

**ORDINANCE NO. 660  
CITY OF DAYTON, OREGON**

**AN ORDINANCE OF THE DAYTON CITY COUNCIL AMENDING THE DAYTON ZONING MAP.**

**WHEREAS**, on December 4, 2023, Twin Towers, LLC applied a quasi-judicial zone change to change the zoning designation of three properties shown on the zoning map in Exhibit A from Commercial Residential (CR) to Commercial (C); and

**WHEREAS**, on February 8, 2024, public notice for ZC 2023-06 was provided to the Department of Land Conservation and Development with a description of the proposed amendment; and

**WHEREAS**, on February 7, 2024, written notice of the March 14, 2024, public hearing at the Planning Commission and the April 1, 2024, hearing at City Council was mailed; and

**WHEREAS**, on March 14, 2024, the Dayton Planning Commission conducted the first of two required public hearings for ZC 2023-06 at which time interested parties were provided full opportunity to be present and heard; and

**WHEREAS**, on April 1, 2024, the Dayton City Council conducted the second required public hearing for ZC 2023-06 at which time interested parties were provided full opportunity to be present and heard on the proposed amendments to the Dayton Zoning Map.

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

**Section 1:** The City Council of the City of Dayton does hereby adopt the staff report dated April 1, 2024, including the findings of fact, and supporting documentation contained in the staff report.

**Section 2:** The City Council of the City of Dayton does hereby amend the Dayton Zoning Map as included under "Exhibit A" of this Ordinance.

**Section 3:** This Ordinance is effective 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Dayton on this 3<sup>rd</sup> day of June 2024.

Mode of Enactment:

Date of first reading: April 1, 2024 In full \_\_\_\_\_ or by title only XX

Date of second reading: June 3, 2024 In full \_\_\_\_\_ or by title only XX

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

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

Final Vote:

In Favor: Frank, Mackin, Maguire, and Sandoval-Perez

Opposed:

Absent:

Abstained:

Annette Frank  
Annette Frank, Mayor

6/11/2024  
Date of Signing

ATTESTED BY:

Rocio Vargas  
Rocio Vargas, City Recorder

6/3/2024  
Date of Enactment

Attachment: Exhibit A

**EXHIBIT A**



**STAFF REPORT**

**ZC 2023-06 PUBLIC HEARING BEFORE CITY COUNCIL**

**HEARING DATE:** April 1, 2024  
**FILE NUMBER:** ZC 2023-06  
**SUBJECT:** Public Hearing to consider a zoning map amendment to change the subject property from the Commercial Residential (CR) to the Commercial (C) zoning designation.

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

**SUBJECT  
PROPERTIES:** North of Ferry Street:  
201 Ferry Street, Assessor's Map 04S-03W-17DA Lot 3000  
205 Ferry Street, Assessor's Map 04S-03W-17DA Lot 3101  
No address, Assessor's Map 04S-03W-17DA Lot 3200  
South of Ferry Street:  
145 Ferry Street, Assessor's Map 04S-03W-17DA Lot 5800  
204 Ferry Street, Assessor's Map 04S-03W-17DA Lot 5900

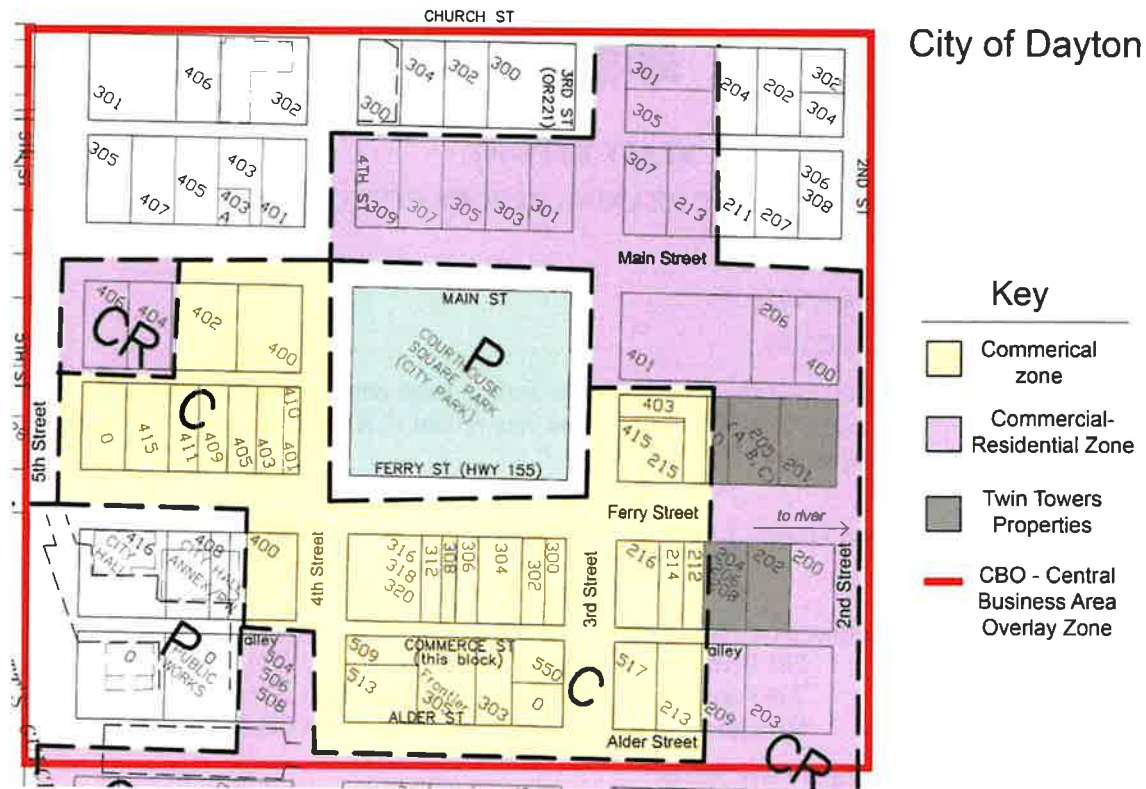
**APPROVAL  
CRITERIA:** Dayton Land Use Development Code, Section 7.3.111.03, A – E.

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

**I. REQUESTED ACTION**

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

Figure 1: Applicant's Zoning Exhibit



**II. SITE DESCRIPTION**

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

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

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

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

*Figure 2: Aerial View of Subject Properties*



### **III. PROCESS**

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

The application was received by the City on December 4, 2023. The Applicant was notified of the items needed to complete the application on January 2, 2024. The Applicant submitted additional information on January 10, 2024 to address the applicable review criteria. Written notice of the March 14, 2024, public hearing at the Planning Commission and the April 1, 2024, hearing at City Council was mailed on February 7. On February 8, 2024, staff submitted the required 35-day notice to the Department of Land Conservation

and Development. At the March 14 Planning Commission meeting the Commission held the first public hearing on the application and voted unanimously to recommend that City Council approve the application as presented in this staff report.

#### **IV. FINDINGS ADDRESSING APPROVAL CRITERIA**

##### **7.3.111.01 Process**

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

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

##### **7.3.111.02 Application And Fee**

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

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

##### **7.3.111.03 Criteria For Approval**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

#### **7.3.111.04 Zone Change Conditions**

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

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

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

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

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

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

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

## V. CONCLUSION

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

## VI. CITY COUNCIL ACTION – Sample Motions

A City Councilor may make a motion to either:

1. Adopt the staff report and recommend the City Council approve the Zone Change. A sample motion is:  
I move the City Council to adopt the staff report and approve Zone Change 2023-06.
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 to 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 that the City Council deny the proposal 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.

# EXHIBIT A

## City of Dayton



### Key

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



Paul M. Falsetto Architect

# EXHIBIT B

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

December 1, 2023

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

Re: Application for Zone Change

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

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

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

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

Sincerely,



Wayne Marschall  
Manager  
Twin Towers, LLC



# Zone Change Application

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

For City of Dayton use:

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

Name of Applicant: Twin Towers, LLC

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

Mailing Address: Same as above City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_

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

Email Address: kellyjhaverkate@gmail.com

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

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

**Parcel/Property # 1**

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

Nearest Cross Street: 3rd and Ferry Streets

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

Current Zoning: CR Proposed Zoning: C

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

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

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

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

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

**For Office Use**

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

SITE/LOCATION INFORMATION

Parcel/Property #2

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

Parcel/Property #3

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

Parcel/Property #4





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

Parcel/Property #5

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

# City of Dayton

## Key

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





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

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### STATUS OF RECORD TITLE

FSBO

November 20, 2023  
Title Number: 615158AM  
Title Officer: Carlee Novak  
Fee: \$200.00

Your Reference No. 145 Ferry Street

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

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

Vestee:

**Twin Towers, LLC, an Oregon limited liability company**

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

**Said property is subject to the following on record matters:**

**Tax Information:**

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

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

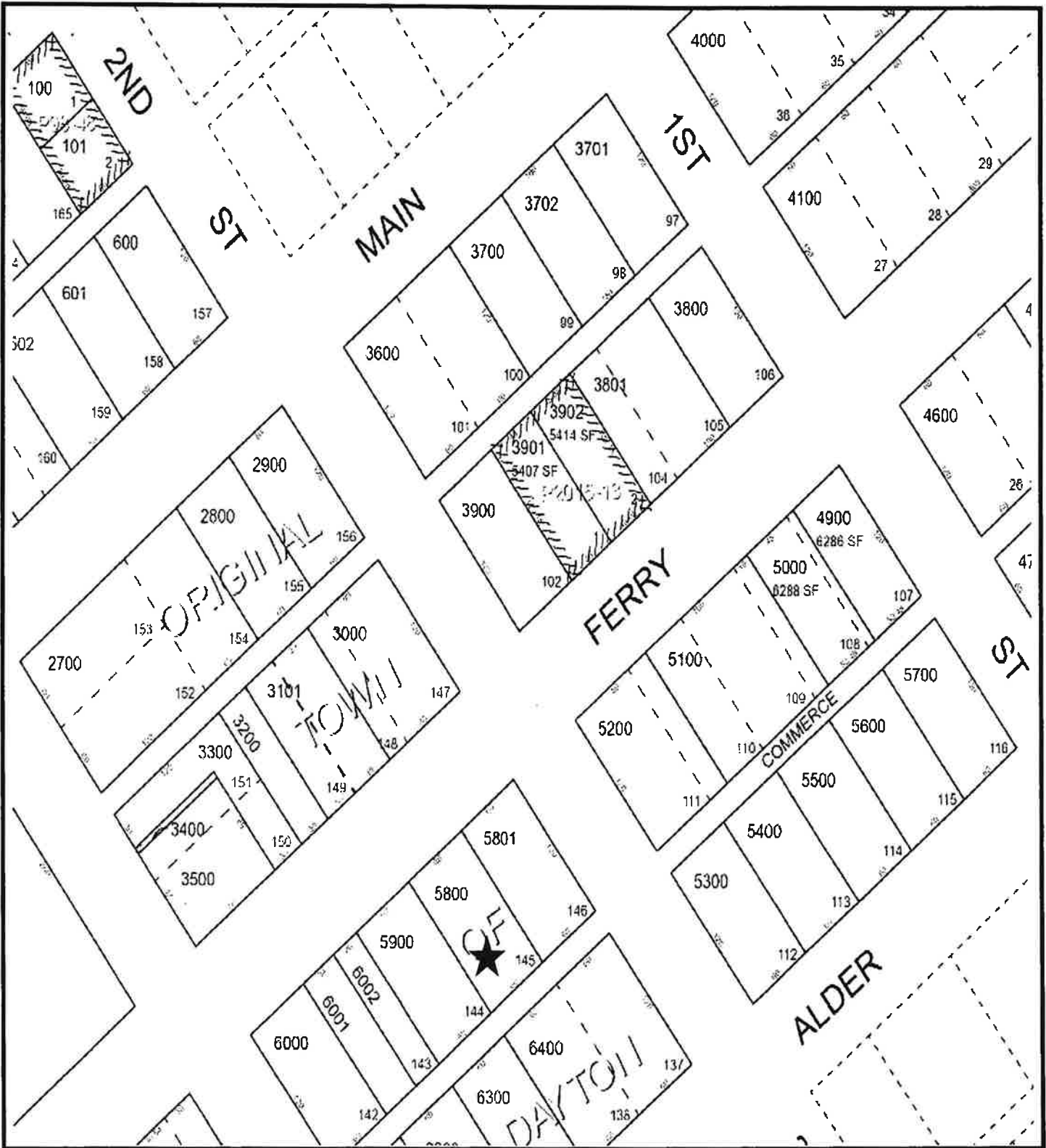
1. City liens, if any, of the City of Dayton.  
(No inquiry has been made. If no search is requested, this exception will remain in the policy. A charge of \$25.00 per account will be added if a search is requested)
2. The property lies within and is subject to the levies and assessments of the Yamhill Soil and Water Conservation District.
3. Effect, if any, of a Easement,  
From: Curtis A. and Mary F. Huber  
To: Thomas C. Torrence  
Recorded: December 1, 1977  
Instrument No.: Film: 125 Page: 33  
  
Amended by instrument,  
Recorded: May 31, 2019  
Instrument No.: 2019-06919
4. Unrecorded leaseholds, if any, and the rights of vendors and holders of security interest in personal property of tenants to remove said personal property at the expiration of the term.



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

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

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



145 Ferry Street  
Dayton, OR 97114

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



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

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## STATUS OF RECORD TITLE

FSBO

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

Your Reference No. 201 Ferry Street

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

See attached Exhibit 'A'

**Vestee:**

**Twin Towers, LLC, an Oregon limited liability company**

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

**Said property is subject to the following on record matters:**

**Tax Information:**

Taxes assessed under Code No. 8.0 Account No. 115422 Map No. 04S-03W-17DA 3000  
NOTE: The 2023-2024 Taxes: \$2,446.42, are Paid

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

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

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

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

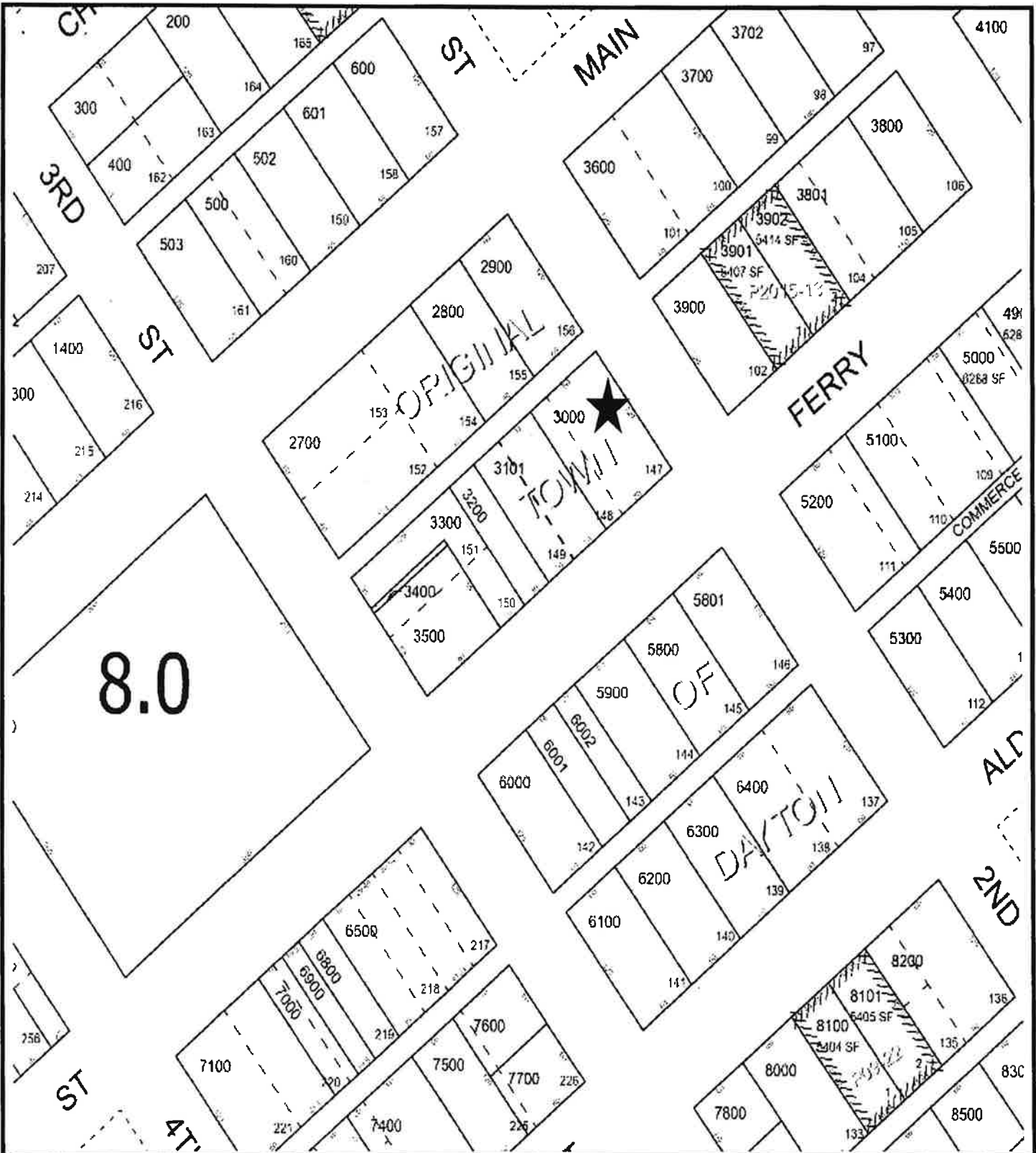
**EXHIBIT 'A'**

File No. 615167AM

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

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

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



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

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



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

---

To: FSBO

Attn: Kelly Haverkate – Property  
Manager

Your File No.: 205 Ferry Street

Date: November 21, 2023  
Order No. 615166AM  
Reference: 205 Ferry Street  
Dayton, OR 97114

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

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

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

Sincerely,

***Carlee Novak***

carlee.novak@amerititle.com  
Title Officer

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



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

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## STATUS OF RECORD TITLE

FSBO

November 21, 2023  
Title Number: 615160AM  
Title Officer: Holly Noble  
Fee: \$200.00

Your Reference No. 204 Ferry Street

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

See attached Exhibit 'A'

Vestee:

**Twin Towers, LLC, an Oregon limited liability**

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

**Said property is subject to the following on record matters:**

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



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

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

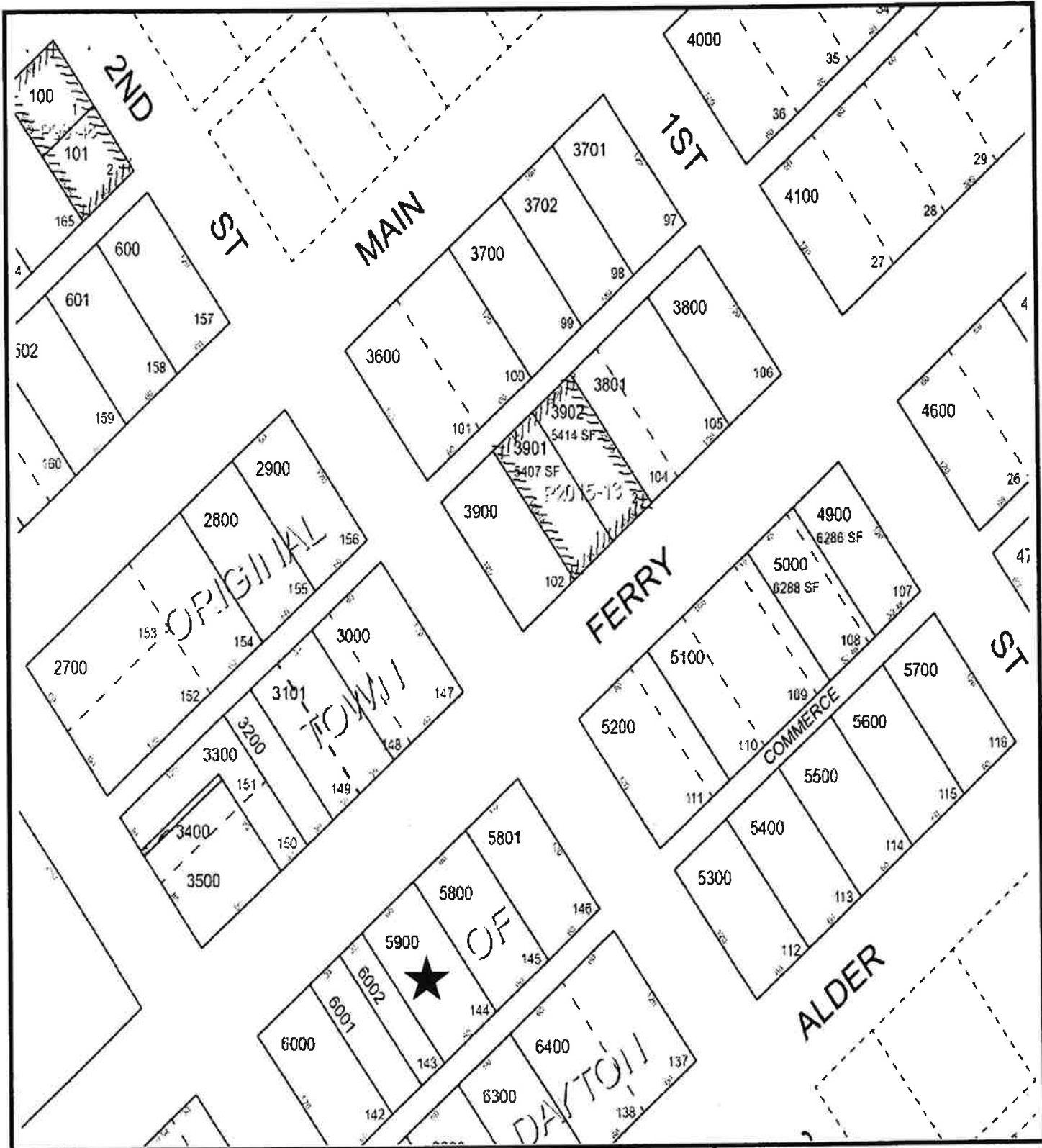
*"Superior Service with Commitment and Respect for Customers and Employees"*

**EXHIBIT 'A'**

File No. 615160AM

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

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

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



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

---

## STATUS OF RECORD TITLE

FSBO

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

Your Reference No. 205 Ferry Street

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

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

ALSO, the following described tract of land:

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

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

Yestee:

**Twin Towers, LLC, an Oregon limited liability company**

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

**Said property is subject to the following on record matters:**

**Tax Information:**

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

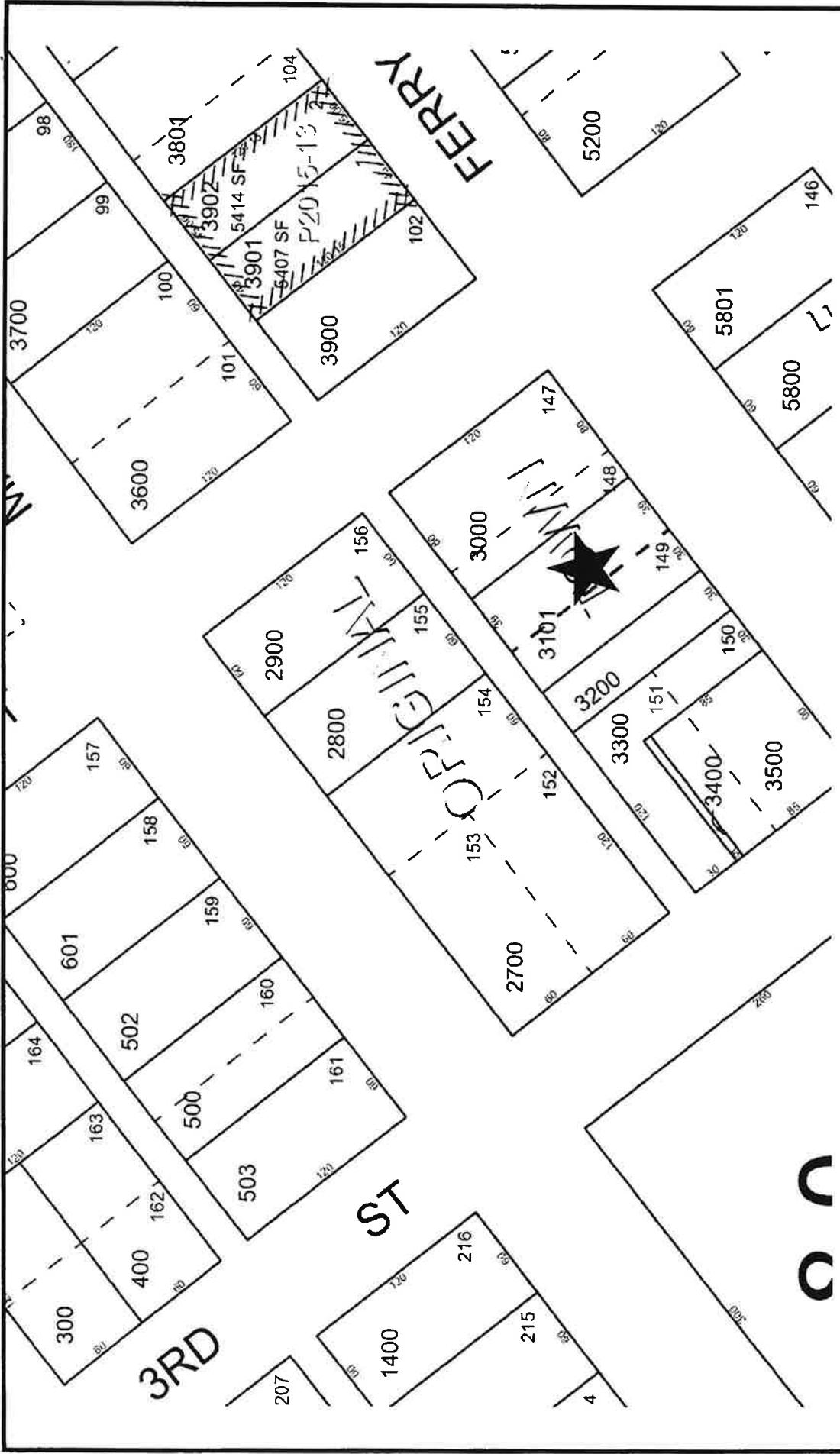
NOTE: The 2023-2024 Taxes: \$2,881.11, are Paid

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

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

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

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



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

**205 Ferry Street  
Dayton, OR 97114**

 **AmeriTitle**



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

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## STATUS OF RECORD TITLE

FSBO

November 21, 2023  
Title Number: 615161AM  
Title Officer: Whitney Estes  
Fee: \$200.00

Your Reference No. 403 3rd Street

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

See attached Exhibit 'A'

Vestee:

**Twin Towers, LLC, an Oregon Limited Liability Company**

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

**Said property is subject to the following on record matters:**

**Tax Information:**

Taxes assessed under Code No. 8.0 Account No. 115440 Map No. R4317DA 03200  
NOTE: The 2023-2024 Taxes: \$138.37, are Paid

Taxes assessed under Code No. 8.0 Account No. 115459 Map No. R4317DA 03300  
NOTE: The 2023-2024 Taxes: \$530.54, are Paid

Taxes assessed under Code No. 8.0 Account No. 115468 Map No. R4317DA 03400  
NOTE: The 2023-2024 Taxes: \$17.30, are Paid

Taxes assessed under Code No. 8.0 Account No. 115477 Map No. R4317DA 03500  
NOTE: The 2023-2024 Taxes: \$294.29, are Paid

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

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

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

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

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

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



**EXHIBIT 'A'**

File No. 615161AM

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

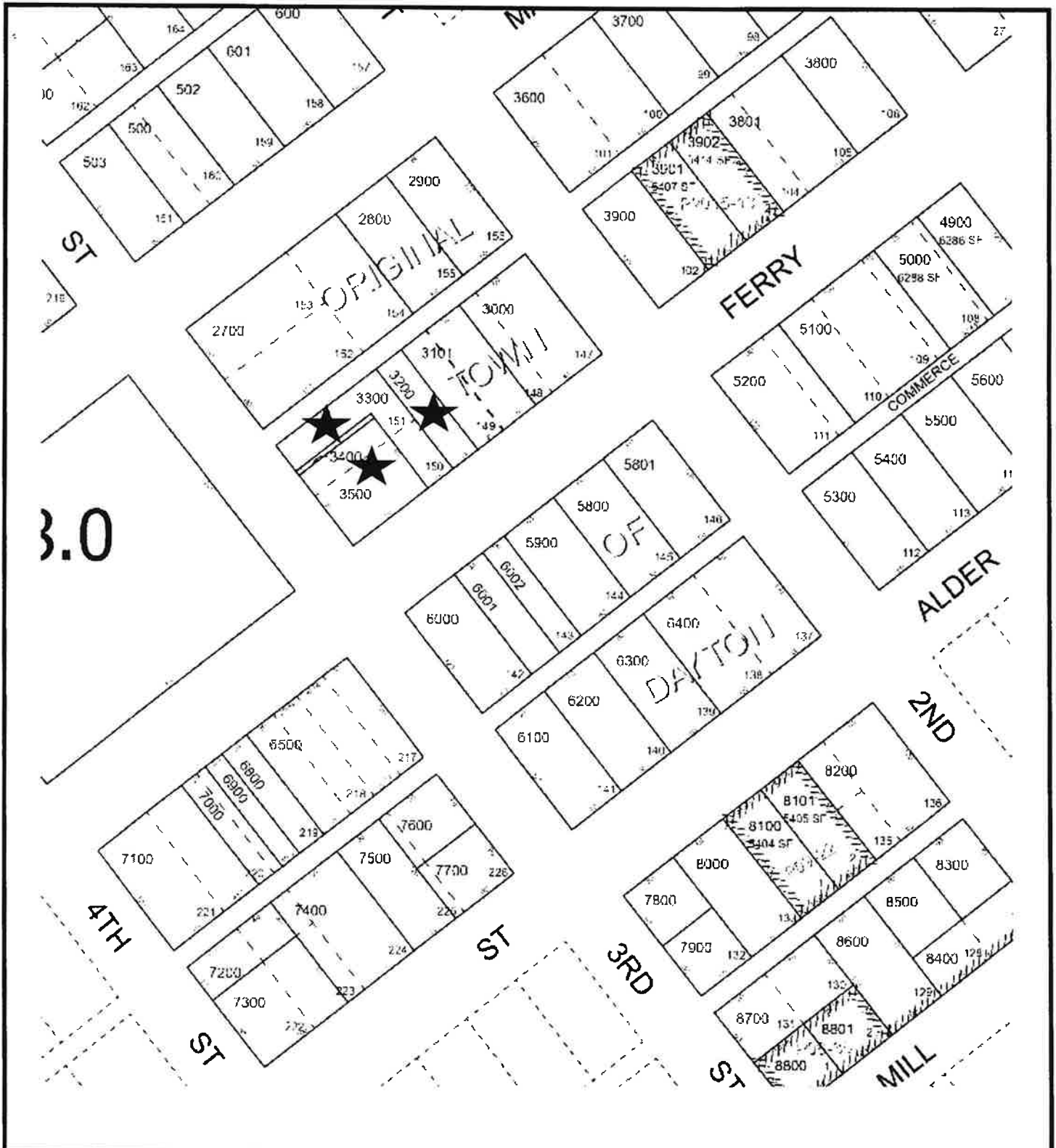
PARCEL 2: Beginning at a point on the Southeasterly line of Lot 150, 30 feet Southwesterly from the Southeasterly corner of said Lot 150; running thence Northwesterly parallel with the Northeasterly line of Lot 150, 90 feet; thence Southwesterly parallel with the Northwesterly line of Lot 151, 90 feet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

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

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

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

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



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

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

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

Jamieson Law Firm  
2121 Front Street NE  
Salem, OR 97301

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

No change

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

**STATUTORY QUITCLAIM DEED**  
(93.865)

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

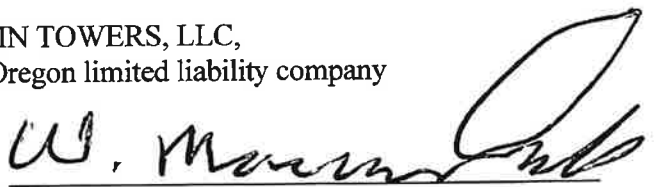
The true and actual consideration for this transfer in terms of dollars is \$0; however, the true and actual consideration consists, in whole or part, of other property or value given.

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

DATED this 29<sup>th</sup> day of May, 2019.

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

TWIN TOWERS, LLC,  
an Oregon limited liability company

By:   
Wayne Marschall, Manager

FIRST AMERICAN - 3244425

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

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

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

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

OFFICIAL YAMHILL COUNTY RECORDS  
BRIAN VAN BERGEN, COUNTY CLERK

202122094



\$91.00

11/08/2021 12:52:13 PM

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

**STATUTORY WARRANTY DEED**  
(ORS 93.850)

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

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

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

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

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

**SUBJECT TO:**

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

persons in possession thereof.

3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose and which are not shown by the public records.

4. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets, highways, or right-of ways.

5. Unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims or title to water, whether or not shown by the public records.

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

DATED this 3rd day of November, 2021.

DAYTON PROPERTIES, LLC,  
an Oregon limited liability company

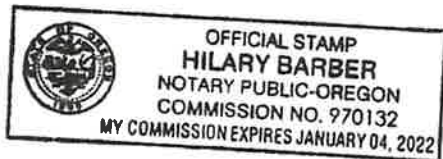
By: 

Eric W. Jamfeson, Manager

*Notary jurat on following page*

STATE OF OREGON            )  
  ) ss.  
County of Marion            )

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



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

STATUTORY WARRANTY DEED

THIS SPACE RESERVED FOR RECORDER'S USE

Tigor Title Insurance Company

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

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

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

Escrow No. 915282 LLF  
Title No. 915282

OFFICIAL YAMHILL COUNTY RECORDS  
JAN COLEMAN, COUNTY CLERK

200727223



\$26.00

00289692200700272230010012

12/28/2007 03:12:17 PM

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

915282 LLF

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

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

The said property is free from encumbrances except:

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

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

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

Dated this 28 day of December, 2007.

Gene H. Belt  
Gene H. Belt

State: OR  
County: Yamhill

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

Gene H. Belt

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



**STATUTORY WARRANTY DEED**

THIS SPACE RESERVED FOR RECORDER'S USE

Grantor: Nelson L. Hoopman  
Grantee: Twin Towers, LLC

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

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

Escrow No. 904939 LLF  
Title No. 904939

OFFICIAL YAMHILL COUNTY RECORDS  
JAN COLEMAN, COUNTY CLERK

200720568



\$36.00

00281758200700205680030039

09/18/2007 10:17:56 AM

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

Ticor Title Insurance Company

904939 LF

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

**See Attached Legal Description!**

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

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

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

Dated this 17<sup>th</sup> day of September, 2007.

Nelson Hoopman  
Nelson L. Hoopman

Ginath Hoopman  
Ginath Hoopman

State: OR  
County: Yamhill

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

Nelson L. Hoopman and Ginath Hoopman

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





**YAMHILL TITLE PLANT**

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

**REFERENCE ORDER NUMBER: 904939**

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

ALSO, the following described tract of land:

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

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

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

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

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

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

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

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

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

# Tentative Lot Line Adjustment for: **Twin Towers, LLC**

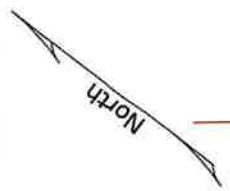
Location: SE 1/4 Section 17, T. 4 S., R. 3 W., WM,  
LOTS 147 - 151, ORIGINAL TOWN OF DAYTON  
City of Dayton, Yamhill County, Oregon.

Tax Lots:  
43170A - 3000,  
3101, 3200,  
3300, 3400  
& 3500  
Date:  
September 7, 2023

3" ALUMINUM CAP  
BARKER PER  
CS-12477 AT 3RD  
AND MAIN STREET

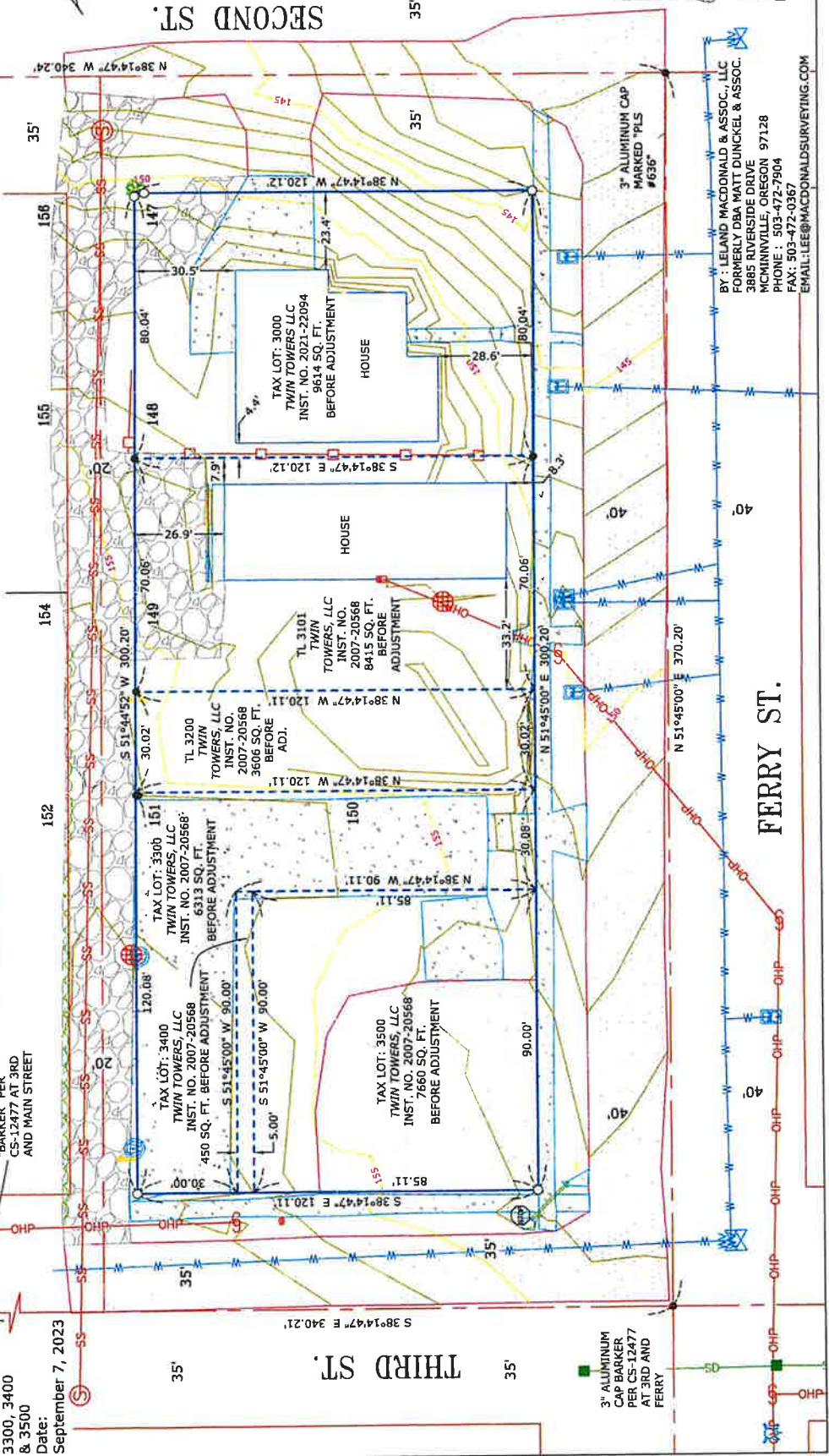
- = PROPERTY LINE
- = PUBLIC RIGHT-OF-WAY
- = OVERHEAD POWER
- = EDGE OF ROCK
- = SANITARY SEWER LINE
- = STORM DRAIN LINE
- = WATER LINE
- = EDGE OF PAVEMENT
- = EDGE OF CONCRETE
- = MAJOR CONTOUR INTERVAL (5')
- = MINOR CONTOUR INTERVAL (1')
- = CENTERLINE OF PUBLIC ROAD
- = FENCE
- = MONUMENT FOUND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

Scale: 1" = 30'



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

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



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
January 16, 2002  
**LELAND A. MACDONALD**  
53226

Renews 31 December 2024  
#9943

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

FERRY ST.

SECOND ST.

THIRD ST.

3" ALUMINUM  
CAP BARKER  
PER CS-12477  
AT 3RD AND  
FERRY

RENEWS 31 DECEMBER 2024

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



25 October 2023

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

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

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

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

END DESCRIPTION

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

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

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

- TL 4317DA 03101
- TL 4217DA 03000

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# EXHIBIT C

## Curt Fisher

---

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

External: Please report suspicious email to [security@wesd.org](mailto:security@wesd.org)

John, Don & Curt,

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

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

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

### **Background Information.**

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

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

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

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

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

### **Existing Plats, Easements, etc.**

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

- Title Report.

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

**Previous Land Use Approvals.**

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

**Streets & Utilities.**

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

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

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

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

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

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



Denny Muchmore, PE (OR, WA)  
Westech Engineering, Inc., 3841 Fairview Industrial Drive SE, Suite 100, Salem, OR 97302  
503-585-2474 ph 503-585-3986 fax 503-931-8708 cell  
[dmuchmore@westech-eng.com](mailto:dmuchmore@westech-eng.com) Celebrating 55 Years of Service 1968 - 2023

2007-17  
2007-10  
2000-16  
15-46

ORIGINAL TOWN OF DAYTON (1865)

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

DAYTON REPLAT 175-176

82 83 84 85

CHURCH ST

2018-21  
2018-20  
3RD ST (OR221)  
4TH ST

ORIGINAL TOWN OF DAYTON (1865)

2ND ST

12-46  
5TH ST  
5TH ST

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

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

ORIG DA  
2015-13

CITY HALL  
CITY HALL ANNEX / PW  
PUBLIC WORKS  
alley

CS13824 (2022 PLA)  
COMMERCE ST (this block)  
Frontier  
ALDER ST

ORIGINAL TOWN OF DAYTON (1865)

COMMERCE (this bloc)  
ALDE

2011-16 COMMUNITY CENTER  
4TH ST

4TH ST

2009-22  
3RD ST (OR221)

2006-35  
2ND ST

MILL ST

MILL ST

5)

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

92-40

PALMER CREEK APTS

PLAT WORK

PALMER

LIPPINCOTT'S

BROOKSIDE CEMETARY

HIGH BR

SCEN7E



5TH ST (Private)  
222  
202  
204  
521

406 402 400  
201 205 202  
407 405 403  
201

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

208 206 204 202  
201  
213 205

Hatched area with diagonal lines.

5TH ST  
304  
306  
308  
312  
410  
414  
426  
428

301 406 302  
305 407 405 403 401

3RD ST (OR221)  
340 334 328 320 316 310 300/306 (OR221)  
4TH ST  
309 307 305 303 301

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

112 110 108  
303  
305 113 111 107 105 103

406 404 402 400  
415 411 409 405 403 401  
CR  
C

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

206 400  
401  
403 415 215  
205 201  
D (A, B, C)

110 106 400 1ST  
403  
425 115 111 107 416  
R-2

LIPPINCOTT S  
CUTCH 5TH ST

416 CITY HALL  
408 CITY HALL ANNEX/PA  
400  
504 506 508  
P  
D  
PUBLIC WORKS  
alley

316 318 320  
306 304 302  
308 303  
509 513 550  
COMMERCE ST (this block)  
Frontier 30th ST  
ALDER ST  
C

216 214 212 204 202 200  
206 208 210  
517 213 209 203 205  
alley  
CR

109 104 102  
503  
121 511 2nd  
117 113 109 105  
COMMERCE ST (this block)  
ALDER ST

606 608 610  
COMMUNITY CENTER  
CR  
4TH ST

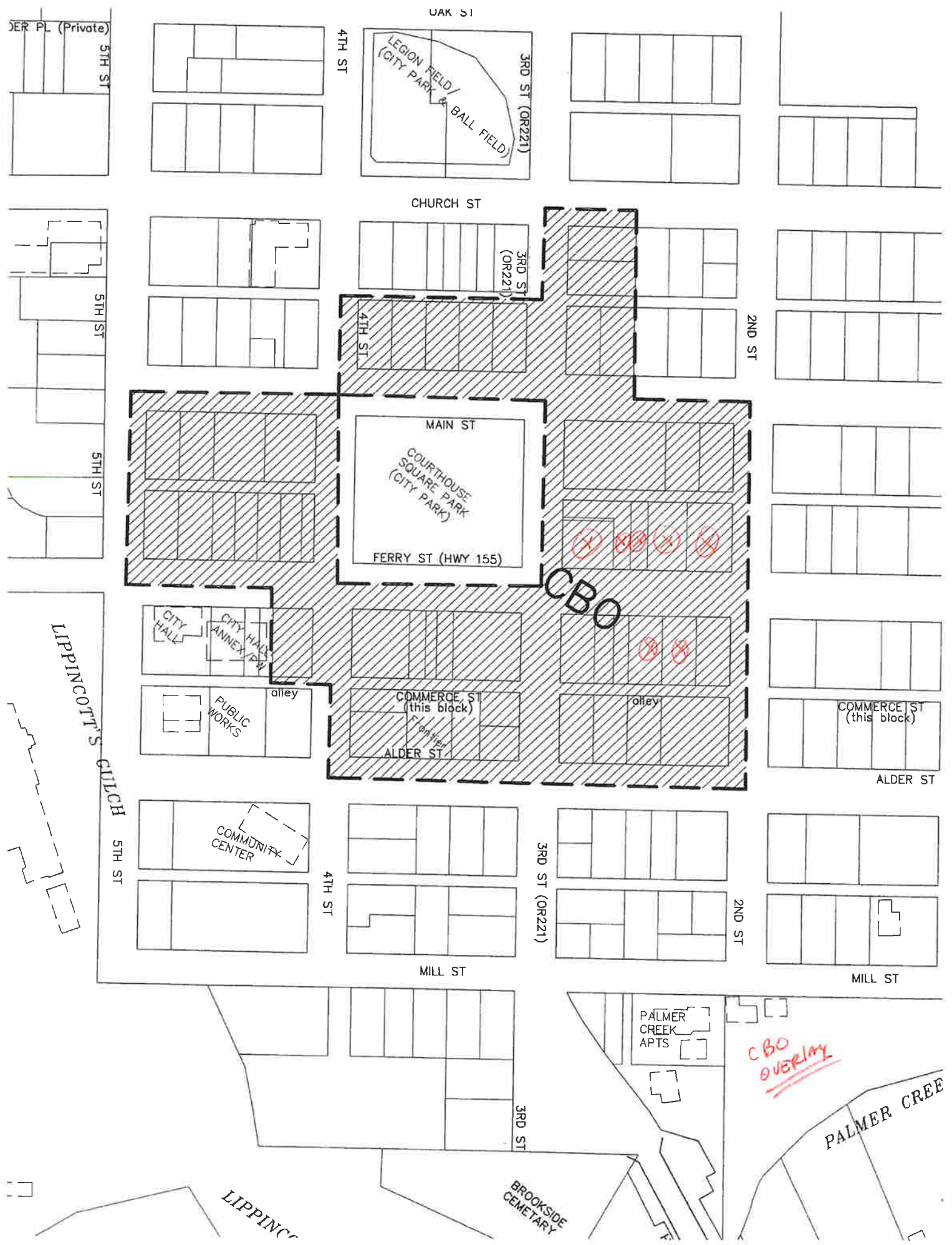
314 312 304 302 300  
607  
609 608 307 305 301  
MILL ST  
3RD ST (OR221)

214 210 208 206 202  
607  
609 213 211 209 2nd 617 615 619  
2ND ST

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

612 4TH  
308 306 304 302 300  
716 718  
R-2  
LIPPINCOTT  
724 3rd  
BROOKSIDE CEMETARY

212 210 208 206 204  
PALMER'S CREEK APTS  
208 MILL  
204  
R-2  
Zone ADDRESS  
PALMER CREEK  
724 3rd



UAK 51

DER PL (Private)  
5TH ST

4TH ST

LEGION FIELD /  
CITY PARK & BALL FIELD

3RD ST (OR221)

CHURCH ST

3RD ST  
(OR221)

4TH ST

2ND ST

5TH ST

5TH ST

MAIN ST

COURTHOUSE  
SQUARE PARK  
(CITY PARK)

FERRY ST (HWY 155)

CBO

CITY HALL

CITY HALL  
ANNEX RW

alley

PUBLIC  
WORKS

COMMERCE ST  
(this block)

alley

COMMERCE ST  
(this block)

ALDER ST

LIPPINCOTT'S GULCH

5TH ST

COMMUNITY  
CENTER

4TH ST

3RD ST (OR221)

2ND ST

MILL ST

MILL ST

PALMER  
CREEK  
APTS

CBO  
overlay

PALMER CREEK

BROOKSIDE  
CEMETARY

LIPPINCOTT'S

Private)  
5TH ST  
04500  
04503  
04505  
04400

4TH ST  
01200 01100 01000  
01300 01400  
01800 01700 01600 01500

3RD ST (OR221)  
LEGION FIELD / BALL FIELD  
(CITY PARK & BALL FIELD)  
00100  
00200

00900 00800 00802 00801  
01000 01200

01301 01302 01303 01300

5TH ST  
06700 06800  
06900  
06902 06903  
07000

01900 02000 02100  
02600 02500 2400 2200 2201 2300

CHURCH ST  
01000 00900 00800 00700 00700 (OR221)  
01100 01101 01200 01300 01400  
4TH ST

00300 00200 00201 00100 00101  
00400  
00503 00500 00502 00601 00600

01400 01500 01601 01602 01600  
01700 01800 01900 01901 02000

5TH ST  
07100  
07200 07300

01800 01700 01600 01500  
01900 02000 02100 02200 02300 02400 02500

MAIN ST  
02600  
COURTHOUSE SQUARE PARK  
(CITY PARK)  
FERRY S (HWY 155)

02700 02800 02900  
03300 03400 03500 03200 03101 03000

03600 03700 03702 03701  
03900 03901 03902 03801 03800

LIPPINCOTT'S GILCH  
5TH ST  
00500  
00600

00200 00100  
CITY HALL ANNEX / PW  
CITY HALL  
00700  
alley  
PUBLIC WORKS  
00800

07100 06800 06900 07000  
0706700 0706600  
07200 07600  
COMMERCE ST (this block)  
07300 07400 07500 07700  
ALDER ST

06000 06001 06002 05900 05800 05801  
06100 06200 06300 06400

05200 05100 05000 04900  
05300 05400 05500 05600 05700  
ALDER ST

COMMUNITY CENTER  
00900 01000  
01100 01200

01300 01500 01601 01600  
01390  
01900 01800 01700 01701  
02000

MILL ST  
01300 01500 01601 01600  
01900 01800 01700 01701  
02000

07800 08000 08100 08101 08200  
07900  
08700 08500 08300 08400  
08800 08801 08600

00901 00900 00600  
01001 01000 01101 01100  
MILL ST

LIPPINCOTT'S  
02601 02500 02400 02300 02200 02100

02601 02500 02400 02300 02200 02100  
02604 02603

02700  
BROOKSIDE CEMETARY

01200 01201 01400  
PALMER CREEK APTS  
01300

TAX MAPS & TAX LOT  
01500  
PALMER CREEK  
01601 01602

4317DB

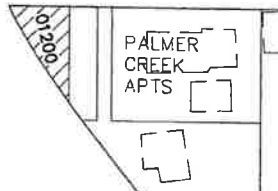
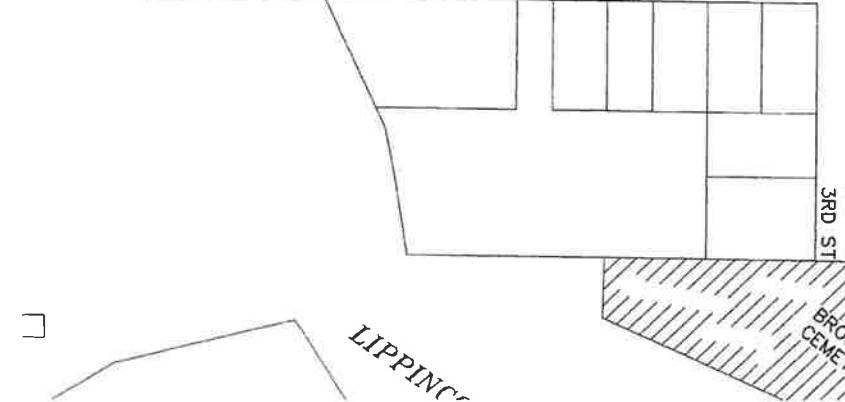
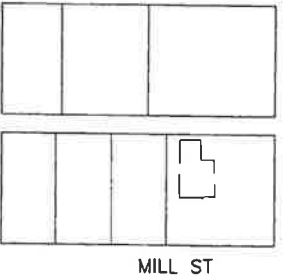
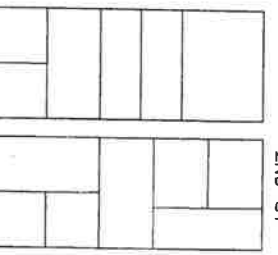
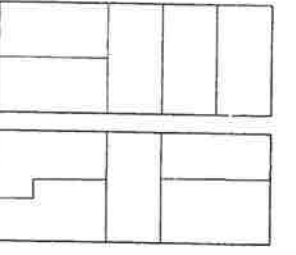
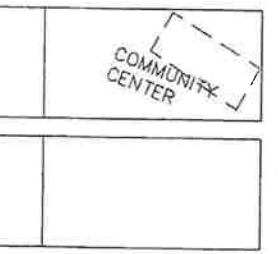
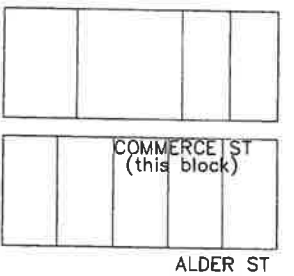
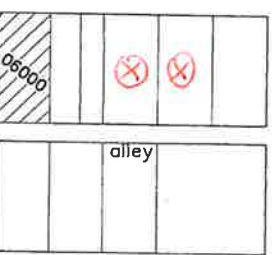
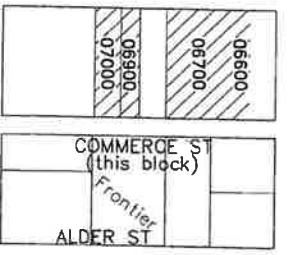
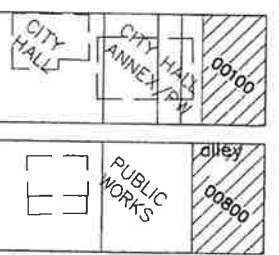
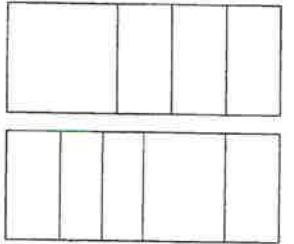
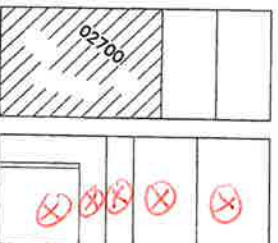
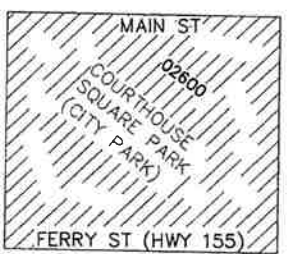
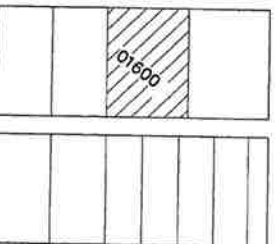
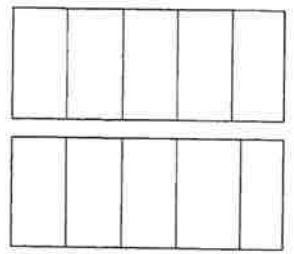
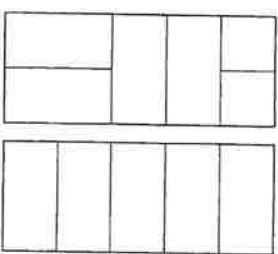
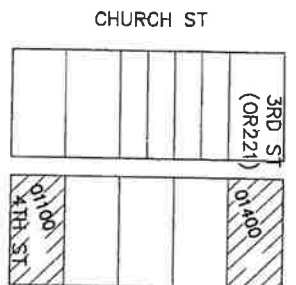
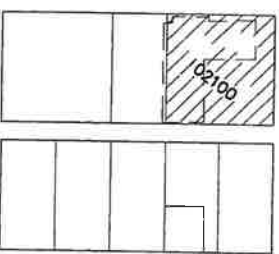
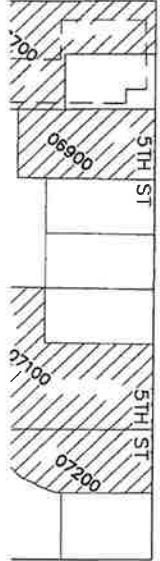
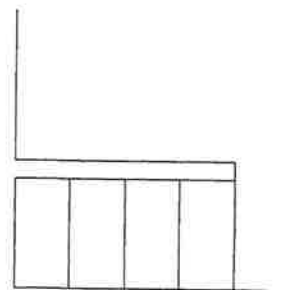
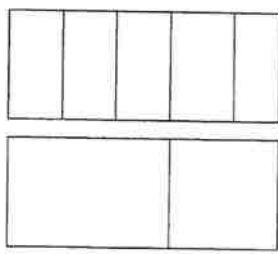
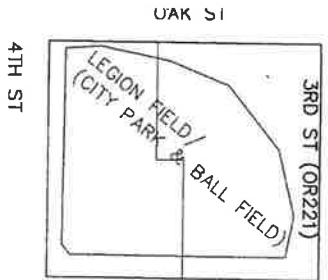
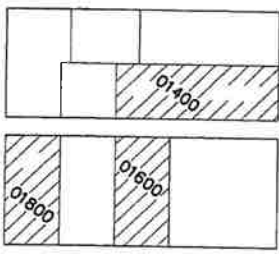
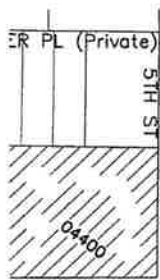
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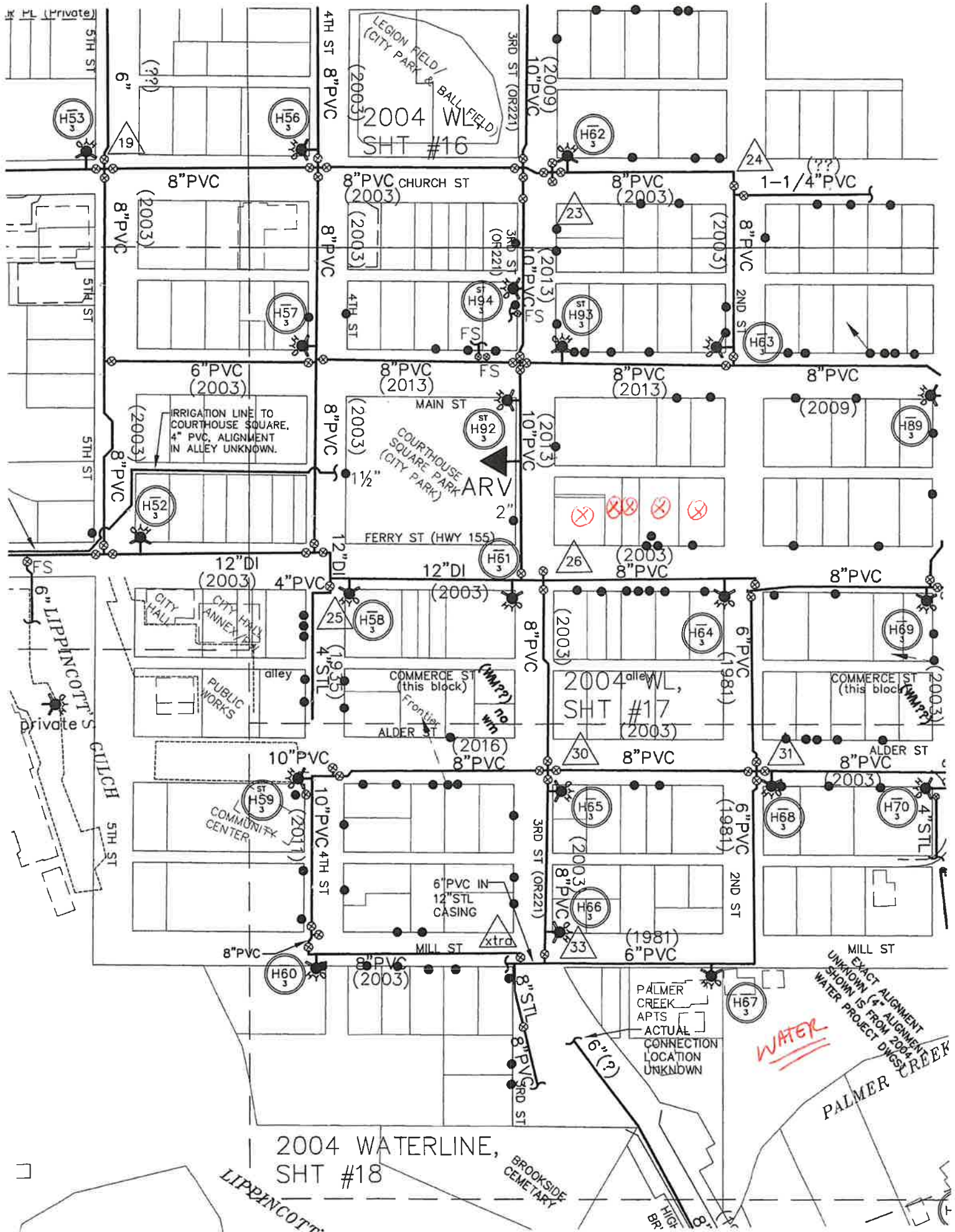
4317DA

4317DD

431

317





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

COURTHOUSE SQUARE PARK  
(CITY PARK)  
ARV

2004 WL,  
SHT #17  
(2003)

2004 WATERLINE,  
SHT #18

EXACT ALIGNMENT  
UNKNOWN (4" ALIGNMENT  
SHOWN IS FROM 2004  
WATER PROJECT DWGS)  
PALMER CREEK

**WATER**

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

PALMER CREEK APTS  
ACTUAL CONNECTION LOCATION UNKNOWN

COMMERCE ST (this block)  
ALDER ST  
FRONTIER

CITY HALL  
CITY PARK ANNEX/DIV

PUBLIC WORKS  
ALLEY

COMMUNITY CENTER

6" PVC IN 12" STL CASING

BROOKSIDE CEMETARY

5TH ST (Private)

5TH ST

5TH ST

6" LIPPINCOTT'S CULCH

5TH ST

5TH ST

LIPPINCOTT

4TH ST

8" PVC

8" PVC

8" PVC

4" PVC

10" PVC

8" PVC

3RD ST (OR221)

3RD ST (OF221)

10" PVC

12" DI

8" PVC

10" PVC

8" STL

3RD ST

10" PVC

10" PVC

10" PVC

8" PVC

8" PVC

8" PVC

8" STL

3RD ST

24

H63

8" PVC

8" PVC

6" PVC

6" PVC

6" PVC

H67

H56

H57

H52

H58

H59

H60

H62

H93

H94

H61

H65

H66

H89

H64

H68

H70

H53

H54

H55

H56

H57

H58

H59

H60

H61

H62

H63

H64

H65

H66

H67

H68

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H57

H58

H59

H60

H61

H62

H63

H64

H65

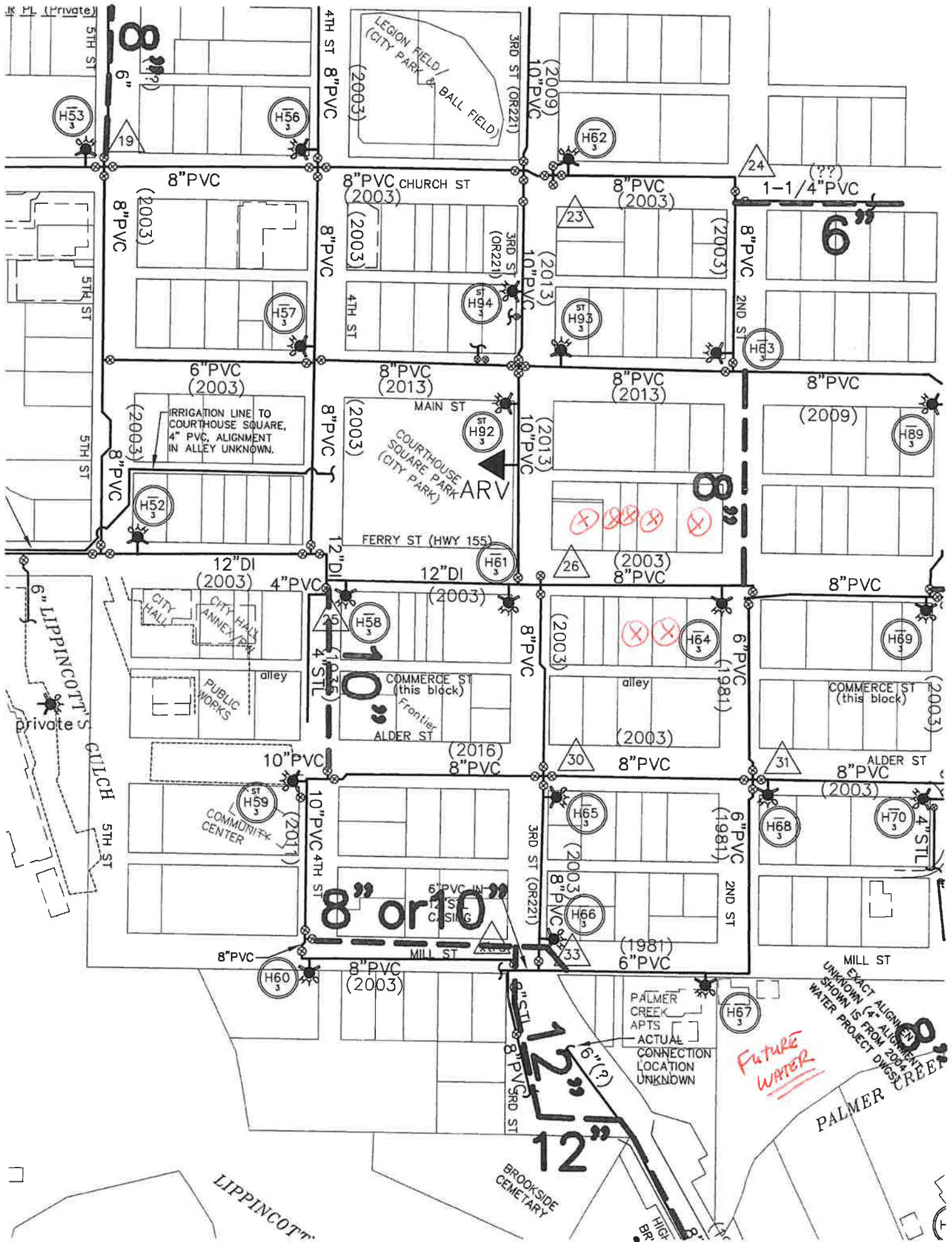
H66

H67

H68

H69

H70



8" PVC (2003)

8" PVC CHURCH ST (2003)

8" PVC (2003)

1-1/4" PVC

6" PVC (2003)

8" PVC (2013)

8" PVC (2013)

8" PVC (2009)

12" DI (2003)

12" DI (2003)

8" PVC (2003)

8" PVC

10" PVC

8" PVC (2016)

8" PVC (2003)

8" PVC (2003)

8" or 10"

8" PVC (2003)

6" PVC (1981)

Future WATER

EXACT ALIGNMENT UNKNOWN (4" ALIGNMENT SHOWN IS FROM 2007 WATER PROJECT DWGS)

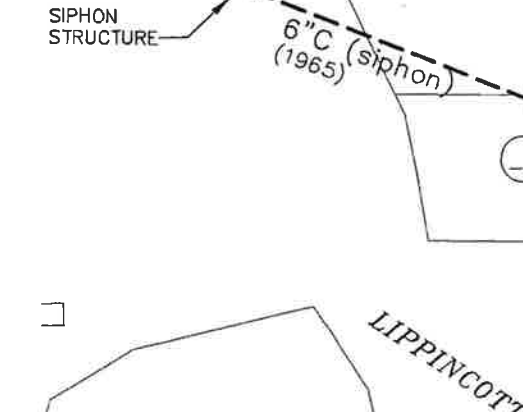
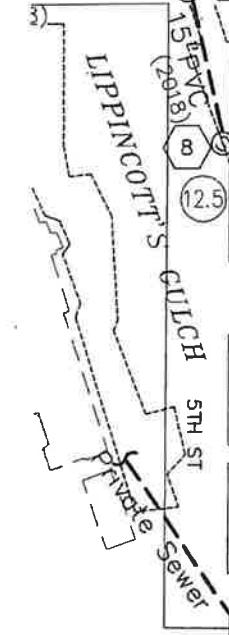
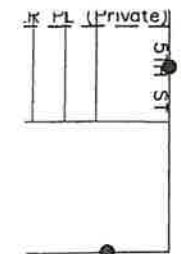
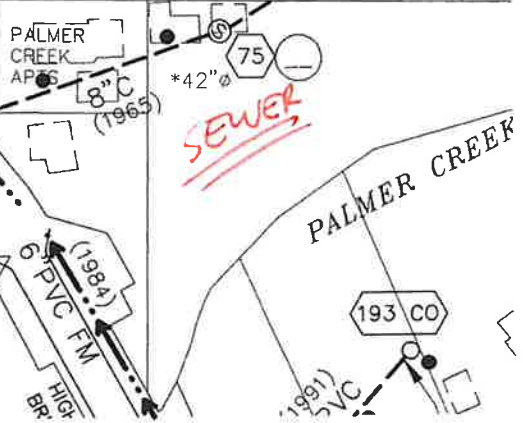
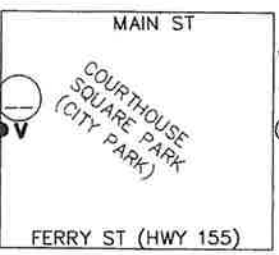
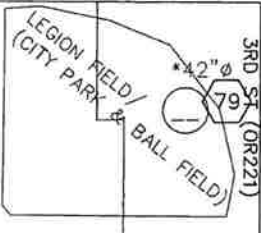
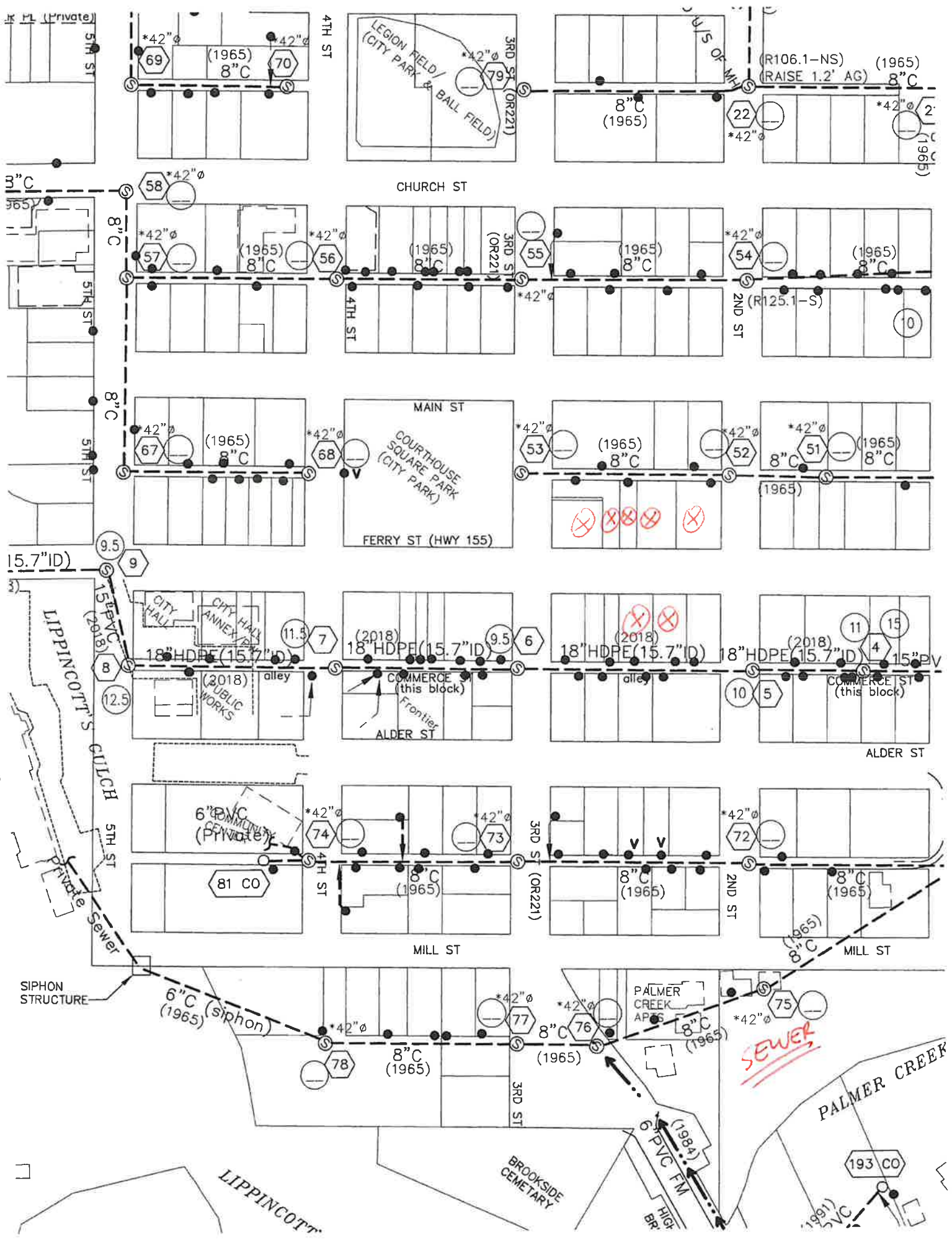
LIPPINCOTT

BROOKSIDE CEMETARY

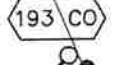
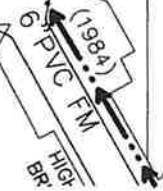
HIGH BR.

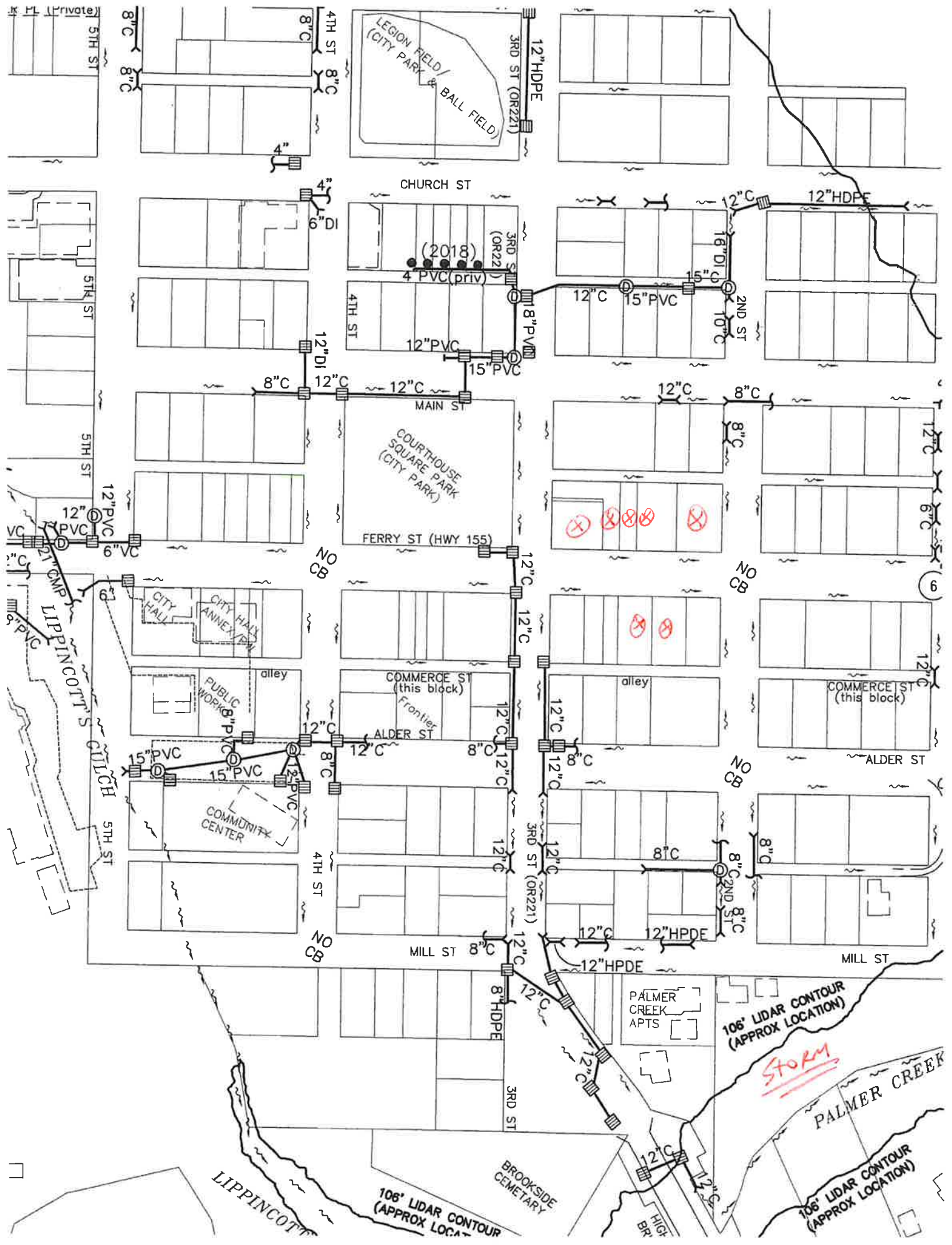
PALMER CREEK





**SEWER**





LEGION FIELD /  
(CITY PARK & BALL FIELD)

CHURCH ST

(2018)  
4 PVC (priv)  
3RD ST (OR221)  
4TH ST

COURTHOUSE  
SQUARE PARK  
(CITY PARK)

FERRY ST (HWY 155)

COMMERCE ST  
(this block)

ALDER ST

COMMUNITY  
CENTER

MILL ST

PALMER  
CREEK  
APTS

106' LIDAR CONTOUR  
(APPROX LOCATION)

**STORM**

PALMER CREEK

106' LIDAR CONTOUR  
(APPROX LOCATION)

BROOKSIDE  
CEMETERY

HIGH  
BR

106' LIDAR CONTOUR  
(APPROX LOCATION)

5TH ST  
8\"/>

5TH ST

5TH ST

5TH ST

LIPPINCOTT'S  
CUTCH

5TH ST

5TH ST

5TH ST

5TH ST

5TH ST

5TH ST

5TH ST

5TH ST

12\"/>

12\"/>

12\"/>

12\"/>

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6

6

6

6

6

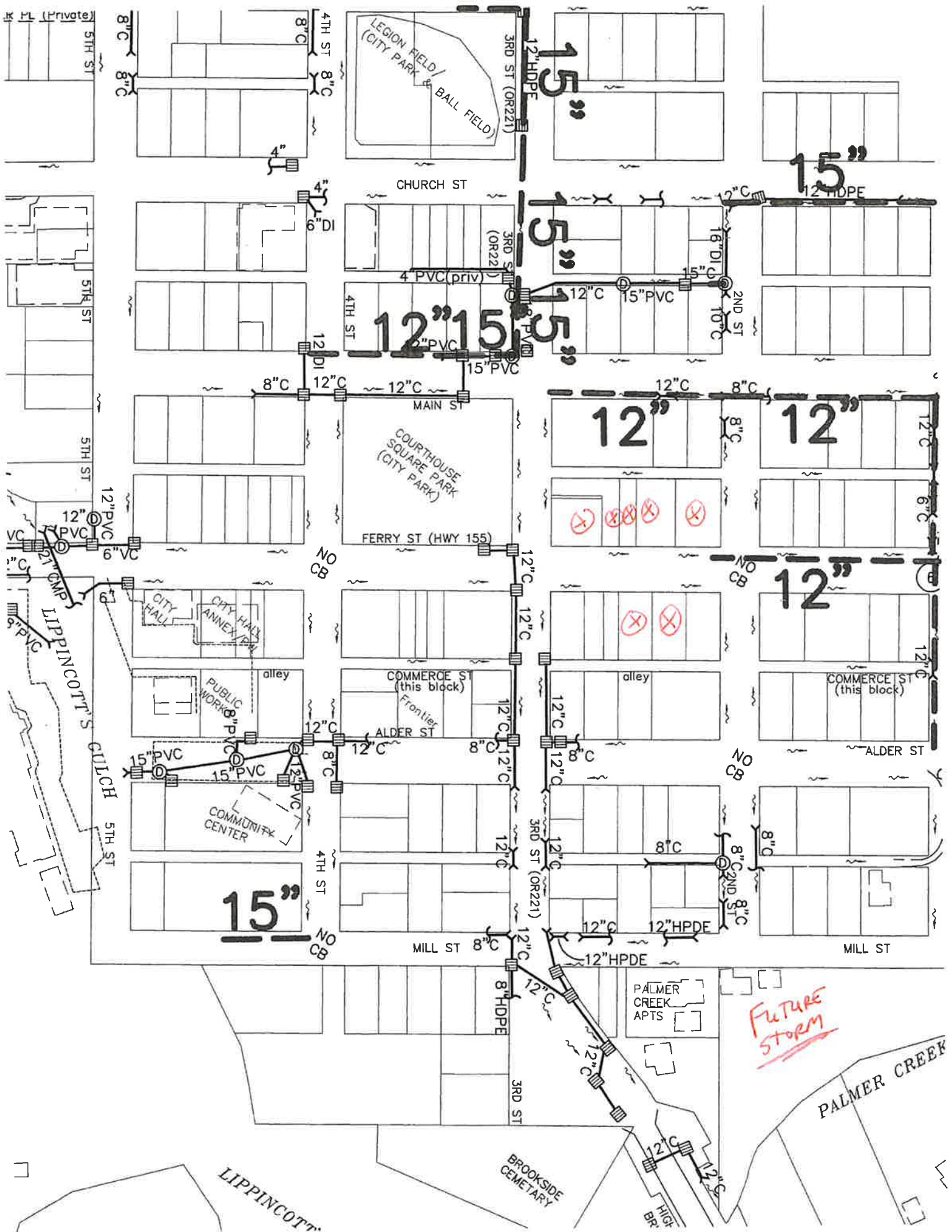
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6

6

6

6



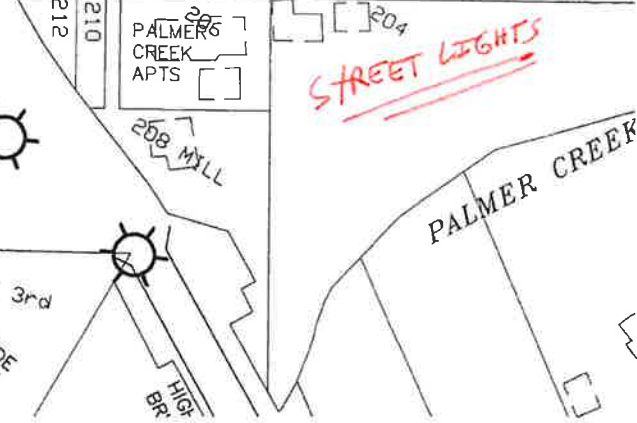
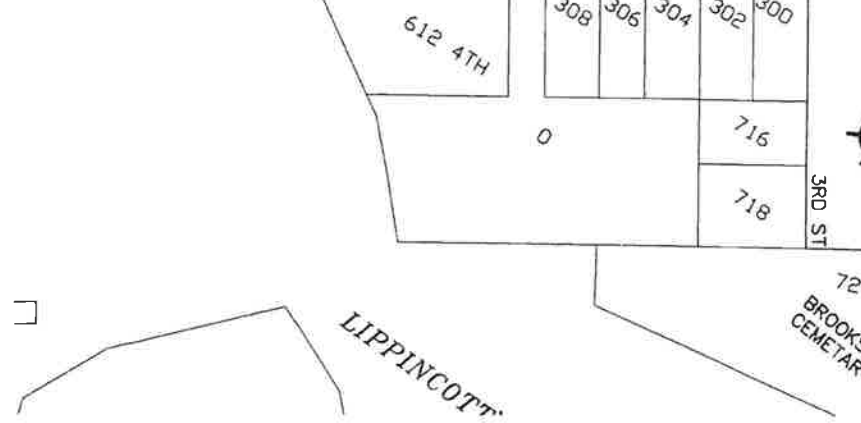
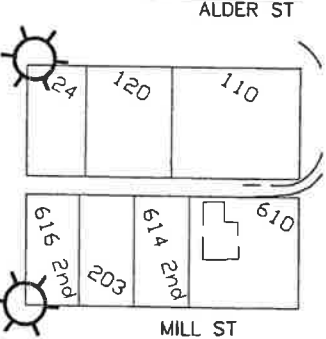
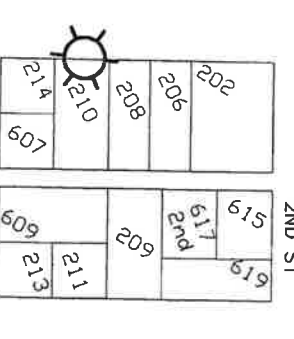
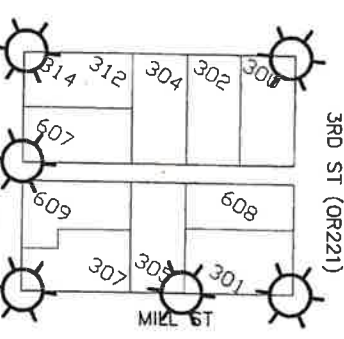
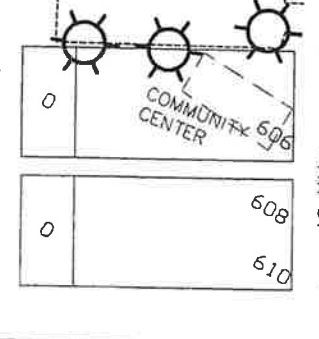
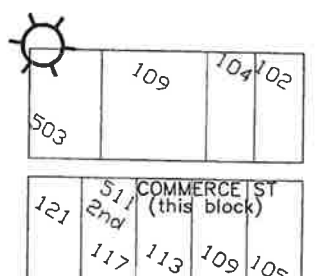
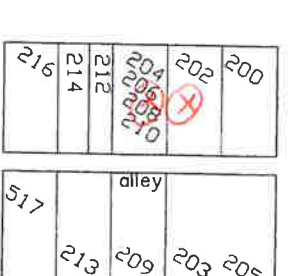
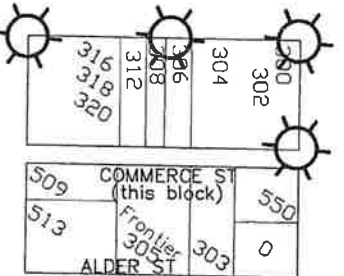
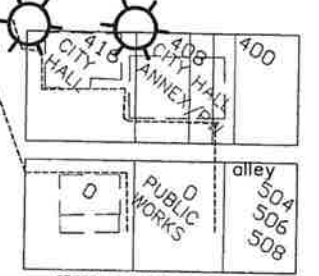
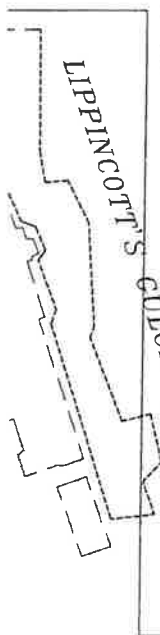
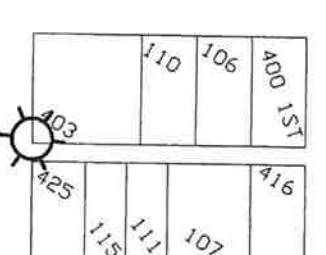
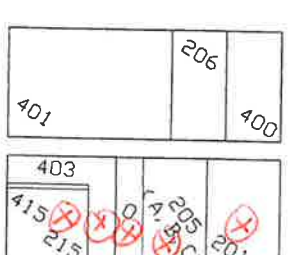
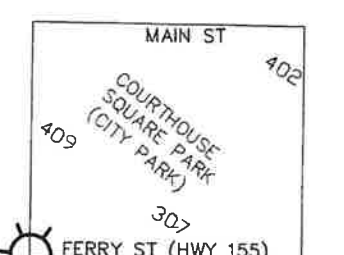
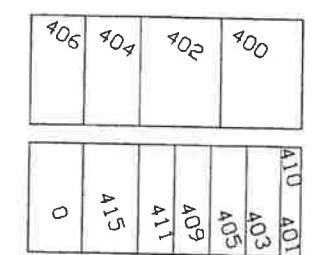
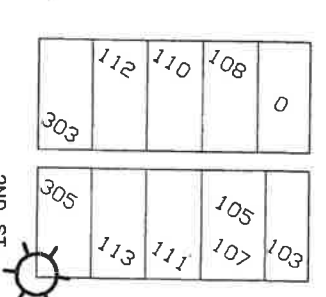
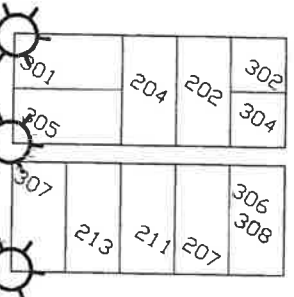
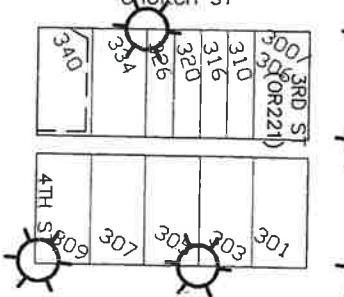
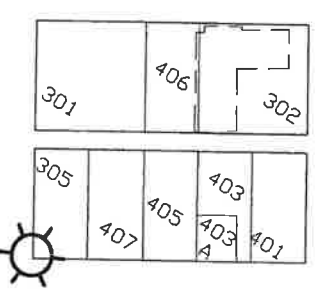
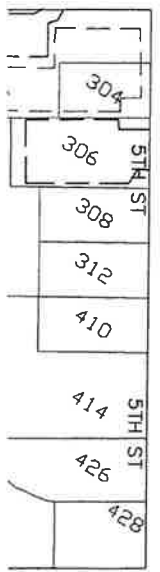
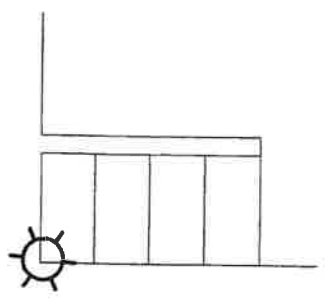
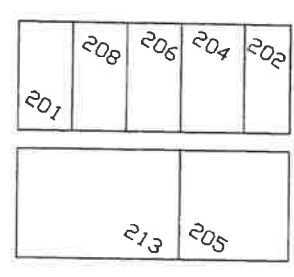
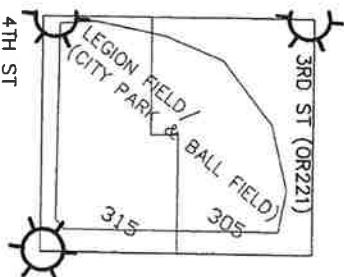
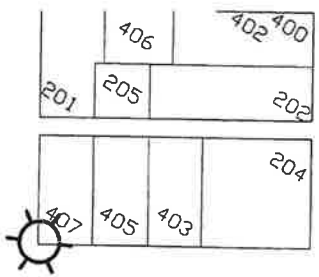
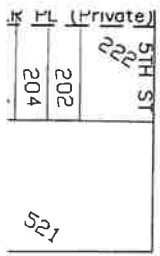
*Future storm*

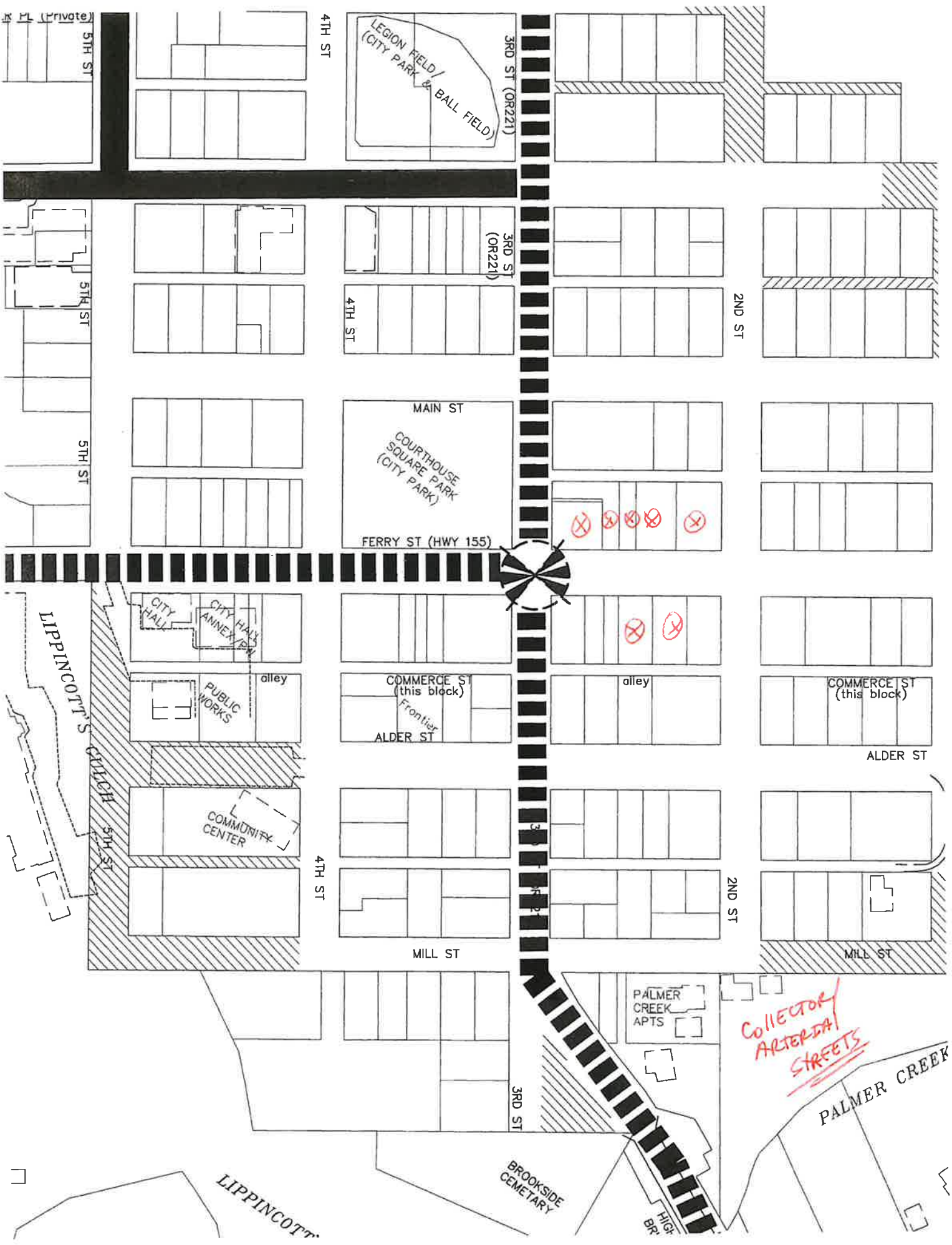
LIPPINCOTT

BROOKSIDE CEMETARY

PALMER CREEK

HIGH BR.





LEGION FIELD /  
(CITY PARK & BALL FIELD)

MAIN ST  
COURTHOUSE  
SQUARE PARK  
(CITY PARK)

CITY HALL  
CITY HALL  
ANNEX

PUBLIC  
WORKS  
alley

COMMUNITY  
CENTER

COMMERCE ST  
(this block)  
Frontier  
ALDER ST

MILL ST

PALMER  
CREEK  
APTS

*COLLECTOR  
ARTERIAL  
STREETS*

BROOKSIDE  
CEMETARY

PALMER CREEK

LIPPINCOTT

HIGH  
BR.

5TH ST (Private)

5TH ST

5TH ST

LIPPINCOTT'S  
CHURCH  
5TH ST

4TH ST

4TH ST

4TH ST

3RD ST (OR221)

3RD ST  
(OR221)

3RD ST

2ND ST

2ND ST

ALDER ST

MILL ST



PL (Private)

5TH ST

4TH ST

LEGION FIELD / CITY PARK & BALL FIELD

3RD ST (OR221)

CHURCH ST

5TH ST

5TH ST

3RD ST (OR221)

4TH ST

2ND ST

MAIN ST

COURTHOUSE SQUARE PARK (CITY PARK)

FERRY ST (HWY 155)



CITY HALL CITY HALL ANNEX

PUBLIC WORKS

alley

COMMERCE ST (this block)

ALDER ST

alley

COMMERCE ST (this block)

ALDER ST

LIPPINCOTT'S CHURCH

5TH ST

COMMUNITY CENTER

TH ST

MILL ST

2ND ST

MILL ST

PALMER CREEK APTS

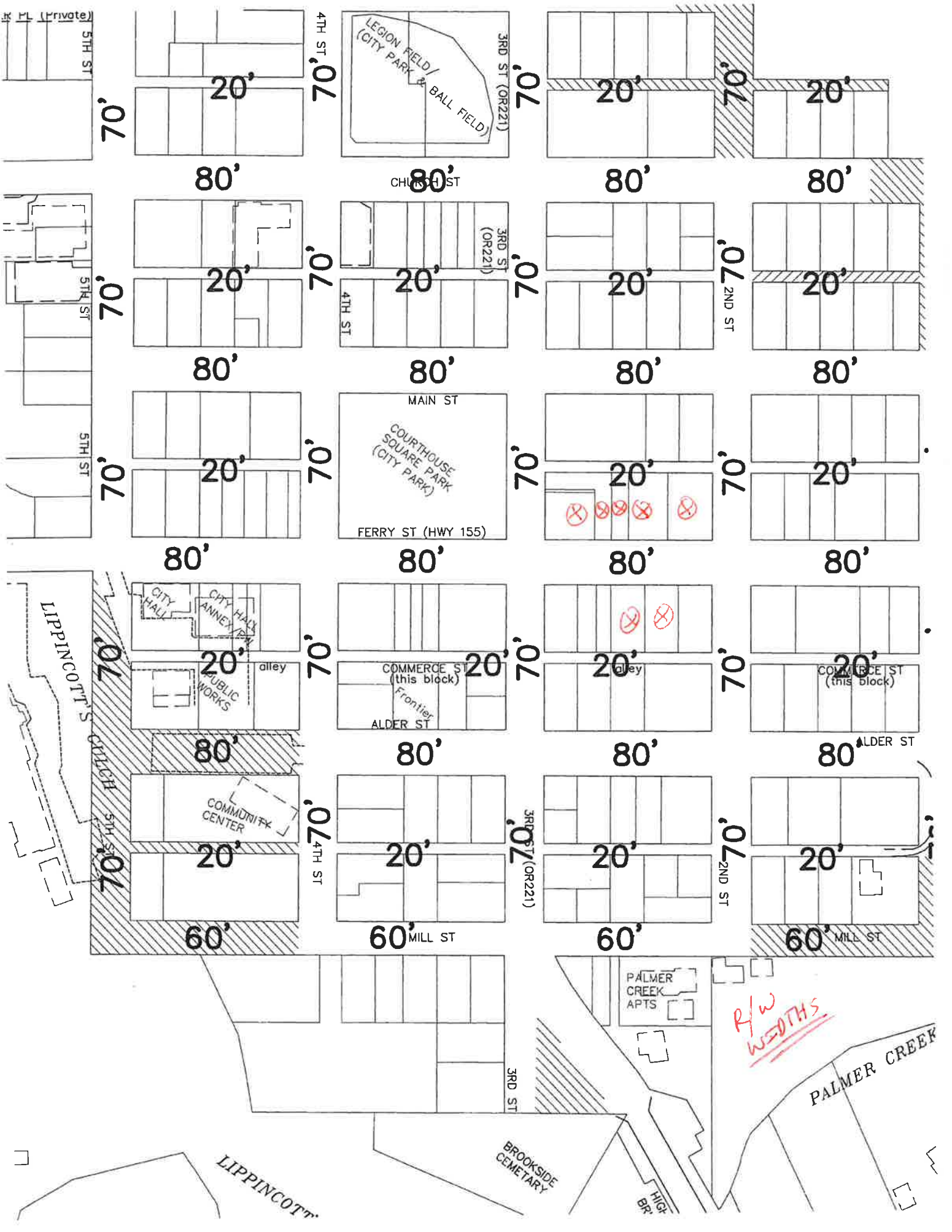
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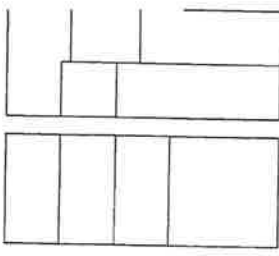
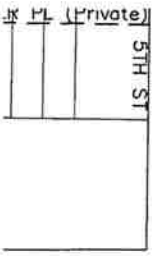
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LIPPINCOTT

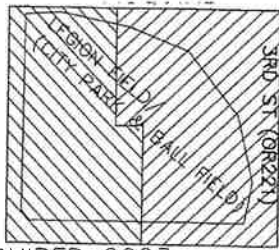
BROOKSIDE CEMETARY

HIGH BR



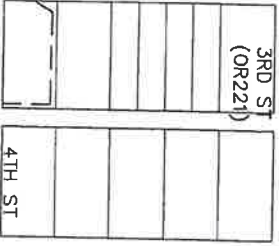
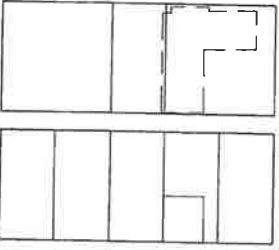
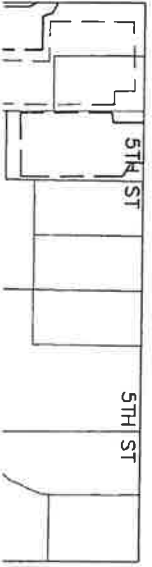
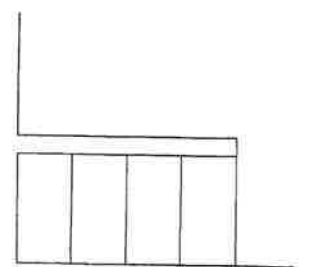
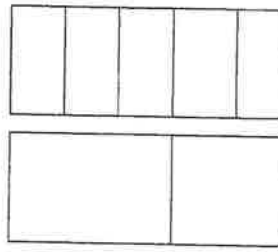


4TH ST



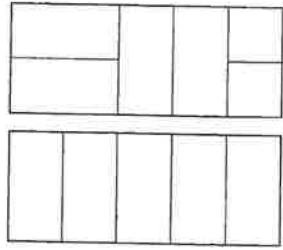
ACQUIRED 2023

CHURCH ST

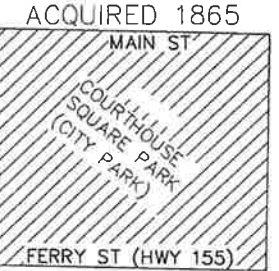
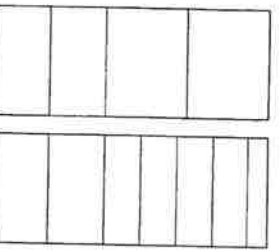
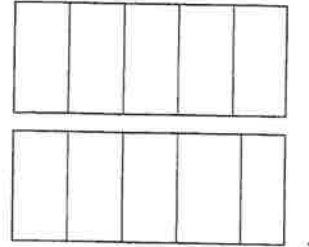


3RD ST (OR221)

4TH ST



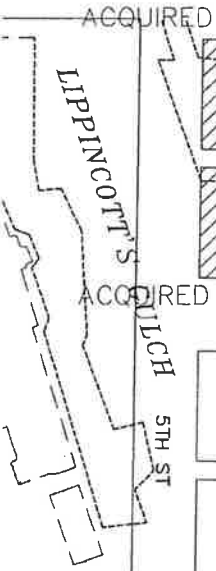
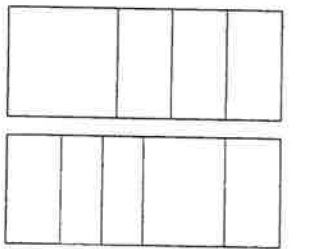
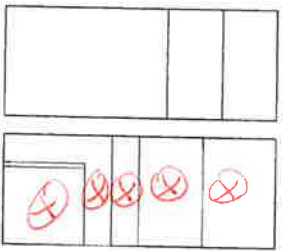
2ND ST



ACQUIRED 1865

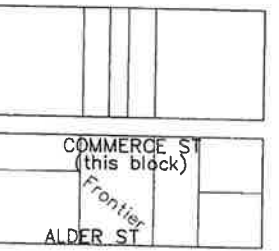
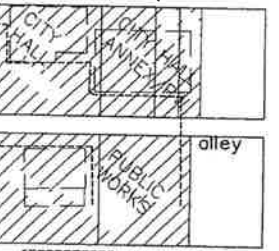
MAIN ST

FERRY ST (HWY 155)



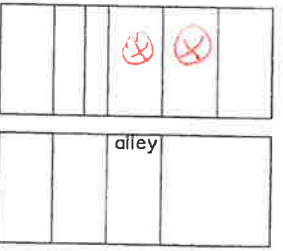
ACQUIRED

ACQUIRED 1976

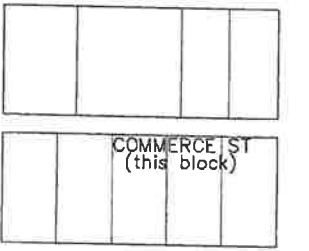


COMMERCE ST (this block)

ALDER ST

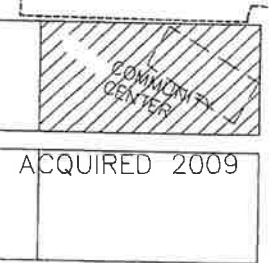


alley

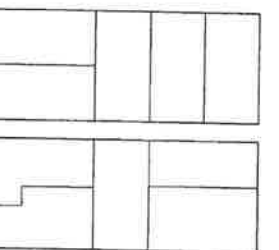


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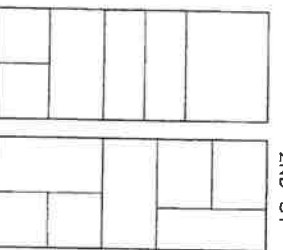
ALDER ST



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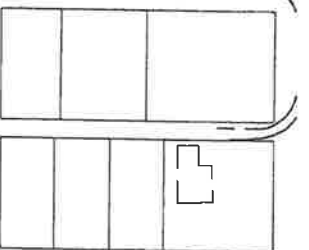


4TH ST



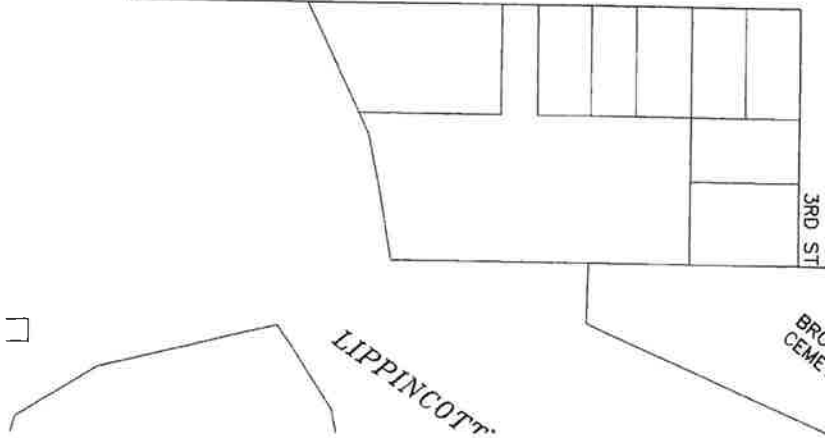
3RD ST (OR221)

2ND ST



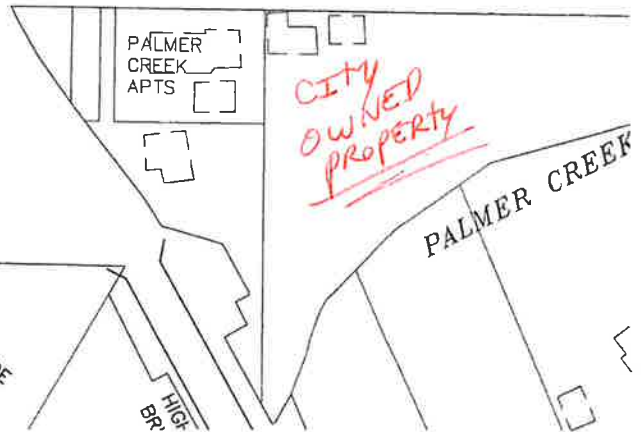
MILL ST

MILL ST



LIPPINCOTT'S

BROOKSIDE CEMETARY



PALMER CREEK APTS

CITY OWNED PROPERTY

PALMER CREEK

HIGH BR.



# EXHIBIT D

## ORDINANCE #555 CITY OF DAYTON, OREGON

**Title:** *An Ordinance Amending the Dayton Zoning Map*

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

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

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

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

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

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

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

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

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

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

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

**Mode of Enactment:**

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

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

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

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

**Final Vote:**

**In favor** COLEMAN, HAVERKATE, JONES, MCBRIDE

**Opposed** NONE

**Absent** BRONS, RING

**Abstained** WINDISH

  
Georgia M Windish, Mayor

November 3, 2003  
**Date of Signing**

**Attested by:**

  
Sue C. Hollis  
City Administrator/Recorder

November 3, 2003  
**Date of Enactment**

Attachment

WKS4\ORDINANCES\ORD.554

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

R4317AD

400  
500  
600  
800  
900  
1000

R4317DD

800  
900  
1000  
1300  
1390  
1500  
1600

R4317DA

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

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

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

**I. NATURE OF THE APPLICATION**

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

**II. GENERAL INFORMATION**

**A. Location and Site Description**

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

**B. Background Information**

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

**III. PUBLIC HEARING**

**A. Planning Commission Action**

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

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

**B. City Council Action**

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

## **EXHIBIT A**

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

### **V. FINDINGS OF FACT-GENERAL**

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

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

### **V. APPLICATION SUMMARY**

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

## EXHIBIT A

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

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

### VI. CRITERIA AND FINDINGS - ZONE CHANGE

- A. The action would change the zoning from Commercial to Commercial Residential for certain properties identified in Attachment "A." A zone change is subject to the provisions in Dayton Land Use and Development Code, Section 7.3.111. Subsection 7.311.03 establishes the specific decision criteria. These criteria and findings are noted as follows:
  - 1. Section 7.311.03.A - The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.

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

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

## EXHIBIT A

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

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

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

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

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

## EXHIBIT A

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

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

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

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

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

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

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

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

## VII. CONCLUSION

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

## VIII. ORDER

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

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

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