

**CITY COUNCIL MEETING
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November 15, 2022**

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City of Dundee
City Council Meeting Minutes
November 15, 2022

Call to Order

Mayor David Russ called the meeting to order at 7:00 P.M.

Council and Staff Attendance

Mayor David Russ; Councilors Storr Nelson, Ted Crawford, Bruce Starr, Tim Weaver, and Jeannette Adlong. Councilor Storr Nelson attended via Zoom. Councilor David Ford was absent.

Staff Attendance: City Administrator Steve Dahl; City Attorney Matthew Kahl; City Planner Doug Rux; City Engineer Greg Reid; Fire Chief Brandon Hamilton; and Administrative Assistants Melissa Lemen and Cindy Brenden.

Public Attendance

Members of the audience were citizens Alex Chiper, 520 SW Fifth Street and Rob Daykin 720 SW Scotsman Court. Representing the Newberg School District were Brad Kilby, Brian Staats, Larry Hampton, and Cozette Tran-Caffee. Stephen Phillips of NPS. Attending via Zoom were Jenna Bogert, Clay Downing, and Lacey Brown.

Agenda Changes

None.

Public Hearing – CPA/ZC 22-16, Harper Houf Peterson Righellis, Inc. (Newberg School District)

Mayor Russ opened the public hearing and read the statements in to record.

Declarations Bias, Requests to Abstain, or Objections to Jurisdiction

He then asked the Councilors if there were any declarations of bias, requests to abstain, or objections to jurisdiction. There were no declarations.

Staff Report

City Planner Doug Rux read the staff report into record. He noted that the proposal was two parts—a zone change from Agricultural to Public; and a Comprehensive Plan Change that would update the Riverside Master Plan. After highlighting portions of the report, he concluded by stating that the application met the criteria in the Dundee Comprehensive Plan and statewide planning goals.

Public Testimony

Steve Phillips, representing the Newberg Public School district, was first to speak. He thanked the citizens of Dundee for voting for the school bond as the project would not be able to be completed without its passage. He stated that this was the pinnacle project of that bond, and that they were continuing with finalizing the site and construction plans. He believes this will be a great addition to the Dundee community, and that the move off of Highway 99W would help to

lessen congestion during the school start and end times. He further noted that their intent was also to keep Dundee-Billick Park where it was so that the community could continue to use it.

Brad Kilby, representing the Newberg Public School, and Cozette Tran-Caffee were next to speak. They gave a power point presentation to the Council that visually walked the Councilors through the proposed project, which is for an elementary school that would accommodate approximately 350 students. Mr. Kilby noted that the site was large enough to grow the school in the future should an increase in students make it necessary. He stated that the agriculture zoning doesn't allow schools, which necessitated the zone change. He concluded his presentation by requesting the city approve the ordinance as recommended by staff.

C. Adlong questioned the difference between the map show during the PowerPoint presentation and the one included in the meeting packet. Mr. Kilby responded that the maps were conceptual. The one in the presentation was altered to show that you can fit a school and play fields on the site. He explained that once the rezone had been completed and application for a site design review would be submitted with the finalized design. C. Adlong further asked if the gray boxes along the top of the site were meant to be parking. Mr. Kilby answered that in the concept presented it was for a bus lane and parking.

Mayor Russ reminded the Council that the discussion that evening was to make a decision on the zone change request and comprehensive plan, not to discuss site design and building. C. Adlong confirmed that the designs being presented were not final. Mr. Kilby affirmed that City Council had not been presented with the formal proposal as it had not been finalized and submitted.

Rob Daykin passed out a written document to the Council, attached to the minutes as "Exhibit A". He then read it into record. He concluded by suggesting that Council direct staff to make the recommended text amendment changes proposed in his testimony and have them brought back for adoption in the next council meeting.

Mayor Russ asked if the request for P (Public) zoning was partially causing the issue. Mr. Daykin responded that since the Riverside zoning isn't adopted the applicants would not be required to go through the process that was set up to address things like sizing of parks. Mayor Russ asked if zoning it to R (residential) would require those processes. Mr. Daykin responded that no, it would have to be Riverside Residential—which cannot happen because that zoning does not exist. Mr. Daykin stated that he fully supports the zoning to Public, but he is requesting the two changes to the Riverside District Master Plan so that the staff reviewing the Site Design would have guidance on those items.

Alex Chiper thanked the mayor and councilors for the hard work and commitment to the city and for volunteering their time. As part of the community, he just wanted to say thank you.

There was no additional testimony, and no applicant rebuttal.

The mayor closed the public testimony portion of the hearing at 7:27 P.M.

Staff Recommendation

Planner Rux noted that staff's recommendation could be found on page 5 of 352 in the packet as follows:

- 1: Consider the Planning Commission Order of Recommendations and public testimony.
- 2: Deliberate and make findings. Proposed findings are shown in Exhibit "C" of the attached proposed Ordinance No. 579-2022.

3: Either (A) direct staff to return with a final ordinance for adoption at a future meeting, or (B) unanimously vote to adopt Ordinance No. 579-2022.

Deliberation

C. Adlong mentioned that Mr. Daykin addressed a lot of what she was going to ask and felt we need to make the changes that he suggested. She noted that on page 19 of exhibit A (the Revised Riverside District Master Plan with suggested revisions) this section was unchanged. It still indicated a minimum of 3 neighborhood parks shall be established in areas A, B and F. However, by allowing the school to build the plan would not be achieved. She believed it is important that suggested edits be made. She also stated that the pathway was needed for connectivity and that a change was needed there as well. She emphasized agreement with Mr. Daykin that a park was absolutely needed in either area A or C.

C. Adlong also expressed concern regarding the drop off and pick up areas, as well as traffic movement along SE 8th Street. M. Russ stated that the question was moot because the discussion was about zoning not development. He reiterated this the plans presented were only conceptual and were likely to change. There was a short, contentious, back-and-forth between C. Adlong and the mayor regarding the purpose of the meeting and whether traffic patterns should be discussed. C. Adlong stated that transportation had been presented in the packet and felt that it needed to be resolved that evening. A representative from the school, who did not identify themselves, spoke from the audience to state that they would not hold the Council to the map that was presented in the packet and presentation.

C. Adlong questioned whether the school might move forward with residential development in addition to the school as mentioned in the packet. CA Dahl responded that this conversation had come up during the planning commission meeting and that representatives from the school district informed him that they had no plans to change the zoning back to residential. He further noted that once the zone change from Agriculture to Public was complete it would take another process to zone from Public to Residential. CA Dahl affirmed again that he was assured by the district that this plan was not on the table at this time.

C. Adlong stated that in conclusion that she concurred with Mr. Daykin that there needed to be additional amendments to the Comprehensive Plan to address the concerns about the interconnected trail and location of the parks.

The mayor questioned the reason for requesting Public instead of Residential zoning. Planner Rux responded that after discussion with the applicant they felt the best zoning was Public. He noted that the applicant appeared to want to answer the question and suggested that the mayor reopen the public hearing.

The mayor reopened the public hearing.

Ms. Tran-Caffee responded to the mayor's question and stated that it had a lot to do with timing as zoning to Riverside Residential was not an available option. The mayor questioned why the regular (existing) Residential zone was not an option. Planner Rux began his answer by giving the history of the Riverside zoning amendments, which have been on hold since 2018. He noted that, after evaluating the best location for the school, they purchased the property on the corner of SE 8th and Edwards. Since the Riverside zoning had not been adopted, and Riverside Residential zoning did not exist, the decision was made to zone to Public. M. Russ pointed out that he was not asking about Riverside Residential but, simply, Residential zoning because the Riverside Code didn't exist. Planner Rux responded that the Riverside Master Plan, which is part of the

comprehensive plan, did exist; and, in that plan, the Public zone also exists. The mayor argued that since the Riverside zoning hadn't been adopted there was nothing stopping them from calling it Residential. Planner Rux responded that this would need to be researched.

M. Russ stated that he brought it up because the current school was zoned residential, and he believed that having the future school zoned residential would be more beneficial to the city. He felt that by zoning the property Public, he would be helping to create a "trap". C. Nelson stated that he felt if the argument had taken place earlier in the process the argument might have been better but that the consensus of the public was so in favor of the school in that location that the process was too far along to suggest the change. M. Russ concluded by stating that he would like to see the property zoned residential; he also stated that he felt council should take Mr. Daykin's suggestions very seriously.

C. Nelson stated that he agreed that the suggestions by Mr. Daykin needed to be looked at in order to protect connectivity and protecting the enjoyable parts of Dundee. C. Crawford asked C. Nelson if he was in favor of the residential zoning. C. Nelson responded that he was not.

C. Crawford stated he did not feel the Public zone trapped Dundee as the zoning changed later. M. Russ stated that he disagreed and felt that changing zoning was Public to anything else was more difficult. C. Crawford questioned whether the school would have the ability to build workplace housing if necessary. He questioned whether this had been discussed during the application phase. Planner Rux stated that they would be able to do this if the property was zoned residential, but that there would be a number of traffic considerations that would need to take place if this was a project they desired to be done. However, yes, if it was zoned residential the option of building housing would be open to them.

Mr. Daykin spoke from the audience to state that one of the reasons to avoid zoning the property residential at this time was because the capacity to provide sewer did not exist. The wastewater plan required the riverside to provide their own sewer line since the line on Edwards was not capable of handling sewer for the property. Zoning the property residential would put the city in a bad place if a developer came forward. If the property is zoned public, when the request came forward to change it to residential, it provided the opportunity for the city to enter into a development agreement.

C. Adlong **moved** to direct staff to return with a final ordinance for adoption at a future meeting with the addition of the 2 statements that were introduced by Rob Daykin, regarding the multiuse path and regarding the requirement to place a park in subarea A instead of subarea C. The motion was seconded and passed unanimously.

Public Comment

There was no public comment.

Consent Agenda

A **motion** was made and seconded to approve the consent agenda, which included the minutes from November 1, Parks Advisory Committee appointments, and the progress review of the council goals. **The motion** passed unanimously.

Old Business

SW 9th Street Concepts

M. Russ indicated that he thought the intersection looked good and asked if City Engineer Reid had any comments to introduce. CE Reid stated that the cost estimate had increased significantly, due to the water line which wasn't part of the LID. The \$400,000 in work will be funded through the water fund. CE Reid stated that the other was due to the updated unit costs. The original estimate was over a year old, so he knew the estimates needed to be revised for the upcoming rebid in January 2023.

C. Crawford questioned C. Nelson about what he had been seeing in terms of expense trends. C. Nelson responded that the costs were leveling off but not decreasing and encourages Council to get bids soon.

CE Reid noted that the other thing needing discussion was the undergrounding and how that would be funded. He stated that it would likely be \$500,000 for the conduits and vaults. This cost did not include the conversion of the residences. CE Reid spoke to three electricians, and they advised that the estimate could run anywhere from 10,000 to 30,000 per structure depending on the age of the residences.

M. Russ clarified if doing this work would bring in a higher level of service. CE Reid explained that the electrical panels would need to be upgraded and possibly need to be rewired; additionally, if the panel is upgraded some of the wiring in the homes would then be out of date and it would need updating as well. C.E. Reid noted that several of the residences have been bought up by developers, so he did not believe many of the houses would remain. CE Reid went on to say that the LID could be used for the right-of-way, but he did not believe the LID could be used to force conversion of the homes. He was waiting to hear back from City Attorney Kahl. He stated that knowing the houses were going to eventually be taken down, he had an idea about allowing for temporary poles on the (private) property with several options for requiring them to do the undergrounding at a future date. Based on one of the conversations he had with a property owner, the owner was hoping to purchase as many properties as possible and then move forward with a larger project. CE Reid felt that trying to force the residential undergrounding now on structures that were going to be removed didn't make sense.

M. Russ questioned whether the city could put in the conduit and then leave the conversion until development took place. CE Reid explained that the existing right-of-way would need to be completed or there would be no way to feed through the conduits.

C. Nelson asked whether a loan from the urban renewal district to the homeowners would help get the work done in the short term, as opposed to waiting for them to develop. CE Reid stated that was an option. Urban renewal could offer to do the conversions or do the conversions where it made sense. C. Nelson clarified that what he was suggesting was a loan from urban renewal to the private homeowners that they could pay back over time to get the work done. There was some discussion about how to determine making the choice about which residences to offer this option to as providing it for homes to be torn down was a potential waste of resources.

CA Kahl stated that if the city decided it was going to underground there was going to have to be the connection from the right-of-way to the private property and he believed that the utility provider could help with that. CE Reid responded that PGE would not do anything on the private side, this would be up to the city. CA Kahl explained that, from the statute he was reading earlier,

the city could require the work to be done. The city would need to get an easement or permit from the property owner to be able to work on their property, but if that wasn't accomplished the end result would be disconnection of service. He concluded by stating that if the city were to form an assessment district to pay for the undergrounding, separate from the original LID, the option for a temporary pole would not be allowed. The purpose of the assessment would be to bring everything underground.

Further discussion took place. Main topics included cost to the homeowner, whether the utility could remain aboveground, and timing of the project.

CA Dahl asked what additional information the Council would need to make a decision. He noted that the decision didn't need to be made tonight, but that staff needed an idea of which direction the council would like to move. CE Reid recapped his take on the discussion. He believed the questions were:

- 1) Does the city want to pursue the undergrounding? He believed the answer was yes.
- 2) What funding mechanism does the city want to pursue? He asked if council wanted him to talk with PGE about forced undergrounding and distributing the cost to the rate payers, noting that PGE was not excited about that idea. They would rather the city put in the conduits in and they would pull the wires through on their dime. This would leave negotiating the private side with the property owners up to the city.

M. Russ indicated that CE Reid should figure out some ways to make it work and bring it to council for further discussion—the sooner the better due to the potential of rising costs.

There was a short discussion regarding beacons and crosswalks.

IT Managed Services Approval

There was discussion regarding the cost difference presented by both BlackPoint and Ricoh in the council packet. C. Weaver **moved** to have Ricoh provide IT Services to the City of Dundee. The **motion** was seconded and passed unanimously.

New Business

Food Truck Sewer System Access

C. Adlong questioned whether it was the property or food truck owner that would be responsible for the hookup. CA Dahl answered that it would ultimately be the property owner. He then asked if the council had a preference as to whether the property owner or the person leasing from the owner bring the request to the city. However, the city would only approve the request with a signed statement from the owner acknowledging that if the food truck vacates the use the property owner is responsible for the sewer entrance.

M. Russ asked if the same guidelines governing the request for water service would work in this situation. CA Dahl responded yes, explaining that he needed a general idea of whether council was in favor of the proposal.

CA Dahl explained the history of regulations regarding water tanks on the food trucks and the state rule change that spurred the discussion.

There was a discussion regarding whether food carts needed to be on paved surfaces and the purpose for the requirement. CA Dahl responded that it may have to do with ADA regulations, and he would research and report back at the next meeting.

Council agreed that using the water agreement between landlord and tenant would be acceptable for the sewer requests.

Council Concerns and Committee Reports

C. Crawford informed the council that he had spoken to C. Starr about being Chair of the tourism committee and that it should be brought up by Council in the next meeting. Several of the Tourism committee members need to be reassigned. C. Crawford explained that he could no longer be chair of the committee once he leaves city council, as the chair must be a council member. A short discussion took place. M. Russ asked if it would be appropriate to discuss the chair position while we still have C. Crawford on council. C.A. Dahl responded that it could be done at the December 6 meeting, unless council wanted to do it after the first of the year.

C. Weaver announced a joint council rural fire board meeting was going to take place on November 28 at 6:30pm.

Mayor's Report

M. Russ inquired about the by-law and asked if there was any progress. C.A. Dahl indicated it would take a while due to planning and the ability to follow through in his schedule.

City Administrator's Report

C.A. Dahl informed the council of the following items:

- 1) There was a new lighted flagpole at city hall; as well as two newly installed lights in the parking lot.
- 2) The Audit has been moved to November 30 and December 1.
- 3) The LOC was having councilor training and the announcement should have been sent to the councilors email addresses.
- 4) There would only be one meeting in December. The meeting on December 20 was cancelled.
- 5) A reminder that photographs of the councilors were scheduled for the first meeting in January, beginning at 6:30pm.

Public Comment

Alex Chipper had a suggestion for CE Reid regarding using Google's street view during presentations as they may be clearer. Also, he wondered if Dundee would be able to reach out to other cities regarding the undergrounding to see how they had dealt with the issues raised during the meeting.

The meeting was adjourned at 8:47 P.M.

David Russ, Mayor

Attest:

Steve Dahl, City Administrator/Recorder

Riverside District Master Plan Update

The Riverside District Master Plan was adopted in 2011 following considerable community input including a committee made up of stakeholders comprising of owners, agencies (CPRD, ODOT, School District, City of Dundee), developer representation, and Dundee citizens. The Plan established policies guiding the development of the Riverside District area that provides for diversified housing types with higher densities, parks and recreation facilities to adequately serve the new population, and lands for commercial and light industrial development providing shopping convenience and jobs. The theme of the process was to create a viable and unique community in the Riverside District area. Some of the unique features in the Plan include the use of "green seams" (a 30-foot wide strip located around the perimeter of the Plan area and next to the Bypass that may be used for pathways and storm water conveyance) and the concept of multi-use paths (bike/ped) that connect the three distinct neighborhoods separated by the Bypass and the municipal wastewater treatment plant, along with connections to the proposed three neighborhood parks.

In 2018, again with representation from stakeholders, recommended amendments to the Dundee Development Code that would establish Riverside zoning districts, development standards, processes for developing the Riverside District area, and specific standards for location and development of the neighborhood parks and multi-use pathways. The recommendation also provided much greater flexibility in the overall residential density, including the conversion of up to one half of the commercial lands in subarea A to be exclusively residential, along with mixed residential use in the commercial uses. However, due to concerns expressed by City Attorney Ramis at the hearing before Council, the Planning Commission's recommendations for the Code amendments were "accepted" and not adopted pending resolution of certain infrastructure uncertainties. This was mainly an issue of future water supply, but it also dealt with the uncertainty on how neighborhood parks would be developed, owned and maintained.

Shortly after 2018 the School District completed its process of engaging the community in developing recommendations for use of bonded proceeds for financing a variety of improvements to District facilities. The single largest project would be the construction of a new Dundee elementary school. The District looked at constructing the new school at the current location or on property owned by the District that was developed as part of Billick Park. Council expressed its preference for preserving Billick Park and supported the idea of locating a new elementary school in subarea C of the Riverside District. While this approach would benefit both the City and the District, a key consideration shared by City staff to the District Development team was to ensure that the intent of the multi-use path system interconnecting parks and neighborhoods be retained. Specifically, staff proposed that a multi-use path be placed on the perimeter of subarea C (edge of the school property) that would have direct connection to Edwards Road and Eight Street (Dundee Landing Road). The District was tasked with proposing amendments along with supporting findings to update the Riverside District Plan.

The uses in subarea C (page 13 of the Riverside District Plan) are proposed to be amended to reflect the location of the new elementary school. However, since the zoning is proposed to be Public the development application for the school will not be subject to the "accepted" Code amendments intended for the implementation of the Riverside District Plan (even if the "accepted" Code amendments were to be adopted) and may result in ambiguity with respect to a neighborhood park serving subarea A and the alignment of the multi-use path. I recommend the removal of that ambiguity to include the following language in Subarea C: "A multi-use path shall be located next to the Bypass right of way and along the perimeter of Subarea C not abutting public right of way and connect to the Edwards Road public right of way and Eight Street public right of way." This will

ensure subarea A will be connected to the other residential neighborhoods as anticipated in the Riverside District Plan and will provide a significant recreation facility for East Dundee residents.

While the multi-path should be in a tract dedicated to the City of Dundee for that purpose, how its construction will be financed was not yet determined. In 2018 staff was looking into the possibility of this being a City responsibility with the imposition of a new system development charge and State grants. Alternatively, its construction would have been part of development agreement (as recommended by the city attorney) between interested parties including the City of Dundee and property owner. Note: the development agreement would normally be a prerequisite for an owner of a subarea to get zoning and the "accepted" Code amendment adopted.

Regarding the language proposed by the District that the "school site may function in part to meet park needs during non-school hours" while a nice gesture it will obscure the requirements of subarea A. Originally subarea A and subarea C were to share one neighborhood park. Subarea A had a target density of 100 units in the 2011 Plan, however, with the additional flexibility in density and the ability to convert up to 50% of the commercial land in subarea to residential uses, the actual number of housing units may be much greater. Since the existing Fortune Park is too small (using the proposed "accepted" standards), subarea A will need to provide park land and facilities to meet the needs of this new population. (Note: the "accepted" standards will require over an acre of park for 150 residential units). To clarify the need for a fully accessible neighborhood park to serve subarea A, I recommend amending section 1 of Parks, Open Space and Trail (page 19) of the Riverside District Master Plan to replace subarea C with subarea A for the establishment of neighborhood parks. Note: Figure 1 – Riverside District Land Uses shows a "Potential Open Space" in Subarea A that appears to meet the "accepted" park requirements for size (1 acre), locations (200 feet from the Bypass), and access (abuts a minimum of two public streets).

Since these recommended changes may require additional staff review to ensure no other conflicts and may require possible updates to the findings, I suggest following closure of the public hearing and deliberations that Council direct staff to make the recommended changes to the proposed text amendments and have them brought back for adoption at the next council meeting.

Rob Daykin
720 SW Scotsman Court
November 15, 2022