

# 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:** May 16, 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 Shannon Howland, Dustin Swenson, Eugene Guilden, Charlotte Ormonde, Sara Whitfield, and Don Webb. City Administrator Rob Daykin, Planner Cheryl Caines, and City Attorney Tim Ramis were also present.

Audience members included Diane Plesset, Connelly Woods, Shannon McCaw, William Kehrli, John Bridges, Phillip Santucci, Tiffany Rider, Maria Lorenzo Smith, Diane Perry, Diana Lowe, Debbie and Terry Newhouse, Andrew Estroff, Steve Weiler, Mary Jane Bachmeier, Stacey Goldstein, and Margaret Schibel.

## **II. Public Comment**

There was no public comment.

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

It was moved and seconded to approve the March 21, 2018 minutes. Motion passes, unanimously. It was moved and seconded to approve the April 18, 2018 minutes. Motion passes, unanimously.

## **IV. Time Extension Request – Alder Hill Subdivision**

Planner Caines noted that the subdivision approval for the Alder Hill Subdivision was set to expire June 19, 2018 and that the property owners had submitted a request for an extension. She then read the code provision in to the record as well as the criteria.

It was moved and seconded to approve the request. Chairman Howland affirmed with the City Planner that there were no changes to the code that would affect the subdivision approval. Motion called to vote and passed unanimously.

## **V. Public Hearings**

### **A) LURA 18-05, City of Dundee Development Code Amendment (ADUs)**

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

Chairman Howland questioned the Commissioners about ex-parte, bias, or conflict of interest. Commissioner Webb stated that he had a bed and breakfast, but it would not interfere with his decision making ability.

Chairman Howland then questioned if there were any objections to jurisdiction. There were none.

## **2. Staff Report**

Planner Caines read the staff report in to record. Commissioner Swenson asked what the process was if the Commission recommended approval. Planner Caines responded that it would then go to City Council for adoption.

Chairman Howland opened the floor for public testimony.

## **3. Proponents**

Diana Plesset spoke and stated that she had been retained by clients for the purpose of designing an ADU. The proposal was for an addition to the home so that the clients could take care of their parents. She passed out a sketch of the draft design, submitted as "Exhibit A".

There was discussion regarding whether the addition had been approved. Ms. Plesset responded that they hadn't submitted yet. CA Daykin asked Ms. Plesset if the proposed code would work for what they were trying to propose. She answered that it would.

No additional testimony. Public testimony closed.

## **4. Staff Recommendation**

Planner Caines stated that staff recommended approval as submitted into the record.

## **5. Deliberation**

It was moved and seconded to approve the proposed amendment. Chairman Howland read the title in to record, "An order recommending that City Council adopt amendments to the Dundee Development Code to allow accessory dwelling units". Motion was called to vote. Motion passes, unanimously.

Chairman Howland called a brief 10 minute recess before proceeding to the next hearing.

## **B) S 17-26, V 18-05, CA 18-05 McCaw Subdivision (Continued from April 18, 2018)**

### **1. Declarations**

Chairman Howland reopened the public hearing. She then questioned if there were any declarations of abstentions, ex-parte contact, bias, conflict of interest, or objections to jurisdiction.

Commissioner Whitfield declared ex-parte contact, stating that her home was near the subject property. She noted that she had been invited to meetings, but had not attended; however she had heard some of the neighbor's comments and opinions. Commissioner Whitfield stated that she was not declaring bias as the hearing was based on fact.

Chairman Howland asked the other Commissioners if any of them needed to declare ex-parte contact that took place between the last public hearing and now. There were no declarations.

### **2. Staff Report**

Planner Caines took the Commission through the updated staff report. At the end, she noted that submitted in to record tonight by John Bridges, Attorney for the neighborhood, was a written request for a 30-day continuance. This was shared with the applicant, who then orally requested a continuance.

City Attorney Ramis stated that suggestion of staff was to take public testimony prior to considering the continuance so that the attendees were not inconvenienced once more. Chairman Howland agreed.

Public testimony reopened.

### 3. Proponents

Applicant Shannon McCaw introduced herself and gave some background of their ties to the community. She then gave some background on how they came to own the property, as well as the application and discussion process she and her husband had gone through with the city.

Stacey Goldstein of Goldstein Planning, representing the applicant spoke. Using a board diagram, she explained how they had arrived at the decision on the design. She concluded by stating that she felt that what was being requested was a reasonable use of property.

There were two questions from the Commission to the applicant. The first was whether the applicants had considered going down to three or four lots so that they could eliminate the need for the adjustments. The applicants responded that they were not able to go down to three as the regulations in place by the city would not allow it and that they had not considered going to four as yet. The second question had to do with a reference to a comment made at the April meeting regarding a room of one of the houses needing to "go away". This was clarified by the applicant that what they were referring to was a deck, which by code is part of the house/structure because it is covered by a roof.

William Kehrli stated that he was the engineer on the project. The project was still in the planning stage, but was there to answer any questions. He also wanted his name on file.

### 4. Opponents

Chairman Howland reminded the audience that there was a 3-minute time limit. Members of the audience questioned if the time limit had changed. Chairman Howland responded that the time limit had been clarified since the last meeting and had changed. A few attendees noted that on the website the time limit was given as 5 minutes. Chairman Howland reiterated that the time limit had changed.

Phillip Stantucci was called to speak, but requested that lawyer John Bridges go prior to him.

Diana Lowe was called. He requested that his 3 minutes ceded to John Bridges. City Attorney responded and clarified to Ms. Lowe and the Chairman that the time couldn't be ceded. Ms. Lowe then requested that John Bridges go ahead of him and that the majority of people would wish the same.

Chairman Howland then called John Bridges ahead of other submittals.

John Bridges, attorney for the neighborhood, introduced himself and began going over his letter that was submitted as "Exhibit A". Time ran out before he could finish so he asked for assurance from the Commission that they would read the rest of it. The Commissioners so assured.

Terry Newhouse questioned the slope measurements and whether the parameters applied to each lot or to the development as a whole. He also stated that when they moved to Dundee they chose a neighborhood based on their need; afterward they learned of the long-term development plan for the city. He felt the proposal was in contrast to this plan and urged the Commission to stay with the long-term goal so that the designers of that vision could look back and see what they had envisioned and that the community would stay true to what it was today.

Planner Caines responded to the question Mr. Newhouse had about the slope percentages. She read the slope percentages submitted by the applicant. Mr. Newhouse asked if it had been done by a surveyor. Planner Caines stated that they had been submitted by an engineer as part of grading plans.

Andrew Estroff read an essay from "The Urban Lawyer" on spot zoning into record (entered in to record as "Exhibit B"). He stated that he believed this essay helped support the letter he previously submitted in to record.

Phillip Santucci spoke and stated that he was concerned with the irregular shape and restricted sizes of the lots with regard to the square footage of the (footprint) of the homes. He requested that the

McCaws submit a best guess as to what they believed might be the footprint of each level of the homes to be built.

Chairman Howland called on Diana Lowe, who withdrew her request to speak.

Steve Weiler stated that his property was next to the proposed development. He stated that a lot of comment had been made to "choice" and wanted to remind the Commission that they had a choice as well—they could choose not to approve the request; they could choose to keep the flavor and vision of Dundee moving forward; and that they could also choose to set an example for not setting a bad precedent. He stated dismay at the fact that it didn't seem like the majority of the Commissioners were familiar with the property and wanted to invite the Commission to walk the property in order to get a sense of what's "right and wrong". He concluded by urging the Commission to turn down the request.

Diane Perry stated her property abutted house to the left. She stated that they had built home in 2003 and moved because they liked the larger lots. She stated that she was concerned about the lack of provision for guest parking. She feared that people would park in front of their property. She was also concerned that the property values would go down if views were impacted.

## **5. General Testimony**

Chairman Howland read the letter submitted on May 6, 2018 by the Newhouses into record.

Chairman Howland asked if there was a motion to continue the meeting to June 20, 2018. It was moved and seconded. City Attorney Ramis recommended that a date be set for submittal of additional written testimony so that the Commission would have time to consider it prior to the meeting. Chairman Howland set the time limit for written submittal as June 13, 2018 by 5:00pm. Motion called to vote and carried unanimously.

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

There was a question about how many times something could be continued. Attorney Ramis stated that it could be as many times as needed, as long as there was a concurrence of the applicant to waive the 120-day rule. There was a statement that it seemed as though staff had made up their mind about approval of the application. CA Daykin responded that staff did not make a decision; they were a neutral party who only gave a recommendation. Chairman Howland noted that the staff report was their interpretation of the code; CA Daykin stated that different people could interpret the code and come up with a different conclusion—and that the Commission had the capability and authority to do so and base a decision on their own interpretation.

There was a question about whether there was anything other than code that could be used to make a decision. The attorney responded no, the Commission had to follow the code. However, he also affirmed CA Daykin's earlier statement that the Commission could reach a different conclusion based on interpretation of the code as well as information submitted during the hearing process. It was asked whether staff would then reevaluate their findings. Mr. Ramis responded no, it was up to the Commission to craft a decision and findings at that point. Further, staff would offer their best professional opinion on interpretation, but ultimately the interpretation was up to the Commission.

CA Daykin informed the Commission that Michelle Kropf had resigned from the Commission and encouraged the members to try to recruit.

The Commission was reminded of the presentation of the draft Riverside Code on May 23 and were asked if members were still available. CA Daykin stated that the workshop would be held at the Fire Station, beginning at 6:00pm.

**VII. Adjournment**

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

  
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Shannon Howland, Chairman

ATTEST:

  
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Melody Osborne, Planning Secretary