



# 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](http://www.lcd.state.or.us)

### NOTICE OF ADOPTED AMENDMENT



April 14, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Dundee Plan Amendment  
DLCD File Number 002-07

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: April 25, 2008**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-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 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 DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Steve Oulman, DLCD Transportation Planner  
Bill Holmstrom, DLCD Transportation Planner  
Thomas Hogue, Policy Analyst  
Melody Osborne, City of Dundee

<paa> yal

D L C D NOTICE OF ADOPTION

DEPT OF

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

APR 07 2008

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Dondoe Local File No.: ZC 07-05-09 / -010 CMA (If no number, use none)

Date of Adoption: 3-18-08 (Must be filled in) Date Mailed: 4-4-08 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 5-4-08

- Comprehensive Plan Text Amendment
Land Use Regulation Amendment
New Land Use Regulation
[X] Comprehensive Plan Map Amendment
[X] Zoning Map Amendment
Other: (Please Specify Type of Action)

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

The Comprehensive Map and zoning map were changed to a variety of Commercial, Industrial, Residential, and Public zones.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

Some acreage belonging to Chehalis Park & Rec. was removed from the application. Uses for specific zones were also removed from the "allowed/ permitted" uses in certain zones.

Plan Map Changed from: EFU to C, R, I, P

Zone Map Changed from: A to R-2, R-3, CC, LI, P

Location: SE Side of Dondoe Acres Involved: 63.64

Specify Density: Previous: 0 New: 0

Applicable Statewide Planning Goals: 9, 10, 11, 12, 14

Was an Exception Adopted? Yes: No: X

DLCD File No.: 002-07(16085)



Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: ODOT, Dundee Fire Department, Chehalem Park+Rec, Newberg Schools

Local Contact: Melody Osborne Area Code + Phone Number: 503-538-3922

Address: PO Box 220 / 1020 SW 5th Street

City: Dundee Zip Code+4: 97115-0220

## ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision** per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:  
**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Larry.French@state.or.us](mailto:Larry.French@state.or.us) - **ATTENTION: PLAN AMENDMENT SPECIALIST.**



**NOTICE OF DUNDEE CITY COUNCIL DECISION  
COMPREHENSIVE PLAN MAP AMENDMENT CASE No. 07-05-10  
ZONE CHANGE CASE No. 07-05-09  
April 4, 2008**

**I. BACKGROUND INFORMATION**

- A. **APPLICANTS:** River Farms, LLC.
- B. **PROPERTY LOCATION:** The subject property is located on the east side of the City, between Edwards Drive and the Willamette River. There is no property address and the County Assessor map identifies the subject property as located within Township 3 South; Range 3 West; Section 25; Tax Lot #2900.
- C. **ZONING:** The Land is currently designated Residential and zoned Agricultural (A).
- D. **PARCEL SIZE:** Approximately 53.54 acres.
- E. **EXISTING DEVELOPMENT:** The land is vacant with access available from Edwards Drive (8<sup>th</sup> Street).
- F. **REQUEST:** The applicants are requesting approval of the following.
  - 1. Establishment of the following Comprehensive Plan designations: (a) "Low Density Residential" on 6.58 acres; (b) "Medium Density Residential" on 16.94 acres; (c) "Commercial" on 14.72 acres; (d) "Industrial" on 13.8 acres; and, (e) "Public" on 1.5 acres
  - 2. Establishment of the following Zones: (a) Single-Family Residential @-2) on 6.58 acres; (b) Medium Density Residential @-3) on 16.94 acres; (c) Commercial (CC) on 14.72 acres; (d) Light Industrial (LI) on 13.8 acres; and (e) Public (P) on 1.5 acres.



- G. DECISION CRITERIA: Dundee Comprehensive Plan and Dundee Development Ordinance.
- H. CITY COUNCIL HEARING: November 6, 2007 and January 8, 2008.

## II. DECISION

The City Council determined the application meets the relevant standards and criteria for a Comprehensive Plan Map Amendment and Zone Change. It is the decision of the Dundee City Council to approve the request.

## III. APPEAL PROVISIONS

Unless otherwise appealed, the City Council decision will be official within 21 days of the date of this notice. Appeal of this decision is to the Land Use Board of Appeals (LUBA), PUC Building - 550 Capital Street NE, Salem, Oregon 97301

Notice of Intent to Appeal must be received at the Land Use Board of Appeals by:

**5:00 pm, April 25, 2008.**

Should you wish to appeal this action, or have any questions or comments regarding this project, please contact City Hall.

Sincerely,



Melody Osborne  
Planning Secretary

City of Dundee  
Notice List for River Farms LLC  
Final Decision

Mart Storm  
22965 Sunnycrest Road  
Newberg, Oregon 97132

Rod Grinberg  
5410 SW Macadam Avenue #270  
Portland, Oregon 97239

Myrna Miller  
PO Box 610  
Dundee, Oregon 97115

River Farms LLC  
PO Box 455  
Dundee, Oregon 97115

Al Benkendorf  
2701 NW Vaughn Street, Suite 461  
Portland, Oregon 97210

Lancaster Engineering  
321 SW 4<sup>th</sup> Avenue, Suite 400  
Portland, Oregon 97204

Ric Stephens  
Alpha Community Development  
9200 SW Nimbus Avenue  
Beaverton, Oregon 97008

Chehalem Park and Recreation  
125 S. Elliot Road  
Newberg, Oregon 97132

Jessica Cain  
Gunn, Cain, and Kinney  
PO Box 1046  
Newberg, Oregon 97132



**CITY OF DUNDEE  
ORDINANCE NO. 465-2008**

**AN ORDINANCE APPROVING AN AMENDMENT TO THE CITY OF DUNDEE  
COMPREHENSIVE PLAN AND ZONING MAP.**

WHEREAS, an application for Comprehensive Plan Map Amendments (File 07-05-10) and Zone Changes (File 07-05-09) on 58.6 acres of land currently designated for "Residential" use was filed by River Farms, LLC; and

WHEREAS, the subject property is located on the east side of the City, between Edwards Drive and the Willamette River and identified on the County Assessor map as located within Township 3 South; Range 3 West; Section 25; Tax Lot #2900; and

WHEREAS, the Planning Commission considered the application at hearing and developed a recommendation to the Council to approve the application with conditions as reflected in the attached copy of the Planning Commission order; and

WHEREAS, the City Staff presented a Staff Report to the City Council that carried the Planning Commission order forward, but that suggested changes in the conditions of approval to improve their clarity and ability to be administered; and

WHEREAS, the City Council held a public hearing on the application on November 13, 2007 at which testimony was received and which was continued until January 8, 2008 again at which testimony was received; and

WHEREAS, the City Council closed the hearing and deliberated on January 8, 2008 and directed, by motion, Staff to prepare an ordinance approving the application with conditions; and

WHEREAS, the City Council directed Staff to prepare Findings of Fact to support the application;

**NOW THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNDEE THAT:**

Section 1 - The Dundee Comprehensive Plan Land Use Map is amended by changing the planned land use pattern as shown on the attached Exhibit A; and as defined in the attached legal descriptions identified as Exhibit B; and

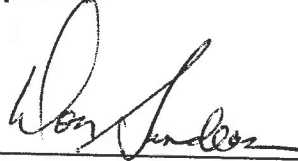
Section 2 – The zoning of the subject property is changed to the zones shown on the attached Exhibit A and as defined in the attached legal descriptions identified as Exhibit B; and

Section 3 – Findings of Fact supporting the Comprehensive Plan amendment and zone change are adopted as listed in Exhibit C; and

Section 4 – Conditions of approval are placed on the zone change as listed in Exhibit D.

**ADOPTED by the Council this 18th day of March 2008.**

**Approved:**



\_\_\_\_\_  
Don Sundeen  
Mayor

**Attest:**



\_\_\_\_\_  
Rob Daykin  
City Administrator



EXHIBIT A

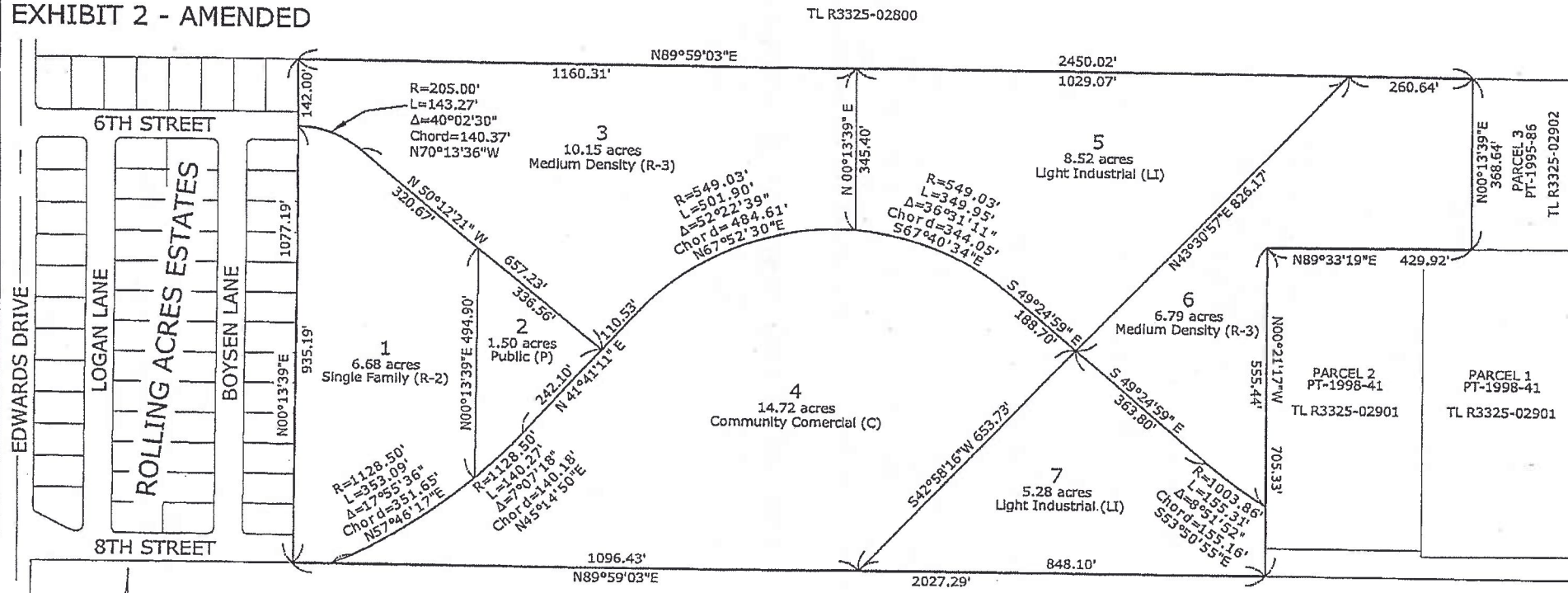
ZONING PLAN FOR:  
**RIVER FARM, LLC**

LOCATION: SOUTH 1/2 OF SECTION 25, TOWNSHIP 3 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN  
PARCEL 2 OF PARTITION PLAT 1995-86  
CITY OF DUNDEE, YAMHILL COUNTY, OREGON

TAX LOT: R3325 - 02900

DATE: 18 JANUARY 2008

EXHIBIT 2 - AMENDED



TL R3325-02800

TL R3336-00100

**River Farm, LLC**  
P.O. Box 476  
Dundee, OR 97115

The Benkendorf Associates Corp.  
2701 N.W. Vaughn St., Suite 461  
Portland, OR 97210

REGISTERED PROFESSIONAL LAND SURVEYOR

Matt Dunckel & Assoc.  
3765 Riverside Drive  
McMinnville, Oregon 97128  
Phone : 503-472-7804  
Fax: 503-472-0367  
Email: matt@dunckelassoc.com

OREGON  
July 15, 2008  
MATTHEW E. DUNCKEL  
1942

Renewable 31 December 2009

#6471

SCALE 1" = 200'

1-3  
DUNDEE CITY COUNCIL ORDINANCE NO. 465-2008  
File 07-05-09 Zone Change  
/File 07-05-10 Comprehensive Plan Map Amendment  
River Farms, LLC.

EXHIBIT B

Matt Dunckel & Assoc.  
Land Surveyors  
3765 Riverside Drive  
McMinnville, OR 97128  
Phone: 503-472-7904  
Fax: 503-472-0367  
E-Mail: matt@dunckelassoc.com

Date: 21 January 2008

RIVER FARM, LLC - PARCEL 1 DESCRIPTION (A portion of TL R3325-02900)

A tract of land in the South ½ of Section 25, Township 3 South, Range 3 West, Willamette Meridian, being part of Parcel 2 of Partition Plat 1995-86, City of Dundee, Yamhill County, Oregon, the perimeter of which is more particularly described as follows:

Beginning at the southwest corner of PARCEL 2 of Partition Plat 1995-86, recorded in Yamhill County Survey Records; thence North 00°13'39" East 935.19 feet along the west line of said PARCEL 2; thence southeasterly 143.27 feet along a 205.00 foot radius curve concave to the southwest, the chord of which bears South 70°13'36" East 140.37 feet; thence South 50°12'21" East 320.67 feet; thence South 00°13'39" West 494.90 feet; thence southwesterly 353.09 feet along a 1128.50 foot radius curve concave to the northwest, the chord of which bears South 57°46'17" West 351.65 feet to a point on the south line of said PARCEL 2 that is North 89°59'03" East 82.76 feet from the southwest corner of said PARCEL 2; thence South 89°59'03" West 82.76 feet along the south line of said PARCEL 2 to the point of beginning.

*DUNDEE CITY COUNCIL ORDINANCE NO. 465-2008  
File 07-05-09 Zone Change/File 07-05-10 Comprehensive Plan Map Amendment  
River Farms, LLC.*



EXHIBIT B

Matt Dunckel & Assoc.  
Land Surveyors  
3765 Riverside Drive  
McMinnville, OR 97128  
Phone: 503-472-7904  
Fax: 503-472-0367  
E-Mail: matt@dunckelassoc.com

Date: 21 January 2008

RIVER FARM, LLC - PARCEL 2 DESCRIPTION (A portion of TL R3325-02900)

A tract of land in the South ½ of Section 25, Township 3 South, Range 3 West, Willamette Meridian, being part of Parcel 2 of Partition Plat 1995-86, City of Dundee, Yamhill County, Oregon, the perimeter of which is more particularly described as follows:

Beginning at a point that is North 00°13'39" East 935.19 feet from the southwest corner of PARCEL 2 of Partition Plat 1995-86, recorded in Yamhill County Survey Records, said point being on the west line of said PARCEL 2; thence southeasterly 143.27 feet along a 205.00 foot radius curve concave to the southwest, the chord of which bears South 70°13'36" East 140.37 feet; thence South 50°12'21" East 320.67 feet to the TRUE POINT OF BEGINNING; thence South 50°12'21" East 336.56 feet; thence South 41°41'11" West 242.10 feet; thence southwesterly 140.27 feet along a 1128.50 foot radius curve concave to the northwest, the chord of which bears South 45°14'50" West 140.18 feet; thence North 00°13'39" East 494.90 feet to the TRUE POINT OF BEGINNING.

*DUNDEE CITY COUNCIL ORDINANCE NO. 465-2008  
File 07-05-09 Zone Change/File 07-05-10 Comprehensive Plan Map Amendment  
River Farms, LLC.*

EXHIBIT B

Matt Dunckel & Assoc.  
Land Surveyors  
3765 Riverside Drive  
McMinnville, OR 97128  
Phone: 503-472-7904  
Fax: 503-472-0367  
E-Mail: matt@dunckelassoc.com

Date: 21 January 2008

RIVER FARM, LLC – PARCEL 3 DESCRIPTION (A portion of TL R3325-02900)

A tract of land in the South ½ of Section 25, Township 3 South, Range 3 West, Willamette Meridian, being part of Parcel 2 of Partition Plat 1995-86, City of Dundee, Yamhill County, Oregon, the perimeter of which is more particularly described as follows:

Beginning at a point that is North 00°13'39" East 935.19 feet from the southwest corner of PARCEL 2 of Partition Plat 1995-86, recorded in Yamhill County Survey Records, said point being on the west line of said PARCEL 2; thence southeasterly 143.27 feet along a 205.00 foot radius curve concave to the southwest, the chord of which bears South 70°13'36" East 140.37 feet; thence South 50°12'21" East 657.23 feet; thence North 41°41'11" East 110.53 feet; thence northeasterly and easterly 501.90 feet along a 549.03 foot radius curve concave to the south; the chord of which bears North 67°52'30" East 484.61 feet; thence North 00°13'39" East 345.40 feet to a point on the north line of said PARCEL 2 that is North 89°59'03" East 1160.31 feet from the northwest corner of said PARCEL 2; thence South 89°59'03" West 1160.31 feet along the north line of said PARCEL 2 to the northwest corner thereof; thence South 00°13'39" West 142.00 feet along the west line of said PARCEL 2 to the point of beginning.

*DUNDEE CITY COUNCIL ORDINANCE NO. 465-2008  
File 07-05-09 Zone Change/File 07-05-10 Comprehensive Plan Map Amendment  
River Farms, LLC.*

EXHIBIT B

Matt Dunckel & Assoc.  
Land Surveyors  
3765 Riverside Drive  
McMinnville, OR 97128  
Phone: 503-472-7904  
Fax: 503-472-0367  
E-Mail: matt@dunckelassoc.com

Date: 21 January 2008

RIVER FARM, LLC – PARCEL 4 DESCRIPTION (A portion of TL R3325-02900)

A tract of land in the South ½ of Section 25, Township 3 South, Range 3 West, Willamette Meridian, being part of Parcel 2 of Partition Plat 1995-86, City of Dundee, Yamhill County, Oregon, the perimeter of which is more particularly described as follows:

Beginning at a point that is North 89°59'03" East 82.76 feet from the southwest corner of PARCEL 2 of Partition Plat 1995-86, recorded in Yamhill County Survey Records, said point being on the south line of said PARCEL 2; thence North 89°59'03" East 1096.43 feet along the south line of said PARCEL 2; thence North 42°58'16" East 653.73 feet; thence North 49°24'59" West 188.70 feet; thence northwesterly and south westerly 851.85 feet along a 549.03 foot radius curve concave to the south, the chord of which bears South 86°08'06" West 768.94 feet; thence South 41°41'11" West 352.63 feet; thence southwesterly 493.36 feet along a 1128.50 foot curve concave to the northwest, the chord of which bears South 54°12'38" West 489.44 feet to the point of beginning.

*DUNDEE CITY COUNCIL ORDINANCE NO. 465-2008  
File 07-05-09 Zone Change/File 07-05-10 Comprehensive Plan Map Amendment  
River Farms, LLC.*



EXHIBIT B

Matt Dunckel & Assoc.  
Land Surveyors  
3765 Riverside Drive  
McMinnville, OR 97128  
Phone: 503-472-7904  
Fax: 503-472-0367  
E-Mail: matt@dunckelassoc.com

Date: 21 January 2008

RIVER FARM, LLC - PARCEL 5 DESCRIPTION (A portion of TL R3325-02900)

A tract of land in the South ½ of Section 25, Township 3 South, Range 3 West, Willamette Meridian, being part of Parcel 2 of Partition Plat 1995-86, City of Dundee, Yamhill County, Oregon, the perimeter of which is more particularly described as follows:

Beginning at a point that is North 89°59'03" East 1160.31 feet from the northwest corner of PARCEL 2 of Partition Plat 1995-86, recorded in Yamhill County Survey Records, said point being on the north line of said PARCEL 2; thence North 89°59'03" East 1029.07 feet along the north line of said PARCEL 2; thence South 43°30'57" West 826.17 feet; thence North 49°24'59" West 188.70 feet; thence northwesterly 349.95 feet along a 549.03 foot radius curve concave to the south, the chord of which bears North 67°40'34" West 344.05 feet; thence North 00°13'39" East 345.40 feet to the point of beginning.

*DUNDEE CITY COUNCIL ORDINANCE NO. 465-2008  
File 07-05-09 Zone Change/File 07-05-10 Comprehensive Plan Map Amendment  
River Farms, LLC.*

EXHIBIT B

Matt Dunckel & Assoc.  
Land Surveyors  
3765 Riverside Drive  
McMinnville, OR 97128  
Phone: 503-472-7904  
Fax: 503-472-0367  
E-Mail: matt@dunckelassoc.com

Date: 21 January 2008

RIVER FARM, LLC – PARCEL 6 DESCRIPTION (A portion of TL R3325-02900)

A tract of land in the South ½ of Section 25, Township 3 South, Range 3 West, Willamette Meridian, being part of Parcel 2 of Partition Plat 1995-86, City of Dundee, Yamhill County, Oregon, the perimeter of which is more particularly described as follows:

Beginning at a point that is North 89°59'03" East 2189.38 feet from the northwest corner of PARCEL 2 of Partition Plat 1995-86, recorded in Yamhill County Survey Records, said point being on the north line of said PARCEL 2; thence South 43°30'57" West 826.17 feet; thence South 49°24'59" East 363.80 feet; thence southeasterly 155.31 feet along a 1003.86 foot radius curve concave to the northeast, the chord of which bears South 53°50'55" East 155.16 feet to the east line of said PARCEL 2; thence North 00°21'17" West 555.44 feet along the east line of said PARCEL 2 to the northwest corner of PARCEL 2 of Partition Plat 1998-41, recorded in Yamhill County Survey Records; thence North 89°33'19" East 429.92 along the north line of said PARCEL 2 of Partition Plat 1998-41 to the most easterly southeast corner of Said PARCEL 2 of Partition Plat 1995-86; thence North 00°13'39" East 368.64 feet along the east line of said PARCEL 2 of Partition Plat 1995-86 to the northeast corner thereof; thence South 89°59'03" West 260.64 feet along the north line of said PARCEL 2 of Partltion Plat 1995-86 to the point of beginning.

*DUNDEE CITY COUNCIL ORDINANCE NO. 465-2008  
File 07-05-09 Zone Change/File 07-05-10 Comprehensive Plan Map Amendment  
River Farms, LLC.*

EXHIBIT B

Matt Dunckel & Assoc.  
Land Surveyors  
3765 Riverside Drive  
McMinnville, OR 97128  
Phone: 503-472-7904  
Fax: 503-472-0367  
E-Mail: matt@dunckelassoc.com

Date: 21 January 2008

RIVER FARM, LLC - PARCEL 7 DESCRIPTION (A portion of TL R3325-02900)

A tract of land in the South ½ of Section 25, Township 3 South, Range 3 West, Willamette Meridian, being part of Parcel 2 of Partition Plat 1995-86, City of Dundee, Yamhill County, Oregon, the perimeter of which is more particularly described as follows:

Beginning at a point that is North 89°59'03" East 1179.19 feet from the southwest corner of PARCEL 2 of Partition Plat 1995-86, recorded in Yamhill County Survey Records, said point being on the south line of said PARCEL 2; thence North 89°59'03" East 848.10 feet along the south line of said PARCEL 2 to the southeast corner thereof; thence North 00°21'17" West 149.89 feet along the east line of said PARCEL 2; thence northeasterly 155.31 feet along a 1003.86 foot radius curve concave to the northeast, the chord of which bears North 53°50'55" West 155.16 feet; thence North 49°24'59" West 363.80 feet; thence South 42°58'16" West 653.73 feet to the point of beginning.

*DUNDEE CITY COUNCIL ORDINANCE NO. 465-2008  
File 07-05-09 Zone Change/File 07-05-10 Comprehensive Plan Map Amendment  
River Farms, LLC.*



## EXHIBIT C

### FINDINGS OF FACT-GENERAL

The Dundee City Council, after careful consideration of the testimony and evidence in the record, adopts the following Findings of Fact:

- A. The applicant is River Farms, LLC.
- B. The subject property is located on the east side of the City, between Edwards Drive and the Willamette River. There is no property address and the County Assessor map identifies the subject property as located within Township 3 South; Range 3 West; Section 25; Tax Lot #2900.
- C. The subject area contains approximately 53.54 acres.
- D. The land is currently designated Residential and zoned Agricultural(A).
- E. The land is vacant with access available from Edwards Drive (8<sup>th</sup> Street).
- F. Property to the north lies within Yamhill County while the Willamette River is located to the east. To the south is additional A zoned property. Property zoned Medium Density Residential (R-3) is located to the west and contains a subdivision.
- G. The applicants are requesting approval of the following (Note these acreage numbers have been refined from the original application and are now based on a survey of the property and proposed zone boundaries):
  - 1. Establishment of the following Comprehensive Plan designations: (a) "Low Density Residential" on 6.58 acres; (b) "Medium Density Residential" on 16.94 acres; (c) "Commercial" on 14.72 acres; (d) "Industrial" on 13.8 acres; and, (e) "Public" on 1.5 acres.
  - 2. Establishment of the following Zones: (a) Single Family Residential (R-2) on 6.58 acres; (b) Medium Density Residential (R-3) on 16.94 acres; (c) Commercial on 14.72 acres; (d) Light Industrial (LI) on 13.8 acres; and (e) Public (P) on 1.5 acres.
- H. Approval or denial of this request will be based on compliance with the decision criteria in the Dundee Comprehensive Plan; and, the Dundee Development Ordinance.

FINDINGS OF FACT  
PLAN MAP AMENDMENTS AND ZONE CHANGES

- A. Section 3.102.01 requires a zone change to be reviewed in accordance with the Type III review procedures. This application requires a review by both the Planning Commission and City Council, with the Commission providing a recommendation to Council and the Council rendering the final decision. Dundee Development Ordinance does not identify any decision criteria for a change in the Plan map designation but does contain criteria to review a zone change. The Commission and Council previously found the criteria for the zone change may also apply to the decision regarding a change in the Plan map designation. The specific decision criteria are found in Section 3.102.03.
- B. Section 3.102.03.A. - The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.

FINDINGS: Based on the submittal, the proposed Plan Map designations and proposed zones are, or will, be compatible. In addition, the Plan Map amendments and zone changes must consider the City's various housing and economic goals and policies:

*Housing* - The Plan's general housing Goal is to meet the projected housing needs of the citizens. Low Density Residential areas are to be developed 3.5 to 4.7 units per acre. All develops are to include utilities streets and sidewalks and be fully serviced with public and private utilities. Storm drainage plans are also required. With the exception of a higher density (maximum 10 units per acre) Medium Density Residential areas are subject to similar policies.

*Economy* - The Plan's general Goal is to meet a level of economic development adequate to meet the public need. The Plan also supports a diversified economy.

*Commercial* - A major goal is to minimize the inefficiency and unsightliness along Highway 99W. Commercial areas will be fully serviced and aesthetic improvements (such as sign requirements) will be encouraged.

*Industrial* - Site plans will be required for the development of Industrial land while screening will be required for industrial uses adjacent to residential land. Additional policies relate to development of, or land adjacent to, the old Westnut Plant.

*Public* - There are no specific policies related to the Public Zone

FINDINGS: In response, the Council makes the following findings:

1. *Residential* - The development density and improvement requirements occur when a proposal is brought before the Council. In this manner the policies are not directly related to locational issues establishing the zones. However, policies for both the Low and Medium Density designations call for the extension of necessary services. While sanitary waste water treatment capacity is unavailable at this time, the City is working to complete a final master plan. It is possible for the City to enter into an agreement with the developer that postpones sanitary sewer hook-up permits until such time the necessary facilities are constructed.
2. *Commercial* - Highway 99W is essentially the commercial core for the City. Plan policies are not specific as to the preferred location for commercially zoned land. However, this action will also create commercial land serving the neighborhoods included in - and surrounding - this project. As such, this will lessen the impact of commercial uses along Highway 99W. Previous comments regarding sanitary sewer remain applicable to the proposed Plan Map amendments and zone changes related to Commercial development.
3. *Industrial and Public* - With the expansion of the old Westnut Plant site, the Plan is not specific with regard to location and preferences for Industrial and Public zoned land. Previous comments regarding sanitary sewer remain applicable to these requests.

While current Plan Policies are not specific, the applicant is well aware of the potential adverse impacts associated with industrial zoning in residential areas. To address this issue, it was suggested the City may wish to consider development conditions on the zone change, specifically limiting the number and type of permitted industrial uses. This will be incorporated into this Ordinance.

- C. Section 3.102.03.B. - The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.

FINDINGS: There does not appear to be physical limitations on the land that would prohibit development of permitted uses.

- D. Section 3.102.03.C. - Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance.

FINDINGS: Similarly, as there are not physical limitations, it would appear the property can be developed in conformance with specific requirements of the underlying zone.



- E. Section 3.102.03.D. - Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.

FINDINGS: As previously noted, there currently is no adopted plan in place to address projected sanitary sewer needs. However, the submitted evidence indicates the City is working toward creating such a plan, including certain submittal deadlines with the DEQ. The City Engineer suggested - and the Council concurs - the applicant should not apply to develop the site until such time necessary sewer facilities are in place to serve the project or are likely to be in place within a year of when the applicant proposes development.

This criterion is also meant to address transportation networks. ODOT concluded the analysis, methods and findings of the submitted traffic impact analysis are adequate and acceptable and meet the *technical requirements* of the Transportation Planning Rule. Mitigation measures can be phased when development occurs to address the increase in traffic congestion on the local street system.

It must also be noted, the proposed Newberg-Dundee Transportation Improvement Project locates the By-pass route through the property. No determination was made as to whether funding is, or will be, in place to complete the By-pass project. ODOT staff testified that because of a lack of funding, this proposal may be reviewed under current City regulations *without consideration* of the By-pass.

- F. Section 3.102.03.E. - For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.

FINDINGS: The Council finds that the purpose statement primarily defines the housing type and density limitations of each zone. This "purpose" is implemented when a particular development plan is submitted for review.

- G. Section 3.102.03.F. - The following additional criteria shall be used to review all nonresidential changes:

1. The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone, or the location of the appropriately zoned land is not locationally or physically suited to the particular uses proposed for the subject property, or lack site specific amenities required by the proposed use, **and**,

2. The supply of vacant land in the existing zone is adequate, assuming the zone change is granted, to accommodate the projected rate of development of uses allowed in the zone.

FINDINGS: The criteria address the adequacy of the land supply. Item "1." asks whether there is insufficient for the proposed zone and "2." asks if there is sufficient land within the existing zone to accommodate future demand. City staff provided information on this criterion by converting information from the 1999 buildable lands inventory project to address future requirements. The material is summarized below:

Type	Needed Net Acres	Available Net Acres	Surplus/(Deficit)
Residential Subtotal	166	272	106
Public	49	16	(33)
Mixed Use	8	0	(8)
Mixed Use (Residential and Public)	223	288	65
Commercial	27	13	(14)
Industrial	35	17	(18)
Employment Subtotal	62	30	(32)
<b>Total</b>	<b>285</b>	<b>318</b>	<b>33</b>

This information was based on revisions to the original 1999 report and does not include recent updates to the land inventory. However, even without this updated information, the Council finds this proposal will meet all future Commercial land requirements and most of the City's Industrial needs.

3. The proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.

FINDINGS: The entire east side of the City was originally designated for residential development. As the vast majority of adjacent land remains undeveloped, it is difficult to determine what impacts, if any, will occur. However, this proposal establishes the groundwork for future development of this area. The proposed zoning is so situated as to place new residential land adjacent to existing residential land thereby providing a buffer for new industrial and commercial uses. The property owner to the south - who controls significant, vacant developable land agrees with this zoning plan and presented a possible development scenario that will maintain compatibility. On balance, the Council holds the applicant submitted an integrated design plan that addresses the future land use needs of the City without adversely affecting the potential development of adjacent vacant land.

- H. Pursuant to Section 3.201.03.H., conditions may be placed on any Type III land use action. Conditions must relate to either: (1) protection of the public from potentially deleterious effects of the proposed use; or, (2) fulfillment of the need for public service demands. The Council believes certain conditions are necessary to fulfill these requirements:
1. Adequate facility services are critical to the development of the property. Evidence and testimony clearly indicate there is a lack of sewer and water capacity at this time. However, the Council finds the City is working toward adopting necessary plans and actions to meet anticipated service needs. Therefore, to ensure these services are available, the applicant will not submit an application, nor will the City approve an application, for any development or permit approvals until such time as sewer and water services are available or will be reasonably available at the time of development.
  2. Commercial Uses - Approximately 15-acres will be zoned Community Commercial (C). This zone allows a number of uses (e.g., mortuaries, green houses and public facilities) that may be incompatible with proposed adjacent residential uses and the intent of the development. Therefore, the Council finds it appropriate to limit the number of permitted uses within the zone. These are primarily designed to meet both tourist related and neighborhood residential needs.
  3. Industrial Uses - In a similar vein, approximately 14-acres will be zoned Light Industrial (I). This zone allows a number of uses (e.g., lumber yards, feed stores, outdoor storage and manufacturing facilities) that are incompatible with proposed adjacent residential uses and the intent of the development. Therefore, the Council finds it appropriate to significantly limit the number of permitted uses



within the zone to those associated with wineries and associated food production (e.g., cheese).

4. **Master Plan** - The application was submitted with the intent of developing an area that would support wine tourism and related activities. As such, integrating the entire development is key to success of this application and will ensure a compatible relationship between the various zones and adjacent properties. For this reason, the Council finds it appropriate to require the submittal of a master plan for the entire property.

The master plan is required before or concurrent with a land use application is submitted for the site. The Master Plan will be reviewed by the Planning Commission as a Type III Land Use action. The master plan will identify the long term use of the area with sufficient information to show how future development will conform to Development Ordinance requirements. Compliance with the master plan shall be placed as a condition of approval on any land use applications for the site. This plan shall apply regardless of current or future ownership.

- I. The application involves the establishment of Plan designations and zones to allow residential, commercial, industrial and public land development. This represents a type of area plan for land under single ownership. The Council fully understands this is simply the beginning of a long process, and that additional reviews - specifically site development reviews - are necessary to address final development. With the inclusion of the proposed conditions, the Council finds the proposal will substantially conform to the intent of the request.

## EXHIBIT D

### FILE 07-05-09 ZONE CHANGE CONDITIONS OF APPROVAL

As a condition of approval of:

- A. Establishing the following Comprehensive Plan designations on property located within Township 3 South; Range 3 West; Section 25; Tax Lot #2900: (a) "Low Density Residential" on 6.58 acres; (b) "Medium Density Residential" on 16.94 acres; (c) "Commercial" on 14.72 acres; (d) "Industrial" on 13.8 acres; and, (e) "Public" on 1.5 acres
- B. Establishing the following Zones on property located within Township 3 South; Range 3 West; Section 25; Tax Lot #2900: (a) Single Family Residential (R-2) on 6.58 acres; (b) Medium Density Residential (R-3) on 16.94 acres; (c) Commercial on 14.72 acres; (d) Light Industrial (LI) on 13.8 acres; and (e) Public (P) on 1.5 acres

The following conditions of approval are established. These must be fulfilled prior to development of the property as evidenced by the issuance of any building permit or sanitary sewer hook-up permit by the City.

- A. The Applicant will be able to apply for, and the City will be able to approve, a subdivision application, site plan review or other development application for the subject property only at such time that adequate public sewer and water facilities are available or will be reasonably available at the time of development. For the purposes of this condition, "reasonably available" means that the public sewer and water facilities shall be available to serve the subject property, or that the City has an executed contract for the construction or acquisition of adequate public sewer and water facilities to serve the subject property at or about the time that the development proposed in any building permit or development application are ready to connect to the City services. The purpose of this condition is to allow the Applicant to apply for development of the subject property in advance of the actual availability of the public facilities, so that the Applicant can connect to the public facilities at approximately the time the public facilities are at a capacity to support the development.
- B. Permitted uses for land zoned Community Commercial (C) shall include all the uses now permitted in the zone, under Section 2.106.02, except:

1. Section 2.106.02.K. Greenhouse and Garden Supply
  2. Section 2.106.02.L. Food Stores and Furniture Stores exceeding 3,000 square feet, pharmacy, hardware, appliance, and department stores.
  3. Section 2.106.02.H. Banks with Drive Through
  4. Section 2.106.02.M. Fast Food Restaurants with Drive Through
  5. Section 2.106.02.N. Equipment Rental
- C. Permitted uses in the Light Industrial (I) Zone shall be limited to the following uses identified in Section 2.109.02:
1. Section 2.109.02 D. Industrial uses:
    - a. Section 2.109.02.D.1. Beverage bottling facility, including warehousing and distribution
    - b. Section 2.109.02 D. 4. Dairy products manufacturing, such as butter, milk cheese, and ice cream
    - c. Section 2.109.02.D.9. Food processing, including canning, freezing, drying and similar food processing and preserving
  2. Section 2.109.02.E. Uses clearly accessory and subordinate to the above
  3. Section 2.109.02.F. Park and ride lot; parking spaces cannot count as required parking or be used for vehicle storage.
  4. Section 2.109.02.G. Temporary Uses subject to provisions in Section 2.310.
  5. Section 2.109.02.H. Wireless communication facilities, subject to provisions in Section 2.311.
- D. A master plan is required to develop the subject property. This requirement shall be subject to the following:
1. The Planning Commission shall review a master plan for the entire site as



a Type III application. The master plan may be filed before or in conjunction with an application for a Subdivision, Partition, or Site Design Review. The Planning Commission shall develop a recommendation on the master plan for the City Council. The Master Plan shall be subject to final review and approval by the City Council. Compliance with the approved Master Plan shall be a condition of approval on all subsequent land use applications. The Commission and Council review shall include:

- a. A determination that the proposed development of the property substantially conforms to the intent expressed as part of the decision on the Plan Map Amendment (Case 07-05-09) and Zone Change (Case 07-05-10).
  - b. A determination that the long-term planned use of the subject area will conform with the applicable requirements of the Dundee Development Ordinance.
  - c. A determination the plan successfully integrated the planned land uses with the proposed street layout.
  - d. A determination that the plan includes pedestrian access to the Willamette River along existing public right-of-way.
2. It is the intent of this condition to ensure development of the entire property is integrated and unified within itself and with adjacent developable properties. It is also the intent of this condition the master plan be applied in a flexible and reasonable manner.