

CITY OF DUNDEE

Meeting: Planning Commission Meeting
Location: City Hall Meeting Chambers
620 S.W. 5th Street
Dundee, Oregon 97115
Date: April 18, 2018
Time: 7:00 p.m.

I. Meeting called to order.

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

In the audience were Pam and Ron Clem, Don Lowe, David Ford, Diane Perry, Phil Santucci, Robin and Randy Luttrell, Steve and Staci Weiler, Andrew Estroff, Cynthia Stevenson, Debbie Newhouse, Margaret Schibel, Tim and Linda Hockett, Curtis and Lori Gilbert, Mary Jane Backmeier, Mark Lundgren, Stacy Goldstein of Goldstein Planning, and Shannon McCaw.

II. Public Comment

Don Lowe, of 959 SW 7th Street, asked about the absence of a reference to the deliberation and decision on the agenda. Chairman Howland asked for clarification. Mr. Lowe again stated that a reference to a discussion and decision being made by the Planning Commission was not referenced. Chairman Howland responded that it was referenced in general as "Public Hearing" and would be covered as part of the public hearing procedure.

There were no further public comments.

III. Public Hearings

City of Dundee, CPA 09-12, CMA 09-06 , ZC 09-05

1. Objections to Notice

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

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

Chairman Howland asked if there were any declarations of ex-parte, bias, or wished to abstain. There were none heard. She then asked if the Commissioners had driven by the property.

Commissioner Swenson noted for record that he had not driven past the property; however the remaining commissioners did note that they were familiar with the property and had driven past it.

3. Objections to Jurisdiction

Chairman Howland asked if there were any objections to the jurisdiction of the Commission to hold the hearing. Don Lowe spoke and stated that he challenged the jurisdiction of the Planning Commission to make the decision on the application as he believed the application should be a Type IV process which would be decided by City Council. He explained his belief that the applicants were asking to change the lots in the subdivision from an R-1 to an R-2 zoning and R-2 was not allowed in that neighborhood. He also stated that previous conversations with staff inferred that the application would be sent to the City Council as a Type IV action, but was later told that was not the case. However, he still felt that a Type IV would be the correct process as he felt that the applicants were attempting to circumvent the zoning and comprehensive plan review that is in place.

Chairman Howland asked Planner Caines and/or CA Daykin to respond. Planner Caines responded that it was not considered a Type IV zone change because, although the standard lot size is 9,000 square feet, the code does allow code adjustments and variances if specific criteria are met. The applicant is requesting an adjustment to the lot size and not a zone change to R-2 (with the 7,000sqft minimum). She concluded by stating that she believed the hearing fell into the jurisdiction of the body. An audience member that did not give their name (possibly David Ford) asked Planner Caines if this was her opinion or the opinion of the legal counsel for the city. Planner Caines responded that she was unaware of the legal counsel's opinion. Mr. Lowe stated that he challenged her opinion and wanted to make sure that the decision (to move forward) was put in to the record.

Chairman Howland requested that anyone speaking provide their name for the record. David Lowe and David Ford both gave their names and residential street locations.

An audience member began to ask a question, but was interrupted by CA Daykin who reminded the audience that the question on the table was whether the Commission had the authority to conduct the hearing. Mr. Lowe spoke again and stated that he objected to the Planning Commission hearing this tonight based on the fact that an improper application had been submitted by the developer based for a Type III meeting and not a Type IV meeting. He stated if it was a Type IV meeting was held then yes, the Planning Commission would have the right to hear the matter but only to review it and give a recommendation to the Council who would then render the decision. Therefore, the objection was to the way and what was being heard.

Chairman Howland also requested that all members of the audience sign in and if they wished to speak to fill out a request for recognition and turn it in to the table.

4. Staff Report

Per ORS 197.763, Planner Caines read the required statements into record.

Prior to reading the staff report, Planner Caines stated that a comment had been made during the public comment period of the public notice that pointed out the slope of the property and the increased minimum lot sizes needed if the slope is 11% or above. She stated that, due to the

current grading of the property, the applicants may not meet the minimum lot sizes. She noted that the provision had been a footnote in the code that was missed and apologized for the oversight. Planner Caines then advised that she was going to read the staff report into record but not offer a recommendation as she believed the applicant was going to ask for a continuance in order to submit evidence of compliance.

Planner Caines read the staff report in to record.

Chairman Howland asked if the Commissioners had any clarifying questions of staff.

Commissioner Swenson stated that he hadn't seen anything about slope. Planner Caines responded that it wasn't in the staff report; however, it was noted in the public comments (letters) that were submitted. Commissioner Gilden asked if anyone had measured the slope of the property. Planner Caines responded that from the preliminary grading plan it appeared that there were two sites that could be in that 11%+ threshold, which would require the increased lot size. She concluded by saying that at this point she didn't have enough information about the slope to offer a recommendation. Commissioner Gilden asked if the percentages were based on the native slope or if it was possible to grade the slope to meet the requirement. Planner Caines responded that the code wasn't clear, but believed it was based on finished grade. Commissioner Gilden clarified that slope wasn't discussed in the record. Planner Caines responded that it was not and this was why the applicant was going to ask for a continuance. Commissioner Ormonde asked if there was a percentage limitation to the variance code section like there is for code adjustments. Planner Caines responded that there was no limit for variances; just the need to meet the criteria.

Commissioner Webb asked if the turn-around area had been checked by the Fire Department to see if it was adequate. Planner Caines responded that the cul-de-sac met the code requirements. She also told him that the application had been routed to the Fire Department with no response and that effort had been made to contact the Fire Chief, who also did not reply. CA Daykin spoke regarding the paved surface requirements of the street and cul-de-sac and noted that the street met the standards for a private street; however, due to the reduced size, no parking would be allowed on it.

There was some discussion regarding the criteria for code adjustments and how the determination was made by staff as to whether something would unreasonable affect adjacent uses. There was a short discussion about water pressure.

Chairman Howland opened the public hearing.

5. Proponents

Stacy Goldstein, of Goldstein Planning, spoke. She told the Planning Commission that they would be asking for a continuance to the next Planning Commission meeting so that they could address the slope provision. Ms. Goldstein stated that it had not been included in the submittal because, due to the way they were going to grade the property, she believed it would not apply. However, prior to requesting the continuance, using a board diagram, she talked to the Commission about the layout of the proposed subdivision and the steps taken to arrive at the design. She also noted that they

had been working with various city staff members on the plan for a year to make sure that they met the requirements.

There was a procedure question about the five minute rule regarding the applicant's presentation time. A consensus was arrived at that they were allowed additional time.

Ms. Goldstein continued speaking about the city's code and how it allowed for variances and adjustments in special circumstances. She stated that the applicants did not wish to tear down the existing houses, which necessitates them. She concluded by requesting a continuance to the next Planning Commission meeting.

Shannon McCaw spoke briefly. She noted that, if needed, the deck of one of the houses could be taken down, negating the need for one of the variances; however, the current tenants loved the deck so they hoped it wouldn't need to be. She also talked about the slope requirement; she acknowledged and agreed that they wished to request a continuance. She then concluded by stating a love for the community and a desire for more people to be able to enjoy it.

Chairman Howland paused the public testimony in order to discuss the correct procedural route with staff. After some discussion, it was decided to continue the hearing to a date and time certain and postpone the remaining public testimony.

Chairman Howland asked if there was a motion to continue the public hearing to May 16, 2018. It was moved and seconded to continue the public hearing to May 16, 2018. Motion approved, unanimously.

Disgruntled argument and conversation took place between the audience, staff, and Commission after the motion passed. Points of dissention included timeliness of information dissemination and the inequality of only one viewpoint being presented. There was a question of who could testify if someone wasn't able to attend the May meeting. CA Daykin stated that anyone could testify in someone's stead if necessary.

Planner Caines reminded the Commission that the public hearing was still open so the members needed to be cautious about ex-parte contact.

Meeting was paused for a bathroom break.

IV. Workshop – Accessory Dwelling Units

Planner Caines took the Commission through the updates to the draft ADU code based on the discussion from the March 21st meeting.

Questions and discussion topics included:

- 1) Whether an ADU would need to meet the setback requirements of an accessory structure or those of the primary structure. It was decided that the ADU should follow the same setbacks as a primary structure.

- 2) Garages with second-story space and how that would work with regard to the proposed regulation that an ADU needs to be the same height as the primary structure.
- 3) Parking. The Commission added a requirement for one additional parking spot for the ADU.
- 4) Unique ADU structures (caboooses, for example).
- 5) Adding ADUs to 17.203.240(E) as an exemption.
- 6) Whether ADUs need separate entrances.
- 7) Definition of ADU. Code language was proposed.
- 8) Lot coverage.
- 9) System Development Charges.

There was discussion regarding the State deadline for adoption of the standards. It was decided that the public hearing would be held in May as the first item on the agenda.

V. Riverside District Update

Planner Caines told the Commission that a draft code would be presented to the code committee on April 23 for feedback from the committee members. Once the committee's comments had been addressed, the draft would be reviewed again by staff and then presented to the Commission. There wasn't a timeline set for public hearing, but progress was being made. Planner Caines also noted that all of the documents were being posted online if the Commission wanted to follow along.

VI. Planning Issues from Commission Members.

There was a request to have the engineer respond regarding slopes. There was clarification regarding the Commissioner's role in quasi-judicial hearings. CA Daykin noted that a time extension request may be coming to the Commission for approval.

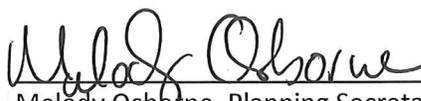
VI. Adjournment

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



Shannon Howland, Chairman

ATTEST:



Melody Osborne, Planning Secretary