

CITY OF DUNDEE

Meeting: Planning Commission Meeting

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

Date: February 16, 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, Mock, and Lietz. Also present were City Administrator Rob Daykin and City Planner Luke Pelz. Audience members included Bob O'Neal, Peter Steadman, K'Lyn Hann Bart Rierson, Mary Dorman, Bill Ciz, Janine Saxton, Jessica Cain, D. Kennedy, R. Buginell, Shelley Holly, Lori Anderson, Janice Barnhurst, Councilor Doug Pugsley, Allyn Edwards, Jim Morrison, Kay and Tom Edwards, Andrew Aylor, Mayor Ted Crawford, Jim McMaster, Denise Bacon, and Jessica Nunley.

Commissioner Hinson was absent due to an illness. Commissioner Reddell was appointed to City Council and resigned.

II. Approval of Minutes from Previous Meeting(s)

January 19, 2011

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

III. Public Comment.

There was no public comment.

VI. Public Hearing

A. CPRD, Request to Allow a Park within the Exclusive Farm Use Zone, CUP 11-01

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.

Mr. Rierson spoke as a representative from Newberg City Council and a member of the Ford Family Foundation Leadership Program. He stated he was part of the body that spear-headed the project and they were excited about the opportunity. He stated that they had gotten overwhelming support from many agencies he hoped that any money earned could be put toward developing trails between Newberg and Dundee, connecting to the park. Further, he commented on the letter received from Jenkins and responded that they believed that traffic would be minimal and that they didn't agree with the need for sidewalks. He also noted some unease regarding the lease agreement recommendation.

Commissioner Mock questioned what condition of approval would be considered a road-block. Mr. Rierson responded that they saw the lease agreement as a potential stumbling block. It was clarified that there was not presently a lease agreement in place.

Commissioner Mock questioned the hours. Mr. Rierson responded that the proposal would be left to Chehalem Park and Recreation to determine how to run the program. Commissioner Mock clarified that anyone with a boat would be able to use the access. Mr. Rierson confirmed. There was some comment that it should be a public access point and use facility. Commissioner Mock further questioned the "feeling" about whether people would be able to camp at the site and what precautions might be put in place to discourage unwanted campers on the property. Mr. Rierson responded that he believed camera surveillance might be a possibility. He also believed that the gate could be closed after hours with a "No Trespassing" sign posted.

Jessica Cain, attorney for the Edwards spoke next. She stated that there was a license agreement to be negotiated and that they believed this should be a condition of approval. She further stated that there should be a road maintenance agreement put in place by the City to provide for upkeep of the road. She also commented that the road was used very frequently and that despite Mr. Rierson's comments there were illegal campers and illegal dumping that occurred there. She stated that they wanted an agreement with public safety to monitor the property.

There was some discussion regarding the difference between a license and lease agreement and what the differences were between the two. There was also some discussion regarding the City's responsibility for road maintenance and public safety. It was noted that the City Council's last action was to close off the road and gate it shut. Commissioner Mock asked if Ms. Cain had recommendations for the language that would be used. Ms. Cain stated that she did not have any at this time and believed that there would need to be a meeting with the City Attorney.

Proponent testimony closed.

6. Floor Opened to Opponent Testimony

There was no opponent testimony.

7. Floor Opened for General Testimony

Mayor Crawford spoke and stated that the 8th Street easement went straight to the river and a section of the road that ran parallel to the river up to the boat launch area. He noted that it was this segment that was covered by the licensing agreement. He stated that the City Council agreed to maintain the road from 8th Street to the river and that the City would fix the road and make it travelable by traffic. He referred the Commission to a letter of intent included in their packet.

Commissioner Mock questioned Ms. Cain about whether she was seeking an agreement as a condition of approval. Ms. Cain responded that yes, she was hoping for a condition of approval requiring a road maintenance agreement by the City.

Commissioner Mock asked if the City had acted yet on this promise to fix the road. CA Daykin noted that he had instructed the PW Super to do pothole repair as weather conditions allowed. Commissioner Mock

clarified that he specifically meant whether City Council had moved to enter into the agreement. Mayor Crawford responded affirmatively.

Planner Pelz read a letter submitted by Lisa Jenkins, hereafter known as "Exhibit A", into the record.

There was not a proponent rebuttal.

8. Staff Recommendation

Staff recommendation was to approve the conditional use request with the conditions as noted, adding the change that the property owners fulfill the license and maintenance agreement as spelled out in the per the conditions as shown in the notice of intent from the property owners to CPRD.

Chairman Fiedler closed the public hearing.

9. Deliberation

Commissioner Lietz questioned the projected usage numbers. Planner Pelz responded that there was no mention about how many kayaks or canoes would be available. Commissioner Wymore stated that there would be an increase in traffic simply based on the availability of the land, regardless of whether the people were interested in boat rentals.

Commissioner Mock moved that they follow the staff recommendation and approve the conditional use with the recommended conditions of approval with the following addition-- "E" would read "license and maintenance agreements shall be entered into between the City of Dundee, property owners, and Chehalem Park and Recreation District. Copies of these agreements shall be filed with the City of Dundee."

Motion seconded.

There was discussion about whether the suggested language under "E" should be changed. It was agreed to leave it as motioned.

Motion carries, unanimously.

- B. ODOT, Approve a recommendation to the City Council to amend policies in the Transportation Element of the Dundee Comprehensive Plan to reflect the Newberg-Dundee Bypass Tier 2 alignment., CPA 10-17

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.

Planner Pelz turned the floor over to Mary Dorman with Angelo Planning Group.

Ms. Dorman stated that she was part of the Parametrix consulting team representing ODOT on the project. She continued, stating that they were requesting minor amendments to plan policies adopted in 2004 relating to the Bypass. She stated that in 2004, all four jurisdictions adopted a consistent approach to the Bypass, two of which had already had their public hearings and approved the amendments. She noted that this was part of Tier 2 which focuses more on alignment and design details. She introduced Bill Ciz, to talk about the specific alignment.

Bill Ciz of Parametrix, introduced himself and explained that he managed the environmental process for ODOT. Using a map, he described the proposed Bypass.

Commissioner Lietz asked if there was any data describing the expected noise level. Mr. Ciz responded that noise was described by different people, but that there were various documents available that could be handed out. He stated that they were proposing a noise wall where the new overpass on Fulquartz Landing would be, but that the berms were more of a visible aspect. Commissioner Lietz asked if the sound would be amplified by the speed on the Bypass. He also questioned whether the berms were going to go beyond the city limits. Mr. Ciz responded that the berms were only proposed for the area inside the city limits.

There was a question about what type of berms were planned and what the maintenance might entail. Mr. Ciz responded that at this time, they would be low maintenance shrubs and grass. It was asked which agency would take care of the maintenance. It was answered that ODOT took care of the maintenance unless an agreement was entered into with the local jurisdiction.

Ms. Dorman took the Commission through the proposed changes. These changes were highlighted on pages 45 to 47 of the Planning Commission Packet (Exhibit A – Policies, pages 1-3 of the staff report). She noted that they were looking for a cooperative approach between all the jurisdictions so that the cities and county would be consistent.

Planner Pelz noted that a letter had been received from Miller-Nash in opposition of the amendment. It was questioned whether there was a representative present, noted that there was, and then questioned whether they could represent their own letter. Planner Pelz responded that they could and the floor was opened for testimony.

5. Floor Opened for General Testimony

Andrew Aylor, representing Columbia Empire Farms and Robert Pamplin Jr., summarized the letter submitted by Miller-Nash, hereafter known as "Exhibit A" into the record.

Commissioner Mock asked how many issues in the letter were addressed in the first phase of the Bypass. Mr. Aylor responded that he did not know the answer to the question. There was a question about whether the objections had been raised with the other jurisdictions and their response. Mr. Aylor responded that the other jurisdictions simply had him submit the letter. Commissioner Mock asked if the letter was simply to protect the interest of the client. Mr. Aylor responded affirmatively. There was a question about whether it was fair to say that the concerns mainly applied to property within the Yamhill County limits. Mr. Aylor responded affirmatively.

Commissioner Mock noted that the Planning Commission was not a policy making body and that since only City Council could make policy decisions the best course of action would be to acknowledge the receipt of the letter and let the Council address the concerns. It was questioned whether Mr. Aylor agreed with this statement. Mr. Aylor again answered affirmatively.

Jack Criz, of Newberg, Oregon, spoke and stated objection to finding #2 (exhibit B, page 3). He noted that the EIS table referred to was essentially a traffic analysis based on a four lane bypass and not a two lane divided highway. He stated a belief that ODOT had done no analysis for this type of roadway. Therefore, he believed the Commission could not approve this finding.

Next, he spoke regarding finding #11, and stated that he did not believe the 20-year horizon was believable. He stated that the EIS data did not study the last four or five years of economic factors. He also requested the opportunity to provide a letter at a later date, as he only found out about the meeting this evening. He also entered into record a letter dated February 16, 2011, hereafter known as "Exhibit B".

6. Staff Recommendation

Staff recommended for Planning Commission to recommend City Council approve the proposal with the attached findings.

Chairman Fiedler closed the public hearing.

7. Deliberation

Commissioner Mock noted that the Commission needed to deal with the proposal that was in front of them, despite what the reality may turn out to be. He stated that he agreed that some of the realities may differ, but that they had to deal with the data at hand.

Commissioner Mock also noted that the Commission generally worked with 20-year horizons and commented that any time in the future was in a 20-year window, beginning, middle, or end. He believed that the wheels needed to keep turning and moving. Commissioner Lietz stated that he didn't see anything that would dissuade him from agreeing with the proposal. Commissioner Fiedler noted that pessimism didn't accomplish anything and that if the Commission decided not to agree it would be like putting a cork in a bottle and not moving forward. He also noted that he didn't know where they were in the 20-year window and that things may come up in the future that were hurdles, but that he didn't see anything that would cause him to put a halt to the proposal. Commissioner Wymore also agreed that he didn't see anything to red flag the project.

There was some discussion about what the consequences would be if the Commission chose to not approve the proposal. It was noted that Dundee would become the stumbling block as the other jurisdictions were also moving forward. Further, it was commented that if problems arose in the future, Dundee could discuss them at that point.

It was moved to recommend approval of the Comprehensive Plan Amendment as written. The motion was seconded.

Motion carries, unanimously.

VII. Planning Issues from Commission Members.

CA Daykin stated that the City Council chose a date for the joint workshop and that it would be held April 6, at 6:00pm. He also stated that it was expected that the public hearing on the riverfront master plan would take place in May.

Commission questioned the Exterior Lighting Ordinance. CA Daykin noted that City Council approved the recommendation.

It was agreed to decide during March whether to meet in April since it was not known whether there would be any applications presented prior to the date. CA Daykin also noted that there was no meeting scheduled in March since there was a public meeting scheduled for that evening.

VIII. Adjournment

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



Gerald Fiedler, Chairman

ATTEST:



Melody Osborne, Planning Secretary