



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

08/26/2011

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 002-11

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, September 08, 2011

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 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  
Angela Lazarean, DLCD Urban Planning Specialist  
Steve Oulman, DLCD Regional Representative  
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA



OR  
2

DLCD

# Notice of Adoption

DEPT OF  
AUG 22 2011  
LAND CONSERVATION  
AND DEVELOPMENT

This Form 2 must be mailed to DLCD within **5-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

For Office Use Only

Jurisdiction: *City of Dundee*

Local file number: *MP-11-11/ZC-11-10*

Date of Adoption: *8/16/11*

Date Mailed: *8/18/11*

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: *6/6/11*

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".

*Partitioned a property and changed the zoning of one of the parcels (0.96 acres of the original <sup>2.2 acre</sup> property) from LI (Light Industrial) to PO (Parks and Open Space).*

Does the Adoption differ from proposal? Please select one

*No change*

Plan Map Changed from:

to:

Zone Map Changed from: *LI (Light Ind)* to: *PO (Parks and Open Space)*

Location: *3325CC-400; adjacent to Locust St*

Acres Involved: *.96 (zone change)*

Specify Density: Previous:

New:

*2.2 (overall)*

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                                     |                          |                          |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |
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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. 002-11 (18852) [16737]



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

City of Dundee

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Local Contact: Jessica Nunley, AICP

Phone: (503) 334-7744 Extension:

Address: PO Box 220

Fax Number: 503-538-1958

City: Dundee

Zip: 97115

E-mail Address: [jessicanunley@newbergoregon.gov](mailto:jessicanunley@newbergoregon.gov)

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## ADOPTION SUBMITTAL REQUIREMENTS

**This Form 2 must be received by DLCD no later than 5 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](mailto:plan.amendments@state.or.us).

**CITY OF DUNDEE**  
**ORDINANCE NO. 505-2011**

**AN ORDINANCE APPROVING A PARTITION FOR A PROPERTY LOCATED BETWEEN LOCUST STREET AND THE RAILROAD, TAX LOT 3325CC-400, AND APPROVING A ZONE CHANGE FROM LI (LIGHT INDUSTRIAL) TO PO (PARKS AND OPEN SPACE) FOR PARCEL 2 OF THE PARTITION**

**WHEREAS**, The Chehalem Park and Recreation District submitted an application on May 23, 2011 to partition property located between Locust Street and the railroad, Tax Lot 3325CC-400, and to change the zoning of parcel 2 of the partitioned property from LI (Light Industrial) to PO (Parks and Open Space).

**WHEREAS**, According to the Dundee Parks and Open Space Plan, Dundee currently has a shortage of park land, and particularly park land on the east side of Highway 99W. The proposed zone change can help remedy that deficit.

**WHEREAS**, With conditions of approval the proposal meets the criteria for a partition and a zone change.

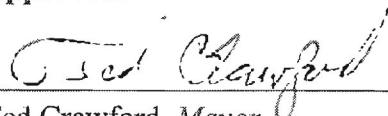
**WHEREAS**, The Dundee Planning Commission adopted an Order of Recommendation on July 20, 2011 recommending that City Council approve the requested partition and zone change.

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

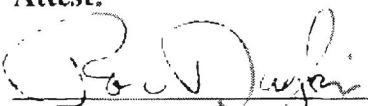
1. The partition as shown in Exhibit A is hereby approved with the conditions of approval listed in Exhibit B. Exhibits A and B are hereby attached and by this reference incorporated.
2. The zone change from LI (Light Industrial) to PO (Parks and Open Space) as shown in Exhibit C is hereby approved. Exhibit C is hereby attached and by this reference incorporated.
3. Approval is based on the staff report, findings shown in Exhibit D for the partition and Exhibit E for the zone change, and public testimony. Exhibits D and E are hereby attached and by this reference incorporated.

**ADOPTED by the Council this 16th day of August 2011.**

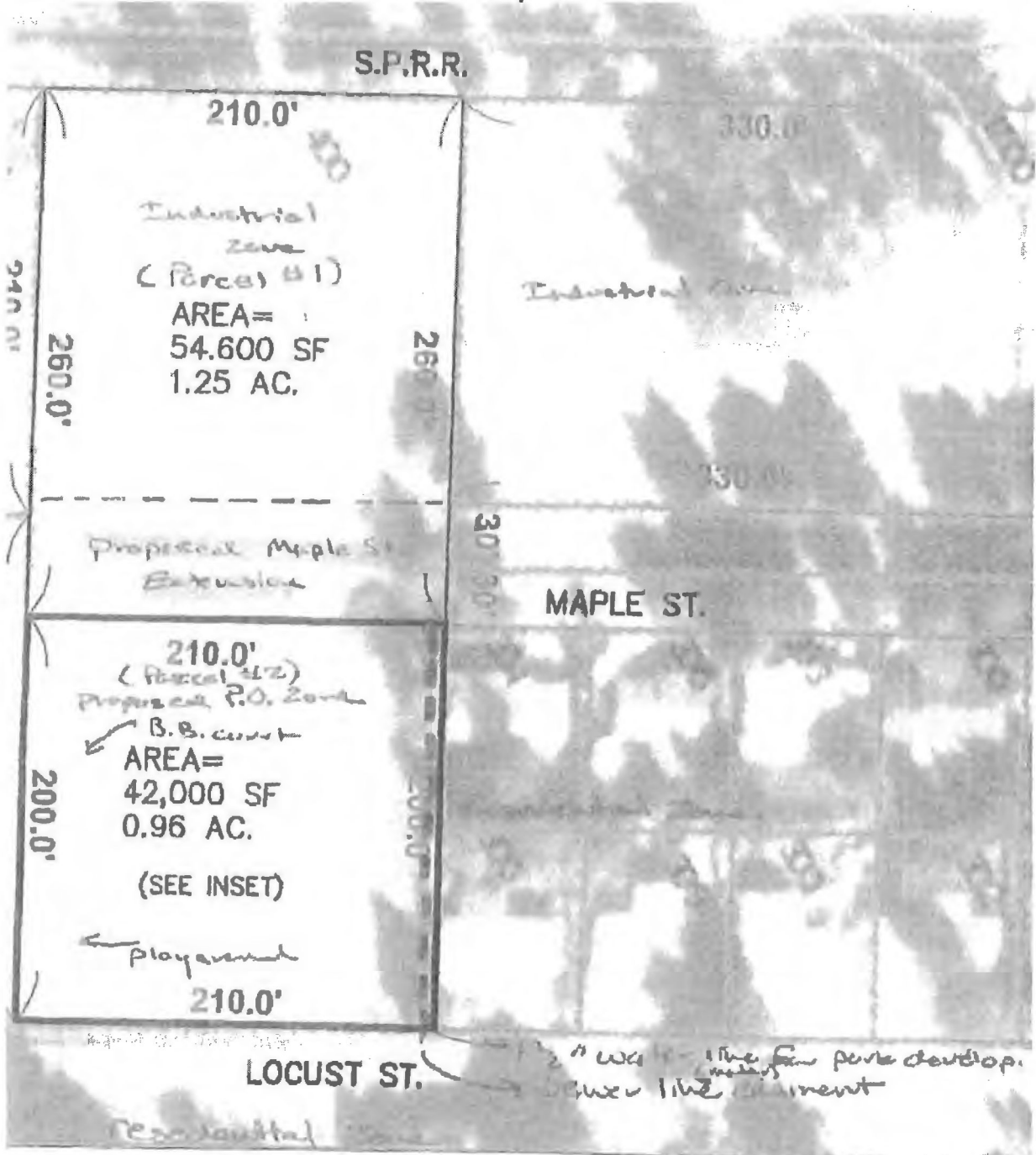
**Approved:**

  
\_\_\_\_\_  
Ted Crawford, *Mayor*

**Attest:**

  
\_\_\_\_\_  
Rob Daykin, *City Administrator*

**EXHIBIT A: Proposed Partition Map  
MP-11-11/ZC-11-10**





**EXHIBIT B: CONDITIONS OF APPROVAL**  
**Preliminary Partition Plat Approval (MP-11-11), Tax Lot 3325CC-00400**

Approval of the proposed partition is subject to the following conditions:

1. **The applicant must provide the following information for review and approval prior to construction of any improvements.**
  - a. **Revised Site Plan:**
    - i. Showing a fence with a minimum height of 5 feet along the northwestern property line of parcel 1 buffering the railroad from the rest of the property. The fence may be removed in the future at such time as Maple Street is fully improved and parcel 1 is separated by Maple Street from parcel 2.
    - ii. Dedication of 60 feet of right-of-way to extend Maple Street south across the property, between parcels 1 and 2 of the partition.
  - b. **Utility Plan:** Provide a utility plan that shows the following:
    - i. The location of the existing and proposed water laterals.
    - ii. The location of existing and proposed sewer laterals.
    - iii. The extension of the 6-inch water line in Maple Street southward through the newly dedicated Maple Street right-of-way to the southern boundary.
    - iv. Utility easements if any existing or proposed sewer or water lateral crosses a proposed property line.
    - v. One street light. The street light should be located on Maple Street near the newly created property line.
    - vi. All new private utilities shall be underground.
  - c. **Street Improvement Plans OR Construction Deferral Agreements:**
    - i. Street improvement plans for the 3/4 street improvements to Locust Street and the full street improvements for the Maple Street extension per Code Section 2.202.
    - ii. A Construction Deferral Agreement shall be recorded for the construction of the 3/4 street improvements required along the Locust Street frontage at the approval of the City Administrator, City Engineer, and City Attorney.
    - iii. A Construction Deferral Agreement shall be recorded for the construction of the Maple Street improvements at the approval of the City Administrator, City Engineer, and City Attorney.
    - iv. The agreements shall be submitted to the City for review and approval prior to recording.
    - v. The developer shall be responsible for recording the agreements with the County and having a recorded copy of the agreements returned to the City. The agreements shall be referenced on the face of the final plat.
2. **The applicant must complete the following prior to final plat approval.**
  - a. **Substantially complete the utility and street improvements OR record Construction Deferral Agreements:**

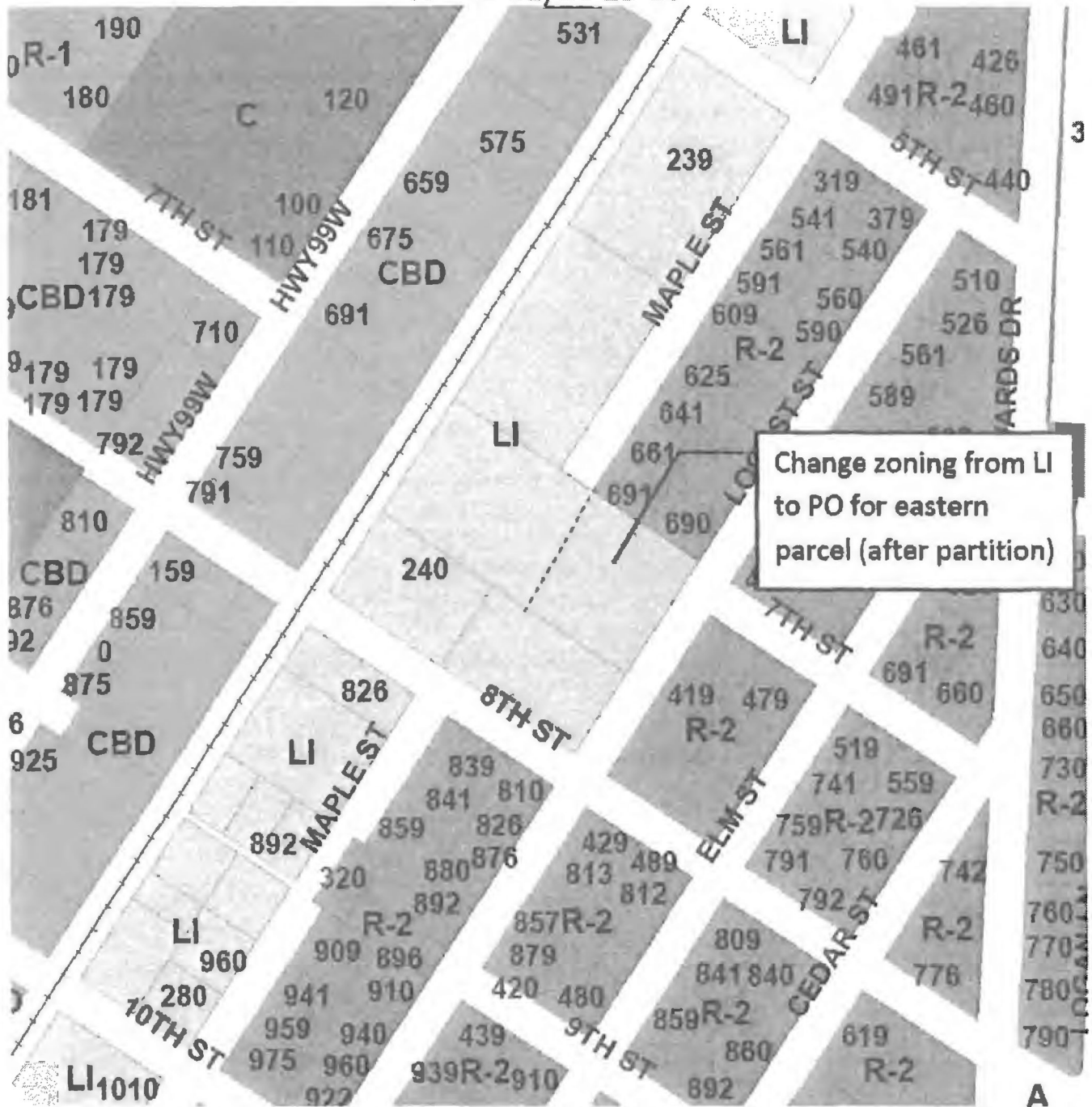
- i. Extend the 6-inch water line southward through the dedicated Maple Street right-of-way.
    - ii. Install one street light on Maple Street near the northern property lines.
    - iii. Construct a 3/4 street improvement on Locust Street.
    - iv. Construct the full street improvements on the Maple Street extension.
  - b. **Substantially complete the conditions of approval:** Prior to final plat approval, complete all required conditions of approval for this application.
3. **Final Plat Application. Construction improvements should be substantially complete at this point.**
  - a. **Application Materials:**
    - i. Final Plat application form with appropriate fees. The application can be found either at City Hall or online at [www.dundeeccity.org](http://www.dundeeccity.org)
    - ii. A preliminary title report.
    - iii. Copy of the County Assessor's map for the affected property.
    - iv. A written statement certifying that the application does not violate any deed restrictions that may be attached to or imposed on the subject property.
    - v. A list of property owners within 100 feet of the subject property.
  - b. **Number of Copies:** The applicant shall submit three (3) identical reproducible copies of the final plat for signature. The plats shall be Mylar, meeting the requirements of the County Recorder and the County Surveyor.
  - c. **Preparation:** The final plat shall be submitted to the City in a form and with information consistent with this ordinance, County survey and map standards and State laws including ORS 92.050-120 for plats of record and ORS 209.250 for surveys. Where these ordinances directly conflict with State and County laws, ordinances or regulations, the provisions of the State and County laws, ordinances or regulations shall apply.
  - d. **Supplemental Information with Final Plat:**
    - i. An amended title report or subdivision guarantee, as appropriate, issued by a title insurance company in the name of the owner of the land, showing all parties with a title or interest in the property and whose consent is necessary, as well as all existing easements, restrictions, covenants and other encumbrances pertaining to the subject property.
    - ii. Copy of any dedication requiring separate documents.
4. **Process for Final Plat Approval:** A final plat shall be submitted to the City Recorder. After the final plat has been submitted, the City Staff shall review and compare it with the approved tentative plan to ascertain whether the final plat conforms substantially to the approved tentative plan and with such conditions of approval as may have been imposed. **The final plat process must be completed prior to issuance of any building permits.**
  - a. **No final plat shall be approved unless:**

- i. The plat is in substantial conformance with this Ordinance and the provisions of the tentative plan as approved, including any conditions imposed in connection therewith;
  - ii. The plat contains free and clear of all liens and encumbrances a donation to the public of all common improvements, including but not limited to streets, roads, sewage disposal and water supply systems, the donation of which is required by this Ordinance or was made a condition of the approval of the tentative plat;
  - iii. The City has received adequate assurances that the applicant has agreed to make all public improvements which are required as conditions of approval of the tentative plan, including but not limited to streets, alleys, pedestrian ways, storm drainage, sewer and water systems. The following constitute acceptable adequate assurance:
    - (1) Certification by the City Engineer that all required public improvements are completed and approved by the City; or
    - (2) An improvement agreement between the City and the developer, executed and filed with the City requiring the subdivider to complete all required improvements both public and private, within a time specified by the City after approval of the preliminary plan. The agreement shall be accompanied by a performance guarantee acceptable to the City Engineer. If all improvements are not completed within the term of the agreement or its extension, the City shall estimate the cost of completing the work, call upon the bond or deposit for funds necessary to cover the cost, and complete the improvement from funds collected under the performance guarantee. If the funds collected under the performance guarantee are insufficient to install the required improvements, the City may either hold the collected funds until additional funds are authorized for the improvement or expend the collected funds on a revised improvement or on a portion of the improvements as determined reasonable by the Director of Public Works.
  - iv. If the City Recorder finds that conditions specified in section e) above have not been met, the applicant shall be advised of the changes that must be made and afforded the opportunity to comply. Rejection of a final plat shall not affect the tentative plan approval.
  - v. When the City Recorder finds that the final plat is in substantial conformity to the approved tentative plan and is otherwise in lawful form, the City Recorder shall sign and date all three reproducible copies of the plat.
- b. Signatures required:** The following endorsements represent the minimum required for a final plat. Additional endorsements required by State or County, or City laws, ordinances or regulations shall also be supplied. Signature blanks for these endorsements shall be provided on the final plat for the following persons:
- i. Mayor.
  - ii. City Recorder.
  - iii. City Engineer.
  - iv. City Surveyor
  - v. The County Assessor
- c. Recording:** Following endorsement of the plat by the City Recorder, the Mayor and the City Engineer, the applicant shall take the following actions and pay all required review fees:



- i. Deliver the approved subdivision plat and accompanying documents to the County Recorder for recording.
  - ii. Deliver a signed Mylar copy and three blueprints of the approved subdivision plat to the City Recorder's office.
- d. **Effective Date for Final Plat Approval.** The approval process for a development shall become final upon the recording of the approved final plat together with any required documents with the County Recorder. Approved preliminary plats shall become void eighteen (18) months after final City approval if they are not recorded.
- e. **Development Notes:** A detailed site grading and drainage plan will be required at the time of any park or other development on the two parcels.

EXHIBIT C: Zoning Map  
MP-11-11/ZC-11-10



**EXHIBIT D: CRITERIA AND FINDINGS – PRELIMINARY PARTITION PLAT  
(MP-11-11)**

**GENERAL FINDING:** A partition is required for any land division which creates two or three parcels in a calendar year. Approval of the partition requires compliance with the decision criteria in Section 3.06.01 of the Dundee Development Ordinance. Section 3.106.01.A, requires all partitions to meet the Development Standards for Land Division of Section 2.208.03.

A. *Section 2.208.03.A. Minimum Lot Area: Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located.*

**FINDING:** The proposed partition meets the minimum lot area for the LI (Light Industrial) zone. The LI zone requires a minimum of 5000 square feet per parcel; the proposed partition would result in one parcel of approximately 1.25 acres and one of approximately .96 acres. There is no minimum lot area in the PO zone.

B. *Section 2.208.03.B. Lot Width and Depth. The depth of a lot or parcel shall not be more than 3 times the width of the parcel, with the following exceptions.*

1. *Individual lots for townhouse units shall not be less than 20 feet in width. Lot depth may vary but shall be adequate to provide a minimum of 300 square feet of semi-private outdoor living space for each unit.*
2. *Individual lots for single-family attached dwelling units shall be designed so that lot depth is not greater than 3 and ½ times lot width.*
3. *Parcels created for public utility uses or in zones where there is no minimum lot area requirement shall be exempt from width to depth ratio provisions.*

**FINDING:** Neither of the proposed new parcels have a depth that is more than 3 times the width. Both of the new parcels are relatively square as the original parcel is rectangular in nature.

C. *Section 2.208.03.C. Access. All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. The following exceptions shall apply:*

1. *Residential lots or parcels, excluding townhouse developments and Planned Unit Developments, may be accessed via a private street or partition access easement developed in accordance with the provisions of Section 2.202 when the City finds that public street access is:*
  - i. *Infeasible due to parcel shape, terrain, or location of existing structures; and*
  - ii. *Not necessary to provide for the future development of adjoining property.*

**FINDING:** The existing lot has frontage on Locust Street. The proposed partition will divide the lot near the middle where the current Maple Street right-of-way ends. Following compliance with the condition of approval to dedicate right-of-way for and construct the future Maple Street extension, the northwestern parcel will have full frontage on Maple Street.



- D. *Section 2.208.03.D. Flag Lots: With the exception of lots meeting both criteria set forth below, all lots shall maintain the lot frontage (width) required in the applicable zoning district. It is not the intention of the Section to allow the creation of "flag lots" by increasing the required building set-back line. Flag lots shall only be approved in conjunction with a partition application. However, this requirement is not intended to encourage the subdivision of a parcel through a number of subsequent partition applications. If the City Recorder determines that this is being done the applicant shall be required to submit a street and lot plan which covers land under contiguous ownership of the applicant. Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration may be accessed. If a flag lot is permitted, the following standards shall be met:*
- 1. The access strip shall not be less than 25 feet wide. The access strip shall be improved with a minimum 12 foot wide paved driveway and paved encroachment which meet applicable City standards. If said access strip is over 150 feet in length, the driveway shall terminate in a turn-around capable of accommodating emergency fire vehicles and approved by the Fire Chief.*
  - 2. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Ordinance.*

**FINDING:** This proposal will not be creating any flag lots. Following compliance with the condition of approval to dedicate right-of-way for the extension of Maple Street, each lot will have access and frontage to a public street.

- E. *Section 2.208.03.E. Through Lots: Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. Screening or buffering, pursuant to the provision of Section 2.207, may be required by the City during the review of the land division request.*

**FINDING:** Through lots should typically be avoided because they create a situation of having roads and traffic on more than one side, and sometimes more than two sides of a lot. In this case, a through lot is a benefit due to the proposed development of the property as a park. Having roadway on two sides of the proposed park area will provide additional on-street parking and more areas for pedestrians and bicyclists to access the park.

- F. *Section 2.208.03.F. Lot Side Lines: The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face.*

**FINDING:** The existing side lot lines run at right angles to Locust Street. The proposed partition line will be parallel to Maple Street, and the two new lots will each have side lot lines perpendicular to Locust Street and Maple Street.

- G. *Section 2.208.03.G. Lot Grading. The minimum elevation at which a structure may be erected, taking into consideration the topography of the lot, the surrounding area, drainage patterns and other pertinent data, shall be established by the City Building Inspector.*

**FINDING:** Any future structures on the lot(s) will require review by the City Building Inspector.

- H. *Section 2.208.03.H. Utility Easements: Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width as specified in Section 2.205 of this Code.*

**FINDING:** Not applicable; utility easements are unnecessary in this area due to the location of public right-of-way for utilities.

- I. *Section 2.208.03.I. Increased Lot Size for Steep Slopes: Where the slope of the ground exceeds 11% in any direction for more than 60% of the lot, the area of the lot shall be increased as follows:*

- 11 to 15 percent slope – Minimum lot area plus 20 percent*
- 16 to 20 percent slope – Minimum lot area plus 50 percent*
- 21 to 25 percent slope – Minimum lot area plus 100 percent*
- 26 to 30 percent slope – Minimum lot area plus 200 percent*
- Over 30 percent slope – Minimum lot area specified by the City*

**FINDING:.** Not applicable; the topography of the lot is less than 10% slope.

- J. *Section 2.208.05. Improvement Requirements.*

- 1. Frontage Improvements: Street improvements shall be required for all public streets on which a proposed subdivision fronts in accordance with Section 2.202 of this Code. Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, water lines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.*
- 2. Project Streets: All public or private streets within the subdivision shall be constructed as required by the provisions of Section 2.202. Private driveways serving flag lots or private streets shall be surfaces as per the requirements of this Ordinance.*
- 3. Monuments. Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection at all points of curvature, points of tangency of street center lines, and other points required by state law.*
- 4. Bench Marks: elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure.*
- 5. Surface Drainage and Storm Sewer System: Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage ways or to storm*

*sewers outside the subdivision. Design of the drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to provide extension of the system to serve such areas. The design shall take into account provisions for the future extension beyond the subdivision to serve upstream properties which, in the judgment of the City, cannot be served otherwise.*

6. *Sanitary Sewers: Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided. The design shall take into account provisions for the future extension beyond the subdivision to serve upstream properties which, in the judgment of the City, cannot be served otherwise.*

*The City may require that the subdivider construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed.*

7. *Water System: Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to the City mains shall be installed. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed. However, the City will not expect the developer to pay for the extra pipe material cost of mains exceeding eight (8) inches in size. Installation costs shall remain entirely the developer's responsibility.*
8. *Sidewalks: Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision as well as along all frontages to existing streets. Sidewalks shall be extended as required to connect to other sidewalk systems. The City may defer sidewalk construction until the dwelling or structures fronting the sidewalk are constructed. Any required off-site sidewalks, sidewalks fronting public property, or sidewalks adjacent to existing structures shall not be deferred.*
9. *Other:*
  - i. *Curb cuts and driveway installations, excluding common drives, are not required of the subdivider but, if installed, shall be according to the City standards.*
  - ii. *Street tree planting is not required of the subdivider but, if planted, shall be according to City requirements and of a species compatible with the width of the planting strip.*
10. *Street Lights. The installation of street lights is required at locations approved by the City and of a type required by City standards.*



11. *Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate to the City and shall be of a type required by City standards.*

**FINDING: Frontage Improvements:** Frontage improvements on the Locust Street frontage are required to be consistent with Dundee Development Code Section 2.202 Street Standards. Under Section 2.202.04, the proposed development is required to construct a 3/4 street improvement on a 28 foot improved cross section. Sidewalks are required. Since the development is to be on public property, the applicant may propose a path that meets connectivity requirements in lieu of sidewalks.

The same improvement requirements apply to the Maple Street frontage, with the additional requirement to dedicate right-of-way for the Maple Street extension consistent with Code Section 2.202.04. The right-of-way dedication shall match the existing Maple Street right-of-way of 60 feet.

According to Code Section 2.208.05(B), the developer may request approval to record the final plat before the required conditions of approval have been met, as long as they provide a security guarantee satisfactory to the city that all the improvements will be made. Dundee has a security guarantee contract in the form of a Construction Deferral Agreement that may be available to the applicants for their required street improvements for Locust Street and Maple Street. Therefore, the applicant may apply (separately) for Construction Deferral Agreements for the 3/4 street improvements on Locust Street and for the full Maple Street improvements, to be reviewed and approved by the City Administrator, City Engineer, and City Attorney.

**Surface Drainage and Storm Sewer System:** The proposed development anticipates a bare minimum of hardscaped area to be constructed with the future park. The applicant is proposing to provide sheet drainage similar to what exists currently on the property. If the Locust Street improvements are deferred to a later date, the applicant must submit a detailed grading and drainage plan along with the future Master Plan for the park or any other land use proposal.

**Sanitary Sewer:** Sanitary sewer is currently adequate and available to both parcels created through the partition.

**Water System:** Water service in Locust Street is adequate. The existing 6-inch water main in Maple Street north of the proposed development should be extended south in the newly created Maple Street right-of-way to the south property line of the development.

**Sidewalks:** Sidewalks are required for all new and existing street frontages. As discussed above, the Locust Street frontage improvements may be deferred to a later date and sidewalks would be constructed at that time. CPRD may propose an integrated path system within the proposed new park area with addresses access and connectivity standards.

- K. *Section 2.205.02. E. Street Lights. All developments shall include underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the Director of Public Works. The developer shall install all such facilities and make the necessary arrangements with the serving electric utility for a City-owned and operated street*

*lighting system to be served at the lowest applicable rate available to the City. Upon the City's acceptance of the public improvements associated with the development, the street lighting system, exclusive of utility-owned service lines, shall be and become the property of the City.*

**FINDING:** There are currently street lights at the northwest corner of 7<sup>th</sup> Street and Locust Street near the northeast corner of the property. There is also a street light at the northeast corner of 8<sup>th</sup> Street and Locust Street providing adequate illumination on the east side of the proposed development. A new street light should be installed near the new property line created by the partition on Maple Street.

L. *Section 2.205.02. J. Private Utilities. All development which has a need for private utilities, including but not limited to electricity, gas, communication and cable television shall install them pursuant to the requirements of the district of company serving the development.*

*Except as otherwise provided herein, all utility lines, cables or wires, including but not limited to those used for electricity, communication, street lighting, and cable television which are on or adjacent to land partitioned, subdivided or developed within the City of Dundee after the effective date of this Ordinance shall be required to be placed underground. The intent of the City is that no poles, towers, or other structures associated with utility facilities shall be permitted on any street or lot within or adjacent to such partition, subdivision or development.*

**FINDING:** There are currently no overhead utilities to be placed underground. All new utilities must be placed underground.

M. *Section 3.106.01.B. Each parcel shall satisfy the dimensional standards of the applicable zoning district, unless a variance from these standards is approved.*

**FINDING:** Each proposed parcel meets the dimensional standards for the LI zone; there are no dimensional standards for the PO zone.

N. *Section 3.106.01.C. Adequate public facilities shall be available to serve the existing and newly created parcels.*

**FINDING:** Adequate public facilities are available to serve the existing and newly created parcels.

**EXHIBIT E: CRITERIA AND FINDINGS – ZONE CHANGE FROM LI TO PO FOR  
PARCEL 2 OF THE PROPOSED PARTITION (ZC-11-10)**

Zone change proposals shall be approved if the applicant provides evidence substantiating the following:

- 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.*

**FINDING:** There is not a Comprehensive Plan designation specifically for parks or for the Parks and Open Space (PO) zone. The PO zone is appropriate for any of the Comprehensive Plan land use designations, and is meant to be applied in any area where a park and/or open space area is or will be developed. Part of the reason that parks are appropriate almost anywhere is that they are not typically a very intensive use, and they are located and needed in various areas of the city. In addition, it is sometimes difficult to plan ahead for where parks will be located, as they are often developed whenever someone donates land or the city or parks district buys available land.

The Dundee Parks and Open Space Plan was adopted by Council on July 15, 2008 by Ordinance 469-2008, and was developed in part to identify a strategy for the development of new parks and new open space, and to lay the foundation for the development of Code amendments helping develop the parks and open space system. According to the Plan, there is a need for at least two new neighborhood parks and a new community park in the area between Highway 99W and the Willamette River. The Plan also found that Dundee does not have an adequate amount of park acreage to meet today's needs and future growth. Therefore, changing the zone of the proposed parcel (parcel two of the proposed partition) would help remedy Dundee's park land deficiency.

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

**FINDING:** The uses permitted in the proposed PO zone can be accommodated on the proposed site without exceeding its physical capacity. The proposed size of the parcel in the PO zone would be approximately .96 acre, and is planned to be a future park site. The parcel is smaller than the recommended size of 2 acres for a community park; however, CPRD has indicated that the park would include many of the features of a community park, such as a playground, outdoor multipurpose court with basketball backboards, open space, picnic tables, and a walkway.

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

**FINDING:** The proposed use of the PO zoned parcel would be for a future public park. Parks are an allowed use in the PO zone, and have many development requirements insuring compliance with the Development Code and the Dundee Parks and Open Space Plan. All other allowed uses in the PO zone can also be established in compliance with the Development Code requirements.



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

**FINDING:** There are adequate water and sewer facilities to serve the property now and with the proposed partition. The property currently takes access from Locust Street, which is unimproved with sidewalk, curb and gutter. The applicant will be conditioned to sign a deferral agreement for future street improvements to Locust Street. In addition, the applicant is conditioned to dedicate right-of-way and sign a deferral agreement for the future extension and improvement of Maple Street, which will extend between the two parcels.

*E. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.*

**FINDING:** This criterion is not applicable; this is not a proposed residential zone change.

*F. The following additional criteria shall be used to review all non-residential 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 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.*
- 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 during the next 5 years.*
- 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.*

**FINDING:** As discussed above, the supply of vacant and/or available park land is not adequate to meet the needs of Dundee's population today or in the future. Additionally, the Dundee Parks and Open Space Plan speaks specifically to the need for parks in the area between Highway 99W and the Willamette River, where this property is located. The location of the proposed rezoning (parcel two of the proposed partition) also makes sense as park land due to its immediate adjacency to residential land on its northeast and southeast sides. Although the property immediately southwest of this property is also zoned LI to Locust Street, the majority of other properties in the area are zoned R-2 south of Maple Street and LI north of Maple Street. This property, and the property immediately adjacent to the southwest, have not yet dedicated right-of-way for Maple Street so they do not have that same dividing line as the rest of the area. However, since this property will be dedicating right-of-way for Maple Street as part of the proposed partition, it will have the Maple Street dividing line and be appropriate for a neighborhood park.

According to a Land Demand Analysis completed in June 1999 by Winterbrook Planning, Dundee would need approximately 46 acres of industrially zoned land through 2020, which equates to approximately 2 acres per year from 1999, or 11 acres for the next five years. Rezoning this portion of the existing property will increase the industrial land need by approximately one acre. According to a

quick survey of GIS data, there is approximately 14 vacant industrial acres in the Riverfront District area plus approximately 10 vacant or redevelopable acres of industrial land elsewhere in the city. Therefore, the supply of vacant land in the LI zone is adequate to accommodate the projected rate of industrial development during the next five years.

The proposed zone would not allow more intensive uses than are currently allowed in the LI zone.

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ATTN: Plan Amendment Specialist  
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