

# 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:** February 21, 2018

**Time:** 7:00 p.m.

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

Chairman Howland called the meeting to order. Commissioners present, which consisted of quorum, were Eugene Gilden, Shannon Howland, Michelle Kropf, Dustin Swenson, Don Webb, and Charlotte Ormonde. CA Daykin and Planner Caines were also present.

Rob Molzhan and Mike Henry were in the audience.

## **II. Introduction of New Planning Commissioner**

Commissioners went around the table to briefly introduce themselves and meet Commissioner Eugene Gilden.

## **III. Public Comment**

There were no public comments.

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

It was moved and seconded to approve the minutes from the January 17, 2018 planning commission meeting. The motion passed unanimously.

## **V. Public Hearings**

### **A. CMA/ZC 17-19 and S 17-20, Market East Subdivision (Molzahn)**

#### **1. Call to Order**

Chairman Howland opened the public hearing and read the statement of interest into record. She then questioned whether there were objections to notice. No objections were heard.

#### **2. Objections to Jurisdiction**

There were no objections to jurisdiction.

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

Commissioner Kropf declared that the applicants were business partners however she did not have a financial interest in the project. Chairman Howland asked if Commissioner Kropf felt she could participate without bias. Commissioner Kropf responded yes.

### **4. Staff Report**

Planner Caines read the staff report read into record. She noted the proposed conditions of approval and stated that the staff recommendation was for the commission to recommend approval to the city council.

There was a question about the local improvement district and how that would affect the property owners. CA Daykin stated that the LID was already established and the only difference that the subdivision might make would be in how the assessments would apply to the subdivision parcel. There was another question about the LID and whether it did anything else to the zoning, especially with regard to the residential section, such as allow changes in setbacks, etc. CA Daykin responded no, that the current design fit with the request.

Commissioner Webb stated he was familiar with the location. Upon reading the packet he noted there was a comment about duplexes and wondered if this meant there would be six doors instead of three. Planner Caines responded that duplexes were allowed in the zone however the lot sizes did not meet the minimum requirement and therefore would not be allowed.

Commissioner Ormonde noted that Locust Street was very narrow. She wanted to know if curbs and sidewalks would be put in on that side of the street. CA Daykin responded that curbs and sidewalks would go in on both sides and that the street would be widened to accommodate. She also asked if the industrial use would abut Cook Machinery. CA Daykin responded yes.

There was a brief discussion about where the language regarding duplexes was located and some clarification about how it pertained to the application and proposal.

### **5. Proponents**

Rob Molzahn responded to the question about the duplexes. He stated that they had thought about doing duplexes but felt that it would be too crowded if they did so they went with single family homes. He stated that given the surrounding area it made sense to have single-family homes. He stated that they would be submitting designs immediately for where the curb cuts were to be located so that they could be included in the street improvement design that the City was undertaking. He asked Planner Caines for clarification on the portion of Maple Street that would be their responsibility. It was make clear that it would only be for their frontage.

Commissioner Swenson asked whether there was a project on the horizon for the light industrial section of the property, or if the idea was to subdivide and then sell it. Mr. Molzahn responded that this was not the intent at this time; they were hoping to develop it. Commissioner Swenson then asked why not turn the entire property into R-3. Mr. Molzahn responded that the property as it exists now was too big for the prospective light industrial

use that was being discussed by the owners. With the proposed subdivision it reduced the size of the LI piece to the desired area.

Michael Henry of HBH Engineering spoke on behalf of the applicant. He stated that he believed the requirements for the subdivision were reasonable and believed the applicant could withstand the costs. He responded to Commissioner Swenson's earlier concern by stating that there was never a way to ensure or predict whether someone was going to develop a piece of property. He felt that if someone was to purchase the property it would be with the intent to develop it. While it was possible that someone could purchase the property in the future and apply to change the zoning to residential, he felt that they would have had a difficult time justifying it from a planning standpoint. Mr. Henry stated that the idea of the subdivision and zone change was to create a buffer between the light industrial use and the residential use on Locust Street. With the back of the industrial use facing the homes he believed this goal was accomplished. Mr. Henry then asked Planner Caines for clarification on whether the Conditions of Approval, with regard to submitting designs for street improvements, pertained to the improvements they were doing with this project or if they needed to include Maple Street. Planner Caines affirmed that the condition only applied to the streets being developed in conjunction with the current proposal.

## **6. Opponents**

There were no opponents.

## **7. General Testimony**

There was no general testimony given.

## **8. Staff Recommendation**

Chairman Howland asked for final staff comments. Planner Caines stated that there were no final comments but the recommendation was for the Commission to recommend approval of the request to City Council.

## **9. Deliberation**

Commissioner Kropf stated she liked the way the subdivision was laid out- homes facing homes- visually and community-wise.

Chairman Howland stated that the application appeared to address the requirements for R-3 and Light Industrial, though she felt a little confused about the comment on the staff report language of driveway access for the residential units and industrial unit. There was discussion regarding the topic of driveway access and how it related to the impending street improvements, design, and construction process. It was noted during the discussion that the public hearing had not been officially closed so that the Commission was still able to ask questions of the applicant.

Commissioner Gilden asked for clarification of the statement regarding the light industrial access off of 8<sup>th</sup> Street and/or Maple. Planner Caines explained that the City Engineer was trying to say that because there are location distance requirements for driveways, and

because he didn't feel they would be able to meet those requirements for 8<sup>th</sup> Street, the future developer of the property would need to have access from Maple Street.

It was questioned what portion of Maple Street exists. Planner Caines responded that there was no existing Maple Street along the frontage of the property. There was a brief conversation about the zoning and development along the existing portions of Maple Street at which time CA Daykin showed a map to clarify the existing section of the street that was developed as well as zoning and uses.

Commissioner Ormonde asked if the light industrial piece were to develop now whether the access would have to come off of 8<sup>th</sup> Street as there is no Maple Street along built. Planner Caines explained that any future development would need to go through site design review and show that they meet the access requirements for 8<sup>th</sup> Street, but construction of Maple Street would be done as a condition of any development of the Light Industrial property. Commissioner Swenson stated that the development of Maple was a hefty expense and he worried that it would be too much for any future developer.

There was additional discussion regarding access from 8<sup>th</sup> Street to the LI property. Mr. Henry concluded the discussion by explaining that if there was a proposal to bring trucks on to the property a developer would likely want to access off of Maple Street as the design would eliminate the ability to come out on 8<sup>th</sup> Street. Furthermore, it would be a substantial amount of money to thicken the pavement on 8<sup>th</sup> Street to handle truck traffic.

CA Daykin noted to the Commission that because Maple Street was identified as part of the TSP and in the Urban Renewal District the ability for a developer to come forward in the future and request assistance from the Urban Renewal Agency existed.

There was a question regarding the conditions of approval and whether the items listed were things that needed to be submitted by the applicant prior to the Commission making a decision. Planner Caines and CA Daykin explained that the conditions of approval served as a type of "notice" to the developer that these items would need to be done prior to recording of the final plat and construction of the homes. Infrastructure conditions of approval had a separate permit process that was through the City Engineer. The applicants asked if CA Daykin knew what type of stormwater mitigation was going to be required. CA Daykin responded that he did not, although they were looking at using a swale facility.

Chairman Howland closed public hearing.

There were no further comments from the Commission.

There was a motion to recommend approval to the City Council as written in the Order. Motion was seconded and passed unanimously.

## B. LURA 18-04, City of Dundee – Commercial Entrances

### **1. Call to Order**

Chairman Howland opened the public hearing and read the statement of interest into record.

## **2. Call for Abstentions or Bias**

There were no objections.

## **3. Call for Objections to Jurisdiction**

There were no objections.

## **4. Staff Report**

CA Daykin gave background on how the application came to be before the Commission (which began with the property located at 992 N. Highway 99W being struck by a car).

Planner Caines read staff report into record.

Since there were no members of the audience present, the Commissioners moved to discussion.

There was a brief discussion regarding which properties in the CBD zone would be allowed to change under the proposal. A lengthier discussion took place regarding the specific building that instigated the proposed change to the Development Code, specifically the reasons that they wanted to move their door since it was in compliance prior to the crash, how the other buildings on the property were laid out, and whether the owner at 992 N. Highway 99W would be able to apply for a variance. CA Daykin responded that they wouldn't meet the variance criteria.

There was conversation about the intent of the code. A general consensus was reached that it seemed to apply more to new builds rather than existing buildings, since new buildings would be set much closer to the sidewalk and more inviting to pedestrian traffic.

Planner Caines stated that one of the applicable goals of the comprehensive plan was economy. She felt that because the code language was so narrow that it was specifically geared toward giving smaller buildings more flexibility, which in turn might encourage reuse of a building. CA Daykin stated that ADA requirements would still need to be met, so there would continue to be a requirement for pedestrian pathways, however the Commission could determine whether additional code conditions should be met.

Commissioner Kropf stated that she would hate for buildings to sit vacant because the code is so restrictive that they couldn't find a use for their building. CA Daykin stated that only changes to the building would trigger conformance to the standards.

Commissioner Webb brought up Councilor Svicarovich's concern, noted on page 3 of the Council minutes included in the packet, that the entrance would be difficult to discern from a pedestrian point of view since the parking lot is nearly against the building. There was discussion regarding how the pedestrian parkway might be marked to address this concern, and how ADA standards would apply.

Commissioner Swenson asked what the next steps were if the Commission recommended approval of the amendment. CA Daykin stated that the next step would be for Council to hold

a hearing. If the Council approves the change, after the appeal period ends, the owner of the building at 992 N. Highway 99W would be able to submit for a building permit.

Continued discussion regarding the parking lot arrangement took place. Chairman Howland noted that there was nothing in the proposed code language that specified that the entry needed to be on the side, so it was possible the entry could be put in the back. Commissioner Kropf asked if design standards could be put in place so that it didn't look like the rear of the building was facing the highway. Planner Caines stated that the owner was proposing to add windows.

There was clarification that the only change being made was to the entrance requirement; the code amendment wasn't deleting any other standards. There was discussion regarding the possibility of adding a condition that, should the door be moved, the front window requirements would need to be met. There was conversation regarding the existing CBD standards. It was noted that any renovations to a building could not make a nonconforming use worse.

Planner Caines proposed revised language, "Buildings less than 1000 square feet in floor area that were constructed prior to January 1, 2015 shall comply with the standards in the C zone above provided the ground floor windows are at least 50% of the ground level area of the street wall."

Chairman Howland closed the public hearing.

## **5. Staff Recommendation**

Planner Caines stated that the recommendation was that Planning Commission recommend to City Council approval of the code revision as amended.

## **6. Deliberation**

There were no further comments by the Commissioners.

Chairman Howland restated that the motion would be to "recommend that City Council adopt amendments to the Dundee Development Code to correct errors and modify entrance standards within the Central Business District Zone, with the modification proposed that the CBD ground floor window requirements are met."

It was moved and seconded to recommend approval as stated above in Chairman Howland's reiteration of the recommendation to City Council.

## **VI. Workshop(s)**

### **1. Industrial Use Standards**

It was questioned whether the workshops could be postponed to the next Planning Commission meeting. Planner Caines responded that the next meeting would have a subdivision hearing and possibly a conditional use hearing. It was noted that there was a July 1 deadline for adoption of the accessory dwelling unit regulations.

The industrial use workshop was postponed to March.

## 2. Accessory Dwelling Units

Staff noted the list of questions included in the packet and stated that at this time they were looking for feedback so that draft code language could be crafted.

CA Daykin asked if ADUs were now defined by the State, or if each city needed to come up with their own definition. Planner Caines stated that she didn't know the answer but would research it.

Main discussion points included:

- A) Whether tiny homes could be brought in.
- B) Whether other cities had their ADU codes ready so that they could be used for ideas.
- C) Whether the State had parameters already that cities needed to follow/incorporate.
- D) Possibility of adding additional setbacks for detached units.
- E) How utilities would be connected to the ADU.
- F) Ratio of building/land/lot size standards, and the possibility of tying the size of the ADU to the house.
- G) What triggered a building or portion of a building to make it an ADU.
- H) Whether additional parking needed to be required.
- I) The use of an ADU as a vacation rental.
- J) If a limits could be put on number of residents in an ADU.

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

CA Daykin let the commissioners know that council had just finished a goal setting session and wanted to meet with the commission to review them.

## **VIII. Adjournment**

Chairman Howland adjourned the meeting.

  
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Shannon Howland, Chairman

ATTEST:

  
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Melody Osborne, Planning Secretary