



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

07/30/2013

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Dundee Plan Amendment
DLCD File Number 002-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, August 14, 2013

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jessica Nunley, City of Dundee
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative

<paa> N



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within 20-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	☐ In person ☐ electronic ☐ mailed
	DEPT OF
	JUL 25 2013
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **City of Dundee**

Local file number:

Date of Adoption: **5/4/1987**Date Mailed: **7/24/2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☐ Yes ☒ No Date:☐ Comprehensive Plan Text Amendment☒ Comprehensive Plan Map Amendment☐ Land Use Regulation Amendment☐ Zoning Map Amendment☐ New Land Use Regulation☒ Other: **UGB Expansion**

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Inclusion of approximately 5.67 acres in the Dundee urban growth boundary, encompassing the Dundee Cemetery and Dundee water reservoir site. This amendment was adopted by both the City of Dundee and Yamhill County in 1986/1987 but was not sent to DLCD at that time. The current county zoning of the property is PAI (Public Assembly/Institutional), the current comprehensive plan designation is P (Public).

Does the Adoption differ from proposal? Please select one

Plan Map Changed from: **P**to: **P (Public)**

Zone Map Changed from:

to:

Location: **northwest edge of Dundee**Acres Involved: **5**

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☐	☐	☐	☐	☐	☐	☒	☐	☐	☒	☐	☐	☐	☐	☐

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☐ Yes ☒ No

If no, do the statewide planning goals apply?

☒ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☒ Yes ☐ No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Jessica Nunley, AICP**

Phone: (503) 554-7744 Extension:

Address: **PO Box 220**

Fax Number: **503-538-1958**

City: **Dundee**

Zip: **97115-**

E-mail Address:

jessica.nunley@newbergoregon.gov

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 **green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

FILED
DEC 31 1986
AM 11:28
CLERK

86-618

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON
FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of an Ordinance)
Amending the Yamhill County)
Comprehensive Plan, 1974, to)
Allow an Expansion of the)
Urban Growth Boundary of the)
City of Dundee to Encompass) ORDINANCE 438
Additional Right-of-Way on)
Edwards Drive and to Incor-)
porate the Dundee Cemetery)
and Water Storage Tank; Plan-)
ning Docket P-2-86; and De-)
claring an Emergency)

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON (the Board) on the 31st day of December, 1986, sat for the transaction of county business in special session, Commissioners Donald D. Porter and Ted Lopuszynski being present.

WHEREAS, the City of Dundee has applied to the Department of Planning and Development in order to expand its urban growth boundary to include two parcels identified on the attached Exhibit "B" and more particularly described as follows:

Site 1 - The easterly one half of County Road No. 79, Edwards Drive, to coincide with the approved surrender of jurisdiction of that portion of County Road 79 as referenced in Yamhill County Board Order 83-543, and Exhibit "A" to the statement of acceptance of the surrender of jurisdiction by the City of Dundee dated April 18, 1985;

Site 2 - The Dundee Cemetery and Dundee Reservoir site that adjoins the Dundee city limits, Tax Lots 3326AB-3400, 3326AC-5400, and 3326-101; and

WHEREAS, pursuant to rules adopted July 26, 1979, under authority of Board Order 79-258 said application was first considered and approved by the Planning Commission and City Council of the City of Dundee and thereafter following a public hearing in the Yamhill County Courthouse on March 20, 1986, the Yamhill County Planning Commission recommended to the Board of Commissioners that the Yamhill County Comprehensive Plan be amended to allow the expansion of the urban growth boundary as described above; and

WHEREAS, on April 9, 1986, the Board held a public hearing and thereafter voted unanimously to approve the above-described comprehensive plan amendment and urban growth boundary expansion; and

WHEREAS, on December 1, 1986, the Board and the Dundee City Council held a joint public hearing on the application and voted unanimously to grant the application and directed staff to prepare findings of fact and conclusionary findings in support of such approval; and

WHEREAS, staff has prepared findings of fact and conclusionary findings for approval and based upon such findings attached hereto as Exhibit "A" and by this reference incorporated herein, it appears appropriate to grant the application of the City of Dundee as set forth above; and

WHEREAS, Statewide Planning Goal 14 and Oregon Administrative Rule 660-04-010 require that the procedures and requirements of Goal 2 for goal exception be followed when an urban growth boundary is amended to include rural land, and the findings set forth in Exhibit "A" demonstrate compliance with Goal 14 and OAR 660-04-010; and

WHEREAS, because it is logical and in the best interests of the citizens of Yamhill County and the City of Dundee that the City of Dundee urban growth boundary should encompass the easterly one half of Edwards Drive, the Dundee City Cemetery, and the Dundee water storage tank; NOW THEREFORE

THE YAMHILL COUNTY BOARD OF COMMISSIONERS ordains as follows:

Section 1. Based upon the findings of fact and conclusionary findings attached hereto as Exhibit "A" and by this reference incorporated herein, the Yamhill County Comprehensive Plan, 1974, is hereby amended as follows:

- (a) To allow the expansion of the urban growth boundary of the City of Dundee to include the easterly portion of County Road 79 (Edwards Drive) as more particularly described in the statement of acceptance by the City of Dundee of the surrender of jurisdiction of County Road 79 signed by Floyd I. Aylor, Mayor of Dundee, and dated April 18, 1985, as more particularly identified on the attached map identified as Exhibit "B" and incorporated herein by this reference; and
- (b) To allow the expansion of the urban growth boundary of the City of Dundee to include the Dundee Cemetery and Dundee water storage tank identified as Tax Lots 3326AB-3400, 3326AC-5400, and 3326-101, as identified on the attached Exhibit "A" incorporated herein by this reference; and
- (c) To designate the parcels referred to in this section as "Future Urbanizable" on the Yamhill County Comprehensive Plan Map.

Section 2. Based upon the findings of fact and conclusionary findings set forth in Exhibit "A" and by this reference incorporated herein, an exception is hereby taken, to the extent required by OAR 660-04-010, to Statewide Planning Goal 14, to allow inclusion of the subject parcels referred to above and that said expanded urban growth boundary and the said exception shall be incorporated into and shall become a part of the Yamhill County Comprehensive Plan.

Section 3. This ordinance being necessary for the health, safety, and welfare of the citizens of Yamhill County, and an emergency having been declared to exist shall become effective

upon passage hereof.

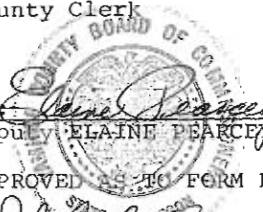
DONE at McMinnville, Oregon this 31st day of December,
1986.

ATTEST:

YAMHILL COUNTY BOARD OF COMMISSIONERS

CHARLES STERN
County Clerk

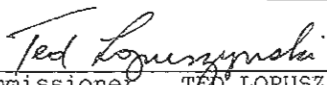

Chairman DONALD D. PORTER
Date: 12-31-86


By: 
Deputy ELAINE PEARCEY

(not available for signature)
Commissioner DAVID E. BISHOP
Date: _____

APPROVED AS TO FORM BY:


JOHN M. GRAY, JR.
Yamhill County Counsel


Commissioner TED LOPUSZYNSKI
Date: Dec 31, 1986

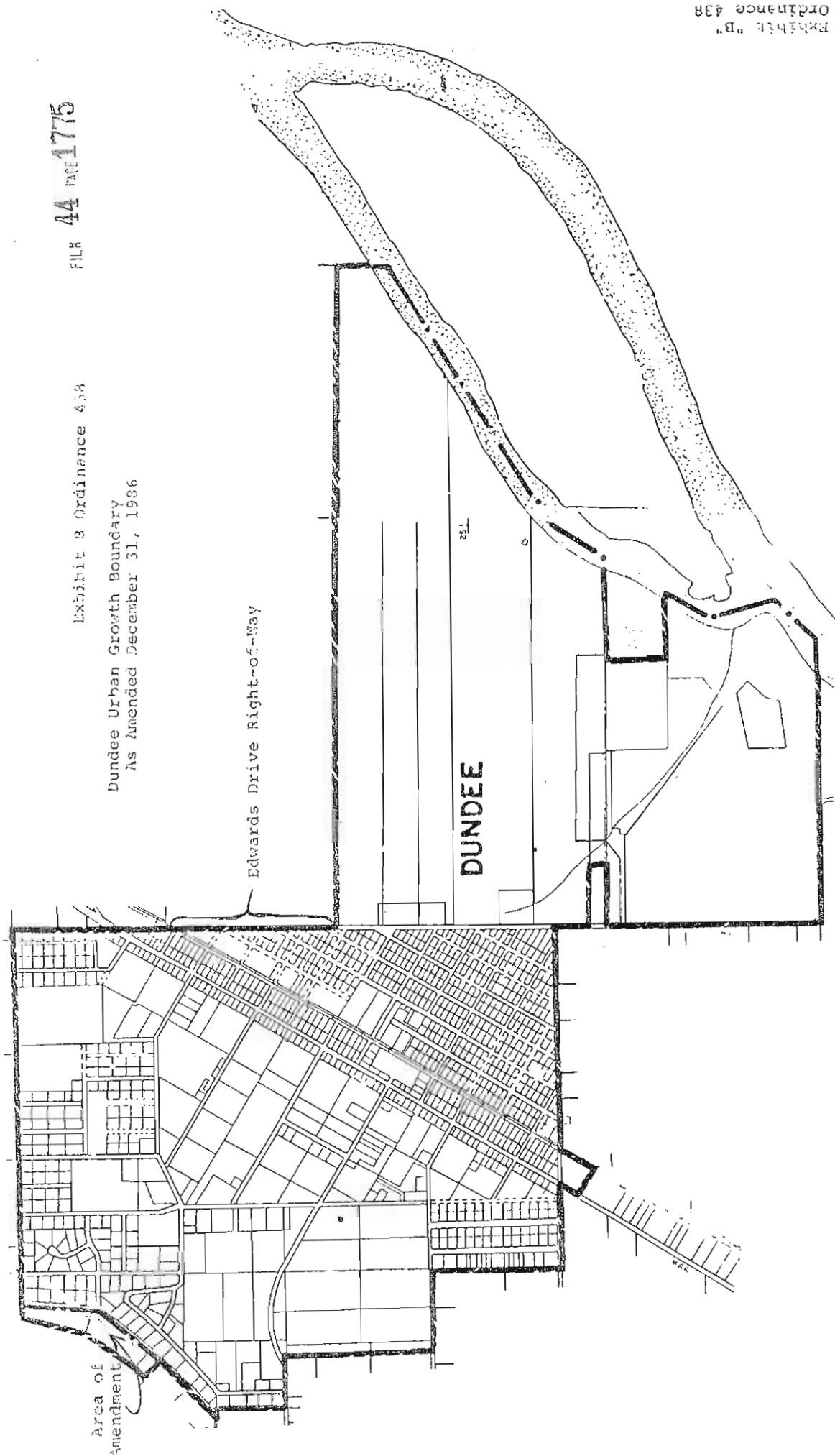
ORDINANCE 438

FINDINGS

These findings are adopted by the Yamhill County Board of Commissioners (the Board) in support of its action of December 31, 1986, to amend the Yamhill County Comprehensive Plan, 1974 to allow an expansion of the urban growth boundary of the City of Dundee. There are two areas of amendment of the existing urban growth boundary of the City of Dundee affected by Ordinance 438. First, the amendment allows expansion of the urban growth boundary to take in the easterly portion of County Road 79 (Edwards Drive) to coincide with a surrender of jurisdiction and subsequent acceptance of jurisdiction over that portion of Edwards Drive within the City of Dundee. The amendment relating to Edwards Drive will extend the urban growth boundary from the centerline of Edwards Drive to the easterly right-of-way. The second area of amendment takes in the fully developed City of Dundee cemetery and the tax lot on which the City of Dundee water storage tank is located. Both areas of amendment are contiguous to the existing city limits.

The Board makes the following findings in support of Ordinance 438:

1. The Board finds that due to the insubstantial effect of the addition of one half of Edwards Drive to the urban growth boundary and the full development of the Dundee Cemetery, and the tax lot supporting the water storage tank, that the seven Goal 14 amendment criteria are not applicable to this amendment. The Board has considered each factor and finds no conflict with any Goal 14 amendment factor by the urban growth boundary expansion.
2. The Board finds that no impact on either resources protected by the goal or the requirement for the city to provide services will be made by the expansion of the urban growth boundary accomplished by Ordinance 438.
3. The Board finds that there are no areas within the UGB which could accommodate a water storage tower because of the need for high elevation not found elsewhere within the UGB. The Board further finds that there are no areas within the UGB which could reasonably accommodate a cemetery.
4. The Board finds that there are no long-term environmental, economic, social, or energy consequences resulting from the expansion of the urban growth boundary to encompass the easterly portion of Edwards Drive, the Dundee City Cemetery and the Dundee water storage tank.
5. The Board finds that the proposed uses as roadway, cemetery, and water storage tank are compatible with other existing adjacent uses.
6. The Board finds that the expansion of the urban growth boundary to encompass the easterly portion of Edwards Drive, the Dundee City Cemetery and the Dundee water storage tank is in the best interests of the citizens of Dundee and Yamhill County.



Area of
Amendment

Exhibit B Ordinance 438
Dundee Urban Growth Boundary
As Amended December 31, 1986

FILE 44 OCT 1775

Exhibit "B"
Ordinance 438

ORDINANCE NO. 268

AN ORDINANCE AMENDING THE URBAN GROWTH BOUNDARY OF THE CITY OF DUNDEE TO ENCOMPASS ADDITIONAL RIGHT-OF-WAY ON EDWARDS DRIVE AND TO INCORPORATE THE DUNDEE CEMETERY AND DUNDEE WATER STORAGE TANK AND DECLARING AN EMERGENCY

WHEREAS, the City of Dundee desired to expand its Urban Growth Boundary to include those parcels identified on the attached Exhibit "A" and more particularly described as follows:

Site 1 - The Easterly one-half of County Road No. 79, Edwards Drive, to coincide with the approved surrender of jurisdiction of that portion of County Road 79 as referenced in Yamhill County Board Order 83-543, and Exhibit "A" to the statement of acceptance of the surrender of jurisdiction by the City of Dundee dated April 18, 1985;

Site 2 - The Dundee Cemetery and Dundee Reservoir site that adjoins the Dundee city limits, Tax Lots 3326AB-3400, 3326AC-5400, and 3326-101; and

Site 3 - The Southeasterly 195 feet of property owned by Earl Baron, Tax Lot No. 3326-100.

WHEREAS, on December 1, 1986, the Board of Commissioners of the State of Oregon, for the County of Yamhill, and the Dundee City Council held a joint public hearing on the proposed changes and voted unanimously to grant the application and directed the City staff to prepare findings of fact and conclusionary findings in support of such approval; and

WHEREAS, staff has prepared findings of fact and conclusionary findings for approval and based upon such findings attached hereto as Exhibit "B" and by this reference incorporated herein, it appears appropriate to approve the Plan Amendment request, now, therefore,

THE CITY OF DUNDEE, OREGON, DOES ORDAIN AS FOLLOWS:

Section 1. The Comprehensive Plan map of the City of Dundee, Oregon, is amended to include within the Urban Growth Boundary the following properties:

Site 1 - The Easterly one-half of County Road No. 79, Edwards Drive, to coincide with the approved surrender of jurisdiction of that portion of County Road 79 as referenced in Yamhill County Board Order 83-543, and Exhibit "A" to the statement of acceptance of the surrender of jurisdiction by the City of Dundee dated April 18, 1985;

Site 2 - The Dundee Cemetery and Dundee Reservoir site that adjoins the Dundee city limits, Tax Lots 3326AB-3400, 3326AC-5400, and 3326-101; and

Site 3 - The Southeasterly 195 feet of property owned by Earl Baron, Tax Lot No. 3326-100.

Section 2. The Comprehensive Plan of the City of Dundee, Oregon, is hereby amended to include within the Urban Growth Boundary the following properties:

Site 1 - The Easterly one-half of County Road No. 79, Edwards Drive, to coincide with the approved surrender of jurisdiction of that portion of County Road 79 as referenced in Yamhill County Board Order 83-543, and Exhibit "A" to the statement of acceptance of the surrender of jurisdiction by the City of Dundee dated April 18, 1985;

Site 2 - The Dundee Cemetery and Dundee Reservoir site that adjoins the Dundee city limits, Tax Lots 3326AB-3400, 3326AC-5400, and 3326-101; and

Site 3 - The Southeasterly 195 feet of property owned by Earl Baron, Tax Lot No. 3326-100.

Section 3. This ordinance being necessary for the health, safety, and welfare of the citizens of the City of Dundee, and an emergency having been declared to exist, shall become effective upon passage hereof.

AYES: Robert Wheeler, John Peters, Mike Hancock

~~NAYS:~~

Kay Edwards, Sylvia Boh

Submitted to and approved by the Mayor on this 14th day of May, 1987.

W. A. [Signature]
Mayor

ATTEST:

[Signature]
City Recorder

EXHIBIT "B"

FINDINGS

These findings are adopted by the City Council of the City of Dundee, Oregon, in support of its action of February 2, 1987, to amend the Comprehensive Plan of the City of Dundee, Oregon, and the Comprehensive Plan Map of the City of Dundee, Oregon, to expand the Urban Growth Boundary of the City of Dundee, Oregon.

The Council makes the following findings in support of Ordinance No. 268:

1. The Council finds that due to the unsubstantial effect of the addition of one-half of Edwards Drive to the Urban Growth Boundary and the full development of the Dundee Cemetery and the Tax Lot supporting the water storage tank, that the seven Goal 14 amendment criteria are not applicable to this amendment. The Council has considered each factor and finds no conflict with any Goal 14 amendment factor by this Urban Growth Boundary expansion.

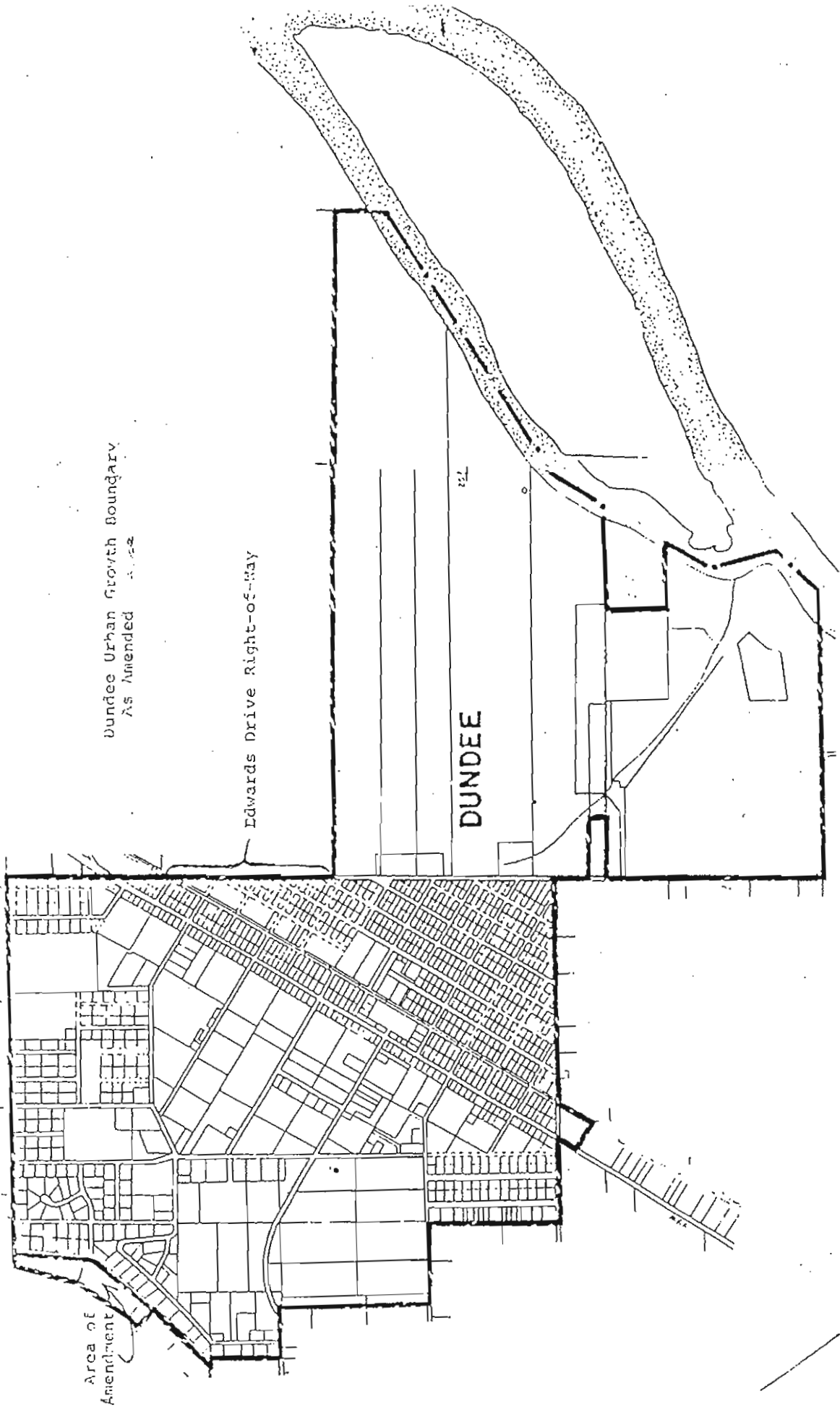
2. The Council finds that no impact on either resources protected by the goal on the requirement for the City to provide services will be made by the expansion of the Urban Growth Boundary accomplished by Ordinance No. 268.

3. The Council finds that there are no areas within the Urban Growth Boundary which could accommodate a water storage tower because of the need for high elevation not found elsewhere within the Urban Growth Boundary. The Council further finds that there are no areas within the Urban Growth Boundary which could reasonably accommodate a cemetery.

4. The Council finds that there are no long term environmental, economic, social or energy consequences resulting from the expansion of the Urban Growth Boundary to encompass the easterly portion of Edwards Drive, the Dundee City Cemetery, and the Dundee water storage tank.

5. The Council finds that the proposed uses as roadway, cemetery, and water storage tank are compatible with other existing adjacent uses.

6. The Council finds that the expansion of the Urban Growth Boundary to encompass the easterly portion of Edwards Drive, the Dundee City Cemetery, and the Dundee water storage tank is in the best interests of the citizens of Dundee and Yamhill County.



Dundee Urban Growth Boundary
As Amended

Edwards Drive Right-of-Way

DUNDEE

Area of
Amendment

of Dundee
Box 220
Dec, OR.
97115

ATTN: Plan Amendment Specialist

DLCD

635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

DEPT OF

JUL 25 2013

LAND CONSERVATION
AND DEVELOPMENT

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