



## Variations – Requirements

### General Information

The intent of the Variance procedure is to allow for variances to the Municipal Code for lands or uses while maintaining the City's standards of development. Development standards protect the public health, safety and welfare by establishing standards setbacks, maximum building heights and other development standards that apply to various uses.

### Applicability & Review Criteria

Variations can only be requested for permitted uses and only if exceptions and/or modifications are allowed within the proposed district. The proposed variance must meet the intent of the standard and cannot impact adjacent existing or planned uses and development. A minor variance may be proposed for development or modifications resulting in no more than a 10% change in quantifiable standards. Requests which result in a more than 10% change in a quantifiable standard require a major variance.

### Submittal Requirements

- One (1) copy of the Variance application form with signatures of all property owners. Original signatures for all property owners must be provided. This information must be reproduced so please print clearly using black or blue ink.
- One (1) copy of the deed for each tax lot involved
- One (1) copy of the title report for each tax lot involved
- Two (2) copies of a Preliminary Site Plan, that show all of the following:
  - Existing & proposed information directly related to the proposed variance
  - Existing & proposed structures on properties involved
  - Existing & proposed structure heights
  - Existing and proposed property lines and dimensions
  - Existing easements and/or Proposed easements
  - Existing & proposed permeable lot surface
  - Setbacks to existing and proposed property lines
  - Existing and Proposed areas of the property involved
  - The approximate location of existing streets and/or right-of-ways adjacent to the subject property
  - Existing improvements on the property
  - Map and Tax Lot numbers or tax account numbers for subject property
  - North arrow
  - Scale (the preferred scale is 1 inch equals 20 feet) on paper a minimum size of 11 x 17
- Name, address, phone numbers & email address for *all* project consultants
- Application Fee made payable to the City of Dayton

### Process

Minor Variations are reviewed in accordance with the Type I review procedure and Major Variations are reviewed in accordance with a Type II review procedure as specified in Section 7.3.2 of the Land Use and Development Code. Incomplete applications will not be reviewed until all the required information has been submitted, applicants will have 30 days to submit the incomplete information before the application becomes invalid.

### Completion

Once a Type I review application is deemed complete, City staff shall make a decision within 30 days of the completion date and notify the applicant. Type II review applications require a Planning Commission decision or recommendation, applicants are notified in writing for these types of land action or use requests.



# Application for Variance

Major       Minor

416 Ferry St - PO Box 339  
 Dayton OR 97114  
 Ph # (503) 864-2221  
 Fax # (503) 864-2956  
[www.ci.dayton.or.us](http://www.ci.dayton.or.us)  
[cityofdayton@ci.dayton.or.us](mailto:cityofdayton@ci.dayton.or.us)

**For City of Dayton use:**

Date Application Received:	Received By:	<b>File Number:</b>
Public Hearing Date:	Fee Amount:	Deposit Amount:
Application Completed Date:	Application Approval Date:	

**Applicant Information:**

Applicant Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Site Information:**

Site Address or Location: \_\_\_\_\_

Map & Tax Lot Number: \_\_\_\_\_ Zoning: \_\_\_\_\_

Is your site or building on the National Historic Registry?    No    Yes   In a Flood Zone?    Yes    No

**Owner Information:**

Property Owner(s): \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Summary of Request:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Section(s) of the Code which you are seeking a variance for? \_\_\_\_\_

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*I/We the above signed Property Owner(s), consent to the proposed development of our property as indicated on this application.*

**For Office Use**

Fee:	Deposit:	Amount Paid:	Date Paid:	Receipt #
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				
<input type="checkbox"/> Yamhill County Public Works <input type="checkbox"/> ODOT <input type="checkbox"/> Other				
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		





**Consultants (please list all that apply)**

Planning       Engineering       Surveyor       Other

Name: \_\_\_\_\_ Physical Address: \_\_\_\_\_  
Firm: \_\_\_\_\_ City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_ Cell Phone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Planning       Engineering       Surveyor       Other

Name: \_\_\_\_\_ Physical Address: \_\_\_\_\_  
Firm: \_\_\_\_\_ City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_ Cell Phone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Planning       Engineering       Surveyor       Other

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City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_ Cell Phone #: \_\_\_\_\_  
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Planning       Engineering       Surveyor       Other

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City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_ Cell Phone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Planning       Engineering       Surveyor       Other

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Mailing Address: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_ Cell Phone #: \_\_\_\_\_  
Email Address: \_\_\_\_\_

**TITLE 7: LAND USE AND DEVELOPMENT CODE - SECTION 7.3.1  
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES**

7.3.103 MINOR VARIANCES

- 7.3.103.01     **Purpose.** The development standards in this Development Code protect the public health, safety and welfare by establishing standard setbacks, maximum building heights and other development standards that apply to various uses. For lands or uses with unique characteristics the intent and purpose of the development standards may be maintained while allowing for a variance to quantifiable requirements. A minor variance may be approved for those requests resulting in no more than a 10% change in a quantifiable standard.
- 7.3.103.02     **Review and Approval Process.** Minor Variance applications shall be reviewed in accordance with the Type I review procedures specified in Section 7.3.2.
- 7.3.103.03     **Application and Fee.** An application for a variance shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section. Notice shall be subject to the provisions in Section 7.3.204.
- 7.3.103.04     **Applicability.** Under the following provisions, a property owner or his designate may propose a modification or variance from a standard or requirement of this Code, except when one or more of the following apply:
- A.     The proposed variance would allow a use which is not permitted in the district;
  - B.     Another procedure and/or criteria is specified in the Code for modifying or waiving the particular requirement or standard;
  - C.     Modification of the requirement or standard is prohibited within the district; or,
  - D.     An exception from the requirement or standard is not allowed in the district.
- 7.3.103.05     **Criteria and Procedure.** Staff may grant a minor variance in accordance with the Type I review procedures. Approval of a minor variance shall require compliance with the following:
- A.     The intent and purpose behind the specific provision being varied is either clearly inapplicable under the circumstances; OR, the particular proposed development otherwise clearly satisfies the intent and purpose of the provision being varied.
  - B.     The proposed development will not unreasonably impact adjacent existing or planned uses and development.
  - C.     The minor variance does not expand or reduce a quantifiable standard by more than 10 percent and is the minimum necessary to achieve the purpose of the minor variance.
  - D.     There has not been a previous land use action prohibiting an application for a minor variance.

**TITLE 7: LAND USE AND DEVELOPMENT CODE**  
**SECTION 7.3.2 - ADMINISTRATIVE PROCEDURES**

7.3.202 PROCEDURES

7.3.202.01 Procedure for Type I Review

- A. Upon receipt of an application for a Type I land use action, the City staff shall review the application for completeness.
  - 1. Incomplete applications shall not be reviewed until all required information has been submitted by the applicant.
  - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary.
- B. The application shall be deemed complete for the purposes of issuing a staff report and related timing provisions either:
  - 1. Upon receipt of the additional information to complete the application; or
  - 2. If the applicant refuses to submit the information the application shall be deemed complete for review purposes on the 31st day after the original submittal.
- C. Referrals may be sent to affected agencies such as City departments, police and fire departments, school district, utility companies, and applicable state agencies at the Manager's option. When a land use development has either direct access or creates an additional 20% average daily traffic on a county road or state highway, then a referral shall be sent to the Yamhill County Public Works Department or ODOT, as appropriate.
- D. Within thirty (30) days of receipt of a complete application, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Code.
- E. Approvals of a Type I action may be granted subject to conditions and performance agreement requirements.
- F. Notice of the decision shall comply with the provisions in Section 7.3.204.
- G. A Type I land use decision may be appealed to the Planning Commission, by either the applicant or persons receiving notice of the decision. The appeal shall be filed within 15 days from the date of the final decision, pursuant to the provisions of Section 7.3.207.

7.3.204 Public Notice Requirement. Type I Action. Consistent with State statutes, written notice of a Type I decision shall be mailed to the applicant and all property owners, including county and state agencies responsible for road and highways, within 100 feet of the subject property. .

7.3.207 Appeal Provision: Appeal Period. The decision of the City Manager shall be final for a Type I land use decision unless a notice of appeal from an appropriate aggrieved party is received by the City within 15 days of the date the final written notice is mailed. An appeal stays the proceedings in the matter appealed until the determination of the appeal.

**TITLE 7: LAND USE AND DEVELOPMENT CODE**  
**SECTION 7.3.2 - ADMINISTRATIVE PROCEDURES**

7.3.202 PROCEDURES

7.3.202.01 Procedure for Type I Review

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  - 1. Incomplete applications shall not be reviewed until all required information has been submitted by the applicant.
  - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary.
- B. The application shall be deemed complete for the purposes of issuing a staff report and related timing provisions either:
  - 1. Upon receipt of the additional information to complete the application; or
  - 2. If the applicant refuses to submit the information the application shall be deemed complete for review purposes on the 31st day after the original submittal.
- C. Referrals may be sent to affected agencies such as City departments, police and fire departments, school district, utility companies, and applicable state agencies at the Manager's option. When a land use development has either direct access or creates an additional 20% average daily traffic on a county road or state highway, then a referral shall be sent to the Yamhill County Public Works Department or ODOT, as appropriate.
- D. Within thirty (30) days of receipt of a complete application, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Code.
- E. Approvals of a Type I action may be granted subject to conditions and performance agreement requirements.
- F. Notice of the decision shall comply with the provisions in Section 7.3.204.
- G. A Type I land use decision may be appealed to the Planning Commission, by either the applicant or persons receiving notice of the decision. The appeal shall be filed within 15 days from the date of the final decision, pursuant to the provisions of Section 7.3.207.

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**TITLE 7: LAND USE AND DEVELOPMENT CODE - SECTION 7.3.1  
APPLICATION REQUIREMENTS AND REVIEW PROCEDURES**

7.3.108 MAJOR VARIANCES

7.3.108.01 Purpose

The development standards in this Development Code protect the public health, safety and welfare by establishing standard setbacks, maximum building heights and other development standards that apply to various uses. For lands or uses with unique characteristics the intent and purpose of the development standards may be maintained while allowing for a variance to quantifiable requirements. Those requests which result in a more than 10% change in a quantifiable standard require a major variance.

7.3.108.02 Review and Approval Process

Major Variance applications shall be reviewed in accordance with the Type II review procedures specified in Section 7.3.201.

7.3.108.03 Application and Fee

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

7.3.108.04 Applicability

Under the following provisions, a property owner or his designate may propose a modification or variance from a standard or requirement of this Code, except when one or more of the following apply:

- A. The proposed variance would allow a use which is not permitted in the district.
- B. Another procedure and/or criteria is specified in the Code for modifying or waiving the particular requirement or standard.
- C. Modification of the requirement or standard is prohibited within the district.
- D. An exception from the requirement or standard is not allowed in the district.

7.3.108.05 Criteria and Procedure

The Planning Commission may grant a major variance from a requirement or standard of this Code after a public hearing conducted in accordance with the Type II review procedures provided that the applicant provides evidence that all the following circumstances substantially exist:

- A. There are unnecessary, unreasonable hardships or practical difficulties which can be relieved only by modifying the requirements of the Code, and is the minimum relief to relieve the hardship. Adverse economic impact shall not be considered an unreasonable hardship or practical difficulty.
- B. There are exceptional or extraordinary circumstances or conditions applying to the land, buildings, or use referred to in the application, which circumstances or conditions do not apply generally to the land, buildings, or uses in the same zone; however, non-conforming land, uses, or structures in the vicinity shall not in themselves constitute such circumstances or conditions.
- C. That granting the application will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises.
- D. That such variance is necessary for the preservation and enjoyment of the substantial property rights of petitioner.
- E. That the granting of the application will not, under the circumstances of the particular case, adversely affect the health or safety of persons working or residing in the neighborhood of the property of the applicant.
- F. The degree of variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone.
- G. The variance request is not the result of a deliberate action or knowing violation on the part of the applicant.

**TITLE 7: LAND USE AND DEVELOPMENT CODE**  
**SECTION 7.3.2 - ADMINISTRATIVE PROCEDURES**

7.3.202 PROCEDURES

7.3.202.02 Procedures for Type II and Type III Actions

- A. Upon receipt of an application for Type II or Type III land use action, the City staff shall review the application for completeness.
  - 1. Incomplete applications shall not be scheduled for Type II or Type III review until all required information has been submitted by the applicant.
  - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary.
- B. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either:
  - 1. Upon receipt of the additional information to complete the application; or,
  - 2. If the applicant refuses to submit the information, the application shall be deemed complete for scheduling purposes only on the 31st day after the original submittal.
- C. Referrals will be sent to affected agencies such as City departments, police and fire departments, school district, utility companies, and applicable state agencies. When a land use development has either direct access or creates an additional 20% average daily traffic on a county road or state highway, then a referral shall be sent to the Yamhill County Public Works Department or ODOT, as appropriate.
- D. The Public Hearing shall be scheduled and notice shall be mailed to the applicant and adjacent property owners. Notice requirements shall comply with Section 7.3.204.
- E. Staff shall prepare and have available within 7 days of the scheduled hearing a written recommendation concerning the proposed action. This report shall be mailed to the applicant and available at City Hall for all interested parties.
- F. The public hearing before the Planning Commission shall comply with the provisions in Section 7.3.205.
- G. Approvals of any Type II or Type III action may be granted subject to conditions and performance agreement requirements.
- H. The applicant shall be notified, in writing, of the Planning Commission's decision or recommendation. In addition, notice of the Commission's decision or recommendation shall be mailed to individuals who request such notice at the public hearing, or, by those individuals who submitted a written request for notice prior to the public hearing.
- I. A Type II land use decision may be appealed to the City Council by either the applicant, persons receiving notice of the decision or the Manager. The appeal shall be filed within 15 days from the date of the decision, pursuant to the provisions of Section 7.3.207. Type III land use applications are automatically reviewed by the City Council.

**TITLE 7: LAND USE AND DEVELOPMENT CODE**  
**SECTION 7.3.2 - ADMINISTRATIVE PROCEDURES**

7.3.202 PROCEDURES

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- B. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either:
  - 1. Upon receipt of the additional information to complete the application; or,
  - 2. If the applicant refuses to submit the information, the application shall be deemed complete for scheduling purposes only on the 31st day after the original submittal.
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**SECTION 2: LAND USE AND PLANNING**

**City of Dayton Land Use and Planning Fees**

*Resolution: 2016/17-01*

*Effective: September 6, 2016*

*Adopted: September 6, 2016*

TYPE OF LAND USE ACTION	APPLICATION FEE
Annexation	\$1500
Appeal from Planning Commission Decision	\$250
Appeal from Administrative Decision	\$250
Boundary/Lot Line Adjustment	\$300
Comprehensive Plan Amendment	\$1,500
Comprehensive Plan or Zoning Ordinance Text Amendment	\$1,500
Conditional Use Permit	\$1,850
Development Agreements	\$700
Historic Landmark Clearance / Building Alteration	\$100
Historic Landmark Notice of Delay	No Fee
Manufactured Home Park	\$4,300
Multiple Applications	100% of most expensive + 50% of all others
Nonconforming Use	\$450
Partition - Major	\$1,300
Partitions - Minor (Administrative)	\$1,250
Planned Development	\$4,000
Planned Development Amendment	\$300
Pre-Application Meeting	No Fee
Reimbursement District	\$1,000
Restricted Development Review	\$500
Sign Permit - Exterior	\$100
Similar or Temporary Use Permit	\$450
Site Plan/Design Review	\$1,200
Subdivision	\$4,000 +\$20 per/lot
Time Extensions	50% of original application cost
Transcripts	Actual costs of time to prepare
Urban Growth Boundary Amendment	\$2,100
Variance - Major	\$700
Variance - Minor (Administrative)	\$350
Zone Change	\$2,000

**Note:** The above fees and deposits are an estimate of the costs to process land use applications. Applicants will be responsible to pay the actual costs associated with processing their application, including but not limited to, time for initial review by staff, costs of required public notices, City Planner review, Engineering and Public Works review and/or inspection and legal services.