

CITY OF DAYTON

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STAFF REPORT – ADDENDUM – “IMMEDIATELY ADJACENT” PLANNING COMMISSION – OCTOBER 17, 2019

REPORT DATE: October 15, 2019

FILE NUMBER: LA 2019-01 (Legislative Amendment)

APPLICANT: City of Dayton

REQUEST: Amend the Dayton Development Code regarding Historic Resources.

I. PURPOSE

The purpose of this addendum to the staff report for the October 17, 2019 Planning Commission public hearing is to augment Section IV, Proposed Amendments – Mark-up Version, where the proposed amendments to the Dayton Land Use and Development Code show the proposed amendments to Section 7.2.404, Manufactured Homes on Individual Lots.

II. MAPS TO ILLUSTRATE “IMMEDIATELY ADJACENT”

Section 7.2.404 lists the standards a manufactured home (MH) must meet to be placed on a lot in a residential zone. Subsection 7.2.404, A – I are not proposed to be amended. The proposed amendment is to Subsection J, which currently allows a MH to be placed on a lot adjacent to a Designated Landmark property through the Conditional Use Permit (CUP) process, (a Type II action – Planning Commission hearing and decision).

The proposed amendment would not allow a MH on a residentially zoned property “immediately adjacent” (the term in ORS 197.314(2)) to a property with a Designated Landmark, and the amendments include proposed language at Subsection 7.2.404, J, 1 – 4, explaining which lot configurations are not included in the term “immediately adjacent.”

The reason to exempt some properties is explained in the original staff report pp. 25 – 27. Below are mapped examples of lot configurations where, under the proposed amended language, MH’s could locate on a lot even though it might touch the Designated Landmark property.

J. ~~A Conditional Use permit shall be required to place a manufactured home on an individual lot or parcel adjacent to a significant historical resource as identified in the Dayton Comprehensive Plan. The application shall be subject to the decision criteria~~

contained in Section 7.3.107 as well as the following factors: (Revised ORD 510—Effective 12/07/98) **Manufactured Homes.** *A manufactured home shall not be placed on a property in the R-1, R-2, R-3 or RC Zones where the property is immediately adjacent to a Designated Landmark in the Historical Property Overlay Zone, or of a property in an historic district. A manufactured home existing prior to the effective date of this 2019 amendment to Subsection J on a property in the R-1, R-2, R-3 or RC Zones can remain and can be replaced in the future for any reason.*

1. ~~Location—The dwelling shall be situated to maintain the greatest possible distance from the adjacent historical site or structure while maintaining compliance with the setback requirements.~~ ***Immediately adjacent does not include a property separated from the Designated Landmark property by a public right-of-way, including but not limited to an alley or a street.***

The following Figure 1 shows a hypothetical Designated Landmark property labeled “DL.” The proposed language intends to clarify that the properties to the north across the street and the properties to the south across the alley are not “immediately adjacent” and a manufactured home could be placed on them.

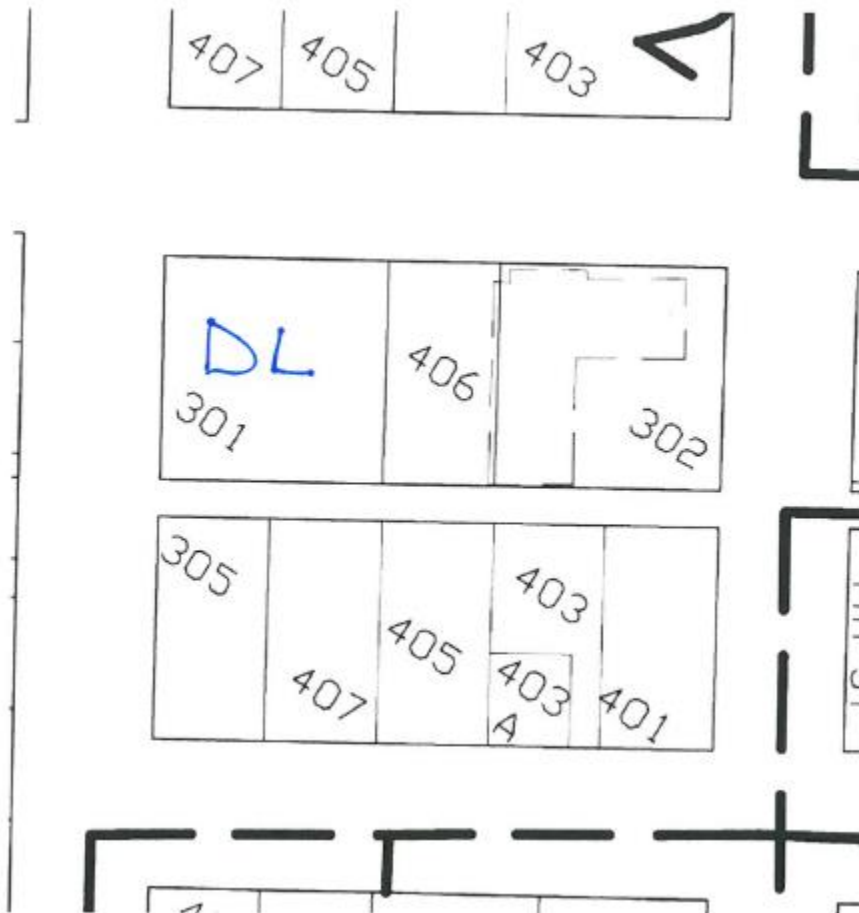


Figure 1.

2. ~~Orientation—If the primary entrance of the adjacent historical building faces a public street, the primary entrance to the manufactured home shall also face the same public street. This provision does not apply if either lot or parcel is a “corner lot” as defined by this Code. Dayton Land Use and Development Code—Revised 06/06/16 7.2.4.4~~ ***Immediately adjacent does not include a property whose only immediate adjacency is a property corner touching a property corner of the Designated Landmark property.***

The following Figure 2 shows a hypothetical Designated Landmark property labeled “DL.” The proposed language intends to clarify that the “DL” property and the property to the southwest labeled “531” where only the corners touch are not “immediately adjacent” and a manufactured home could be placed on the property labeled “531.”

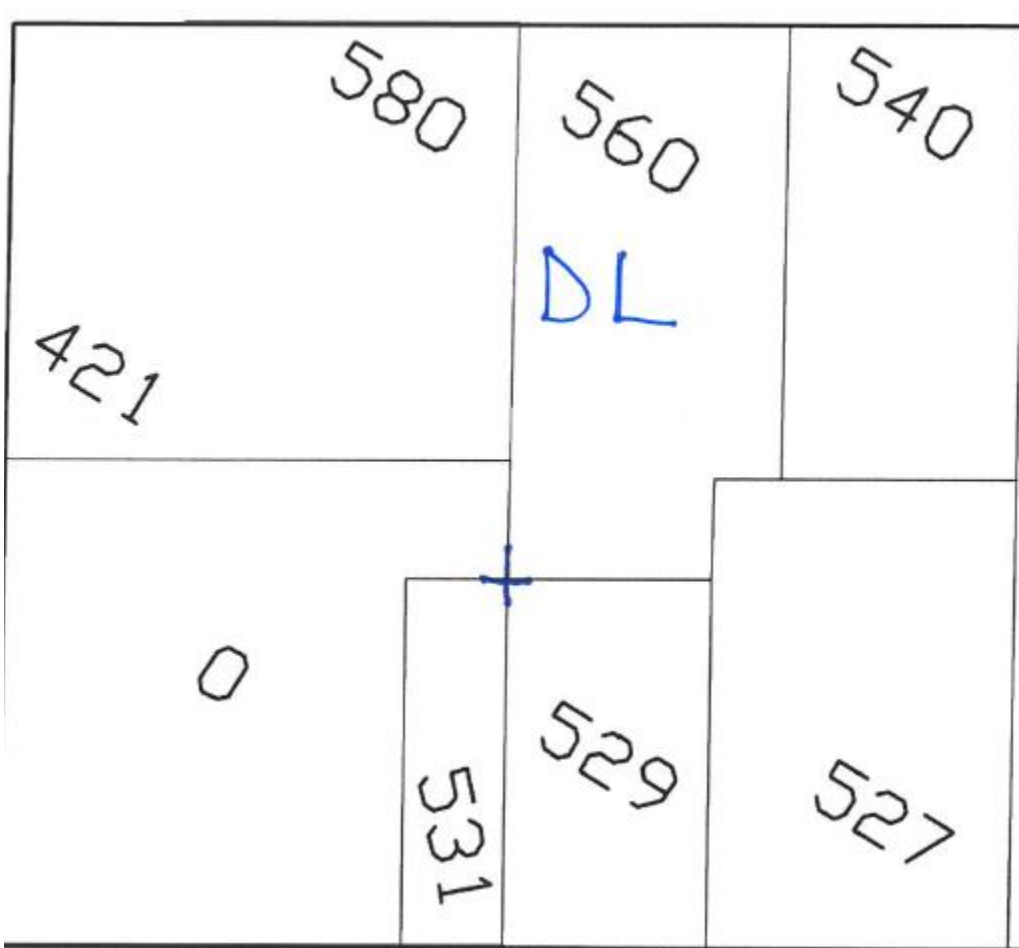


Figure 2.

3. ~~Screening—Screening and buffering shall be required. Screening may include fencing, berms, vegetation or any combination thereof. The screening shall be designed to maintain the visual integrity of the adjacent historic site or building. For example, a wooden fence may be required instead of a chain link fence.~~ ***Immediately adjacent does not include a property whose side or rear property***

line, or a portion thereof, touches a Designated Landmark property, but whose frontage is on a different street from the Designated Landmark property.

The following Figure 3 shows a hypothetical Designated Landmark property labeled "DL." The proposed language intends to clarify that the "DL" property and the property abutting to the south labeled "529," the property abutting to the west labeled "0" and the property abutting to the southeast labeled "527" where "529," "0" and "527" have frontage on a different street from the DL property are not "immediately adjacent" and a manufactured home could be placed on the properties labeled "531," "0" and "527."

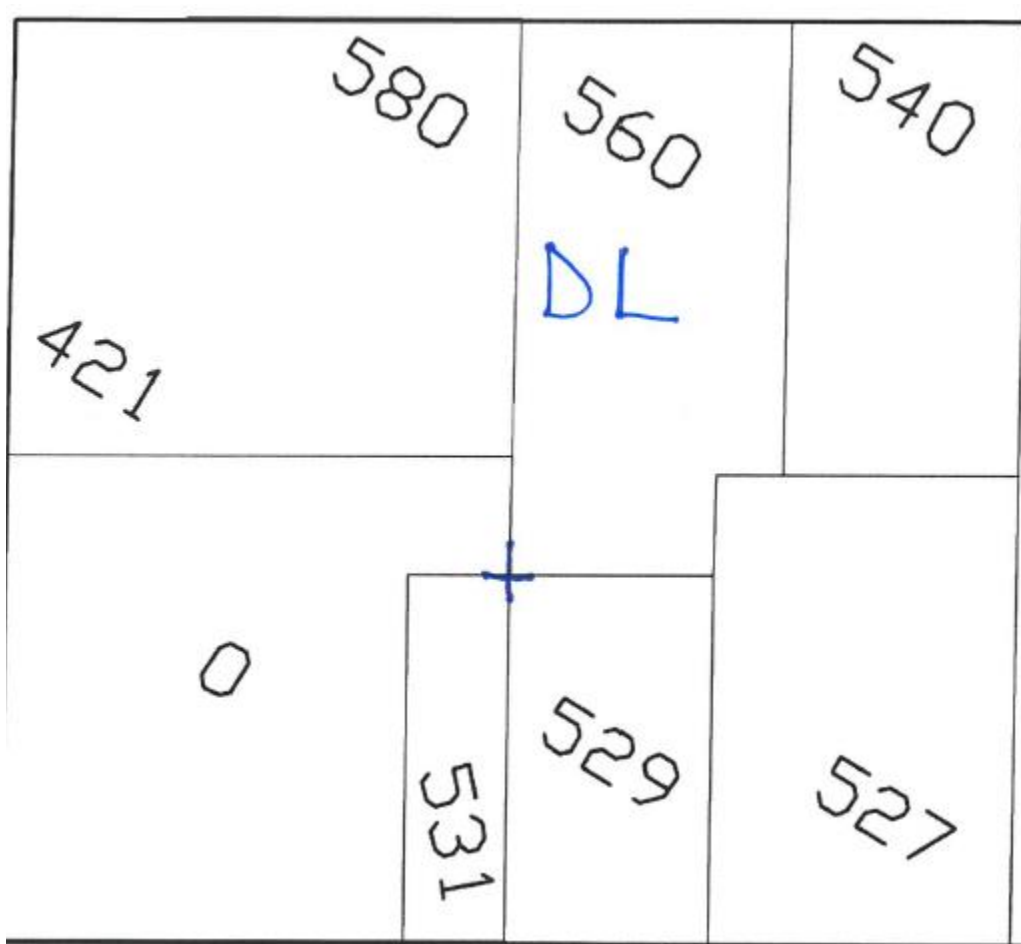


Figure 3.

4. ~~Intent~~ It is not the intent of this section to grant a conditional use permit in all circumstances, even if factors 1 to 3 above are successfully met. The Conditional Use shall be granted only under those circumstances which are unique to the subject property and will not impair or adversely impact the integrity of the adjacent historical site. The burden of proof shall be placed by the applicant to ensure these concerns are adequately addressed. ***Immediately adjacent does not include a property whose frontage is on the same street as a Designated Landmark property and whose side or rear property line, or a portion thereof,***

touches a Designated Landmark property, but is separated from the Designated Landmark property by another property.

The following Figure 4 shows a hypothetical Designated Landmark property labeled "DL." The proposed language intends to clarify that the "DL" property and the property to the west labeled "0" are not "immediately adjacent" because, even though they abut at the back ends of the properties, they are separated by the property labeled "531" along the street frontage and, therefore, are not "immediately adjacent" and a manufactured home could be placed on the property labeled "0" with the front facing south.

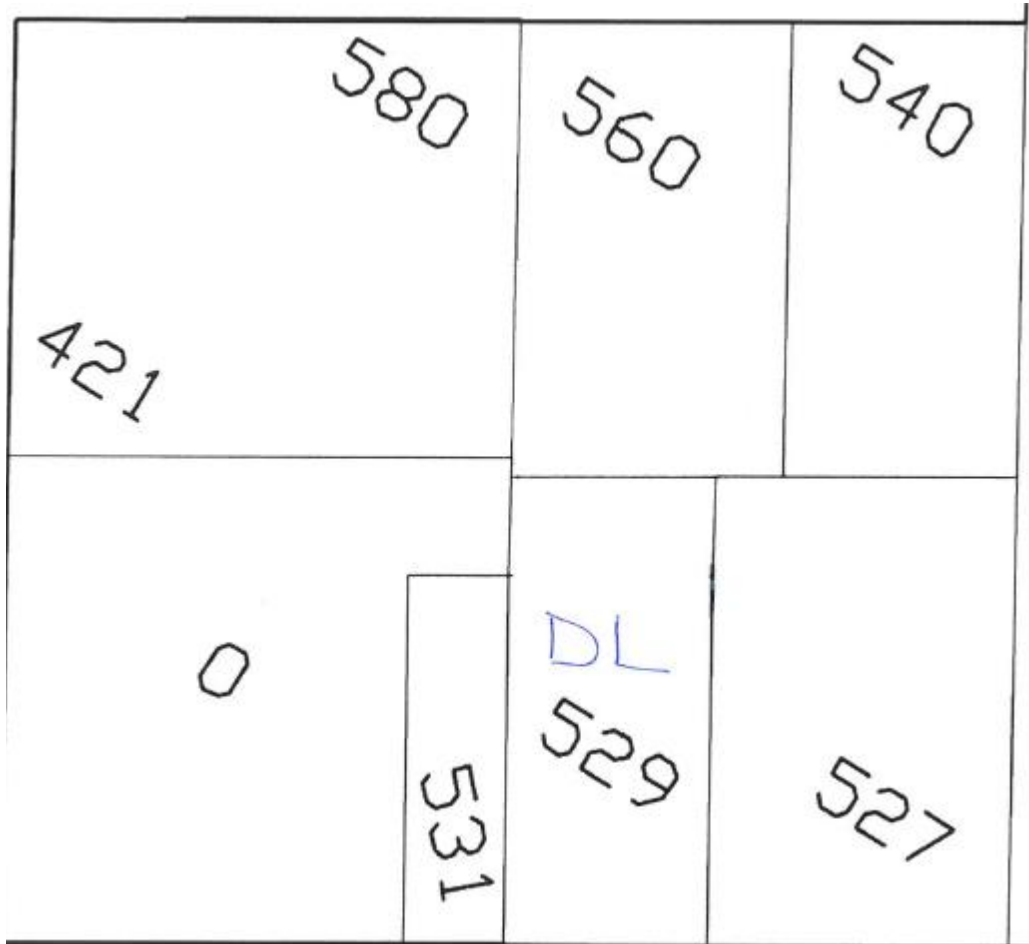


Figure 4.

III. STAFF RECOMMENDATION

Staff recommends the Planning Commission review the maps showing the intent of the proposed language in Subsections 7.2.404, J, 1 – 4.