

CITY OF DUNDEE

Meeting: Planning Commission Meeting

Location: City Council Meeting Chambers
620 S.W. 5th Street
Dundee, Oregon 97115

Date: January 19, 2011

Time: 7:00 p.m.

I. Meeting called to order.

Chairman Fiedler called the meeting to order. Commissioners present, which consisted of quorum, were Fiedler, Manning, Wymore, Hinson, Reddell, Mock, and Lietz. Also present were City Administrator Rob Daykin, City Planner Luke Pelz, and Consultant Scot Siegel with Siegel Planning. Citizen Janis Sander was also in attendance.

II. Election of 2011 Chairman and Vice-Chairman

Chairman Fiedler was nominated to continue as Chairman. The nomination was seconded, and approved unanimously. Commissioner Hinson was nominated to continue as Vice-Chairman. The nomination was seconded, and approved unanimously.

III. Approval of Minutes from Previous Meeting(s)

December 15, 2010

It was moved and seconded to approve the minutes. Motion carries unanimously.

IV. Public Comment.

None.

V. Code Audit Update

Mr. Siegel of Siegel Planning Services gave a presentation on the Development Code Audit. He passed out copies of the PowerPoint presentation as an aid. Questions and discussion points raised by the Commission included the following:

1. Whether there was a standard template for a Development Code developed by the State. It was noted that yes, there were model Codes and examples but no mandated format. The proposed layout for Dundee was modeled after the State format.
 2. Whether the Commission was to act this evening on the recommendations given by Siegel Planning (whether a motion was going to be needed). CA Daykin responded that Staff was hoping for recommendations from the Commission, which would be given to the City Council for approval to move forward with phase two.
 3. Codification of the Development Code online and integration into the Municipal Code.
 4. Further detail on how the Development Code was to be laid out in print format.
 5. Whether some of the State Law recommendations were something that could be changed during the second phase. Mr. Siegel stated that it would be possible if the areas of change were classified as minor issues. It was questioned whether the Commission would need to provide a recommendation to City Council about which issues they considered major or minor. CA Daykin
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responded that the major/minor decisions would be made later, after City Council had given consent to move ahead with the Code Audit process.

6. Whether the City should consider form based zoning or performance zoning; also, how these types of zoning would work with mixed-use zoning and whether they would be more or less beneficial.
7. How identified conflicts would be handled during the next phase of the audit; and how they would be dealt with during the update process.

There was discussion regarding the Commission's upcoming work schedule and the hopes for what items of the audit could be accomplished in the time-frame presented. It was requested to put the items requiring heavily detailed work off so that the minor issues, such as reformatting and typographical errors, could be handled quickly and the work completed sooner rather than later. There was general agreement. CA Dakin also noted that a future date was to be set for review of the online features of the code codification features and requested that anyone interested in attending and reviewing leave their name and he would send invitations.

It was noted that the suggestion to put the Terms and Definitions in one location was great. It would solve a lot of frustration.

The Planning Commission gave consensus that they were ready to move forward with the Audit Process.

VI. Public Hearing

City of Dundee, Exterior Lighting Standards, NLUR 10-15

1. Objections to Notice

Chairman Fiedler began by reading the statement of interest into record. He then questioned whether there were objections to notice. No objections were heard.

2. Objections to Jurisdiction

There were no objections to jurisdiction.

3. Declarations of Ex-Parte, Bias, or Conflict of Interest

There were no declarations.

4. Staff Report

Planner Pelz read the Staff Report into record.

5. Floor Opened to Proponent Testimony

Chairman Fiedler opened the Public Hearing.

Ms. Sander stated that she was simply in attendance to observe and get educated about the proposed standards as they pertain to her property. CA Daykin noted that Ms. Sander had a mercury vapor light on her property, which was not in compliance with the existing regulations. However, the proposed regulations accepted pre-existing lighting unless the fixture was changed and then all lighting would need to become compliant.

There were no further comments, so the hearing was closed and Planning Commission moved to deliberation.

6. Deliberation

There was discussion regarding the date listed under 2.112.03. It was noted that the existing standards had been adopted in 2006, so a number of fixtures had been installed in compliance. It was also noted the date was simply a placeholder and would be revised upon adoption.

There was a question regarding the exemption of Street Lights and whether it should be rewritten to state "under the Public Work Design Standards" or "owned by public agencies or in the public right-of-way". It was pointed out that Street Lights were not defined in the revised standards.

It was questioned whether the regulations complied with the newly adopted Sign regulations for lighting. The Sign Code was consulted and it was decided that there were separate regulations in the Sign Code. There was discussion about how the two sections would mesh together. Commissioner Mock talked about proposing language to make the Sign Code the riding factor by inserting language referring back to the Sign Code, such as "G. Sign Lighting. Except as stated in (sign code reference)...."

There was comment that the lumen/light language needed to be consistent and changes were recommended.

There was discussion regarding decorative lighting and how it was defined. There were some questions regarding the number of lumens allowed without shielding (450) and how much watt output that represented. There were also comments about how the provision could be rewritten. It was requested to rearrange the numbering.

There was some discussion regarding the Light Trespass provision and whether a 0.5 footcandle was reasonable, as well as whether the regulation was necessary. Planner Pelz requested that Commission also consider if their feelings were the same if the viewpoint changed from Commercial property next to a Residential property (instead of Residential next to Residential). The request was noted and conversation continued. There was a request for examples of other cities that used the same footcandle standard. There was a suggestion to change the standards so that the standard specifically applied to Commercial adjacent to Residential or Industrial adjacent to Residential.

Commissioner Mock noted that if the standard changed as suggested above, Commercial/Industrial would be stricter than Residential. He questioned the fairness of that proposal. Ideas for how to address the light trespass on neighbor to neighbor property were talked about. It was commented that it might be better to take the provision out of the Code. Planner Pelz suggested that the Planning Commission recommend that City Council address light trespass as part of the nuisance ordinance. Commissioner Mock noted that the State of Oregon already had provisions in place for handling light trespass.

This discussion continued and it was suggested to change the language to "The luminance may not create a private nuisance in a residential zone."

It was moved to accept the recommendation of the Staff with the following changes:

1. That the Order be dated 2011 instead of 2010.
2. That in section 2.112.03(A)(1) the effective date written be changed to read "...prior to the effective date of this ordinance".
3. That a definition be added for street lights.
4. That the Light Trespass provision be rewritten as follows -- "Light Trespass. The luminance of any light shall not create a private nuisance in a residential zone."
5. Under 2.112.03(E). Unshielded Lighting. In the first sentence, the word "lights" should be changed to "luminaires".
6. That 2.112.03(E) be re-numbered as follows: #1. Decorative Lights, #2. Holiday Period Lighting, #3. Motion Activated Lighting, #4. Luminaries; with the following text amendment under "#4 Luminaries to read: "Luminaries, except sign lighting, with light output less than 450 lumens."
7. That the text under 2.112.03(G) be changed to read, "Sign Lighting. Except otherwise provided in sections 2.206.01 to 2.206.07 of the Dundee Development Code (the sign code), all permanent signs may be..."

Motion was seconded. Motion carries, unanimously.

It was noted that the changes would be made and the official Order would be printed for signature.

VII. Planning Issues from Commission Members.

The date of the next Riverside Master Plan hearing was requested. CA Daykin responded it would be at 4:00pm on Tuesday, February 1, 2011.

VIII. Adjournment

It was moved and seconded to adjourn the meeting. Motion carries unanimously.



Gerald Fiedler, Chairman

ATTEST:



Melody Osborne, Planning Secretary