



# Oregon

Theodore R. Kubongoski, 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

06/23/2009

**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 001-09

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:** Monday, July 06, 2009

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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

**Cc:** Luke Pelz, City of Dundee  
Gloria Gardiner, DLCD Urban Planning Specialist  
Steve Oulman, DLCD Regional Representative

<paa> YA

# Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person  electronic  mailed

D  
A  
T  
E

**DEPT OF**

**JUN 16 2009**

S  
T  
A  
M  
P

**LAND CONSERVATION  
AND DEVELOPMENT**

For DLCD Use Only

Jurisdiction: **DUNDEE**

Local file number: **ZC-09-05**

Date of Adoption: **6/2/2009**

Date Mailed: **6/15/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: **3/27/2009**

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Amend the Dundee Zoning Map to change the designation of the waste water treatment plant from (A) Agricultural to (P) Public/Quasi-Public. Amend the text of Comprehensive Plan to add a "Public/Quasi-Public" designation and policies. Amend the Comprehensive Plan map to change the Comprehensive Plan designation of the waste water treatment plant from (A) Agricultural to (P) Public/Quasi-Public.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **(A) Agricultural**

to: **(P) Public/Quasi-Public**

Zone Map Changed from: **(A) Agricultural**

to: **(P) Public/Quasi-Public**

Location: **TL# 3336- 00700,-00301, -00501, -00901**

Acres Involved: **42**

Specify Density: Previous: **na**

New: **na**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-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. 001-09(17459)[15560]**

---

DLCD file No. \_\_\_\_\_

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

---

Local Contact: **Luke Pelz**

Phone: **(503) 538-3922** Extension:

Address: **PO Box 220**

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

City: **Dundee**

Zip: **97115-**

E-mail Address: **dundeeplanner@comcast.net**

---

## **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 Complete Copies** (documents and maps) 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. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
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 this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not 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 now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

**CITY OF DUNDEE**  
**ORDINANCE NO. 480-2009**

**AN ORDINANCE AMENDING THE TEXT OF THE COMPREHENSIVE PLAN TO INCLUDE A PUBLIC/QUASI-PUBLIC PLAN DESIGNATION AND ASSOCIATED POLICIES; AMENDING THE COMPREHENSIVE PLAN MAP FROM AGRICULTURAL TO PUBLIC/QUASI-PUBLIC; AND AMENDING THE ZONING MAP FROM AGRICULTURAL TO PUBLIC FOR THE DUNDEE WASTEWATER TREATMENT PLANT**

**WHEREAS**, the Dundee wastewater treatment plant is currently at capacity. Wastewater treatment is an essential public facility and immediately requires increased capacity. New construction and expansion of the wastewater treatment plant will require a Type I-B administrative site development review; and

**WHEREAS**, currently in the *Agricultural (A)* zone the wastewater treatment plant is considered an existing non-conforming use. The Development Code does not outright permit the expansion of a non-conforming use. The Comprehensive Plan designation of *Agricultural (A)* does not promote the zoning or development of uses other than agricultural or residential; and

**WHEREAS**, the Comprehensive Plan does not include a *Public/Quasi-Public (P)* plan designation or location policies for public facilities; and

**WHEREAS**, the Development Code currently contains a *Public (P)* zoning designation and development policies however the designation is currently not applied to any real property; and

**WHEREAS**, amending the Comprehensive Plan to include a *Public/Quasi-Public (P)* Plan designation will ensure this site and other public facilities may develop as needed throughout the community; and

**WHEREAS**, amending the Comprehensive Plan Map and the Zoning Map designation to *Public/Quasi-Public (P)* will permit the development of the wastewater treatment plant site – an essential public facility; and

**WHEREAS**, the City Council conducted a hearing on this application on May 5, 2009, and after receiving testimony deliberated and concluded that the criteria for a zone change has been met and, with certain conditions of approval, the amendments should be approved; now therefore,

**THE CITY OF DUNDEE DOES ORDAIN AS FOLLOWS:**

Section 1. The *Public/Quasi-Public (P)* Plan designation section under the policies of Chapter One, Land Use and Urbanization, of the Comprehensive Plan is amended to include a *Public/Quasi-Public (P)* Plan designation and policies to read as follows:

- a. *Public/Quasi-Public Land Use (P) Areas designated as Public/Quasi-Public shall be located to provide orderly and efficient public/quasi-public facilities to adequately meet the public health, safety, educational, government services, and recreational needs of Dundee's citizens.*

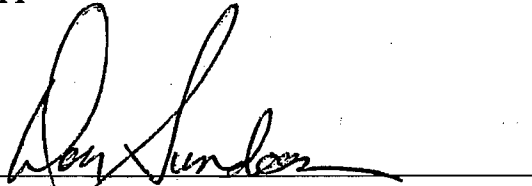
Section 2. The Comprehensive Plan Map designation of the City's wastewater treatment plant (Tax Lots 3336-00700, 3336-00301, 3336-00501, and the portion of tax lot 3336-00901 within the urban growth boundary) is amended from *Agricultural(A)* to *Public/Quasi-Public (P)*.

Section 3. The Zoning Map designation of the City's wastewater treatment plant (Tax Lots 3336-00700, 3336-00301, 3336-00501, and the portion of tax lot 3336-00901 within the urban growth boundary) is amended from *Agricultural (A)* to *Public (P)*.

Section 4. The findings contained in Exhibit "A" are adopted in support of the Plan and Zoning Map amendments herein.

ADOPTED by the Council this 2nd day of June 2009.

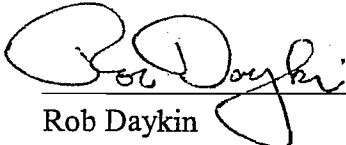
Approved:



Don Sundeen

Mayor

Attest:



Rob Daykin

City Administrator

**Ordinance 480-2009**  
**EXHIBIT "A"**  
**CITY COUNCIL FINDINGS**  
FILE NO. ZC-09-05, CMA-09-06, and CPA-09-12  
COMPREHENSIVE PLAN TEXT AMENDMENT, COMPREHENSIVE PLAN MAP AMENDMENT, AND  
ZONING MAP AMENDMENT FOR THE DUNDEE WASTE WATER TREATMENT PLANT

\*Note: Excerpts of existing code text are shown in *italic*

**I. CRITERIA. Statewide Land Use Goals OAR 660-015-000**

**FINDINGS:** Goal 11, Public Facilities and Services, applies. Excerpts from this goal that promote the Comprehensive Plan text and map amendment request are as follows:

***Guidelines***

- *Public facilities and services in urban areas should be provided at levels necessary and suitable for urban uses.*
- *Public facilities and services in urbanizable areas should be provided at levels necessary and suitable for existing uses. The provision for future public facilities and services in these areas should be based upon: (1) the time required to provide the service; (2) reliability of service; (3) financial cost; and (4) levels of service needed and desired.*

***Implementation***

- *Public facilities and services should be appropriate to support sufficient amounts of land to maintain an adequate housing market in areas undergoing development or redevelopment.*
- *The level of key facilities that can be provided should be considered as a principal factor in planning for various densities and types of urban and rural land uses.*
- *Additional methods and devices for achieving desired types and levels of public facilities and services should include but not be limited to the following: (1) tax incentives and disincentives; (2) land use controls and ordinances; (3) multiple use and joint development practices; (4) fee and less-than-fee acquisition techniques; and (5) enforcement of local health and safety codes.*

The proposed Comprehensive Plan text and map amendments meet the objectives of statewide planning Goal 11 because:

1. The amendments will outright permit the needed expansion of the waste water treatment plant, an essential public facility which subsequently provides for:
  - a. A reliable minimum service level for existing urban development.
  - b. An increased wastewater treatment capacity to serve the anticipated future residential, commercial, recreational, and industrial development between SE Edwards Road and the Willamette River.
  - c. Assurance that planned residential, commercial, and industrial densities for the southeast riverfront area will be based on the actual capacity of the upgraded water treatment facility, rather than speculated facility capacity.

2. The City of Dundee is attempting to promote and achieve the desired level of public facilities and services by amending the existing land use controls – one of the recommended methods of Goal 11.

## II. CRITERIA. Development Code Section 3.102 - Zone Change Criteria

- *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.*
- *The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.*
- *Allowed uses in the proposed zone can be established in compliance with the development requirements of this Ordinance.*
- *Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.*
- *For residential zone changes, the criteria listed in the purpose statement for the proposed zone change shall be met.*
- *The following additional criteria shall be used to review all non-residential changes:*
  - *The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next 5 years, 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.*
  - *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 during the next five years.*
  - *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:

1. The proposed zone change from *Agricultural (A)* to *Public (P)* is appropriate for the proposed *Public/Quasi-Public (P)* Plan designation. The applicable proposed policy of the *Public/Quasi-Public (P)* Plan designation is as follows:
  - *The provision of public and quasi-public facilities and services shall be used to protect the general health of local residents by providing adequate solid waste, sanitary, water, and storm water facilities.*

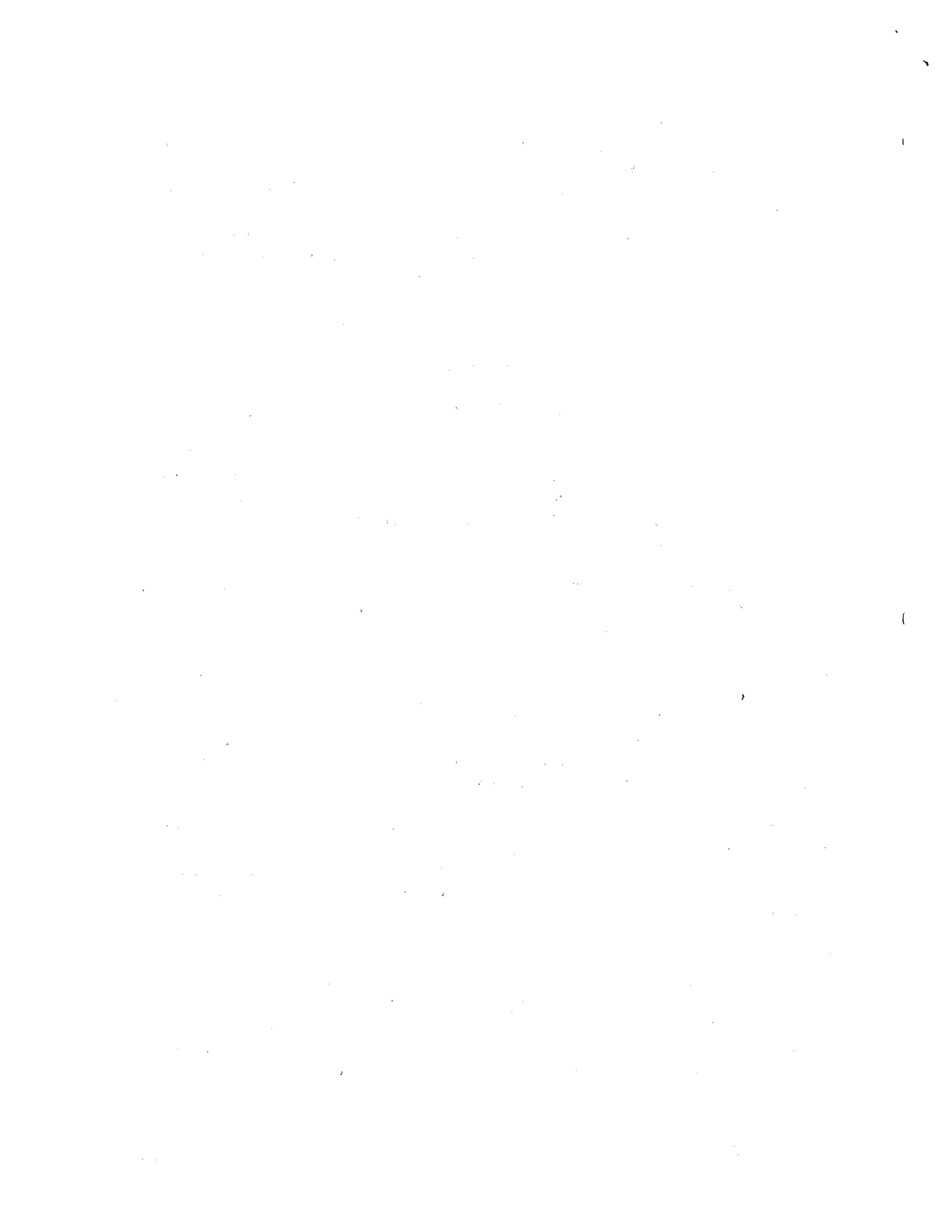
The zone change proposal is appropriate because ensuring the provision of wastewater treatment protects the general health of local residents.

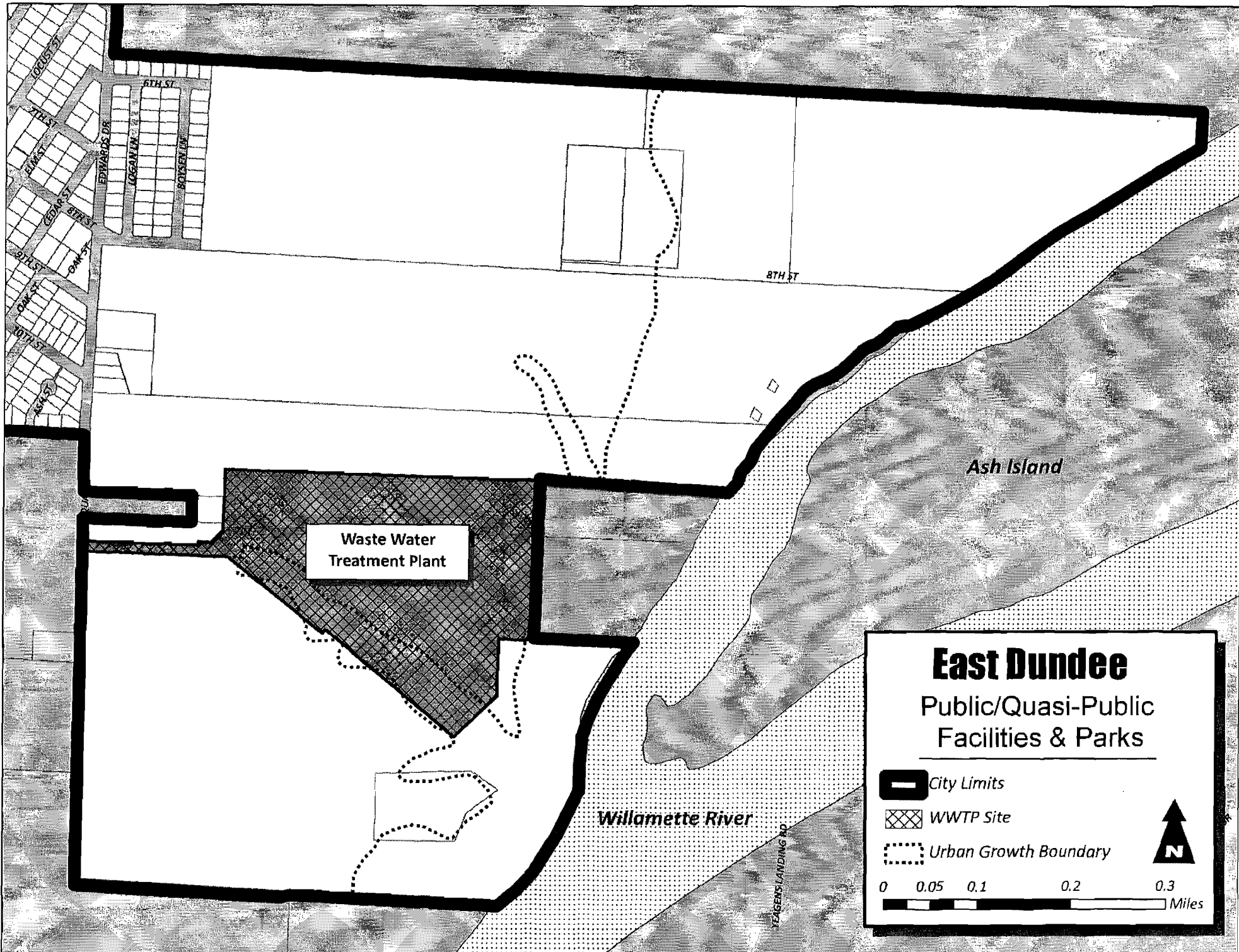
2. The permitted uses in the Public (P) zone include:
  - a. *Publicly owned buildings and facilities such as city halls, community centers, libraries, schools, fire stations and police stations.*
  - b. *Public outdoor recreation facilities such as parks, swimming pools, golf courses and playgrounds*
  - c. *Public utility structures and buildings, such as pump stations, communication or transmission towers, reservoirs, electric substations, water and sewage treatment facilities and necessary right-of-way for identified public utilities; including office or administrative buildings.*
  - d. *Lands designated for public open space such as nature preserves or scenic areas.*
  - e. *Uses clearly accessory and subordinate to the above.*
  - f. *Park and ride lot; parking spaces cannot count as required parking or be used for vehicle storage.*
  - g. *Wireless communication facilities, subject to provisions in Section 2.311.*

The physical capacity of the 34-acre site would not be exceeded by any of the permitted uses in the Public (P) zone. This means that none of the permitted uses, by their nature alone, require a minimum site size of 34 acres. All of the permitted uses could be accommodated on the water treatment plant site, if in the future a municipal wastewater treatment facility was to be developed elsewhere.

3. There is no foreseeable reason that any of the permitted uses in the *Public (P)* could not meet the development requirements – including, but not limited to setbacks, height, lot coverage, landscaping, parking, and utility requirements.
4. The proposed use is a wastewater treatment facility. The City of Dundee is currently in the process of completing the required facility capacity upgrades. An unimproved access road extends from Fulquartz Landing Road to the proposed wastewater treatment facility. There is no plan to improve the access road as part of the wastewater treatment facility upgrade. Because the treatment facility is not open to the public, the access road is anticipated to have no other vehicle traffic besides vehicles driven by City employees to access the site.
5. There is currently no vacant or developed land that is within the *Public (P)* zone. Although the Development Code contains a *Public (P)* zone designation, the designation is not applied to any real property. The wastewater treatment plant will be the first site in Dundee to be included in this zone. Because the *Public (P)* zone contains no vacant land, criteria 3.102 (6)(a-b) above do not apply.
6. Any of the permitted uses in the *Public (P)* zone will not significantly adversely affect the adjacent properties because the adjacent lots are currently farmed and are within the *Agricultural (A)* zone. It is likely that the adjacent properties within the urban growth boundary will be developed as non- agricultural use in the future. The proposed design of the upgraded wastewater treatment plant includes a park land buffer to the north of the site and to the south of the site there is a wetland surrounding by steep slopes. These features, at a minimum provide a buffer from the existing and future uses on the adjacent lots.



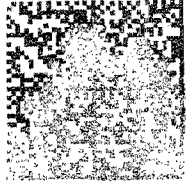








Planning Division  
Box 970 • Newberg, OR 97132



repost

049JB2047576

\$0.1220

06/15/2009

Mailed From 97132

US POSTAGE

Attn: Plan Amendment Specialist  
Department of Land Conservation  
and Development  
635 Capital St. NE, Suite 150  
Salem, OR 97301-2540

