



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

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**MEETING DATE: September 18, 2019**  
**Meeting Time: 7:00pm**

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- I.** Call Meeting to Order.
- II.** Public Comment
- III.** Approval of Minutes  
- August 21, 2019
- IV.** Code Update Work Session #2
- 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

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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:** August 21, 2019  
**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 Rebecca Minifie, Shannon Howland, Dustin Swenson, Eugene Gilden and Ed Carlisle. City Administrator Rob Daykin and City Planner Cheryl Caines were also present.

## **II. Public Comment**

There was no public comment.

CA Daykin presented the new Planning Commissioner, Ed Carlisle, who then introduced himself.

CA Daykin gave a brief update on the Riverside code project. There was a short discussion regarding property outside the bypass and whether there were development plans for the area, as well as the infrastructure financing plan. Planner Caines updated the Commissioners on the Council's final decision.

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

It was moved and seconded to approve the May 15, 2019 minutes. Motion passes, unanimously.

## **IV. Work Session on Various Development Code Questions**

Planner Caines took the Planning Commission through the memo included in the packet. It was explained that the hope for the evening was to get an idea from the Commission about whether changes needed to be made to the Development Code (as related to the concerns/questions presented in the memo).

### **1. Accessory Structures: Miscellaneous exceptions to setback requirements.**

Photos were passed out by one of the Commissioners of an accessory structure. It was noted that there were no definitions for decks or porches in the development code. Planner Caines suggested she look at the building code to see if there was a definition that could be used. There was discussion about not allowing exceptions. The conversation concluded with CA Daykin suggesting changing the language to "any feature that can be occupied". Planner Caines suggested that she also move the exception for front porches out of the footnotes and in to the exception provision.

CA Daykin questioned whether there should be a cap to the setback allowance based on height. For example, the taller the structure the greater the setback. There was a question about whether there should be an accessory use height limit.

2. Exceptions to Building Height.

There was discussion regarding whether there needed to be a maximum chimney height, as well as whether domes needed to be included in the exceptions (since they are part of the roof structure). There was also conversation regarding whether or not the section, or regulation, was needed. The discussion concluded with Planner Caines suggesting she look for updated solar code.

3. Home Occupations

Discussion took place regarding whether auto repair and auto sales should be prohibited. CA Daykin asked if a home occupation should be completely enclosed in the home. Conversation concluded with the suggestion that no uses be prohibited but that language is crafted to provide revocation. CA Daykin also stated that he would look at other cities regulations for direction.

Discussion also took place regarding whether only one home occupation per dwelling should be allowed or whether there could be two. Conversation concluded with the decision that it should be okay to have more than one home occupation but the allowances for the occupation should not be doubled (for example, the number of car trips or cars on site).

4. Lot Size for Sloped Sites

CA Daykin suggested deleting the table since the majority of sloped land in Dundee was already built. He noted that the larger lots for slope were not needed from an engineering standpoint. There were some comments that having a minimum lot size for the zone would be sufficient. Bull Mountain development was questioned since those properties were very sloped and it was noted that there were no special regulations based on the slope. CA Daykin requested that the Commission think about this question and revisit at the next meeting.

5. Parking Standards for Single Family Residences

CA Daykin asked the Commission if they believed driveways should be required to be paved or not. It was questioned whether the debris (gravel) from a driveway that spills into the roadway could be handled under the nuisance ordinance. It was decided to revisit the discussion at the next meeting.

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

CA Daykin advised the Commission that an ODOT representative had advised the City that the Highway 99W improvements would take place during 2021. There was discussion regarding the construction that would take place as part of the project.

There was a question regarding 9<sup>th</sup> Street and Highway 99W and whether there had been any movement towards development on the property.

CA Daykin stated that the City was currently in the process of designing street improvements for 9<sup>th</sup> Street to Alder Street. CA Daykin also gave an update on the Sander Park site.

## **VI. Adjournment**

The meeting was adjourned.

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Shannon Howland, Chairman

ATTEST:

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Melody Osborne, Planning Secretary



## Memorandum

TO: Dundee Planning Commission  
FROM: Cheryl Caines, Planner  
CC: Rob Daykin, City Administrator  
DATE: September 18, 2019  
SUBJECT: Code Update Workshop #1

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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. Issues addressed at the August 21, 2019 are not included in this memo since the focus will be on having an initial discussion on each topic and then additional workshops with solutions and potential code.

Issues for discussion:

### **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:

<b>Slope</b>	<b>Lot Area Increase</b>
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.