

CITY OF DUNDEE

Meeting: Planning Commission Meeting

Location: Hybrid meeting held in person and via Zoom.
Fire Department Community Meeting Room
801 N. Highway 99W
Dundee, Oregon 97115

Date: April 17, 2024

Time: 7:00 p.m.

I. Meeting called to order.

Chairman Ed Carlisle called the meeting to order. Commissioners present, which consisted of quorum, were Ed Carlisle, Theresa Stevenson, Alex Chiper, Steve Morris, and Logan Leichtman. Commissioner Ron Mock was absent. City Planner Doug Rux and City Administrator Steve Dahl were also present.

There were no audience members.

II. Introduction of New Planning Commission Member(s)

Steve Morris and John Roberts introduced themselves.

III. Election of Chair and Vice Chair for 2024-2025

Commissioner Stevenson nominated Commissioner Leichtman for Chair. Prior to accepting the nomination, Commissioner Leichtman asked if Chair Carlisle wanted to continue as Chair. Commissioner Carlisle responded that he would agree to continue. Commissioner Stevenson withdrew her nomination of Commissioner Leichtman as Chair and nominated Chair Carlisle to continue. Commissioner Stevenson then nominated Commissioner Stevenson nominated Commissioner Leichtman as Vice Chair. The nominations were seconded and passed unanimously.

IV. Public Comment

There was no public comment.

V. Approval of Meeting Minutes

It was moved and seconded to approve the minutes from October 18, 2023. The motion passed unanimously.

VI. Work Session – Riparian Corridor Overlay, NLUR 24-02

Planner Rux explained why the Riparian overlay was necessary. He noted that DEQ had given the City until 2020 to adopt regulations, which hadn't been done so DEQ effectively ordered the City to get it done now. He then explained how the suggested draft code language came to be, and explained which statewide goal routes could be followed for adoption. Through meetings with DLCD it was decided to go through Goal 6 pathway. He then pulled together language from other cities to draft proposed code language, but then also contacted DEQ to gear the language toward Dundee specifically.

He noted that they had met with the affected property owners so that they were aware of the pending legislation. He referred to some questions that DEQ had, as well as some late comments submitted by DLCD. He stated that the goal was to have a discussion with the Commission and get feedback so that he could incorporate changes. The hope was to have a public hearing in June, with a possible second work session in May if needed.

There was discussion regarding measurement, plantings, and the goal of reducing water temperature. Planner Rux talked about the affected properties, explaining that he took some liberty with the mapping and how he identified some properties and zones based on potential future zoning. He noted that one of the areas was along the Willamette River, which was already identified as the Greenway corridor. This required some additional discussion with DLCD because the overlay zones would overlap with each other and the regulations needed to match each other in some aspects—so that if something was allowed in one it was allowed in the other (or disallowed).

Planner Rux then began going through the draft language, explaining each section (regulations, process, criteria). He noted that the definitions mainly came from OAR.

Questions from the Commission included:

- 1) Regarding mitigation plan, percentage, and numbers, and how the numbers would be determined. Planner Rux explained that there was information from Clean Water Services and that one way to determine the numbers might be to look at their methodology, which has been in place for decades.
- 2) Question about whether the property owners had received notice. This was responded affirmatively. Planner Rux also noted that they had received a copy of the proposed language. It was questioned as to whether they were “on board”. Engineer Reid responded that they were upset. Planner Rux explained that one of the developers wanted to possibly develop a subdivision and the property owner’s potential vision. He noted that part of the property was in the Riparian overlay, but explained how the developer could make the subdivision work through the proposed Type II process for the corridor.
- 3) Discussion regarding DLCD’s suggestion to reference the Agricultural Water Quality Management Plan and whether they wanted it referenced in the code.
- 4) Clarified that a survey was a requirement of the application process. Additional discussion regarding the application process and conditions of approval for each application.
- 5) Asked if the property owners would need to go and do anything now. Planner Rux responded that it would be when the area develops. There was no requirement for the owners to do any plantings at this time. Planner Rux responded that the owners did ask

the city to provide some staking so that they would have a visual of where the Riparian Overline boundary was located.

- 6) Question about maintenance of the plantings. Planner Rux noted that the city would make the property owner maintain, or replant if necessary.
- 7) Whether all of the invasive species were included in the list. Planner Rux responded that no, they mainly looked at what other municipalities had in their lists and those listed on Clean Water Services materials. It was questioned that if a property owner wanted to clean up an invasive species on their property, would they need to replant. Planner Rux stated that this could be added to the regulations to require it. It was noted that this would discourage property owners from cleaning up their property. Removing it was a step in the right direction, but replacing might be prohibitive. Some of the Commissioners stated that they would be against making removal of invasive species more difficult. Commissioner Chipper noted that it may be good to add language for erosion control if the invasive species removal was in an erosion location.
- 8) It was questioned who would pay for the initial survey. Planner Rux responded that the city would do an initial survey to identify the Riparian Zone. However, it would be up to the property owners to verify location at time of application. It was noted that during development the owners were already doing surveys, so this was not adding something onerous.

Planner Rux noted that the next step would be to take the Commission's feedback, DEQs feedback, DLCDs feedback, etc. and revise language as needed. He stated that he would notice DLCD of the public hearing to take place in June and asked if the Commission would want to see the language again prior to that. The Commission said yes, they would like to review it at the May meeting. Planner Rux and Engineer Reid noted that DEQ had given the city a deadline of July. With a public hearing in June the city was on track to meet the deadline.

There was no additional discussion and the Commission moved to the Psilocybin regulation work session.

VI. Work Session – Psilocybin Regulations, NLUR 24-01

Planner Rux took the Commission through the staff report and draft code language. He noted that the City had until December 31, 2024, to adopt regulations. He explained that the city could regulate time, place, and manner.

Commissioner Leichtman noted that he was currently assisting with the process of getting a couple of his clients licensed and was well versed in the State of Oregon laws regarding psilocybin.

Questions and discussion items from the Commission included:

- 1) Commissioner Leichtman noted that there were no retail sales. The administration of the psilocybin would have to take place on site, so some of the proposed code language was unnecessary. Commissioners clarified that it was all going to take place on site like a medical facility. Commissioner Leichtman also clarified that testing was referencing laboratory testing. Questioned whether growing was allowed. Commissioner Leichtman responded that growing was included under "manufacturing". CA Dahl asked if

processing and testing could be in the same location. Commissioner Leichtman responded no. CA Dahl asked if all of the allowed uses could be in the same building. Commissioner Leichtman responded that yes, they could be in the same building but that they would each have to be in a separate location with a separate address so differing suite numbers would make them eligible to be in the same building.

- 2) Question about whether mushrooms were considered a controlled substance. Commissioner Leichtman responded that yes, they are listed as a controlled substance. Question about whether the repeal of the decriminalization of illegal substances would also repeal Measure 110. Commissioner Leichtman responded that only specific portions.
- 3) Discussion about requirements for security. It was noted there were a lot of security requirements.
- 4) Discussion about whether there would be any issues that could arise to the surrounding neighborhoods. Commissioner Leichtman responded that the way psilocybin was administered was akin to receiving treatment at a medical facility, so he did not believe there would be an impact.
- 5) Discussion about locations where the facilities could potentially be located. Different scenarios were talked about.
- 6) Question about whether the regulations talk about daycares. There was discussion regarding the barriers of trying to enforce a distance regulation regarding daycares. One being that they are not required to be registered with the city.
- 7) Commissioner Leichtman suggested striking “registered” language since this doesn’t exist with the State of Oregon. It is a licensing requirement and use of the word registered could be confusing. He also suggested adding “must be licensed by the Oregon Health Authority for the type of business proposed”.
- 8) There was a question about the timeline. Planner Rux responded that the Ordinance needed to be adopted in November, so there was some time to continue discussion. He also stated that July would likely be the public hearing with the Commission.
- 9) Question about what happens if a school moves within the 1000-foot limitation. Commissioner Leichtman responded that state law addresses this, and that the school can open, and the psilocybin facility can stay in the location they have been licensed in.

Planner Rux noted that the riparian revisions would be ready one week before the May meeting, but that no changes would be made to the psilocybin regulations so that they could keep going through the language and reviewing.

VII. Issues from Planning Commissioners

Questions regarding whether any interest had been expressed in the (current) school property. CA Dahl responded that he had spoken with several development companies interested in the property. It was asked what types of development were being discussed. CA Dahl responded that most wanted to do retail on the bottom with apartments on the top.

Question about the 9th street project. It was noted that the city was still waiting for PGE to deliver/move the poles. After that, the second pour of asphalt would take place. CA Dahl noted that the landscaping would also begin soon.

Some discussion regarding a winery in the light industrial zone that was serving dinners, even though the statement from them was that the kitchen was for employees only.

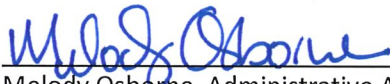
VIII. Adjournment

The meeting was adjourned.



Ed Carlisle, Chair

ATTEST:



Melody Osborne, Administrative Assistant