



PLANNING COMMISSION AGENDA
City Hall Meeting Chambers
620 SW 5th Street
Dundee, OR 97115

MEETING DATE: August 21, 2019
Meeting Time: 7:00pm

- I.** Call Meeting to Order.
- II.** Public Comment
- III.** Approval of Minutes
- May 15, 2019
- IV.** Work Session on Various Development Code Questions
- V.** Issues from Planning Commissioners
- VI.** Adjournment

The city hall meeting chambers are accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Melody Osborne, Administrative Assistant at 503-538-3922.

CITY OF DUNDEE

Meeting: Planning Commission Meeting
Location: City Council Meeting Chambers
620 S.W. 5th Street
Dundee, Oregon 97115
Date: May 15, 2019
Time: 7:00 p.m.

I. Meeting called to order.

Chairman Howland called the meeting to order. Commissioners present, which consisted of quorum, were Rebecca Minifie, Maria “Gabi” Hinoveanu, Shannon Howland, and Charlotte Ormonde. City Administrator Rob Daykin and City Planner Cheryl Caines were also present. Eugene Gildea and Don Webb had excused absences.

Kay Edwards was in the audience.

II. Public Comment

There was no public comment.

III. Approval of Minutes from Previous Meeting(s)

It was moved and seconded to approve the April 3, 2019 minutes. Motion passes, unanimously.

IV. Public Hearing

City of Dundee, LURA 18-01 – Riverside Zoning Amendments (Continued from April 3, 2019)

1. Staff Report

Planner Caines refreshed the Commissioners’ memories regarding the City Attorney’s concerns about adopting the Riverside Amendments. She restated that his recommendation was to “accept” the proposed amendments as opposed to “adopting” them. She then introduced the staff report into record.

Planner Caines explained that, since the April 3 hearing, a meeting was held with the property owners and an agreement was made for the city to begin working on how to address some of the infrastructure issues as well as how to get financing into place. She noted that the public hearing for the City Council would be held on June 18, and stated that if a financing recommendation was agreed upon prior to that then an amendment might be made for the City Council to adopt the portions of the code that had financing arrangements.

Commissioner Hinoveanu questioned whether City Council would need to send the proposal back to the Commission or if the Council could adopt it without the Commission's recommendation to adopt. Planner Caines answered that yes, they could adopt the proposed code. There was some explanation of how the code might end up back in front of the Commission should Council not adopt or only adopt a portion of the proposed code.

There was a question about whether the city attorney would be involved in the infrastructure plans. CA Daykin answered yes, as an agreement between multiple parties would be involved. Planner Caines noted there would be a workshop with City Council to get them up to speed on May 21 at 6pm.

Planner Caines said that the staff recommendation was for the Commission to adopt the order recommending that the Dundee City Council accept amendments to the Dundee Development Code and Dundee Zoning Map to implement the Riverside Master Plan but postpone adoption of the proposed amendments until and infrastructure finance plan is adopted for the Riverside District.

There were some clarification questions asked regarding "Compact Detached Dwellings", side-yard setbacks, and minimum lot sizes. It was also questioned whether the Commission would be able to have any discretion in the master plan process regarding lot sizes. CA Daykin responded that the discretion would be limited because the role of the Commission would be to make sure they met the requirements.

2. Public Testimony

There was no testimony given.

3. Deliberation

It was moved to accept the proposed order recommending that the Dundee City Council accept amendments to the Dundee Development Code and Dundee Zoning Map to implement the Riverside Master Plan but postpone adoption of the proposed amendments until and infrastructure finance plan is adopted for the Riverside District. Motion was seconded. The motion passed unanimously.

V. Planning Issues from Commission Members.

There was a question about the process for Air B & Bs; the Allstate building and why it was torn up in the front; the traffic on 7th Street; the plans ODOT had for crosswalks on the highway; and, a water request for the RV Park proposed on Fox Farm Road.

CA Daykin announced that there would be a conversation with City Council regarding the design of 9th Street. He also announced that Commissioner Gilden would be missing a number of meetings due to some conflicts and that Commissioner Webb had also announced his resignation.

There was discussion regarding upcoming meetings.

VI. Adjournment

The meeting was adjourned.

Shannon Howland, Chairman

ATTEST:

Melody Osborne, Planning Secretary



Memorandum

TO: Dundee Planning Commission
FROM: Cheryl Caines, Planner
CC: Rob Daykin, City Administrator
DATE: August 21, 2019
SUBJECT: Code Update Workshop #1

Staff has been tracking issues with the Dundee Development Code. These issues include unclear language, contradictory or outdated standards, or lack of standards for a development situation. Some of these issues are simple with straightforward and quick solutions, while others are complex and require policy direction from Commissioners and Councilors and coordination with other City staff.

Over a series of workshops, staff will ask the Planning Commission for feedback on the code issues in order to do research and begin drafting code amendments. There are a number of various issues to address, and the code update will occur in phases. The Commission's input will also help staff prioritize and group the issues together in these phases.

A complete list of issues and potential code amendments is attached (Attachment 1). The items included in this memo are those on which staff needs initial direction to begin the research and drafting process. Issues that have clear or simple solutions are not included for discussion at this point. However, it should be noted that future workshops will be held with Planning Commission prior to any code amendments being brought forward for adoption.

The following are the issues to be discussed in this initial phase:

Accessory Structures

The definition of and standards for accessory structures include porches and decks attached to the main structure. Setbacks are dependent upon structure height. Is this how height should be regulated? Some codes have a defined setback for accessory structures – five feet. Should portions of the main structure be considered accessory structures?

Existing Code Related to Accessory Structures:

17.202.040.F – Miscellaneous exceptions to setback requirements:

3. Accessory Structures Six Feet High or Less. Any accessory structure or projecting building feature, including mechanical equipment to serve a building, less than six feet in total height, as measured at the property line, may be located in side or rear yard. Height includes the height of any railing, porch, deck, or patio. The structure or feature shall not be located to conflict with requirements for landscaping, screening and buffering.

4. Accessory structures over six feet high, including porches and decks, may be located in a required yard only where specifically allowed and meeting the conditions in Table 17.202.030

Definitions:

“Accessory building (structure)” means a detached, subordinate building or portion of a main building, the use of which is incidental to that of the main building or to the use of the land, but does not include dwellings or living quarters.

“Accessory dwelling unit” means an interior, attached, or detached secondary dwelling unit that is subordinate to a single-family dwelling unit.

“Accessory structure, exempt” means an accessory structure that is exempt from meeting yard setback requirements.

Exceptions to Building Height

17.202.040.B and D allows exceptions to the building height for the zone for certain building features:

B. General Exception to Building Height Limitations. Projections from buildings such as chimneys, spires, domes, elevator shaft housing, towers, aerials, flagpoles, and other similar objects not used for human occupancy are not subject to the building height limitations of the underlying zone.

D. Protection of Solar Access. The use of active or passive solar energy systems including solar collectors, storage facilities, and distribution components for space heating and cooling and domestic water heating is a permitted use within all zones, whether as a part of a structure or incidental to a group of structures nearby.

1. Solar collectors and the equipment used for the mounting and operation of such collectors, where necessary, may be elevated above the 30-foot height limitation in residential zones. However, elevation of solar collectors shall not restrict solar access to adjacent properties.

2. Chimneys, communication transmission towers, television, radio masts, or landscaping shall not significantly restrict or impair solar access to buildings or solar collector locations.

Should there be a maximum allowance for these features? For example, should they be only allowed 20% higher or 10 feet higher? Can subsection D.2 be eliminated since it is subjective and very difficult to enforce?

Home Occupations

The repair and maintenance of vehicles is a prohibited business for home occupations. Are there other types of businesses that should be prohibited as home occupations?

Home occupations is listed as a use category in the use table and is not permitted in the LI – Light Industrial Zone. Should home occupations be allowed in any existing residence in any zone?

The code is currently silent on the number of home occupations permitted at a residence. Should more than one home occupation be allowed? There are limitations in place to ensure the residential character is maintained. For example the code regulates the number of vehicle trips allowed (20 per

day). Other development codes regulate the number of visitors. Could more than one home occupation be allowed as long as the total trips or other limiting factors are not exceeded? What if two home occupations were located at the home as long as the 20 vehicle trips is not exceeded. One business may be an in-home hair salon and the other an on-line sales business.

Lot Size for Sloped Sites

The minimum lot area in the R-1 zone is 9,000 square feet for single-family development. A footnote (exception b) in Table 17.202.030 requires that where the slope of the ground exceeds 11 percent in any direction over more than 60 percent of the lot, the area of the lot shall increase accordingly:

Slope	Lot Area Increase
11-15%	Minimum plus 20%
16-20%	Minimum plus 50%
21-25%	Minimum plus 100%
26-30%	Minimum plus 200%
31+%	Specified by City Engineer

The code does not state existing or developed slope; however, the minimum lot size is applied to the developed lot and therefore, it is interpreted that the slope applies to the developed lot as well. This interpretation is consistent with previous subdivision approvals related to slope and minimum lot area. One of the most recent approvals that included sloped lots was appealed to the City Council. A split vote (4 to 3) upheld the subdivision approval, but Council directed staff to amend the code to address this issue. We'll discuss the best approach to provide clarity on lot size related to lot slope. The code as currently written is difficult to measure. The language "as specified by the City Engineer" is vague and not clear and objective. The intent of larger lots on a slope is not clear.

Setbacks for Flag Lots or Lots Without Frontage

It is unclear how yard and setback standards apply to lots without frontage on a street. The access chapter of the code states that a private access easement is permitted to serve as the required frontage for a lot created through a land division. However there is no street frontage, so how are yard and setbacks determined. Should there be different setbacks for these type of lots?

Lot frontage means the distance between the two side lot lines, or between the side and opposite front lot line, measured at the minimum front setback line, parallel to the front lot line.

Lot line, front means a property line separating the lot from the street, other than an alley.

Parking Standards for Single Family Residences

Single family dwellings are exempt from the parking development standards. For example, surfacing may be gravel and not paved. Portions of a driveway in the public right-of-way must be paved per the Public Works Design and Construction Standards. Gravel is carried into the street by vehicles and causes damage to public street surfaces. Should parking and driveways be required to be paved for single family dwellings?

Outdoor Storage for Residential Uses

The current regulations for outdoor storage prohibit it in required front yards (20 foot setback) and require screening. No standards exist for this type of screening. There are code standards prohibiting

parking within the front yard (20 foot setback) except on driveways. There are also standards related to parking of certain types of vehicles found in the parking code:

17.304.030.E. Parking of Trailers, Boats, Recreational Vehicle Trailers, and Similar Vehicles. Utility trailers, boats, recreational vehicle trailers, ATVs, or similar vehicles shall not be parked in the primary front yard setback. If they are parked in the area between a residential dwelling unit and a street, they shall be screened from view from the street with a fence, hedge, or similar screen that is a minimum of six feet in height.

However, the applicability section of the parking and loading section of the code does states that the standards only apply to new development, additions, changes of use that require additional parking, or as a condition of a land use approval. What, if any, restrictions should be in place regarding storage in residential areas, and should the code be modified to apply the standards on parking to single family residences?

Code Adjustments

The code allows any quantifiable standard to be adjusted by 20% or less if the criteria can be satisfied. This allows for flexibility. Is this the right amount of flexibility? Should it be more or less flexible? Some codes have a generic adjustment like Dundee, while other codes have allowances and criteria for more specific adjustments. For example, adjustments to minimum setback, lot width/depth or minimum parking requirements.

Temporary Uses

Temporary uses are for commercial activities that are limited in duration or take place outside or take place within a non-permanent structure such as a food cart. A temporary use permit is required for such uses. Limited duration activities are permitted for 90 days within a calendar year. Mobile food carts do not have a time limitation but permits must be renewed every year.

Should temporary uses for commercial activities be allowed in industrial zones? Should permits be required? Some jurisdictions exempt the permit requirement if the activity is less than a certain time frame e.g. three days.

Temporary Structures in Commercial or Other Zones

Limited outdoor or unenclosed uses are permitted as special uses. The standards include allowances for outdoor cooking and dining associated with a permitted eating and drinking establishment. Seating capacity is not to exceed 75 percent of the indoor seating capacity of the business. A minimum of 12 outdoor seats is allowed regardless of the indoor seating capacity. Sometimes these seating areas are uncovered and are only used during good weather. Because these areas are not considered floor area, they are not subject to other standards such as parking.

However, some outdoor seating areas have been covered and enclosed with temporary patio covers or tents. These areas can be heated with portable heaters and can be used year-round. Based on the definition of floor area, these areas are subject to parking standards. Due to the "temporary" nature of the building, there is a gray area about the use inside the building also being "temporary." Should the code be modified to clarify such use of temporary structures is considered a permanent part of the use? Should they be allowed as permanent structures?

Private Streets

Private streets are allowed in Dundee under certain circumstances, including local internal streets in Planned Unit Developments (see code below from Access chapter). However, there is conflicting language in the Planned Unit Development (PUD) code section that states all streets within a PUD must be public. Where and when should private streets be allowed? Private streets are owned and maintained by the property owners that utilize them.

17.301.020.K. Private Streets. Private streets shall be developed in accordance with DMC [17.305.030](#), and are only permitted under the following circumstances:

1. Residential lots or parcels, excluding townhouse developments and planned unit developments, may be accessed via a private street when the review authority finds that public street access is infeasible due to lot shape, terrain, or location of existing structures, and is not necessary to provide for the future development of adjacent properties.
2. Internal local streets or drives to lots or parcels in townhouse developments or planned unit developments may be private.
3. Internal local streets or drives to access commercial or industrial uses located in a campus or park-like development may be private.

Dundee Development Code Issues and Potential Amendments

Code Section	Subsection	Topic	Issue
202	020-Table	Use	Use category descriptions would be helpful. Could broaden the categories - less specific.
202	030 - Table	Wireless Communication Facilities	Is the code language clear that these facilities are allowed in all zones except PO and that the difference in setbacks are larger in those that require Conditional Use?
202	040.B & D	Height	There are exceptions to maximum building height building features not used for human occupancy and solar systems. No maximum projection is noted.
202	040.F.3-4	Height	Accessory Structures - one subsection talks about measuring height including rail/deck/porch, etc. This is not clear as to how to measure. Plus, subsection 4 does not mention this. Does it also apply to subsection 4?
202	060.F.2	Comm Design Standards	The wording could be more clear here in relation to how long before another articulation requirement must be met. Planning Commissioner comment made during review of Riverside Code Amendment review. It was added to the clean up list rather than addressed as part of the Riverside amendments because it is an existing part of the code.
203	160.B.6.i	Temporary Uses	Long Term Food Carts required to renew permit annually. No one does it. Is it necessary? Are there any problems?
203	160.C	Temporary Uses	If I were doing a tree or fireworks lot, then I would not read past C.1. I would not see that C.2 applies to my application. I think it does. If so, it should be clear. Auction/sales how are these different from garage sales in Muni Code?
203	160.C.2	Temporary Uses	Commercial activities allowed in LI zone. Do we want to continue this?
203	090	Home Occupations	Home occupations - are there certain kinds you'd want to prohibit? Also need to add language about revocation of permit if non-compliant.
203	090	Home Occupations	Can you have more than one home occupation? How many? How is the max trip applied? 20 trips for each home occ or 20 trips total?
203	140	Outdoor or Unenclosed Uses	Temporary tents/outdoor seating in commercial zones. Outdoor storage standards in residential zones. Parking related storage in the parking chapter.
203	240	ADU	ADU not as vacation rental so then the loophole is I live in my ADU and rent out my house.
203	240	ADU	Should eliminate the design standards. Not likely clear and objective.
301	020.J	Access	Are these turnaround requirements necessary? Why not whatever is required by Fire?

301	020.I	Access & Circulation	Street connectivity standards only apply to subdivisions. Should they apply in commercial development also? Also, if cul-de-sac is proposed/allowed vs. full street connection, how does this language get you to the pedestrian access way requirement under 17.301.030? There is a reference from 020 but 030 only applies to commercial development requiring a SDR.
301	020.K	Private Streets	States that internal local streets or drives in townhouse development or PUDs may be private. PUD code states that all streets in PUD shall be public. More restrictive applies, but conflict needs to be resolved. Where and when do we want to allow private streets?
302	070.B	Street Trees	Street tree list needs to be updated. There are trees that cause damage to infrastructure on the list.
303	303	Exterior Lighting	Should it apply to residential? Are these standards practical?
304	040.A	Parking Surface	Applicability makes it seem like this couldn't be applied to SFRs or after development. Also want SFR parking to require hard surface but now exempt.
305		Streets	Street standards do not correspond with PW standards. At a minimum should clean up any conflicts. Consider what standards currently in the Transportation System Plan need to be included in the Development Code.
401	040, 050	Notice	Notice requirements. These do not cover all situations. Type III and Type IV published notice - doesn't address. Only addresses mailed notice.
401	010 Table	Street Vacation	Remove vacations as land use process. City Attorney said just need a note in the muni code to follow state law. No additional code for process is needed.
402	070. A.1	SDR Expiration	What is a public improvement plan? If full improvements need to be made, can they submit for only a portion of the improvements? Can a foundation only or grading only permit count as a building permit application? This needs clarification or different language.
403	040.B.3.c	Lot Standard	Through lot standard buried in submittal requirements
406	030	Code Adjustments	Why is adjustment a Type II? Could just make a Type I.
501	Definitions		Definition of frontage is strange. What about partitions or on a private street.
501	Definitions		"Lot" has two definitions - condense into one
501	Definitions		Definition of floor area does not include garage/carport/porch. Probably has to do with "accessory" thing. This whole thing needs to be revisited.

501	Definitions		Definition of adjacent/adjoining includes if only seperated by a public ROW. This means crazy big setbacks for industrial adjacent to residential. Plus don't think that was what language intended based on 10 foot setback on public street.
501	Definitions		Definition of accessory structure - cannot include dwellings or living quarters. This conflicts with ADU code that allows a detached structure. Needs to be taken out.