



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

12/11/2012

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 004-12

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, December 27, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

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

<paa> YA



FORM 2

DLCD

Notice of Adoption

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

☐ In person ☐ electronic ☐ mailed

DATE
STAMP
DEPT OF
DEC 07 2012
LAND CONSERVATION
AND DEVELOPMENT
For Official Use Only

Jurisdiction: City of Dundee

Local file number: ORD 516-2012

Date of Adoption: 12-4-12

Date Mailed: 12-5-12

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date:

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

Zoning of properties on either side of 8th street btwn Hwy 99W and the railroad, changed from Central Business District (CBD) to Public (P) to facilitate construction of a new fire dept. in downtown Dundee on Highway 99W. Zoning amended on Lots 3325CC-03900, -04000, -04100, 3325CC-07100, 3325CC-00800, and 3325CC-00900.

Does the Adoption differ from proposal? Please select one

- No Changes

Plan Map Changed from:

C

to: P

Zone Map Changed from:

CBD

to: P

Location: 759 Hwy 99W, 791 Hwy 99W, 159 SE 8th Acres Involved: 1.2

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☒ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☒ No

DLCD file No. 004-12 (19546) [17260]

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

Dundee Fire Dept.
ODOT
ODOT- Rail Division

Local Contact: Jessica Nunley, AICP

Phone: (503) 554-7744 Extension:

Address: PO Box 220

Fax Number: 503-538-1958

City: Dundee

Zip: 97115

E-mail Address: jessica.nunley@newberg
oregon.
com

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.

CITY OF DUNDEE
ORDINANCE NO. 516-2012

AN ORDINANCE RECOMMENDING APPROVAL OF A ZONE CHANGE FOR TAX LOTS 3325CC-03900, -04000, -04001, -00800, AND -00900, AND A PORTION OF TAX LOTS 3325CC-04100 AND -07100, FROM CENTRAL BUSINESS DISTRICT (CBD) TO PUBLIC (P), AND VACATION OF THE PORTION OF 8TH STREET BETWEEN HIGHWAY 99W AND THE RAILROAD

WHEREAS, The City of Dundee has chosen a site for its new fire station. The new fire station will be in the same location as the existing station, but will be larger and in a different configuration. The proposed layout of the new fire station would have parking where the current station is, and the new station would be built where 8th Street currently is and would extend onto the property south of 8th Street. The City has purchased the property south of 8th Street.

WHEREAS, All of the proposed fire station properties are zoned CBD (Central Business District), which allows public buildings as conditional uses. The P (Public) zone is much better suited for public buildings, and the fire station would be a permitted use in the P zone.

WHEREAS, The portion of 8th Street to be vacated for construction of the new fire station is located from Highway 99W east to the railroad tracks. That portion of 8th Street is not a through street, and access is limited to emergency vehicles only. The emergency access provision for 8th Street would remain even if the right-of-way from the railroad west to Highway 99W were vacated.

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

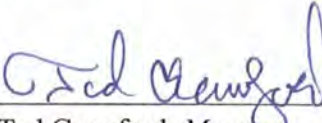
WHEREAS, The Dundee Planning Commission adopted an Order of Recommendation on November 14, 2012, recommending that City Council approve the requested zone change and street vacation.

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

1. The zone change from CBD (Central Business District) to P (Public) as shown in Exhibit B is hereby approved. Exhibit B is hereby attached and by this reference incorporated.
2. The right-of-way vacation 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 and conditions of approval shown in Exhibit A, and public testimony. Exhibit A is hereby attached and by this reference incorporated.

ADOPTED by the Council this 4th day of December, 2012.

Approved:



Ted Crawford, Mayor

Attest:



Rob Daykin, City Administrator/Recorder

EXHIBIT A: FINDINGS

Zone Change Findings

The proposed zone change from Central Business District (CBD) to P (Public) must comply with applicable provisions in the Dundee Development Code, Dundee Comprehensive Plan, and Statewide Planning Goals.

Dundee Development Code – Section 3.102 Zone Change

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 the Public (P) zone. The purpose of the P zone is to provide for the location of public and semi-public lands, buildings, facilities and uses in a manner that will not unreasonably disrupt or alter areas of the community. As discussed below, the proposed zone change does meet the goals and policies of the Public Facilities and Services section of the Comprehensive Plan.

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

Finding: The proposed fire station can be accommodated on the proposed site. The P zone requires a minimum lot size of 5,000 square feet; the entire fire station site will be approximately 1.2 acres. The site has adequate water, sanitary sewer, and stormwater. The existing fire station has access onto Highway 99W, and the City will work with ODOT on any future access needs.

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

Finding: The proposed fire station will be established in compliance with all development requirements of the P zone. The P zone requires that all development address off-street parking, signs, landscaping, and other standards required through site design review. The new fire station will have to go through the site design review process prior to construction.

- 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 is adequate water, sewer, and stormwater to serve the new fire station development, particularly as the new station will take the place of the existing station. The current fire station has access onto Highway 99W, and emergency access across the railroad tracks; the new station will also take access from Highway 99W, and will retain the emergency provision to cross the railroad tracks.

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: There is very little land currently zoned P – one portion of a property located in the northern Riverfront area, and one large parcel located in the south Riverfront area. The northern property cannot be developed as a fire station at this time, as there are not adequate utility or road infrastructure readily available to serve the site. The southern property is the location of the city's wastewater treatment plant. The city searched for a viable replacement location for the new fire station, and ultimately decided on the current location in part because the location has easy access to the highway and is located near the middle of town.

A fire station is a conditional use in the current CBD zone, so it could still be built in that location and use up the same supply of commercial land. Changing the zone to P makes the land a better fit for a fire station, and that land is not likely to be developed commercially in the future since it is used for a city facility. The supply of vacant land in the CBD zone will not be affected by the zone change as the fire station property is already developed.

The proposed zone, and new fire station, will not destabilize the land use pattern or adversely affect adjacent properties. The fire station is an appropriate use at that location, near the center of town and with easy access to respond to emergencies in any direction.

Dundee Comprehensive Plan

Public Facilities and Services – Goal: Provide orderly and efficient public services and facilities to adequately meet the needs of Dundee’s citizens.

Objective 2. Ensure the safety and health of Dundee’s citizens through adequate police and fire protection.

Finding: As stated above, the fire station is an appropriate use at the proposed location, near the center of town and with easy access to respond to emergencies in any direction. Changing the zone from CBD to P makes sense as the fire station is a public building and the property is unlikely to be redeveloped as commercial in the future.

Transportation – Goal: To provide and encourage a safe, convenient, aesthetic and economical transportation system, addressing the needs of all citizens within the community.

Policy A.3. All development proposals, plan amendments, or zone changes shall conform with the adopted Transportation System Plan (TSP).

Finding: The proposed zone change complies with the TSP, and will not adversely affect the transportation system.

Statewide Planning Goals

Goal 11: Public Facilities and Services – To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Guideline – A.3. Public facilities and services in urban areas should be provided at levels necessary and suitable for urban uses.

Guideline – A.7. Plans providing for public facilities and services should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development action provided for by such plans should not exceed the carrying capacity of such resources.

Finding: The proposed location of the new fire station best meets the goal and policies of Goal 11, as it would replace the existing fire station and would not require new infrastructure to serve the site. The public utilities are already available to serve the site. The redevelopment of the site will not adversely affect the carrying capacity of the air, water, and land resources of the area. In addition, the proposed fire station meets Goal 11 by providing a vital public service in the center of the city.

Transportation Planning Rule (Implements Goal 12: Transportation)

OAR 660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Finding: The proposed zoning amendment will not significantly affect existing transportation facilities. The existing use of the site is a fire station, and the proposed use of the site is a fire station. The zone change is merely to apply the more appropriate P (Public) zone to the property as it is being used for a public facility. The new fire station would require vacation of a portion of 8th Street, classified as a local street. However, the portion of 8th Street in question is not used for through traffic, and the TSP does not project that it would ever be used for through traffic. The city owns property on both sides of the area proposed for vacation, and adjacent properties and the remainder of the transportation network would not be affected.

Street Vacation Findings

Street vacations must comply with applicable criteria of ORS 271 and the Dundee Comprehensive Plan.

ORS 217.130

271.130 Vacation on city governing body's own motion; appeal.

(1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or endorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases. [Amended by 1995 c.658 §101]

Finding: The Dundee City Council initiated the vacation of 8th Street by motion at their meeting on October 16, 2012. Notice of the Planning Commission hearing on the matter was sent to property owners as required. No objections to the vacation have been filed.

Dundee Comprehensive Plan

Transportation – Goal: *To provide and encourage a safe, convenient, aesthetic and economical transportation system, addressing the needs of all citizens within the community.*

Policy C.8. *The City of Dundee shall consider the potential to establish or maintain accessways, paths, or trails prior to the vacation of any public easement or right-of-way.*

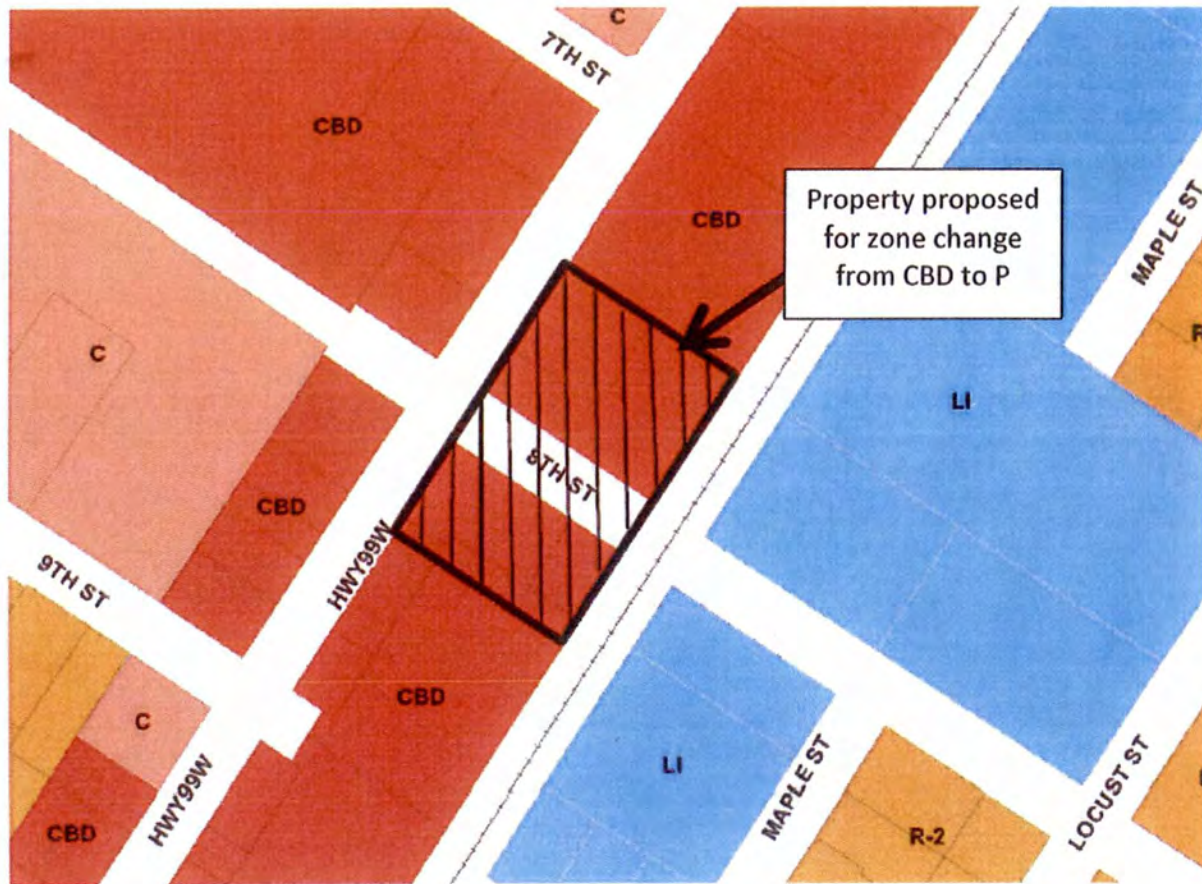
Finding: The City will retain the right to use the 8th Street railroad crossing for emergency access. Although official public pathways will not remain on 8th Street due to the construction of the fire station facility, the city may still provide a public path on the fire station site for public use.

EXHIBIT A: CONDITIONS OF APPROVAL

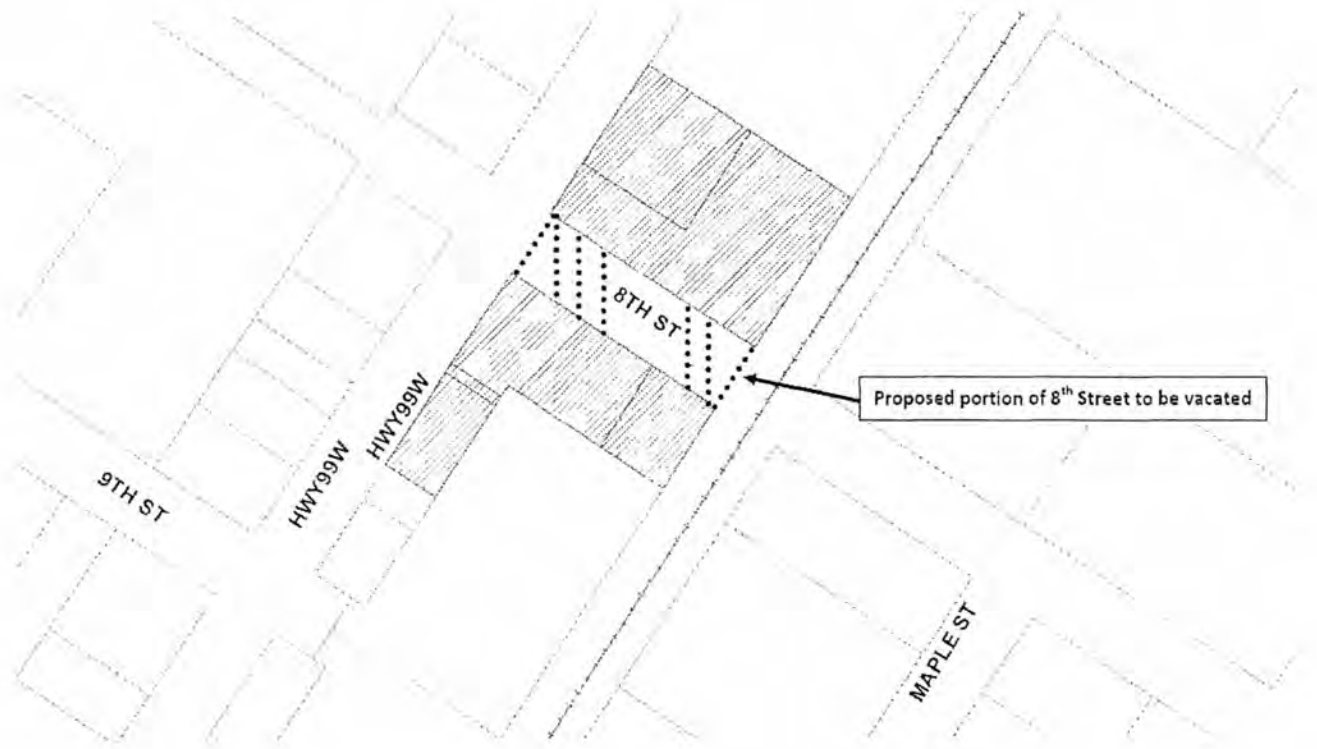
The zone change and street vacation shall comply with the following conditions of approval:

- All existing public and private utilities located in the portion of 8th Street to be vacated must be properly abandoned, vacated, and/or relocated.
- Site design review is required for the new fire station.
- The city shall obtain evidence of compliance with ODOT's access requirements for the new approaches to OR 99W (Note: this condition must be met prior to construction of the new fire station).

EXHIBIT B: Map of Proposed Zone Change
ZC-12-15/VAC-12-16



**EXHIBIT C: Map of Proposed Street Vacation
ZC-12-15/VAC-12-16**



PO Box 220
Dundee, Oregon 97115

DEPT OF
DEC 07 2012
LAND CONSERVATION
AND DEVELOPMENT



Attention: Plan Amendment Specialist
Department of Land Conservation and
Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540