



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

01/29/2009

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 004-08

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: Thursday, February 12, 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: Melody Osborne, City of Dundee
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative

<paa> N

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

JAN 23 2009

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Dundee Local File No.: WRA 08-11 / ORD 474-2008 (If no number, use none)

Date of Adoption: 1-16-2009 (Must be filled in) Date Mailed: 1-20-2009 (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 4-11-2008

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

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

Amended Section 2.209.09 of the Dundee Dev. Code regarding standards for fences by cleaning up definitions and removing superfluous language.

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 wording was changed from the original proposal in order to clearer define the purpose, but the intent of the proposal remains the same.

Plan Map Changed from: N/A to

Zone Map Changed from: N/A to

Location: N/A Acres Involved: N/A

Specify Density: Previous: N/A New:

Applicable Statewide Planning Goals: 1, 2

Was an Exception Adopted? Yes: No: X

DLCD File No.: 004-08 (16841)

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: None

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

Address: PO Box 220 / 1020 SW 5th St.

City: Dundee Zip Code+4: 97115-0220

Email: DundeeMelody@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 (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 - ATTENTION: PLAN AMENDMENT SPECIALIST.



**NOTICE OF DUNDEE CITY COUNCIL DECISION
Land Use Regulation Amendment No. 08-11
City Ordinance 474-2008
January 20, 2009**

I. BACKGROUND INFORMATION

- A. APPLICANTS: City of Dundee.
- B. PROPERTY LOCATION: The proposed amendments apply to all residential property.
- C. REQUEST: Amend the Dundee Development Ordinance to more clearly define construction and placement of fences.
- D. DECISION CRITERIA: Statewide goals and the Dundee Development Ordinance.
- E. CITY COUNCIL HEARING: November 18, 2008.

II. DECISION

The City Council adopted Ordinance 474-2008 and found the proposed amendments to the Dundee Development Ordinance comply with the decision criteria. Findings related to the decision, along with the adopted amendments are attached to this notice of decision.

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, February 10, 2009.

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

Sincerely,

Rob Daykin
City Administrator



Notice List for LURA 08-11 / Ordinance 474-2008

1. Michael Lester, PO Box 56, Dundee, Oregon 97115

**CITY OF DUNDEE
ORDINANCE NO. 474-2008**

AN ORDINANCE RELATED TO FENCES IN RESIDENTIAL ZONES AND APPROVING AN AMENDMENT TO THE CITY OF DUNDEE DEVELOPMENT ORDINANCE.

WHEREAS, on May 21, 2008, the Planning Commission held a public hearing to consider potential amendments to the Dundee Development Ordinance regarding fence standards; and

WHEREAS, on June 18, 2008, the Planning Commission directed staff to prepare an order of recommendation to City Council to adopt proposed amendments; and

WHEREAS, on July 1, 2008, the City Council held a public hearing to consider adoption of the proposed amendments, and City Council remanded the issue to the Planning Commission for further consideration in regards to setbacks and whether or not to include retaining walls in the calculation of fence height; and

WHEREAS, on August 20, 2008, the Planning Commission held a public hearing regarding the proposed text amendments and directed staff to prepare an Order of Recommendation; and

WHEREAS, on October 14, 2008, the Planning Commission held a public hearing to consider the Order prepared by staff and the Planning Commission approved the Order of Recommendation with modifications; and

WHEREAS, the City Council conducted a public hearing on the proposed amendment on November 18, 2008; and

WHEREAS, after conducting the hearing, the City Council approved amendments to the Development Ordinance and directed staff to prepare the final Ordinance adopting the amendment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUNDEE HEREBY ORDAINS AS FOLLOWS:

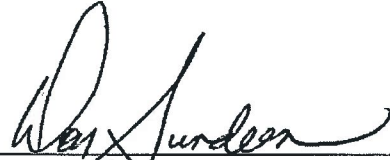
Section 1. The City Council of the City of Dundee does hereby APPROVE the amendments to the Dundee Development Ordinance attached hereto as EXHIBIT "A" and by this reference made a part hereof.

Section 2. The City Council of the City of Dundee does hereby adopt those certain findings of fact in support of the decision attached hereto as EXHIBIT "B" and by this reference made a part hereof.

Section 3. This Ordinance shall take effect thirty days following its adoption as provided in the City Charter.

ADOPTED by the Council this 6th day of January 2009.

Approved:



Don Sundeen

Mayor

Attest:


Rob Daykin
City Administrator/Recorder

EXHIBIT "A"

Section 1.200.02 of the Dundee Development Ordinance shall be amended to add the following:

Retaining Wall: A wall that is built to resist lateral pressure is a fence only to the extent it projects above the retained grade.

Section 2.209.09 of the Dundee Development Ordinance shall be amended as follows:

2.209.09 Fences in Residential Zones

A. Materials

Fences and walls shall not be constructed of nor contain any material that could cause bodily harm, such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials; this includes link fencing with barbed ends at the top or sides. Electric fences are prohibited.

Electric or barbed wire fences intended to contain or restrict cattle, sheep, horses or other livestock, and existing prior to annexation to the City, may remain.

B. Standards

Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing sections, broken supports, non-uniform height, and uncontrolled growth of vegetation.

1. In residential zones, fences, including bermed soil, shall not exceed six (6) feet in height in interior yards and four (4) feet in height in front yards for any portion of a front yard within 20-feet of a public street right-of-way. Fences in portions of front yards farther away than 20-feet of a public street right-of-way may be six (6) feet in height. Vertical structural members such as posts or columns that are no wider than two (2) feet and that are spaced not closer than 8-feet (other than when located on either side of a gate or portal) and ornamental features on top of the posts or columns shall not be used in determining height.

2. If a variance has been granted to the fence height restriction, a building permit is required prior to construction. In residential districts, fences more than six (6) feet in height shall meet building setback requirements.
3. Corner lots and through lots, which by definition have a minimum of two street frontages, may have a fence of up to six (6) feet in height in the yard adjacent to the street which is not faced by the primary entrance when one of the following conditions is met:
 - a. If the adjoining street is improved with sidewalks, the fence is located a minimum of three (3) feet from the sidewalk.
 - b. If the adjoining street is improved with curbs and gutters but no sidewalks, the fence is located ten (10) feet from the face of the curb.
 - c. If the adjoining street is unimproved, the fence is no closer than three (3) feet from the property line.
 - d. If the standards of the subsection a through c are not met the fence shall not exceed four (4) feet in height.
 - e. In no instance shall a fence extend beyond the property line.
4. Buffering and screening, planter strips, parking areas, and all fences and hedges shall comply with requirements of the clear vision area for streets and driveways.

EXHIBIT "B"

FINDINGS OF FACT
SUPPORTING THE DUNDEE CITY COUNCIL ORDINANCE
ADOPTING AMENDMENTS TO SECTION 1.200.02 AND SECTION 2.209.09 OF
THE DUNDEE COMMUNITY DEVELOPMENT CODE

The City Council makes the following findings relative to this application:

Comprehensive Plan Goals and Policies

FINDINGS– The following Goals and Policies are not applicable to the proposed text amendment because they do not deal with issues relative to the construction of fences:

Land use and urbanization
Air, Water, and Land Resources
Natural Hazards
Recreation and Willamette River Greenway
Housing
Public Facilities and Services
Transportation
Energy

FINDINGS: The proposed text amendments are intended to allow privacy on private property while also preserving an open, scenic, and aesthetic view along public streets. The Open Spaces, Natural and Cultural Resources goals and policies of the Comprehensive Plan are relevant. The Goal is "to conserve open spaces and preserve natural and cultural resources". The Objectives are to:

Ensure adequate open space to meet the needs of Dundee's citizens.
Preserve scenic, historic, and natural resource areas.
Promote a healthy, clean, and aesthetic environment.




 CITY OF
Dundee
 OREGON
 PO Box 220
 Dundee, Oregon 97115

Attention: Plan Amendment Specialist
 DLCD
 635 Capitol Street NE, Suite 150
 Salem, Oregon 97301-2540