b>	December 2, 2024
<b><u>Subject:</u></b>	Text amendments to the Dayton Land Use Development Code to implement statute changes passed by the State Legislature during the 2023 and 2024 sessions (HB 3395 and SB 1537).
<b><u>Approval Criteria:</u></b>	Dayton Land Use Development Code, Section 7.3.112.03, A – D.
<b><u>Exhibits:</u></b>	<b>Exhibit A:</b> Proposed code amendments with changes tracked <b>Exhibit B:</b> Published public notice

#### I. REQUESTED ACTION

Conduct a public hearing on proposed legislative amendments to the Dayton Land Use Development Code (DLUDC), case file LA 2024-02. Options for action on LA 2024-02 include the following:

- A. Adopt the findings in the staff report and adopt LA 2024-02:
  1. As presented / recommended by staff; or
  2. As amended by the City Council (indicating desired revisions).
- B. Recommend that the City Council take no action on LA 2024-02.
- C. Continue the public hearing, preferably to a date/time certain.

#### II. BACKGROUND

In 2023 the Oregon Legislature passed HB 3395 which included the following requirements applying to Dayton:

- Cities between 2,500 – 10,000 residents are required to adopt ordinances to allow duplexes on any lot zoned for residential use that allows single-family detached housing;
- Local governments are required to approve Single Room Occupancy (SRO) developments with up to 6 units on each lot zoned for single-family detached housing;
- If the lot allows the development of 5 or more units, the SRO development must be approved up to the number of units allowed by the underlying density standard; and
- Cities cannot apply development standards for duplexes and single room occupancies that are more restrictive than the standards that apply to single family homes.

To assist cities in updating their ordinances to comply with the new regulation, DLCD awarded a grant to MWVCOG to complete these required updates to the Dayton Land Use and Development Code (DLUDC).

More recently, the legislature passed SB 1537 which included additional requirements that are addressed in these amendments, including:

- Requirements that local governments approve certain adjustments to local code for projects within a UGB that result in net new housing units;
- Requirements that local governments approve applications for replats, property line adjustments, and extensions, alterations, or expansions of nonconforming land use at the administrative level through a limited land use procedure;
- Removing local requirements for these application types and other limited land use decisions to undergo a quasi-judicial process with a public hearing. Other limited land use decisions subject to this requirement include subdivisions, partitions, and site design reviews.

Additional amendments are included to address general housekeeping needs and technical corrections, and address compliance with other ORS provisions, primarily ORS 197A.400 requirements that a local government may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of housing and that the standards, conditions, and procedure may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

### **III. PROCESS**

Section 7.3.112.01 requires text amendments to the DLUDC to be approved through a Type IV review procedure as specified in Section 7.3.2.

On September 12, 2024, Planning Commission held a work session to review a first draft of code amendments described in Section IV.

On October 10, 2024, Planning Commission held a second work session to review a second draft of the code amendments and agreed to schedule the first of two required public hearings.

On October 9, 2024, staff issued the required 35-day notice to the Department of Land Conservation and Development. On October 24, 2024, written notice of the hearing before the Planning Commission and subsequent hearing before City Council was published in the McMinnville News Register.

The scope of the proposed text amendments associated with LA 2024-02 are included in Exhibit A and are shown in *italic bold* and ~~strikethrough~~ format.

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

The draft amendments in Exhibit A respond to the legislative priorities discussed above as follows:

#### **Siting Duplexes – ORS 197.758**

- All residential zones – All standards for siting duplexes made consistent with standards for single-family homes. Minimum lot size requirements, design, and development standards related to the siting of duplexes

#### **Single Room Occupancies – ORS 197.286, ORS 197.314**

- Added definition of single room occupancy from ORS 197
- Added single-room occupancies as defined in ORS 197 as a permitted use in all residential zones

#### **Housing Land Use Adjustments – ORS 197A**

- Section 7.3.103 Minor Variance – incorporates standards and qualifying conditions from Section 38 of SB 1537 (2024) for approving mandatory housing adjustments so that the minor variance procedure can be used for submitting, reviewing, and approving these requests.

#### **Limited Land Use Decisions – ORS 197.195**

- Section 7.3.101 Summary of Application Types and Review Procedures – Makes partitions, subdivisions, and site development review applications Type I limited land use actions.
- Section 7.3.202 Procedures for Type I Review – Added limited land use notice requirements to the Type I procedures.

Clear and Objective Standards for Housing Applications – ORS 197A.400

- All residential zoning sections, administrative procedures, and provisions of the DLUDC were reviewed to ensure applicable standards and procedures are clear and objective.

## V. FINDINGS AND APPROVAL CRITERIA

### 7.3.112.01 Process

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

### 7.3.112.03 Criteria for Approval

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

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

*1. Traffic generation and circulation patterns;*

**Findings:** The proposed amendments do not impact traffic generation and circulation patterns. Staff find the impact to traffic generation and circulation patterns is negligible.

*2. Demand for public facilities and services;*

**Findings:** The proposed amendments do not impact demand for public facilities and services. Staff find the impact on public facilities and services is negligible.

*3. Level of park and recreation facilities;*

**Findings:** The amendments do not involve changes to the uses allowed in the underlying zoning districts that would affect the level of service provided by existing park and recreation facilities. Staff find no impact to park and recreation facilities.

*4. Economic activities;*

**Findings:** The proposed amendments do not impact economic activities. Staff find the impact to economic activity is negligible.

*5. Protection and use of natural resources;*

**Findings:** The proposed amendments do not impact the protection and use of natural resources. Staff find the impact to natural resources is negligible.

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

**Findings:** The proposed amendments do not impact compliance with existing adopted special purpose plans or programs. Staff find this criterion is satisfied.

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

**Findings:** The need for the proposed amendments are to comply with HB 3395, SB 1537, ORS 197A.400, and related housekeeping items are in response to needs identified by staff and Planning Commission.

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

Applicable Statewide Planning Goals.

*Goal 1, Citizen Involvement.*

**Findings:** A public hearing on the proposed amendments is scheduled before the Planning Commission on November 14, 2024, at City Hall at 6:30 p.m. and a second public hearing is scheduled before City Council on December 2, 2024. Public notice has been provided in accordance with noticing requirements in the Dayton Land Use and Development Code for legislative public hearings by the Planning Commission and the City Council. Goal 1 is satisfied.

*Goal 2. Land Use Planning.*

**Findings:** Goal 2 requires each local government in Oregon to have and follow a comprehensive land use plan and implementing regulations. These are in place. The scope of this legislative proposal does not involve any amendments to the Comprehensive Plan policies. Existing Comprehensive Plan land use map designations and base zoning designations are unchanged. The modifications to the uses allowed by existing zoning are made to be consistent with state law to lower regulatory barriers to encourage more diverse housing types. The proposal does not involve exceptions to the Statewide Goals. Staff finds Goal 2 is satisfied.

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

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

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

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

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

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

*Goal 7. Areas Subject to Natural Hazards.*

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

*Goal 8. Recreation Needs.*

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

*Goal 9. Economic Development.*

**Findings:** Proposed amendments do not change the permitted employment uses in employment zones or impact identified future employment areas identified through past Economic Opportunities Analysis. Accordingly, staff find that Goal 9 does not apply.

*Goal 10. Housing.*

**Findings:** The amendment proposal responds to statute and rule changes introduced via housing bills (HB 3395 and SB 1537). These bills were adopted during the 2023 and 2024 legislative sessions. HB 3395 introduces Single Room Occupancy (SROs) as a new residential type. SROs and duplexes are now to be permitted in residential zones (applicable to all local jurisdictions with population of 2,500 and greater) using standards and procedures that are no more restrictive than standards that apply to single family development. Staff therefore conclude the amendment proposal to conform with Goal 10.

*Goal 11. Public Facilities and Services.*

**Findings:** Public facilities under Goal 11 include water, sanitary sewer, police, and fire protection. Other services (e.g., health, communication services) are also listed in Goal 11. The proposed amendments do not have any direct impact on any of the master planning documents required under Goal 11. The proposed amendments are consistent with Goal 11.

*Goal 12. Transportation.*

**Findings:** The proposed amendments to the DLUDC do not involve changes or amendments to local transportation requirements or road classifications. Goal 12 is met.

*Goal 13. Energy Conservation.*

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

*Goal 14. Urbanization.*

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

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

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

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

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

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

**Findings:** As discussed throughout this Staff Report, the amendment is mandated by changes to state law- HB 3395 and SB 1537, and to comply with existing policies in ORS 197A.400 requiring clear and objective standards for housing applications. Staff find this criterion is met.

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

A City Counciler may make a motion to either:

1. Adopt the staff report and recommend the City Council approve the amendments. A sample motion is:

I move the City Council adopt the staff report and recommend the City Council approve the amendments.

2. Adopt a revised staff report with changes by the City Council and recommend the City Council approve the revised amendments. A sample motion is:

I move the City Council adopt a revised staff report with the following revisions...state the revisions...and recommend the City Council approve the revised amendments.

3. Recommend the City Council deny the proposed amendments. A sample motion is:

I move the City Council recommend the City Council deny the proposed amendments for the following reasons...and state the reasons for the denial.

4. Continue the hearing to a date/time certain. A sample motion is:

I move the City Council to continue the hearing to a date (state the date) and time (state the time) to obtain additional information and state the information to be obtained.

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**To:** Honorable Mayor and City Councilors  
**From:** Cyndi Park, Interim City Manager  
**Issue:** First Reading of Ordinance 665 Amending Chapter 7 of the Dayton Land Use and Development Code  
**Date:** December 2, 2024

**Background and Information**

Curt Fisher, City Planner, will present the Staff Report for Ordinance 665.

**City Manager Recommendation:** I recommend approving the first reading of Ordinance 665.

**First Reading of Title:**

ORDINANCE NO. 665  
CITY OF DAYTON

AN ORDINANCE AMENDING SECTIONS 7.1.2, 7.2.1, 7.2.3, 7.2.4, 7.3.1, 7.3.2, OF TITLE 7 (DAYTON LAND USE AND DEVELOPMENT CODE) OF THE DAYTON MUNICIPAL CODE

**Potential Motion to Approve the First Reading:**

"I MOVE TO APPROVE THE FIRST READING OF ORDINANCE 665 AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING TITLE 7 (DAYTON LAND USE AND DEVELOPMENT CODE) OF THE DAYTON MUNICIPAL CODE."

**City Council Options:**

- 1 - Approve the 1st Reading of Ordinance 665 as recommended.
- 2 - Approve the 1st Reading of Ordinance 665 with amendments.
- 3 -Take no action and ask staff to do more research and bring further options back to the City Council.



**ORDINANCE NO. 665  
CITY OF DAYTON**

**AN ORDINANCE AMENDING SECTIONS 7.1.2, 7.2.1, 7.2.3, 7.2.4, 7.3.1, 7.3.2, OF  
TITLE 7 (DAYTON LAND USE AND DEVELOPMENT CODE) OF THE DAYTON  
MUNICIPAL CODE**

**WHEREAS**, on September 12, 2023, the Dayton Planning Commission and City Council held a joint work session to review the 2023 Land Use Legislation Report and the 2024 Land Use Legislation Report produced by the Oregon Department of Land Conservation and Development (DLCD), and at the same meeting reviewed draft amendments to the Dayton Land Use and Development Code (DLUDC) in response to applicable statute and rule provisions; and

**WHEREAS**, on October 10, 2024, the Dayton Planning Commission held a work session to consider revisions to the draft amendments to the City of Dayton Development Code dated October 10, 2024; and

**WHEREAS**, on October 9, 2024, the city provided required notice of draft amendments to the Department of Land Conservation and Development, identifying city case file LA 2024-02; and

**WHEREAS**, on October 24, 2024 public notice for LA 2024-02 was provided in accordance with DLUDC Section 7.3.204.05 for date, time and place of two hearings, the first before the Planning Commission on November 14, 2024, and the second before the City Council on December 2, 2024; and

**WHEREAS**, on October 24, 2024 public notice for LA 2024-02 was posted in the McMinnville News-Register, a newspaper of general circulation for the Planning Commission and Council hearing dates 20 days prior to the first public hearing; and

**WHEREAS**, on November 14, 2024, the Dayton Planning Commission conducted the first of two required public hearings for LA 2024-02 at which time interested parties were provided full opportunity to be present and heard; and

**WHEREAS**, on November 14, 2024, the Dayton Planning Commission voted unanimously in support of a recommendation to the City Council for adoption of LA 2024-02 as detailed in the staff report attached and incorporated herein as Exhibit A; and

**WHEREAS**, on December 2, 2024, the Dayton City Council conducted the second required public hearing for LA 2024-02 at which time interested parties were provided full opportunity to be heard, and

**WHEREAS**, on December 2, 2024, the Dayton City Council adopted LA 2024-02 identified in Exhibit A and set forth below.

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

**Section 1. Development Code Amendments.** The City of Dayton hereby adopts LA 2024-02 to the Dayton Land Use and Development Code shown as Exhibit A in the staff report dated December 2, 2024:

**Section 2. Findings.** The findings set forth in the staff report dated December 2, 2024, The City of Dayton hereby adopts LA 2024-02 as shown in Exhibit A of staff report dated December 2, 2024, and the findings therein.

**Section 3. Unamended Provisions.** All unamended provisions of the Dayton Land Use and Development Code shall remain in full force and effect.

**Section 4. Effective Date.** This ordinance shall become effective thirty days after final passage and its signature by the Mayor.

**ADOPTED AND ADOPTED by the City Council of the City of Dayton this \_\_\_ day of \_\_\_\_\_ 2024.**

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 of the ordinance 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:**

\_\_\_\_\_  
Annette Frank, Mayor

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

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Rocio Vargas, City Recorder

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Date of Enactment

Attachments:

Exhibit A - Proposed Code Amendments With Changes Tracked

Exhibit B - Published Public Notice

# EXHIBIT A

## 7.1.200.03 Definitions

The following words and phrases, when used in this Code, shall have the meanings ascribed to them in this Section:

~~*Density: The number of dwellings units per acre of land. "Land" includes all property within an "area" as defined in this section.*~~

**Density:**

**Gross Density or Units per Gross Acre: The number of dwelling units or lots per acre prior to calculation of net density.**

**Net Density or Units per Net Acre: The number of dwelling units or lots per acre based on net area, which is the area of a parcel or tract that excludes land dedicated for public rights-of-way or stormwater easements, common open space, land dedicated for public parks, flood plains, and unbuildable natural areas. Density shall be calculated using lots or units per net acre unless a specific standard specifies otherwise.**

**Middle Housing: Duplexes, triplexes, quadplexes, townhouses, and single room occupancies.**

**Dwelling, Multi-Family:** A building containing ~~three or more~~ **more than four** dwelling units designed for occupancy by families living independently of each other.

**Short-Term Rental, Owner Occupied:** A single or two-family dwelling where the owner resides and rents no more than three guest rooms in a single dwelling to overnight guests for a period less than 30 consecutive days. The owner occupies the primary dwelling during the overnight rental period. The room (s) for rent may include rooms within an accessory dwelling unit or attached duplex.

**Single Room Occupancy: A residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.**

**Site, Development, or Complex:** A group of structures or other development that is functionally or conceptually integrated, regardless of the ownership pattern of the development or underlying land.

### 7.2.103.01 Purpose

The R-2 zone is intended to provide ~~single family home, middle housing , and multifamily homes for detached and attached dwellings on a lot or multiple dwellings~~ on a lot~~s~~ at an intermediate density. Other uses compatible with residential development are also appropriate. R-2 zones are located in areas designated Residential in the Comprehensive Plan.

### 7.2.103.02 Permitted Uses

The following uses, ~~when developed under the applicable development standards in the Code,~~ are permitted in the R-2 zone ~~when developed under the applicable development standards in the Code:~~

- A. ~~One detached single family dwelling on a separate lot or parcel. Single-family dwellings, attached and detached.~~
- B. ~~Middle housing types, including single room occupancies. Buildings with two or more dwelling units.~~
- ~~C. Combination of permitted attached or detached dwellings on a lot.~~
- ~~C. Multifamily homes.~~
- D. Residential homes and facilities.
- E. Child day care service, including family ~~day care~~ provider, for 12 or fewer children.
- ~~F. The following uses, subject to the applicable standards in Section 7.2.4:~~
  - ~~1. Accessory structures and uses allowed in Section 7.2.203 and subject to the provisions in Section 7.2.309.~~
  - ~~2. Accessory dwelling units - Section 7.2.402.~~
  - ~~3. Attached dwelling units - Section 7.2.403.~~
  - ~~4. Manufactured homes on individual lots - Section 7.2.404.~~
  - ~~5. Manufactured home parks according to Section 7.2.405 with Site Development Review.~~
  - ~~6. Home occupations - Section 7.2.406.~~
  - ~~7. Short-term rentals - Section 7.2.417.~~

### 7.2.103.03 Special Permitted Uses

~~The following uses, when developed under the applicable standards in the Code and special development requirements, are permitted in the R-2 zone:~~

- ~~A. Partitions, subject to the provisions in Section 7.2.307.~~
- ~~B. Subdivision, subject to the provisions in Section 7.2.307.~~
- ~~C. Accessory structures and uses prescribed in Section 7.2.203 and subject to the provisions in Section 7.2.309.~~

~~D. The following uses, subject to the applicable standards in Section 7.2.4:~~

- ~~1. Accessory dwelling unit (Section 7.2.402).~~
- ~~2. Attached dwelling units (Section 7.2.403).~~
- ~~3. Manufactured homes on individual lots (Section 7.2.404).~~
- ~~4. Manufactured home parks (Section 7.2.405).~~
- ~~5. Home occupations (Section 7.2.406).~~
- ~~6. Owner occupied short-term rentals (Section 7.2.417).~~

**7.2.103.04 Conditional Uses**

The following uses require approval of a Conditional Use Permit and are subject to a Site Development Review:

- A. Public or private elementary schools.
- B. Public parks, playgrounds, community clubs including swimming, tennis and similar recreational facilities, and other public and semi-public uses.
- C. Child day-care services for 13 or more children.
- D. House of Worship and the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including but not limited to the uses set forth in Section 7.2.407.
- E. Assisted living centers, nursing homes and similar institutions. These facilities are subject to the development provision for multi-family residential development.
- F. Small wind energy systems including compliance with Section 7.2.413.

**7.2.103.05 Dimensional Standards**

- A. Minimum Lot Dimension and Height Requirements.

DIMENSION	<del>Detached s</del> Single fFamily <del>middle housing,</del> <del>multifamily and</del> <del>manufactured home park</del> <del>housing</del>  <del>Duplex</del>	<del>Attached</del> <del>Single Family</del> <del>(Townhomes)</del>	Multi-Family Non-Residential
Lot Size	6000 sq. ft. <del>(1)</del> <del>7000 sq. ft.</del>	<del>3500 sq. ft.</del>	9000 sq. ft. <del>(2)</del> <del>(3)</del>
Lot Width	50 feet	<del>25 feet</del>	<del>50 feet</del>
Lot Depth	80 feet	<del>80 feet</del>	<del>80 feet</del>

Maximum Height	35 feet
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~~1. Attached single family dwellings shall have a minimum lot area of 3500 square feet.~~

12. Multi-family development *and manufactured home parks* must comply with the density standard in Section 7.2.103.06.

~~3. Parcel size shall be adequate to contain all structures within the required yard setbacks.~~

B. Minimum Yard Setback Requirements

SETBACKS	Single Family, <i>and middle housing.</i>	Multi-Family	Non-Residential
Front	15 feet	15 feet	20 feet
Side	5 feet (1)	<del>(3)</del> 10 feet	10 feet
Rear	<del>15 feet(2)</del>	<del>15 feet(3)</del>	20 feet
Street-side	15 feet	15 feet	20 feet
Garage (4)	20 feet	20 feet	<del>20 feet</del> N/A

1. Zero side yard dwelling units are subject to the setback provisions in Section 7.2.404.

~~2. The rear yard setback shall be as follows: 15 feet for a 1-story home; 20 feet for 2 or more stories.~~

~~3. The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. In no case shall the setback be less than 10 feet.~~

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

35. See Sections 7.2.308.06.C and 7.2.308.07.E for standards that apply to decks and patios.

**7.2.103.06 Development Standards**

All development in the R-2 Zone shall comply with the *applicable provisions of this Code.* The following *references additional* development requirements:

- A. Offstreet Parking: Parking shall be as specified in Section 7.2.303.
- B. Yards and Lots: Yards and lots shall conform to the standards of Section 7.2.308.
- C. Site Development Review: Manufactured home parks, multi-family residential development and non-residential uses shall require a Site Development Review, pursuant to Section 7.3.1.
- D. Lot Coverage: The maximum coverage allowed for buildings, accessory structures and paved parking shall be ~~as follows:~~ **70% of the site.**

**Maximum building coverage (primary building): 40%**

**Maximum parking area coverage (including garage): 35%**

**Combined maximum lot and parking area coverage: 70%**

- E. Landscaping: Undeveloped areas of the property shall be landscaped, including all required yards. Landscaping shall be provided pursuant to requirements in Section 7.2.306. Multiple family developments shall comply with provisions in Section 7.2.306.06.

- F. Density: The following density provisions shall apply:

**1. ~~Land Sub~~ divisions: ~~The minimum density~~ shall be **required to provide a minimum of 5 units per net acre.**; ~~the maximum density shall be 7 units per acre.~~**

**2. Manufactured home parks ~~and multifamily development~~: The minimum density shall be 6 units per net acre; the maximum density shall be 1210 units per net acre on a lot.**

**3. ~~Multi-family development: The minimum density shall be 8 units per acre; the maximum density shall be 12 units per acre.~~**

- G. Redevelopment Plan: A redevelopment plan shall be required to place a **single family single-family** home, **duplex or single room occupancy** on a parcel containing more than 1 acre. This plan shall be approved by the City prior to the issuance of a building permit. The following shall apply:

**1. The redevelopment plan shall indicate how the remaining undeveloped portion of the property can be developed at a density consistent with the requirements of the R-2 zone.**

**2. The plan may be revised or modified at the time of development provided the revised plan complies with the density requirement of the R-2 zone.**



## 7.2.104 Medium Density Residential – (R-3)

### 7.2.104.01 Purpose

The R-3 zone is intended for multiple-family development *on a parcel* at higher residential densities. Other uses compatible with residential development are also appropriate. *RM-R-3* zoned property is suited to locations near commercial areas and along *collector, and preferably,* arterial streets. The appropriate Comprehensive Plan designation is Residential.

### 7.2.104.02 Permitted Uses

The following uses, when developed under the applicable development standards in the Code, are permitted in the R-3 zone:

- A. Multiple family development and R residential buildings containing two or more dwelling units.*
- B. Attached single family dwellings.*
- C. Single room occupancies.*
- D. Residential care homes and facilities*
- E. Child day care service, including family daycare provider, for 12 or fewer children.*
- F. Accessory structures and uses prescribed in Section 7.2.203 and subject to the provisions in Section 7.2.309.*
- G. Manufactured home parks - Section 7.2.405.*
- H. Home occupations - Section 7.2.406.*
- I. Owner-occupied short-term rentals - Section 7.2.417.*

### 7.2.104.03 *Special Permitted Uses Reserved*

### 7.2.104.04 Conditional Uses

The following uses require a Conditional Use Permit and are subject to a Site Development Review:

- A. Public or private schools.
- B. Public parks, playgrounds, community clubs including swimming, tennis, and similar recreational facilities, and other public and semi-public uses.
- C. Child day care service for 13 or more children.
- D. House of Worship and the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including but not limited to the uses *set forth in outlined in* Section 7.2.407.
- E. Assisted living centers, nursing homes, and similar institutions. These facilities are subject to the development provisions for multi-family residential development.
- F. Small wind energy systems including compliance with Section 7.2.413.

### 7.2.104.05 Dimensional Standards

- A. Minimum Lot Dimensions and Height Requirements

DIMENSION	Residential	Non-Residential
Lot Size	6,000 square feet <del>(1)</del> (2)	Adequate to comply with all applicable development standards
Maximum Height	35 feet	

1. Multi-family development must comply with the density standard in Section 7.2.104.06.

2. Manufactured home parks must comply with the density requirements in Section 7.2.104.06 and the minimum area requirements in Section 7.2.403.

**B. Minimum Yard Setback Requirements**

SETBACKS	Residential	Non-Residential <del>(1)</del>
Front and street side	<del>(1)</del> 15 feet where the front of the dwelling units face the street; otherwise 20 feet	20 feet
Side	<del>(2)</del> 10 feet	10 feet
Rear	<del>(2)</del> 15 feet	20 feet
<b>Street Side</b>	<b>20 feet</b>	<b>20 feet</b>
Garage (3)	20 feet	<b>20 feetN/A</b>

***1. Non-residential setbacks may be increased with a Conditional Use Permit.***

***1. 15 feet where the front of the dwelling units face the street; otherwise 20 feet.***

***2. The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. In no case shall the setback be less than 10 feet.***

3. The garage setback shall be measured from the **nearest street side** property line or the edge of a private access easement. The length of the driveway shall be determined by measuring along the centerline of the driveway.

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

**7.2.104.06 Development Standards**

All development in the R-3 Zone shall comply with the applicable provisions of this Code. The following references additional development requirements:

A. Off street Parking: Parking shall be as specified in Section 7.2.303.

B. Yards and Lots: Yards and lots shall conform to the standards of Section 7.2.308.

C. Site Development Review: All uses shall require a Site Development Review, pursuant to Section 7.3.1.

D. Lot Coverage: The maximum coverage allowed for buildings, accessory structures and paved parking shall be **75% of the site areas. as follows:**

<del>Maximum building coverage (primary building):</del>	<del>45%</del>
<del>Maximum parking area coverage (including garage):</del>	<del>35%</del>
<del>Combined maximum lot and parking area coverage:</del>	<del>75%</del>

E. Landscaping: Undeveloped areas of the property shall be landscaped, including all required yards. Landscaping shall be provided pursuant to requirements in Section 7.2.306. Multiple family developments shall comply with provisions in Section 7.2.306.06.

F. Density: The following density provisions shall apply:

1. Manufactured home park: The minimum density shall be 6 units per acre, the maximum density shall be 10 units per acre.
2. Multi-family development: The minimum density shall be 12 units per acre; the maximum density shall be 20 units per acre.

## 7.2.105 Commercial Residential (CR)

### 7.2.105.01 Purpose

To provide areas for the development of a mixture of single family, multi-family, and manufactured homes, and limited retail and service commercial uses.

### 7.2.105.02 Permitted Uses

The following uses, when developed under the applicable development standards in the Code, are permitted in the CR zone:

- A. The following residential uses are permitted in the CR zone:
1. ~~Detached S~~single family dwellings,~~detached~~
  2. ~~Middle housing types Duplexes.~~
  3. Multi-family dwellings.
  4. ~~Residential units over ground floor commercial.~~
  5. ~~The following uses, subject to the applicable standards in Section 7.2.4:~~
    - a. ~~Accessory structures and uses allowed in Section 7.2.203 and subject to the provisions in Section 7.2.309.~~
    - b. ~~Accessory dwelling unit (Section 7.2.402).~~
    - c. ~~Attached dwelling units (Section 7.2.403).~~
    - d. ~~Manufactured homes on individual lots (Section 7.2.404).~~
    - e. ~~Home occupations (Section 7.2.406).~~
    - f. ~~Owner occupied short-term rentals (Section 7.2.417).~~
    - g. ~~Short-term rentals (Section 7.2.417).~~
    - h. ~~Small wind energy systems, subject to the provisions in Section 7.2.413.~~
  64. Residential care homes and facilities
  75. Child day care service, including family day care provider, for 12 or fewer children.
  86. Assisted living centers, nursing homes and similar institutions. These facilities are subject to the development provisions for multi-family residential development.
- B. The following commercial uses are permitted:

1. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, brokerages, loan companies, and investment companies; television and radio broadcast studios (excepting a broadcast antennae or dish), and, miscellaneous offices such as detective agencies, drafting services or contractors offices.
2. Professional offices and clinics including, but not limited to, medical, dental, engineering and legal services, but excluding veterinary clinics.
3. Banks and other financial institutions.
4. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, artist supplies, hobby or photography store, florist, hardware store, appliance or stereo equipment store, pet shop, sporting goods, department store, clothing, jewelry, gift, and other types retail activities but excluding liquor stores.
5. Restaurants, bakeries, coffee and snack shops but excluding taverns, bars and similar establishments.
6. Retail and service-related stores such as TV and radio sales and service, bicycle shop, gunsmiths, upholstery shops or other similar activities where a service department is customarily a secondary activity to the retail use.
7. **Service-related** businesses such as barber shops, beauty shops, tailors, advertising agencies, travel agencies, art or craft studios, self-serve laundry, dry cleaning (except bulk dry cleaning plants), parcel service, printing or photocopying, video rental, or other activities where the primary activity is the providing of a service to retail customers.
8. Accessory structures and uses customarily provided for retail activities.

**7.2.105.03 *Special Permitted Uses Reserved***

***The following uses, when developed under the applicable standards in the Code and special development requirements, are permitted in the CR zone:***

- A. ~~Partitions, subject to the provisions in Section 7.2.307.~~***
- B. ~~Subdivision, subject to the provisions in Section 7.2.307.~~***
- C. ~~Accessory structures and uses prescribed in Section 7.2.203 and subject to the provisions in Section 7.2.309.~~***
- D. ~~The following uses subject to the applicable standards in Section 7.2.4:~~***
  - 1. ~~Accessory dwelling units (Section 7.2.402).~~***
  - 2. ~~Attached dwelling units (Section 7.2.403).~~***
  - 3. ~~Manufactured homes on individual lots (Section 7.2.404).~~***

~~4. Home occupations (Section 7.2.406).~~

~~5. Owner occupied short-term rentals (Section 7.2.417).~~

~~6. Short-term rentals (Section 7.2.417).~~

~~E. Small wind energy systems, subject to the provisions in Section 7.2.413.~~

~~F. Drive-through windows and walk-up windows as part of a permitted use, subject to the provisions in Section 7.2.414 and 7.2.415 respectively.~~

### 7.2.105.04 Conditional Uses

The following uses require a Conditional Use Permit:

- A. Public or private schools.
- B. Public parks, playgrounds, community clubs including swimming, tennis and similar recreational facilities, and other public and semi-public uses.
- C. Child day care service for 13 or more children.
- D. House of Worship and the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including but not limited to the uses set forth in Section 7.2.407.
- E. Park and Ride Lot: Parking spaces cannot count as required parking or be used for vehicle storage.
- F. Commercial activities which do not comply with the provisions in Section 7.2.105.02.B.
- G. Wineries with retail sales.

### 7.2.105.05 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the CR District.

#### A. Minimum Lot Area and Density Standards

<del>1.</del> Single-family dwelling, detached	<del>75,000</del> square feet
Single-family dwellings, attached	3,500 square feet
<del>2. Other middle housing types and multiple family development Duplex</del>	7,000 square feet
<del>3. Multi-family dwelling (Multi-family development must comply with the density standards in Section 7.2.105.06).</del>	<del>9,000 square feet</del>
4. Commercial Use	<del>3,500 5,000</del> square feet

<del>5.</del> Mixed commercial and residential:	<b><i>7,000 square feet Shall comply with the minimum for multi-family development.</i></b>
<del>6.</del> Public utility structures:	Lot area shall be adequate to contain all proposed structures within the required yard setbacks.

B. Minimum Yard Setback Requirements

<b><i>1. Residential Uses</i></b>	
<b><i>a. Front Yard</i></b>	<b><i>15 feet</i></b>
<b><i>b. Garage setback</i></b>	<b><i>20 feet</i></b>
<b><i>c. Rear Yard</i></b>	<b><i>10 feet</i></b>
<b><i>d. Side Yard (interior)</i></b>	<b><i>5 feet</i></b>
<b><i>e. Side Yard (adjacent to street)</i></b>	<b><i>15 feet</i></b>
<b><i>2. Commercial Uses</i></b>	
<b><i>a. Front Yard</i></b>	<b><i>None</i></b>
<b><i>b. Rear Yard</i></b>	
<b><i>i. Abutting a non-residential district</i></b>	<b><i>None</i></b>
<b><i>ii. Abutting a residential district</i></b>	<b><i>10 feet</i></b>
<b><i>c. Side Yard</i></b>	
<b><i>i. Abutting a non-residential district</i></b>	<b><i>None</i></b>
<b><i>ii. Abutting a residential district</i></b>	<b><i>10 feet</i></b>
<b><i>3. Mixed commercial and residential</i></b>	
<b><i>a. Front Yard</i></b>	<b><i>5 feet</i></b>
<b><i>b. Rear Yard</i></b>	
<b><i>i. Abutting a non-residential district</i></b>	<b><i>5 feet</i></b>
<b><i>ii. Abutting a residential district</i></b>	<b><i>10 feet</i></b>
<b><i>c. Side Yard</i></b>	
<b><i>i. Abutting a non-residential district</i></b>	<b><i>5 feet</i></b>

<i>ii. Abutting a residential district</i>	<i>10 feet</i>
<i>4. Public</i>	
<i>a. Front Yard</i>	<i>15 feet</i>
<i>b. Garage setback</i>	<i>20 feet</i>
<i>c. Rear Yard</i>	<i>10 feet</i>
<i>d. Side Yard (interior)</i>	<i>5 feet</i>
<i>e. Side Yard (adjacent to street)</i>	<i>15 feet</i>

	<i>Residential</i>	<i>Commercial</i>	<i>Mixed Residential/Commercial</i>	<i>Public</i>
<i>Front Yard</i>	<i>15 feet</i>	<i>None</i>	<i>5 feet</i>	<i>15 feet</i>
<i>Rear Yard</i>	<i>10 feet</i>			<i>15 feet</i>
<i>Abutting non-residential</i>		<i>none</i>	<i>5 feet</i>	
<i>Abutting a residential district</i>		<i>10 feet</i>	<i>10 feet</i>	
<i>Side Yard (interior)</i>	<i>5 feet</i>			<i>5 feet</i>
<i>Abutting non-residential</i>		<i>none</i>	<i>5 feet</i>	
<i>Abutting a residential district</i>		<i>10 feet</i>	<i>10 feet</i>	
<i>Street Side</i>	<i>15 feet</i>			<i>15 feet</i>
<i>Garage</i>				

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

C. Maximum Structure Height

1. Principal Structure	<del>350</del> feet
2. Accessory Structure	20 feet

**7.2.105.06 Development Standards**

A. Use Restrictions. *The following use restrictions shall apply:*

- ~~1.~~ No permitted, *special permitted*, or conditionally permitted use shall in any way involve the slaughter, rendering, or processing of animals. The processing of grains, fruits, vegetables, or dairy products for breads, wines, jams, cheeses, and similar products may be allowed as part of a permitted or conditionally permitted commercial business.



B. Commercial Uses. Commercial uses in the CR zone shall comply with the following additional conditions:

1. All business, service, processing, or merchandise displays shall be conducted wholly within an enclosed building, except for the following:
  - a. Off-street parking and loading.
  - b. Temporary display and sales of merchandise; provided it does not interfere with pedestrian or automobile circulation, or areas of a permitted drive-through window or walk-up window.
  - c. Outdoor seating for a permitted eating and drinking establishment, subject to screening and buffering provisions in Section 7.2.306.04. The greater of 12 seats or 75 percent of the indoor seating capacity of the establishment is allowed for outdoor seating.
2. The maximum lot size for any commercial use shall be one acre.
3. Any new commercial structure shall maintain a residential appearance. Metal buildings, pole barns, and similar structures are prohibited within the CR zone.
4. Commercial uses shall not engage in the manufacturing, processing, assembly, or compounding of products other than those clearly incidental to the business conducted on the premises.
- ~~5. The commercial use shall have a maximum floor area of 2,500 square feet per lot.~~
6. Any outside storage space maintained in the CR Zone shall be enclosed by a **6-foot** sight-obscuring fence or a hedge row not less than 3 feet high and capable of attaining a height of 6 feet.

C. Mixed Commercial and Residential Uses. Development of mixed commercial and residential uses shall be subject to the provisions in item B., above.

D. Unless otherwise exempted, all development in the CR Zone shall comply with the applicable provisions of this Code. The following references additional development requirements:

1. Off-street parking. Parking shall be as specified in Section 7.2.303.
2. Yards and Lots. Yards and lots shall conform to the standards of Section 7.2.308.
3. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 7.2.307.
4. Site Development Review: Multi-family and/or commercial uses within the CR Zone shall be subject to the Site Development Review requirements and

procedures in Section 7.3.1. In addition, any conversion of an existing residence ~~which that~~ includes a commercial use shall require a site development review.

5. Lot Coverage: The maximum coverage allowed for buildings, accessory structures, and paved parking shall be as follows:

<del>a.</del> Residential	75%
<del>b.</del> Commercial <i>and Mixed Residential and Commercial</i>	85%
<del>c.</del> <i>Mixed Residential and Commercial</i>	<b>80%</b>

6. Landscaping: All *areas covered by buildings, accessory structures, and paved parking required yards* shall be landscaped. Landscaped areas shall be landscaped as provided in Section 7.2.306.

Multiple family developments shall comply with provisions in Section 7.2.306.06.

### **7.2.310 Single-Family *and Middle Housing* Dwelling Design Standards**

All new single-family, *two-family, and single-room occupancy* dwellings, including manufactured homes located on individual lots, shall contain at least three (3) of the following design elements on the side of the house which fronts the street, to provide architectural relief:

- A. Dormer(s) or gable(s).
- B. Cupola(s).
- C. Bay or bow window(s).
- D. Exterior shutters.
- E. Recessed entry or entries.
- F. Front porch at least 100 square feet in area.
- G. Covered porch entry or entries.
- H. Pillars or posts in the front entry or entries.
- I. Eave(s) (minimum 6").
- J. Off-set(s) on building face or roof (minimum 16")

## 7.2.404 Manufactured Homes On Individual Lots

*Individual manufactured homes shall be permitted in any zone where single-family dwellings are permitted. The manufactured home shall comply with the following standards:*

*Where permitted as a special use, manufactured homes located on individual lots outside of a mobile home park shall meet the following requirements:*

- A.** *The manufactured home shall meet all provisions of the Dayton Land Use and Development Code as applicable to other dwellings in the same zone, including but not limited to development standards, architectural requirements, and minimum size requirements to which a conventional single-family residential dwelling on the same lot would be subject. ~~Construction Date. The manufactured home shall have been manufactured after June 15, 1976, and exhibit the Oregon Department of Commerce "Insignia of Compliance" that indicates conformance with Housing and Urban Development (HUD) standards.~~*
- B.** ~~*Minimum Area. The manufactured home shall be multi-sectional with a minimum area of 1,000 square feet.*~~
- 6B.** ~~*The manufactured home shall be installed according to the Oregon Manufactured Dwelling Installation Specialty Code. Foundation. The manufactured home shall be placed on an excavated and back-filled foundation, enclosed at the perimeter with either concrete, concrete block, brick, stone, pressure treated wood, or combination thereof. No more than 24 inches of the enclosing material may be exposed above grade. Where the building site has a sloped grade, no more than 24 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, or within an identified flood hazard zone, the 24-inch limitation shall not apply.*~~
- D.** ~~*Roof. The manufactured home roof shall have a nominal pitch of 3 feet for each 12 feet in width.*~~
- E.** ~~*Exterior Material. The manufactured home shall have an exterior that is residential in appearance.*~~
- F.** ~~*Garage. The manufactured home shall have a garage with exterior material that is residential in appearance, or, a carport with a concrete parking surface. The garage or carport shall be placed on the property prior to occupancy of the manufactured home.*~~
- 6C.** Energy Efficiency. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting the performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the state building code.
- H.** ~~*Lot Development Standards. The manufactured home shall meet all applicable development standards, such as setbacks and height limitations, in the Development Code.*~~
- 1D.** Transportation Equipment. The tongue, axles, wheels, and traveling lights shall be removed from the manufactured home.

***JE.*** A Conditional Use permit shall be required to place a manufactured home on a residentially zoned individual lot or parcel immediately adjacent to a significant historical resource as identified in the Dayton Comprehensive Plan. The application shall be subject to the criteria contained in DMC 7.3.107 as well as the following factors:

1. Location. The dwelling shall be situated to maintain the greatest possible distance from the immediately adjacent historical site or structure while maintaining compliance with the setback requirements.
2. Orientation. If the primary entrance of the immediately adjacent historical building faces a public street, the primary entrance to the manufactured home shall also face the same public street. This provision does not apply if either lot or parcel is a “corner lot” as defined by this Code.
3. Screening. Screening and buffering shall be required. Screening may include fencing, berms, vegetation, or any combination thereof. The screening shall be designed to maintain the visual integrity of the immediately adjacent historic site or building. For example, a wooden fence may be required instead of a chain-link fence.
4. Intent. It is not the intent of this section to grant a conditional use permit in all circumstances, even if factors 1 to 3 above are successfully met. The Conditional Use shall be granted only under those circumstances ~~which that~~ are unique to the subject property and will not impair or adversely impact the integrity of the immediately adjacent historical site. The burden of proof shall be placed by the applicant to ensure these concerns are adequately addressed.
5. The following a-e clarify the term "immediately adjacent:"
  - a. Immediately adjacent does not include a property separated from the Designated Landmark property by a public right-of-way, including but not limited to an alley or a street.
  - b. Immediately adjacent does not include a property whose only immediate adjacency is a property corner touching a property corner of the Designated Landmark property.
  - c. Except as set forth in DMC 7.2.404.J, 5(e) below, immediately adjacent does not include a property whose side or rear property line, or portion thereof, touches a designated Landmark property, but whose frontage is on a different street from the Designated Landmark property.
  - d. Immediately adjacent does not include a property whose frontage is on the same street as a Designated Landmark property and whose side or rear property line, or a portion thereof, touches a Designated Landmark property, but is separated from the Designated Landmark property by another property.
  - e. Immediately adjacent includes a corner property whose side or rear property line, or a portion thereof, touches a Designated Landmark

property that is also a corner property, and a manufactured home is not allowed on the immediately adjacent corner property regardless of which frontage the manufactured home faces.

**7.3.101 Summary Of Application Types And Review Procedures**

[7.3.101.01 Type I Action](#)

[7.3.101.02 Type II Actions](#)

[7.3.101.03 Type III Actions](#)

[7.3.101.04 Type IV Actions](#)

All development permits and land use actions are processed under the City's administrative procedures. There are four types of actions, each with its own procedures. See Land Use Application process, Table 1. (*Revised Ordinance 600, effective 11/4/10*)

**LAND USE APPLICATION PROCESS**

LAND USE ACTION	TYPE	STAFF	PLANNING COMMISSION	CITY COUNCIL
Minor Variance	I	Final Decision	Appeal of Staff Decision	Appeal of Commission Decision
Lot Line Adjustment	I	Final Decision	Appeal of Staff Decision	Appeal of Commission Decision
Partition (inc. Expedited Review)	I	Final Decision	Appeal of Staff Decision	Appeal of Commission Decision
Historic Exterior Alteration or New Construction (unless determined to required a Type II procedure by the City Manager) <i>Added ORD 600 11-4-10</i>	I	Final Decision	Appeal of Staff Decision	Appeal of Commission Decision
Site Plan Review	It	<b><i>Final Decision Recommendation to Commission</i></b>	<b><i>Appeal of Staff Decision Final Decision</i></b>	Appeal of Commission Decision
Conditional Use (inc. Flood Plain)	II	Recommendation to Commission	Final Decision	Appeal of Commission Decision
Major Variance (inc. Flood Plain)	II	Recommendation to Commission	Final Decision	Appeal of Commission Decision

Subdivision (inc. Expedited Review)	It	<b><i>Final Decision Recommendation to Commission</i></b>	<b><i>Appeal of Staff Decision Final Decision</i></b>	Appeal of Commission Decision
Historic Demolition and Moving <i>Added ORD 600 11-4-10</i>	II	Recommendation to Commission	Final Decision	Appeal of Commission Decision
Historic Exterior Alteration or New Construction (if referred by the City Manager) <i>Added ORD 600 11-4-10</i>	II	Recommendation to Commission	Final Decision	Appeal of Commission Decision
Comprehensive Plan Map Amendment	III	Recommendation to Commission	Recommendation to Council	Final Decision
Zone Change	III	Recommendation to Commission	Recommendation to Council	Final Decision
Annexation	III	Recommendation to Commission	Recommendation to Council	Final Decision
Historic Landmark and District Designation <i>Added ORD 600 11-4-10</i>	III	Recommendation to Commission	Recommendation to Council	Final Decision
Text Amendments Legislative Zone and Plan Map Changes	IV	Recommendation to Commission	Recommendation to Council	Final Decision

### **7.3.101.01 Type I Action**

Type I actions are administrative reviews processed by the City staff. The review standards are generally clear and objective and allow little or no discretion. Conditions may be placed on the decision and notice is sent to the applicant and property owners within the required notice area. Appeal is to the Planning Commission. The following actions are processed under the Type I procedure:

1. Minor Variance
2. Property Line Adjustment
- 3. Partitions**
- 4. Subdivisions**



**3-5. Site Development Review**

**4-6.** Historic Exterior Alteration or New Construction (unless determined to require a Type II procedure by the City Manager).

**7.3.101.02 Type II Actions**

A Type II action is a quasi-judicial review in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Staff has an advisory role. Public notice and a public hearing is provided. Section 3.202 lists the notice requirements. Appeal of a Type II decision is to the City Council. The following actions are processed under a Type II procedure:

**1.—Site Plan Review**

**2-1.** Conditional Use, including Flood Plain

**3-2.** Major Variance, including Flood Plain

**4-3.** ***Subdivision,*** Planned Unit Development ***and a Partition including a Private Street***

**5-4.** Historic Demolition and Moving

**6-5.** Historic Exterior Alteration or New Construction (if referred to the Planning Commission by the City Manager))

**7.3.101.03 Type III Actions**

A Type III action is a quasi-judicial process in which the City Council applies a mix of objective and subjective standards. Staff and the Planning Commission have advisory roles. Public notice is provided and public hearings are held before the Commission and City Council. Section 3.202 lists the notice requirements. Appeal of the decision is to the Land Use Board of Appeals (LUBA). The following actions are processed under a Type III procedure:

1. Comprehensive Plan Map Amendments (involving 5 or fewer adjacent land ownerships or less than 10 acres)
2. Zone Changes (involving 5 or fewer adjacent land ownerships or less than 10 acres)
3. Annexation

**7.3.101.04 Type IV Actions**

A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. Private parties cannot apply for a Type IV action; it must be initiated by City staff, Planning Commission, or City Council. Public notice and hearings are provided in a Type IV process. The following actions are processed under a Type IV procedure:

1. Text Amendments to the Comprehensive Plan and Development Code
2. Enactment of new Comprehensive Plan or Development Code text

3. Comprehensive Plan Map Amendments (involving more than 5 separate land ownerships or more than 10 acres)
4. Zone Changes (involving more than 5 separate land ownerships or more than 10 acres)

## **7.3.103 Minor Variances**

### **7.3.103.05 Criteria And Procedure**

Staff may grant a minor variance in accordance with the Type I review procedures. Approval of a minor variance shall require compliance with the following:

1. The intent and purpose behind the specific provision being varied is either clearly inapplicable under the circumstances or the particular proposed development otherwise clearly satisfies the intent and purpose of the provision being varied.
2. The proposed development will not unreasonably impact adjacent existing or planned uses and development.
3. The minor variance does not expand or reduce a quantifiable standard by more than 10 percent and is the minimum necessary to achieve the purpose of the minor variance.
4. There has not been a previous land use action prohibiting an application for a minor variance; *or*
5. ***The application meets all qualifications, criteria and standards for a mandatory adjustment to housing development standards made a part of ORS 197A by Section 38 of SB 1537 (2024).***

## 7.3.106 Site Development Review

### 7.3.106.01 Purpose

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

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

### 7.3.106.02 Applicability Of Provisions

- A. Applicability. Site Development Review shall be applicable to all new developments and major remodeling, except:
1. Single-family detached dwellings and Accessory Dwelling Units (ADUs);
  2. ~~Middle housing types on lots zoned for single family homes~~ **A duplex**; ~~or~~
  3. Any commercial, industrial or public facility expansion or remodel that does not exceed 25 percent of the total square footage of the structure existing at the time of the adoption of this Code and/or does not expand the activity/business area on the subject property beyond 25 percent (i.e. outdoor uses);~~:-~~
  4. Wireless Communication Facilities for properties within a Public (P) zone district.
- B. When the discontinuation or abandonment of a previously approved use requires new site development review. If use of a property subject to a previous site development review approval is discontinued for any reason other than fire or other catastrophe beyond the owner's control for a period of more than two years, it shall be deemed abandoned and shall no longer be an approved use. For purposes of calculating the two-year period, a use is considered discontinued when:
1. The use of land is physically vacated;
  2. The use ceases to be actively involved in the sale of merchandise or the provision of services; for example, as evidenced by the removal of signs, goods, stock, or office equipment, or the disconnection of telephone or utility service;
  3. Any lease or contract under which the development has occupied the land is terminated;
  4. A request for final reading of water and power meters is made to the applicable utility districts;
  5. The owner's utility bill or property tax bill account became delinquent; or
  6. An event occurs similar to those listed in subsections 1-5, above, as determined by the City Manager.

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

**7.3.106.03 Review And Approval Process**

Site Development Review applications shall be reviewed ~~under in accordance with~~ the Type II review procedures specified in Section 7.3.20~~21~~.

**7.3.106.04 Application And Fee**

An application for Site Development Review shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section. Notice shall be subject to the provisions in Section 7.3.204.

**7.3.106.05 Submittal Requirements**

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

- A. Proposed grading and topographical changes;
- B. All existing and proposed structures, roadway access, adjacent roads, bikeways, pedestrian facilities, public or private, easements or right-of-way to, or within 200 feet of the subject property and utilities including ~~finished architectural and~~ floor elevations and setbacks;
- C. Motor vehicle, bicycle and pedestrian circulation patterns, parking, loading and service areas;
- D. Proposed access to public roads, bikeways, pedestrian facilities, railroads or other transportation systems
- E. Site drainage plan including methods of storm drainage, sanitary sewer system, water supply system and electrical services. Inverse elevations may be required for all underground transmission lines;
- F. Proposed landscape plan, to include appropriate visual screening and noise buffering, where necessary, to ensure compatibility with surrounding properties and uses;
- G. Proposed on-premise signs, fencing or other fabricated barriers, together with their heights and setbacks; and,
- H. ~~A written narrative report documenting compliance with the applicable approval criteria contained in Section 7.3.106.06. The expected development schedule.~~
- I. The location of any flood boundary.
- J. ~~Other information determined by the City Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal's conformance with this Code.~~

**7.3.106.06 ~~Evaluation Of~~ Site Development Plan Approval Criteria**

*An application for Site Development Review shall be approved if the proposal meets all of the following criteria. The City decision-maker, in approving the application, may impose reasonable conditions of approval, consistent with the applicable criteria. ~~The review of a Site Development Plan shall be based upon consideration of the following:~~*

- A. The application is complete, in accordance with Section 7.3.106.05, above;*
- B. The application complies with all of the applicable provisions of the underlying zone, including, but not limited to, building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards;*
- C. The application complies ~~Conformance~~ with the applicable General Development Provisions of Section 7.2.2 and the General Development Standards in Section 7.2.3.*
- ~~DB.~~ Adequacy of public and private facilities: The application complies with any applicable supplemental standards for special uses in Section 7.2.4*
- ~~C.~~ E. For non-residential uses, all adverse impacts to adjacent properties, such as light, glare, noise, odor, vibration, smoke, dust, or visual impact, are avoided; or where impacts cannot be avoided, they are minimized; and ~~Traffic safety, internal circulation and parking;~~*
- ~~FD.~~ F. The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable. ~~Provision for adequate noise and/or visual buffering from non-compatible uses:~~*
- ~~E.~~ Conformance with development requirements of the underlying zone.*

### 7.3.202.01 Procedures For Type I Review

- A. Upon receipt of an application for a Type I land use action, the City staff shall review the application for completeness.
1. Incomplete applications shall not be reviewed until all required information has been submitted by the applicant.
  2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary.
- B. The application shall be deemed complete for the purposes of issuing a staff report and related timing provisions either:
1. Upon receipt of the additional information to complete the application; or
  2. If the applicant refuses to submit the information the application shall be deemed complete for review purposes on the 31st day after the original submittal.
- C. Referrals may be sent to affected agencies such as City departments, police and fire departments, school district, utility companies, and applicable state agencies at the Manager's option. When a land use development has either direct access or creates an additional 20% average daily traffic on a county road or state highway, then a referral shall be sent to the Yamhill County Public Works Department or ODOT, as appropriate. (*Amended ORD 608 effective 10/06/11*)
- D. **Written notice of the application shall be mailed to the applicant and owners of property, including county and state agencies responsible for roads and highways, within 200 feet of the boundaries of the subject property. The content of the written notice shall included the following: Within thirty (30) days of receipt of a complete application, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Code.**
1. **Provide a 14-day period for submission of written comments prior to the decision;**
  2. **State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;**
  3. **List, by commonly used citation, the applicable criteria for the decision;**
  4. **Set forth the street address or other easily understood geographical reference to the subject property;**
  5. **State the place, date and time that comments are due;**
  6. **State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;**

- 7. Include the name and phone number of a local government contact person;**
- 8. Provide notice of the decision to the applicant and any person who submits comments under subparagraph (A) of this paragraph. The notice of decision must include an explanation of appeal rights; and (I) Briefly summarize the local decision making process for the limited land use decision**

- E. Approvals of a Type I action may be granted subject to conditions and performance agreement requirements.
- F. Notice of the decision shall comply with the provisions in Section 7.3.204.
- G. A Type I land use decision may be appealed to the Planning Commission, by either the applicant or persons receiving notice of the decision. The appeal shall be filed within 15 days from the date of the final decision, pursuant to the provisions of Section 7.3.207.



# EXHIBIT B



## Legislative Amendment Proposal, City Case File LA 2024-02

### NOTICE of PUBLIC HEARINGS before the PLANNING COMMISSION and the CITY COUNCIL

#### to consider proposed changes to the Dayton Land Use and Development Code

The City of Dayton will hold public hearings on **Thursday November 14, 2024**, at 6:30 p.m. (before the Planning Commission) and on **Monday, December 2, 2024**, at 6:30 p.m. (before City Council) regarding the adoption of proposed updates to the Dayton Municipal Code under city case file LA 2024-02 that apply citywide.

The recommendation by the Planning Commission and decision by the City Council shall be based on consideration of the approval criteria under Dayton Municipal Code 7.3.112.03.

Proposed code changes are available for inspection at Dayton City Hall located at 416 Ferry Street, Dayton, OR 97114 at no cost, and available for purchase at a reasonable cost. More information about LA 2024-01 is available by contacting Rocio Vargas, City Recorder, at 503-864-2221 / rvargas@daytonoregon.gov

#### PLANNING COMMISSION PUBLIC HEARING

The Planning Commission conducts the first public hearing to consider making a recommendation to the City Council to adopt the proposed amendments.

PLANNING COMMISSION PUBLIC HEARING:	<b>Thursday, November 14, 2024</b>
TIME:	<b>6:30 p.m.</b>
PLACE:	<b>Dayton City Hall Annex 408 Ferry Street Dayton, OR 97114</b>

#### CITY COUNCIL PUBLIC HEARING

If the Planning Commission makes a recommendation on the date above, the City Council conducts a second public hearing to consider adopting the proposed amendments, based upon the Planning Commission recommendations and in receipt of public testimony.

CITY COUNCIL PUBLIC HEARING:	<b>Monday, December 2, 2024</b>
TIME:	<b>6:30 p.m.</b>
PLACE:	<b>Dayton City Hall Annex 408 Ferry Street Dayton, OR 97114</b>

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**To:** Honorable Mayor and City Councilors  
**From:** Cyndi Park, Interim City Manager  
**Issue:** Approval of Resolution 24/25-08 US Bank Signing Authority  
**Date:** December 2, 2024

### **Background and Information**

With the hiring of City Manager Jeremy Caudle as of December 16, 2024, this resolution adds Caudle to the list of authorized signers on the City's bank account and removes Interim City Manager Cyndi Park from the list of authorized signers on the City's bank account.

The account will have four authorized signers:

Mayor Annette Frank  
Council President Luke Wildhaber  
Councilor Mackin  
City Manager Jeremy Caudle

**City Manager Recommendation:** I recommend approval of Resolution 24/25-08.

**Potential Motion to Approve:** "I move to approve Resolution 24/25-08 a Resolution Changing Signature Authority for US Bank Primary Checking Account."

### **Council Options:**

- 1 - Approve Resolution 24/25-08 as recommended.
- 2 - Approve Resolution 24/25-08 with amendments.
- 3 - Take no action and direct staff to do further research or provide additional options.

**RESOLUTION No. 24/25-08**  
**City of Dayton, Oregon**

***A Resolution Changing Signature Authority for US Bank Primary Checking Account***

**WHEREAS**, the City Council has designated the United States National Bank of Oregon, McMinnville Branch, as its banking depository for its primary checking account; and

**WHEREAS**, Interim City Manager was an authorized signer until a new City Manager begins; and

**WHEREAS**, Jeremy Caudle was appointed City Manager effective December 16, 2024 at the November regular session council meeting on November 4, 2024;

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

- 1) **THAT** the City Council hereby agrees to abide by the regulations established by the banking institution for this type of account; and
- 2) **THAT** the City Council requires each check written for the primary checking account to have signatures from any two (2) of the following:

Annette Frank, Mayor  
Luke Wildhaber, Council President  
Kitty Mackin, Councilor  
Jeremy Caudle, City Manager

- 3) **THAT** this resolution rescinds Resolution #23/24-18, adopted June 17, 2024; and
- 4) **THAT** this resolution shall become effective on December 16, 2024.

**ADOPTED** this 2<sup>nd</sup> day of December, 2024.

**In Favor:**

**Opposed:**

**Absent:**

**Abstained:**

---

**Annette Frank, Mayor**

---

**Date Signed**

**ATTEST:**

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

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

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**To:** Honorable Mayor and City Councilors

**From:** Cyndi Park, Interim City Manager

**Issue:** Approval of Resolution 24/25-09 Establishing the Dayton Events Committee; dissolving the Community Events Committee and Fireworks Committee

**Date:** December 2, 2024

### **History/Background**

The City of Dayton has operated with separate committees for community events and fireworks. However, challenges such as limited volunteer participation and overlapping responsibilities have prompted the consideration of consolidating these committees into a single entity. Volunteers from these committees will be invited to transition to the new Dayton Events Committee, should it be established.

The proposed Dayton Events Committee aims to enhance efficiency, attract more volunteers, and better serve the community by organizing inclusive and engaging events that promote community spirit and economic activity. Additionally, the committee would serve as a liaison between the City and the Dayton Community Development Association (DCDA).

Attached is Resolution 24/25-09 to establish the establishing the Dayton Events Committee and dissolve the Community Events Committee and Fireworks Committee.

The Dayton Events Committee would be made up of 5 voting members. Chair, Co-Chair, Secretary, and two voting members plus two alternates. County residents living outside of the city limits but who spend their time in Dayton may have an interest in participating, however no more than two non-resident members will have voting privileges.

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

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

Per Dayton Municipal Code 1.08.01 - Commissions, committees, task forces, and other advisory bodies, including those of a temporary nature or created for a specific

purpose, may be established by ordinance or resolution. Council may establish by resolution rules and practices for advisory bodies.

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

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

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

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

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

### **16.3 Councilor Liaison**

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

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

**Potential Motion to Approve:** "I move to approve Resolution 24/25-09 a Resolution Establishing the City of Dayton Events Committee; Dissolving the Community Events Committee and Fireworks Committee."

### **Council Options:**

1 - Approve as recommended.



2 - Approve with amendments.

3 - Take no action and direct staff to do further research or provide additional options.

**RESOLUTION NO. 2024/25-09  
CITY OF DAYTON**

**A RESOLUTION TO DISSOLVE THE COMMUNITY EVENTS COMMITTEE AND THE  
FIREWORKS COMMITTEE AND TO ESTABLISH AN ALL-ENCOMPASSING EVENTS  
COMMITTEE HERE AFTER REFERRED TO AS DAYTON EVENTS COMMITTEE**

**WHEREAS**, the City Council wishes to dissolve the current Community Events Committee and the Fireworks Committee; and

**WHEREAS**, the City Council wishes to create a streamlined approach to community events in the City of Dayton helping to attract more volunteers; and

**WHEREAS**, the City Council wishes to create a new all-encompassing Events Committee referred to here after as Dayton Events Committee; and

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

**WHEREAS**, the City Council wishes to populate the Dayton Events Committee with former Community Events Committee and Fireworks Committee volunteers, should they wish to volunteer; and

**WHEREAS**, the Dayton Events Committee would bring exposure to the City of Dayton and stimulate commerce; and

**WHEREAS**, the City Council wishes to create the Dayton Events Committee committed to fostering partnerships; and

**WHEREAS**, the City Council wishes the Dayton Events Committee to serve as a liaison between the City of Dayton and the Dayton Community Development Association (DCDA); and

**WHEREAS**, the Dayton Events Committee will consist of five voting members to include a chair, co-chair, secretary and two other voting members plus two alternates; and

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

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

**WHEREAS**, the City Council will appoint one City Council member to act as the liaison to the Dayton Events Committee and the City of Dayton.

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

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

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

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

- 1) **THAT** the City Council does hereby create the Dayton Events Committee as a standing committee in the City of Dayton that will serve at the pleasure of the City Council.
- 2) **THAT** the current Community Events Committee and the Fireworks Committee will be dissolved.
- 3) **THAT** this resolution shall become effective immediately upon adoption.

**ADOPTED** this 4<sup>th</sup> day of December 2024

**In Favor:**

**Opposed:**

**Absent:**

**Abstained:**

\_\_\_\_\_  
**Annette Frank, Mayor**

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

**Attest:**

\_\_\_\_\_  
**Rocio Varas, City Recorder**

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

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**To:** Honorable Mayor and City Councilors

**From:** Rocio Vargas, City Recorder

**Through:** Cyndi Park, Interim City Manager

**Issue:** Certification of Election Results from November 5, 2024

**Date:** December 2, 2024

**Background and Information:**

1. The Official Certified Results for the November 5, 2024, General Election. The election included three Councilor positions.
2. The results were as follows:

City Councilor Drew Hildebrandt	-	756
City Councilor Robin Y Pederson	-	530
City Councilor Kitty Mackin	-	527

3. Section 1.04.07 of the Dayton Municipal Code requires the Elections Officer (City Recorder) to certify the election results to the Council at the first Council meeting after the results are certified by the County Elections Official.

Results were obtained from the Yamhill County Clerk's Election Results page and the State of Oregon Secretary of State page.

Attachment

**City Manager Recommendation:** Recommend approve the certification of election results.

**Potential Motion:** " I move to approve the Certification of Election Results"

**Council Options:**

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

**Cumulative Results Report**

November 5, 2024 General Election

Run Time 4:48 PM

Run Date 11/20/2024

**Yamhill County, Oregon**

November 5, 2024 General Election

11/5/2024

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**Unofficial Results**

**Registered Voters**

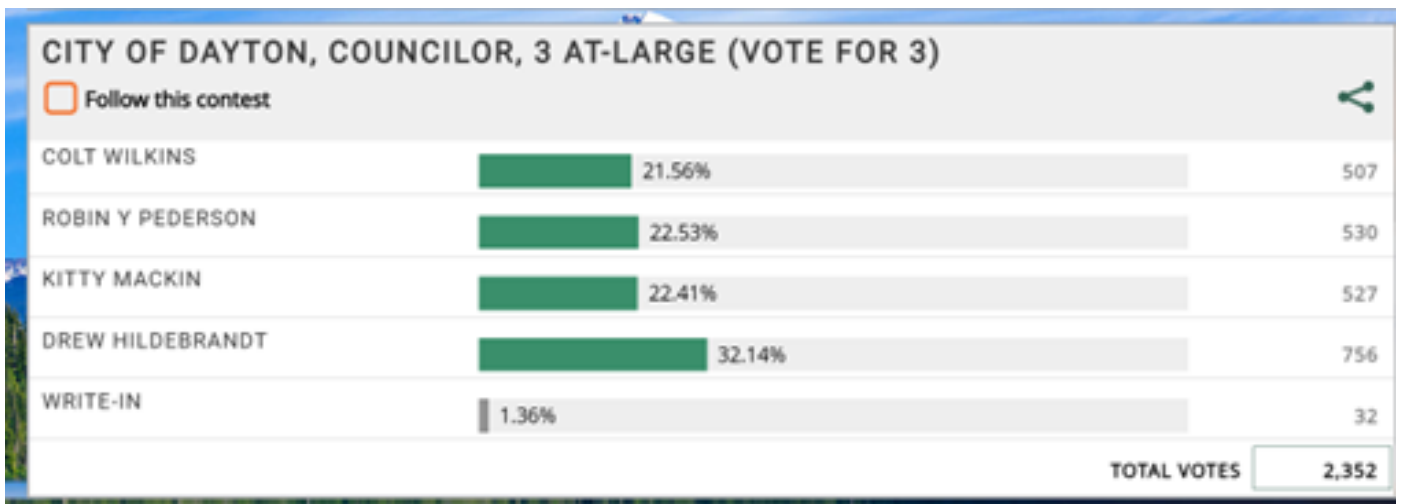
58350 of 78329 = 74.49%

**Precincts Reporting**

23 of 23 = 100.00%

**City of Dayton, Councilor, 3 At-Large - 4 Year Term - Vote for three**

Choice	Party	Vote by Mail		Total	
Colt Wilkins		507	21.56%	507	21.56%
Robin Y Pederson		530	22.53%	530	22.53%
Kitty Mackin		527	22.41%	527	22.41%
Drew Hildebrandt		756	32.14%	756	32.14%
Misc Write-in (W)		25	1.06%	25	1.06%
Misc Write-in 2 (W)		6	0.26%	6	0.26%
Misc Write-in 3 (W)		1	0.04%	1	0.04%
Cast Votes:		2,352	100.00%	2,352	100.00%
Undervotes:		1,863		1,863	
Overvotes:		1		1	



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**To:** Honorable Mayor and City Councilors

**From:** Rocio Vargas, City Recorder

**Through:** Cyndi Park, Interim City Manager

**Issue:** Oregon Government Ethics Commission Public Meetings Law Update

**Date:** December 2, 2024

**Background and Information:**

In the 2023 session, the Legislative Assembly passed HB 2805, which gives the Oregon Government Ethics Commission (OGEC) authority to investigate violations of Oregon's Public Meetings Law (ORS 192.610 to 192.705). HB 2805 creates some mandatory prerequisites for submitting Public Meetings Law complaints to OGEC. Oregon Administrative Rules (OAR) 199-050-0070 require the public body to publish on its website the contact information of how an individual may submit a grievance alleging a violation by the governing body of provisions in the Public Meeting Law. Attached is the grievance process that will be posted online.

In addition, ORS 192.700 now requires that all Elected Officials complete a Public Meeting Law training course per term. A certificate will be issued at the end of the training session.

Upcoming In-Person Training:

City of Carlton, December 12, 2024, 5:30-8:00pm - you must register for the training by December 6, 2024.

<https://www.oregon.gov/ogec/training/Pages/training-registration-five.aspx>

Online Webinars:

<https://www.oregon.gov/ogec/training/Pages/Webinars.aspx>

Jan 15, 2025, 2:00 - 4:30 pm

Jan 23, 2025, 1:00-3:30pm

(These webinars are currently still accepting registrations there are more options after these dates)

**City Manager Recommendation:** n/a

**Potential Motion:** n/a



**Council Options:**

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

## Public Meetings Law Grievance Process

In the 2023 session, the Legislative Assembly passed [HB 2805](#), which gives the Oregon Government Ethics Commission ([OGEC](#)) authority to investigate violations of Oregon's Public Meetings Law ([ORS 192.610 to 192.705](#)). HB 2805 creates some mandatory prerequisites for submitting Public Meetings Law complaints to OGEC. Oregon Administrative Rules (OAR) 199-050-0070 require the public body to publish on its website the contact information of how an individual may submit a grievance alleging a violation by the governing body of provisions in the Public Meeting Law. The full text of this rule can be viewed by clicking [here](#). These prerequisites will also apply to executive session provision complaints.

There are mandatory prerequisites for submitting Public Meetings Law Complaints to OGEC. These prerequisites also apply to executive session provision complaints. If you fail to satisfy the mandatory prerequisites before filing your complaint with OGEC, your complaint will be dismissed.

### Step 1: Submit Grievance

You must submit a written grievance to the public body at issue, setting forth the facts and circumstances of the alleged violation. **This written grievance must be submitted to the public body within 30 days of the date the alleged violation occurred (OAR 199-050-0070(2)). The written grievance needs to include:**

1. Date of submission of the grievance.
2. The name and contact information of the person filing the grievance.
3. The date that the alleged violation of the Public Meetings Law occurred.
4. A description of the facts and circumstances of the alleged violation of ORS 192.610 - 192.705.

The written grievance needs to be submitted to the City of Dayton City Recorder: via email [rvargas@daytonoregon.gov](mailto:rvargas@daytonoregon.gov), mail at PO Box 339, Dayton, OR 97114, or in person at 416 Ferry Street, OR 97114 during regular business hours.

### Step 2: Wait for Response

The public body has 21 calendar days to respond to your written grievance. The public body's response should acknowledge the receipt of the written grievance and address it in one of the following ways:

- Deny the facts and circumstances alleged in the grievance. Provide the public body's version of events and why those facts are not a violation of the law.
- Admit to the facts and circumstances alleged in the grievance but deny that they are a violation of the law.
- Admit to the facts and circumstances alleged in the grievance and that they were a violation of the law. Explain the steps the governing body will take to address the violation.

- Once you receive a response from the public body, or if you do not receive a response within 21 days of filing your grievance, you can move on to filing a complaint with OGEC. (ORS 192.705(2))
- The Public Body will submit its response to both you and to OGEC.

### **Step 3: File Complaint**

If you receive a response that satisfies your grievance, you can work with the public body and do not need to file a complaint.

If you don't receive a response within 21 days or if you are dissatisfied with response you received, you can file a complaint with OGEC. To file a complaint with OGEC, **you are required to include documentation that you have completed the mandatory prerequisites (steps 1 and 2)**. You can submit a complaint on their [Cases & Complaints web page](#). Or email [pbgr@ogec.oregon.gov](mailto:pbgr@ogec.oregon.gov).

***\*\*If you fail to satisfy these mandatory prerequisites before filing your complaint with OGEC, your complaint will be dismissed under ORS 192.685(3). \*\****

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**TO:** Mayor Frank and City Council Members  
**THROUGH:** Cyndi Park, City Manager  
**FROM:** Don Cutler, Public Works Supervisor  
**SUBJECT:** Public Works Activity Report for November 2024  
**DATE:** November 26, 2024

<p><b>Water:</b>  Regulatory Samples - Bi-Weekly  Treatment Plant Maintenance  Daily Rounds  Work Orders  Locates  Meter Reading  Turn-Ons/Turn-Offs  Water Production Reports - Dayton and Lafayette  Water Reports to State - Annual and Monthly  Emergency Shut-Offs - Various  Chlorine Feeds - Daily Check  Chlorine Generator Maintenance  Springs Grounds Maintenance  Numerous I Ready's for leak checks  Worked on Fire Meter issues HD Fowler  Emergency Service line Repair on Palmer Ln. (after hours)  Lead and copper notifications sent out</p>	<p><b>Wastewater:</b>  Regulatory Samples - Bi-Weekly  Daily Rounds  Operation of Lift Stations - Daily Check  Locates  DMR to DEQ  Receive Chemicals at Treatment Plant  Lift Station Maintenance  Maintenance at (Sewer) Lagoons  Hwy 221 lift station project and inspections  Repaired Jib crane at main lift station  Discharge (chemicals, pumps, lines)  Operate Charcoal Filter for smell at main lift station</p>
<p><b>Parks:</b>  Garbage Removal - All Parks  Park Restrooms - Daily Cleaning and Maintenance  Regular Mowing of Parks / Leaf Removal  Prep Park for reserved events  Repair damage to bandstand  Opened Footbridge  Decorate Footbridge and Park for holiday season</p>	<p><b>Storm Water:</b>  Locates  Catch Basin - Cleaning  Storm Drain Grates - Clear Debris and Leaves  Street Sweeping - Grate Maintenance  Cleared line at 1<sup>st</sup> &amp; Ferry  TV Storm Lines in North Basin</p>
<p><b>Facilities:</b>  Fire Extinguisher Checks  Community Center Trash Removal  Clean Community Center Parking Lot  Grounds Maintenance at Community Center  Performed quarterly safety inspections</p>	<p><b>Streets:</b>  Street Sweeping  Ferry Street Trash Removal  Move/Charge Mobile Speed Sign  Patch potholes  Repaired ditch 1<sup>st</sup> &amp; Ferry</p>

Description	Commercial	Hydrant	None	Other	Public	Residential	Totals
Water Usage	102,886	100	330	0	38,635	533,724	675,675
Description	Commercial	Hydrant	None	Other	Public	Residential	Totals
Water Amount	8,272.19	50.00	100.59	-	5,129.97	57,949.02	71,501.77
Sewer Amount	4,517.04	-	116.36	-	2,382.38	50,188.87	57,204.65
Misc Amount	-	-	-	-	-	150.00	150.00
Backflow Amount	-	-	-	-	-	-	-
NSFCheck Amount	-	-	-	-	-	36.00	36.00
Late Chrg Amount	50.00	-	20.00	-	10.00	1,380.00	1,460.00
Total Charges:	12,839.23	50.00	236.95	-	7,522.35	109,703.89	130,352.42

Description	Commercial	Hydrant	None	Other	Public	Residential	Totals
Previous Balance	14,997.93	190.00	475.75	-	8,834.04	139,938.65	164,436.37
Payments	13,109.02-	190.00-	329.45-	-	8,834.04-	100,719.61-	123,182.12-
Contract Adjustments	-	-	-	-	-	-	-
Assistance Applied	-	-	-	-	-	-	-
Deposits Applied	-	-	-	-	-	371.36-	371.36-
Interest Applied	-	-	-	-	-	-	-
Balance Transfers	-	-	-	-	-	-	-
Balance Write-offs	-	-	-	-	-	-	-
Reallocations	-	-	-	-	-	-	-
Total Charges	12,839.23	50.00	236.95	-	7,522.35	109,703.89	130,352.42
Current Balance:	14,728.14	50.00	383.25	-	7,522.35	148,551.57	171,235.31

Year To Date: 07/01/2024 - 11/30/2024

Description	Commercial	Hydrant	None	Other	Public	Residential	Totals
Water Usage	735,239	93,600	3,509	1	345,646	3,786,043	4,964,038

Description	Commercial	Hydrant	None	Other	Public	Residential	Totals
Water Amount	54,548.14	2,956.00	479.86	-	35,172.59	351,262.79	444,419.38
Sewer Amount	22,585.20	-	428.59	-	12,028.26	250,782.70	285,824.75
Misc Amount	-	-	-	-	-	1,494.26	1,494.26
Backflow Amount	-	-	-	-	-	-	-
NSFCheck Amount	36.00	-	-	-	-	252.00	288.00
Late Chrg Amount	180.00	30.00	40.00	-	20.00	5,280.00	5,550.00
Total Charges:	77,349.34	2,986.00	948.45	-	47,220.85	609,071.75	737,576.39

Description	Commercial	Hydrant	None	Other	Public	Residential	Totals
Previous Balance	26,319.26	845.00	214.10	90.00	10,142.90	145,117.05	182,728.31
Payments	88,940.46-	3,781.00-	779.30-	90.00-	49,841.40-	603,388.57-	746,820.73-
Contract Adjustments	-	-	-	-	-	-	-
Assistance Applied	-	-	-	-	-	-	-
Deposits Applied	-	-	-	-	-	2,248.66-	2,248.66-

Description	Commercial	Hydrant	None	Other	Public	Residential	Totals
Interest Applied	-	-	-	-	-	-	-
Balance Transfers	-	-	-	-	-	-	-
Balance Write-offs	-	-	-	-	-	-	-
Reallocations	-	-	-	-	-	-	-
Total Charges	77,349.34	2,986.00	948.45	-	47,220.85	609,071.75	737,576.39
Current Balance:	14,728.14	50.00	383.25	-	7,522.35	148,551.57	171,235.31

**Code Enforcement Violation Counts**  
For Date Period From 11/01/2024 Through 11/26/2024

<b>Violation</b>	<b>Count</b>
Junk	2
Sidewalk And Adjacent Areas Maintenance	1
<b>Total</b>	<b>3</b>





**BREAKFAST**

*With Santa*

**Saturday, December 14, 2024**

**Breakfast 9:00 am - Noon**

**Santa 10am-Noon**

**Bazaar 9:00 am - 1:00 pm**

Community Events Center  
Palmer Creek Lodge  
606 4th Street, Dayton OR 97114

