

# CITY OF DUNDEE

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**Meeting:** Planning Commission Meeting  
**Location:** City Council Meeting Chambers  
620 S.W. 5<sup>th</sup> Street  
Dundee, Oregon 97115  
**Date:** March 18, 2015  
**Time:** 7:00 p.m.

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## **I. Meeting called to order.**

The meeting was called to order. Commissioners present, which consisted of quorum, were Chairman Gerald Fiedler, Commissioner Isaiah Cox, Commissioner Francisco Soller, Commissioner Gary Rodney, Commissioner Danny Sikkens, and Commissioner David Hinson. Also in attendance were City Administrator Rob Daykin, City Planner Jessica Pelz, and applicant Allen Methven. Audience member Brent Russell arrived later.

## **II. Election of 2015 Chairman and Vice Chairman**

Chairman Fiedler was nominated and re-elected as Chairman. Vice-Chairman Kropf was nominated and re-elected Vice Chairman. Both votes were unanimous.

## **III. Approval of Minutes from Previous Meeting(s)**

It was moved and seconded to approve the minutes of January 21, 2015. Motion carries, unanimous.

## **IV. Public Comment**

There was no public comment.

## **V. Public Hearings**

### **A. Methven, SP 15-13: Appeal of Sign Decision**

#### **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 gave the staff report.

## 5. Proponents

Dr. Methven spoke and gave some history of his property. He stated that he was previously given verbal permission to have an additional sign on his property, however the rules had changed and he was now being told he could not have signage. He explained his current site design application and the need to have a sign on the highway. He compared a few existing less-than-aesthetic buildings on the highway to what would be a fairly nice sign; commenting that there was inconsistency in standards.

It was questioned whether he could have a sign in the back of his property. Planner Pelz explained that there was only an allowance for one free-standing sign. There was a question about the existing sign and whether the intent was to take it down. Dr. Methven explained that the existing sign belonged to his partner and he could not take it down.

The Commission asked whether there might be anything in previous minutes that would have commentary about a sign; Dr. Methven stated that it was not brought up with his previous applications.

Public Testimony Closed.

## 6. Deliberation

There was a question about whether there could be legal ramifications with a verbal okay. CA Daykin stated that the City was unable to substantiate any of the claims, but also that the sign code had been in effect since at least 1995, prior to being revamped twice, the final time in 2013.

There was a question about whether the existing sign could be expanded, or a way to come to a win/win conclusion. CA Daykin stated that the issue before the Commission was to hear the appeal and that the Commission's job that evening was to either uphold the City Planner's decision or decide that an error was made in the interpretation and overturn it.

Dr. Methven stated that he believed he was at the meeting to ask for a variance, not appeal the decision. He was hoping that the Commission would be able to allow a deviation to the current code. Planner Pelz stated that if he wanted to withdraw his appeal application and reapply for a variance he could do that. She then read the variance criteria into record.

There was discussion about the criteria that needed to be met; it was also noted that the application for a variance was a Type III process, which requires notice and a hearing before the Commission.

There was conversation about when the sign code might come back to the Commission, and whether it would be better for Dr. Methven to wait to until after the Code rewrite or proceed with a variance request now.

A short debate took place over whether a decision should be made on the appeal or whether Dr. Methven should be able to withdraw his appeal application. It was concluded that a decision should be rendered.

It was moved and seconded to accept the staff recommendation to deny the appeal. The motion passed unanimously.

## **B. City of Dundee LURA 15-07, Amendment to the Dundee Development Code to Add Regulations for Marijuana Dispensaries**

### **1. Declarations of Ex-Parte, Bias, or Conflict of Interest; or, Objections to Jurisdiction**

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

## **2. Staff Report**

Planner Pelz gave the staff report.

There was a question about whether Council discussed drive-through windows and odors contained on premise. It was noted that other cities had made regulations with regard to these items. Planner Pelz responded that they had no since most issues were addressed by the State.

Planner Pelz concluded with the recommendation

## **3. Proponents**

Brent Russell stated that he was looking at opening a dispensary in Dundee and was present to listen to the Commissioners' thoughts. He also stated that he was working to change the stigma of the business.

Public Testimony closed.

## **4. Questions of Staff**

CA Daykin gave some background on why limiting hours was being proposed. He stated that the proposition was based on the fact that the business is cash based and carried a product with a certain draw. The thought was to limit operation hours to correspond to times with a greater police presence.

There were questions about whether the state regulations needed to be relisted in the development code. Clarification was requested regarding whether the facilities were "cash only". A short discussion regarding the zones that would allow the use took place; as well as a discussion on whether Dundee should also enact additional rules now for the pending legal sale for recreational use; and, a conversation regarding odor emitted.

## **5. Deliberation**

Statement that it would make sense to keep the restricted hours close to or the same as neighboring cities. Discussion about whether there was a necessity to have the additional buffer for parks, given the already existing physical obstacles buffering parks from businesses zoned for the use.

It was moved and seconded to use the State of Oregon regulations. The motion was seconded.

Planner Pelz suggested that the Commission make an amendment to the Order because in this way elements of the proposed language (definition, zoning regulations) would be added to the development code. She also offered some suggestions on crafting a recommendation to Council.

It was moved and seconded to amend the Order to recommend including "Marijuana Dispensary" to Table 17.202.020 minus the special use requirement; and, to add "Marijuana Dispensary" and "Career School" to 17.501.020- Definitions. The motion was called to vote: Aye 4; Nay 1 (Cox); Abstentions 1 (Rodney). A point of order was given and noted that abstentions count with the majority vote.

It was moved to amend the Findings to strike out the second sentence and the last fragment of the last sentence. Motion was seconded and called into vote. Motion passes Aye 4; Nay 2 (Rodney, Cox)

Public Hearing closed.

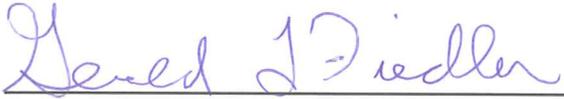
## **V. Planning Issues from Commission Members.**

CA Daykin questioned the Commission about whether they would like to have an iPad to use for packet delivery and research. There was also discussion about using Dropbox as a means of electronic delivery and storage.

There was conversation about the TSP public hearing and the summer highway (re)construction. Planner Pelz stated that the temporary planner from the COG would be at the April Commission Meeting.

## VI. Adjournment

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



Gerald Fiedler, Chairman

ATTEST:



Melody Osborne, Planning Secretary