



Oregon

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 11/17/2014
Jurisdiction: City of Dundee
Local file no.: LURA 14-03
DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 11/14/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 001-14 {22316}

Received: 11/14/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption**. (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Dundee

Local file no.: **LURA 14-03**

Date of adoption: 10/28/14

Date sent: 11/14/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 6/11/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

Minor amendments were made to the code draft during the public hearing process. For example: change to maximum setback for corner lots to allow greater flexibility, clarified the definition of "corner lot", clarified provisions for unusual lots.

Local contact (name and title): Jessica Pelz, Planner

Phone: 503-554-7744

E-mail: jessica.pelz@newbergoregon.govStreet address: 620 SW 5th Street

City: Dundee

Zip: 97115-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from COM	to LI	1.36 acres.	A goal exception was required for this change.
Change from LDR	to COM	12.28 acres.	A goal exception was required for this change.
Change from MDR	to COM	0.85 acres.	A goal exception was required for this change.
Change from LDR	to P	1.34 acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): see attached map

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

17.104 Nonconforming Situations, 17.202 Zoning Regulations, 17.203 Special Use Standards, 17.204 Overlay Zones, 17.301 Access and Circulation, 17.302 Landscaping and Screening, 17.304 Parking and Loading.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from C	to CBD	Acres: 10.01
Change from C	to LI	Acres: 1.36
Change from CBD	to C	Acres: 3.12
Change from R-2 & R-3	to C & CBD	Acres: 13.13
Change R-2 to P: 1.34 ac		

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Victorian Overlay removed Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address): see attached maps

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

See attached for comprehensive plan map amendments, zoning map amendments, and full text of development code amendments. Note that the map amendments did not require goal exceptions and are entirely within the UGB (unable to modify document in above section).

CITY OF DUNDEE
ORDINANCE NO. 534-2014

An Ordinance amending the Dundee Development Code to incorporate new commercial zoning standards and amending the zoning map and comprehensive plan map to create a new commercial zoning pattern

WHEREAS, the City of Dundee received a Transportation & Growth Management Program (TGM) code assistance grant to review Dundee’s commercial zones. Work on the TGM code assistance grant project began in 2013. The purpose of the project was to analyze the city’s commercial zones to better define what each designation is, what the differences between C (Commercial) and CBD (Central Business District) are, where the two zones should be applied, and what types of design standards should be applied in each zone.

WHEREAS, Dundee conducted public outreach for the project in the form of stakeholder interviews, a web survey, and multiple public workshops. The results of the public outreach informed the draft Code amendments and map amendments. The proposed Development Code amendments are a comprehensive package that covers everything from use changes to setbacks and design standards for both commercial zones. The draft map amendments reflect the desire to have a “downtown” core, with the CBD zone proposed to be applied in the center of town and the C zone at the entrances to town.

WHEREAS, the Dundee Planning Commission considered the amendments at their July 16, 2014, and August 20, 2014, meetings. The Planning Commission adopted an Order of Recommendation on August 20, 2014, recommending that City Council adopt the proposed Development Code amendments and map amendments.

WHEREAS, after proper notice, the Dundee City Council held a hearing on October 21, 2014, to consider the proposed Development Code and map amendments. The Council finds that the proposal meets the applicable criteria.

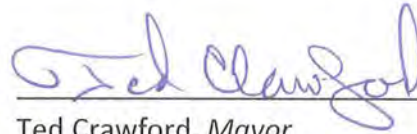
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUNDEE HEREBY ORDAINS AS FOLLOWS:

1. The Dundee Development Code is hereby amended as shown in Exhibit “A”. Exhibit “A” is hereby adopted and by this reference incorporated.
2. The Dundee Comprehensive Plan map and Zoning map is hereby amended as shown in Exhibit “B”. Exhibit “B” is hereby adopted and by this reference incorporated.

3. The findings in support of these amendments, as shown in Exhibit "C", are hereby adopted and by this reference incorporated.

ADOPTED by the Dundee City Council this 21st day of October, 2014. The effective date of this Ordinance is 30 days after the hearing: November 20, 2014.

Approved:



Ted Crawford, *Mayor*

Attest:



Rob Daykin, *City Administrator*

Dundee Code Update

Commercial Zones Code Amendments Final Draft (Task 5.2) – Clean Version

August 2014

Introduction

The following provides a first draft of recommended code amendments using underline for text proposed to be added and ~~striketrough~~ for text proposed to be deleted. Generally speaking, we have tried to adhere to the existing code structure, framework, and organization as much as possible.

Recommended Code Amendments

Chapter 17.104 NONCONFORMING SITUATIONS

17.104.040 Nonconforming development.

E. Improvements on Lots Containing Nonconforming Development.

1. Improvements on lots containing nonconforming development where the proposed increase in floor area or value of proposed improvements equals or exceeds the existing floor area or the value of the improvements proposed by the applicant equals or exceeds the value of existing improvements on site (i.e. the applicant's proposed improvements will double or more than double the existing floor area or improvement value on the site) shall bring all existing development on site into conformance with current development standards.

2. Improvements on lots containing nonconforming development where the proposed increase in floor area and value of improvements ~~are~~ is less than the existing floor area and the value of the improvements proposed by the applicant ~~is less than the~~ value of existing improvements on site shall bring existing development on site into conformance with current development standards; however, the developer is not required to ~~replace or remove~~ correct nonconformities beyond a cost that would exceed roughly 25 percent of the cost of the ~~proposed~~ improvements proposed by the applicant.

3. Additional guidance on how design standards in DMC 17.202.060 apply to existing non-conforming development is included in that section.

43. Applications to exceed the limits above may be considered by the planning commission, subject to the Type III review procedure and the criteria and procedures in DMC 17.104.060.

Chapter 17.202 ZONING REGULATIONS

17.202.010 Purpose.

F. Community Commercial Zone (C). The C zone provides for a wide range of community-serving businesses, including retail, wholesale, transportation, office and service uses. The C zone is intended to encourage commercial and mixed use development that is convenient and accessible by all modes. To assure compatibility between these uses and adjacent residential and light industrial uses, and to create a commercial area that is attractive and functional for customers, businesses, and the community at large, special design standards are

Exhibit "A": Code Amendments

Commercial Zones Code Amendments Final Draft (Task 5.2)

specified. Landscaping is a key component of site design in the C zone, to provide buffering of adjacent residential and light industrial uses, to create an attractive streetscape, and to provide environmental benefits.

G. Central Business District (CBD). The CBD zone is intended to promote development of a downtown business and retail area for Dundee that provides for the establishment of an architecturally designed commercial core that expresses an attractive "Victorian" theme. It allows a mixture of commercial uses and serves the commercial shopping and service needs of both area residents and visitors. The CBD zone is intended to promote pedestrian-oriented development in order to encourage a walkable and attractive downtown. The CBD zone is also intended to allow for mixed use development that retains an overall storefront character on the ground floor.

17.202.020 Allowed uses.

Uses	C	CBD	Special Use Requirements
A. Residential Uses.			
Single-Family Dwelling, including manufactured homes subject to DMC 17.203.100	N <u>S</u>	N <u>S</u>	DMC 17.203.190 in <u>commercial zones [new section]</u>
Two-Family (Duplex) Dwelling, Single-Family Attached Dwelling	N <u>S</u>	N <u>S</u>	DMC 17.203.080 , DMC 17.202.040(G) for Single-Family Attached DMC 17.203.190 in <u>commercial zones [new section]</u>
Zero Side Yard Dwellings (Townhouse or Single-Family Detached)	N	N	DMC 17.202.040(G)
Manufactured Dwelling Park or Mobile Home Park	N	N	DMC 17.203.110
Multifamily Dwelling	C <u>S</u>	N <u>S</u>	DMC 17.203.120 in <u>residential zones</u> ; DMC 17.203.200 for <u>ground-floor multi-family in commercial zones [new section]</u> ; DMC 17.203.190 for <u>existing residential uses in commercial zones [new section]</u>
Dwelling(s), above permitted ground floor commercial	C <u>P</u>	P	
Boarding, Lodging, or Rooming House	N	N	
Home Occupation	N <u>S</u>	N <u>S</u>	DMC 17.203.090 , DMC 17.203.180 in EFU
Family Child Care Home	P	P	
Residential Care Home	N <u>S</u>	N <u>S</u>	DMC 17.203.190 for <u>existing residential uses in commercial zones [new section]</u>

Exhibit "A": Code Amendments

Commercial Zones Code Amendments Final Draft (Task 5.2)

Uses	C	CBD	Special Use Requirements
A. Residential Uses.			
Residential Care Facility	CU <u>S</u>	N <u>S</u>	DMC 17.203.200 for ground-floor multi-family and residential care facilities in commercial zones [new section]

Uses	C	CBD	Special Use Requirements
B. Public and Institutional Uses			
Cemetery	N	N	
Church	P	P	DMC 17.203.180 , see limits in OAR 660-33 in EFU
Community Building	P	P	DMC 17.203.180 , see limits in OAR 660-33 in EFU
Club, Lodge, or Fraternal Organization	P	P	
Day Care Facility, Preschool	P	N <u>P</u>	
Emergency Service Facility	P	CU	DMC 17.203.180 , see limits in OAR 660-33 in EFU
Hospital	P	N	
Mortuary	P	N	
Nursing Home	N	N	
Parking Facility	P	P	
Parks Not to Exceed One-Half Acre, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, including Accessory Buildings and Structures	P	P	DMC 17.203.130 , DMC 17.203.180 in EFU, see limits in OAR 660-33 in EFU
Parks Greater Than One-Half Acre, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, including Accessory Buildings and Structures	S	S	DMC 17.203.130 , DMC 17.203.180 in EFU, see limits in OAR 660-33 in EFU
School, College or Vocational	CU	CU	
School, Commercial	CU <u>P</u>	P	
School, Elementary or Secondary	N	N	
Solid Waste Disposal and Recycling Sites and Facilities, except as accessory to a permitted use	N	N	

Exhibit "A": Code Amendments

Commercial Zones Code Amendments Final Draft (Task 5.2)

Uses	C	CBD	Special Use Requirements
B. Public and Institutional Uses			
Utility, Area	P <u>CU</u>	CU	
Wireless Communication Facilities	CU+S	CU+S	DMC 17.203.170 , DMC 17.203.180 in EFU, see limits in OAR 660-33 In EFU

Uses	C	CBD	Special Use Requirements
C. Commercial Uses			
Amusement and Recreation Facilities, including Theaters, Bowling Alleys, Concert Venues.	<u>CU/S</u>	<u>CU/S</u>	DMC 17.203.220 in commercial zones; <i>[new section]</i> . See DMC 17.203.140 , Outdoor / unenclosed uses, DMC 17.203.070 if drive-through or walk-up service
Art Gallery, Artisan or Craftsman Studio, Photographic Studio, Picture Framing, similar uses	P	P	
Automobile Service Station	CU+S	N	DMC 17.203.040
Automotive Repair and Service, including Car Wash, Tire Sales and Repair/Replacement, Painting, Auto Body Shop; includes Automobiles, Motorcycles, Aircraft, Boats, RVs, Trucks	CU+S	N	DMC 17.203.140 if outdoors / unenclosed
Automotive Sales and Rental, including Automobiles, Motorcycles, Aircraft, Boats, RVs, and Trucks	CU+S	N	DMC 17.203.140 if outdoors / unenclosed
Automotive Parts and Accessory Sales	S	N	DMC 17.203.140 if outdoors / unenclosed
Bakery, Butcher Shop, Candy Manufacturing, and similar uses, when retail sales provided on premises	P/S	P/S	See DMC 17.203.070 if drive-through or walk-up service
Banks and Other Financial Institutions	P/S	P/S	See DMC 17.203.070 if drive-through or walk-up service
Barber or Beauty Shop	P	P	
Bed and Breakfast Inn, with three or fewer guest sleeping rooms	N <u>P</u>	P	DMC 17.203.050
Bed and Breakfast Inn, with four or more guest sleeping rooms	N <u>P</u>	P	DMC 17.203.050
Bicycle Rental Shop	P	P	

Exhibit "A": Code Amendments

Commercial Zones Code Amendments Final Draft (Task 5.2)

Uses	C	CBD	Special Use Requirements
C. Commercial Uses			
Boat Landing, not a marina	N	N	DMC 17.203.130 , DMC 17.203.180 in EFU, see limits in OAR 660-33 in EFU
Business and Professional Offices	P	P	
Garden Supply, including Commercial Greenhouses	P/S	CU+S	DMC 17.203.140 if outdoors / unenclosed, DMC 17.203.180 in EFU, see limits in OAR 660-33 in EFU
Golf Course	N	N	DMC 17.203.180 , see limits in OAR 660-33 in EFU
Golf Driving Range, Miniature Golf, Golf Pro Shop	CU	CU N	See DMC 17.203.140
Golf Pro Shop	P	P	
Hotels and Motels	P	P	
Kennel	CU	N	See DMC 17.203.140
Lumber Yard and Similar Outdoor Sales of Building or Contracting Supplies	CU+S N	N	DMC 17.203.140
Marina, with no boat repair	N	N	DMC 17.203.140
Medical/Dental Clinic	P	P	
Paint and Painting Supplies Sales or Rental	P	P	
Restaurants, and Other Eating and Drinking Establishments	P/S	P/S	DMC 17.203.140 if outdoors / unenclosed, DMC 17.203.070 if drive-through or walk-up service
Retail Sales, including Accessory Services and Repair, except as specified elsewhere in this table	P/S	P/S	DMC 17.203.140 if outdoors / unenclosed, DMC 17.203.070 if drive-through or walk-up service
Retail Small-Scale Winery, Brewery or Distillery	N S	S	DMC 17.203.060
Service-Related Businesses, except as specified elsewhere in this table	P/S	P/S	DMC 17.203.140 if outdoors / unenclosed, DMC 17.203.070 if drive-through or walk-up service
Tractor and Farm Equipment, or Logging Equipment, Sales and Service	CU+S	N	DMC 17.203.140 if outdoors / unenclosed

Exhibit "A": Code Amendments

Commercial Zones Code Amendments Final Draft (Task 5.2)

Uses	C	CBD	Special Use Requirements
D. Industrial and Mixed Employment Uses			
Airports, and Heliport Facilities	N	N	
Auction Yards	N	N	DMC 17.203.140
Beverage and Bottling Facility, Winery, Brewery, or Distillery, including Warehousing and Distribution; see also Retail Small-Scale Winery, Brewery, or Distillery	N	N	
Bulk Storage of Flammable Liquids or Gases; Petroleum Products Storage and Distribution; Wood or Biomass Fuel Dealers	N	N	DMC 17.203.140 if outdoors / unenclosed
Call Centers and Data Centers	CU	CU	
Cement, Glass, Clay, and Stone Products Manufacture	N	N	DMC 17.203.140 if outdoors / unenclosed
Chemical, Fertilizer, Insecticide, Paint Product Manufacture, or Similar Uses	N	N	DMC 17.203.140 if outdoors / unenclosed
Concrete or Asphalt Batch Plants	N	N	DMC 17.203.140
Dairy Products Manufacture, e.g., butter, milk, cheese, ice cream	N	N	DMC 17.203.140 if outdoors / unenclosed
Dwelling for a Caretaker or Watchperson	N	N	
Feed and Seed Facilities, including Grain Elevators and Storage	N	N	DMC 17.203.140 if outdoors / unenclosed, DMC 17.203.180 in EFU, see limits in OAR 660-33 in EFU
Finished Textile and Leather Products Manufacture	N	N	DMC 17.203.140 if outdoors / unenclosed
Food Processing, including Canning, Freezing, Drying and Similar Food Processing and Preserving	N	N	DMC 17.203.140 if outdoors / unenclosed, DMC 17.203.180 in EFU, see limits in OAR 660-33 in EFU
Freight Terminals, including Loading Docks, Storage, Warehousing, Wholesale Distribution, Cold Storage; except personal storage such as mini-storage warehouses	N	N	DMC 17.203.140 if outdoors / unenclosed
Machine Shop, and Sales, Service and Repair of Machinery	N	N	DMC 17.203.140 if outdoors / unenclosed
Metal Plating	N	N	DMC 17.203.140 if outdoors / unenclosed
Metal Products Manufacture	N	N	DMC 17.203.140 if outdoors / unenclosed
Newspaper, Periodical, Publishing and Printing	CU	CU	
Outdoor Storage of Materials of an Industrial Character	N	N	DMC 17.203.140

Exhibit "A": Code Amendments

Commercial Zones Code Amendments Final Draft (Task 5.2)

Uses	C	CBD	Special Use Requirements
D. Industrial and Mixed Employment Uses			
Personal Storage, such as Mini-Storage Warehouses	CU+S	N	DMC 17.203.140 if outdoors / unenclosed; DMC 17.203.230 in the Community Commercial Zone
Rendering Plants	N	N	
Small-Scale Manufacturing in the community commercial zone, as defined in DMC 17.203.150 .	S	N	
Specialty Trade Contracting Facilities, conducted wholly within a building	CU	N	
Specialty Trade Contractor Facilities, conducted all or partially outdoors	N	N	DMC 17.203.140
Welding Shop and Blacksmith, conducted wholly within a building	CU	N	
Welding Shop and Blacksmith, conducted all or partially outdoors	N	N	DMC 17.203.140
Wood Products Manufacture, including sawmills, paper and allied products, and secondary wood products	N	N	DMC 17.203.140 if outdoors / unenclosed
Wrecking, Demolition, Junk Yards, including Recycling Firms	N	N	DMC 17.203.140

17.202.030 Lot and Development Standards by Zoning District

Table 17.202.030 lists the general lot and development standards for each of the city's base zones. Specific development standards for access, parking, landscaping, and public improvements, among others, are located in DMC Division 17.300.

Notwithstanding the provisions below, additional standards may apply in specific locations, such as at street intersections, within overlay zones, adjacent to natural features, and other areas as may be regulated by this code or subject to state or federal requirements. For requirements applicable to the city's overlay zones – flood plain overlay, and greenway management overlay, ~~and commercial-Victorian overlay~~ – please refer to Chapter [17.204](#) DMC.

Table 17.202.030 is organized as follows:

- A. Minimum lot area.
- B. ~~Minimum yard~~ Yard setback requirements.
- C. Maximum structure height.
- D. Minimum lot dimensions.
- E. Maximum lot coverage.

Exhibit "A": Code Amendments

Commercial Zones Code Amendments Final Draft (Task 5.2)

Table 17.202.030 – Lot and Development Standards by Zoning District			
Uses	Commercial and Employment		Exceptions
	C	CBD	See also DMC 17.202.040
A. Minimum Lot Area (Square Feet) – (b) applies to all zones			
Single-Family Dwelling (1 unit)	5,000 (all uses)	5,000 (all uses)	(b) Where the slope of the ground exceeds 11 percent in any direction over more than 60 percent of the lot, the area of the lot shall be increased as follows: 11 – 15% slope = min. lot area + 20% 16 – 20% slope = min. lot area + 50% 21 – 25% slope = min. lot area + 100% 26 – 30% slope = min. lot area + 200% 31%+ slope = specified by city engineer
Duplex Dwelling (2 units)			
Multifamily Dwellings (3 or more units)			
Nonresidential Uses			
B. Minimum Yard Setback Requirements (Feet)			
Primary Front Yard - <u>Minimum</u>	None <u>10(j)</u>	None <u>5(j)</u>	(e) Minimum side or rear setback adjoining residential zone is 20 feet. (j) Structures and improvements for conditional uses shall be located no closer than 150 feet from the Highway 99W right-of-way. (j) Minimum front yard setbacks apply only abutting Highway 99W right-of-way. Minimum front setback abutting other public right-of-ways is zero. (k) Compliance with the maximum front yard standards is determined as specified in DMC 17.202.060(A) .
Secondary Front Yard - <u>Minimum</u>	None <u>10(j)</u>	None <u>5(j)</u>	
Primary Front Yard - <u>Maximum</u>	<u>20(k)</u>	<u>15(k)</u>	
Secondary Front Yard - <u>Maximum</u>	<u>40(k)</u>	<u>30(k)</u>	
Side Yard for a Principal Structure	None(e){j}	None(e)	
Rear Yard for a Principal Structure	None(e){j}	None(e)	
Rear Yard or Side Yard for an Accessory Structure	None(e){j}	None(e)	
Side Yards for Zero Side Yard Dwelling Units	NA	NA	

Exhibit "A": Code Amendments

Commercial Zones Code Amendments Final Draft (Task 5.2)

Table 17.202.030 – Lot and Development Standards by Zoning District			
Uses	Commercial and Employment		Exceptions
	C	CBD	See also DMC 17.202.040
Setback from Partial Street	New structures or structure additions on lots abutting an existing public street that does not meet the minimum standards of DMC 17.305.030 for right-of-way width shall provide setbacks sufficient to allow for the future widening of the right-of-way, plus the minimum required yard setback. Building permits shall not be issued for new structures or additions that do not meet this standard.		
C. Maximum Structure Height (Feet)			
Dwellings	45 (l)	45 (l)	<u>(l) New structures shall be limited to three stories.</u>
Non-Dwelling Structures	45 (l)	45 (l)	
D. Minimum Lot Dimensions (Feet)			
Lot Width and Frontage	None		
Lot Depth	None		
E. Maximum Lot Coverage (% of Lot)			
Lot Coverage	None		
Parking Area Coverage	None		
Combined Lot and Parking Area Coverage	None		

17.202.040 Yard standards, exceptions to yard and building height standards

...

F. Miscellaneous Exceptions to Setback Requirements. Setback limitations stipulated elsewhere in this code may be modified as follows:

1. Bus Shelters. Bus shelters, which are intended for use by the general public and are under the ownership and/or control of a city, county, state or municipal corporation, shall be exempt from setback requirements.
2. Projecting Building Features. Any feature attached to a roof or exterior wall of a building, such as an eave, gutter, balcony, exterior stairway, chimney or air conditioning unit, may project up to four feet into a required yard, provided building code requirements are met.

Exhibit "A": Code Amendments

Commercial Zones Code Amendments Final Draft (Task 5.2)

3. Accessory Structures Six Feet High or Less. Any accessory structure or projecting building feature, including mechanical equipment to serve a building, less than six feet in total height, as measured at the property line, may be located in side or rear yard. Height includes the height of any railing, porch, deck, or patio. The structure or feature shall not be located to conflict with requirements for landscaping, screening and buffering.
4. Accessory structures over six feet high, including porches and decks, may be located in a required yard only where specifically allowed and meeting the conditions in Table 17.202.030.
5. Flag lots are exempt from maximum setback standards in Table 17.202.030.

17.202.050 Fence standards

A. General Standards.

1. Fences and walls shall not be constructed of nor contain any material that could cause bodily harm, such as barbed wire, broken glass, spikes, electric or any other hazardous or dangerous materials; this includes link fencing with barbed ends at the top or sides; except that fences topped with barbed wire are allowed in industrial, agricultural, and public zones.
2. Electric fences and barbed wire fences in agricultural zones intended to contain or restrict cattle, sheep, horses or other livestock, and lawfully existing prior to annexation to the city, may remain.
3. 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.
4. Fences shall comply with requirements of the clear vision area for streets and driveways.
5. In no instance shall a fence extend beyond the property line.
6. In the C and CBD zones, chain link fencing may not be used between a public street and a maximum setback line, with the following exceptions:
 - a. In the C zone, black fused and bonded vinyl coated chain link fencing may be used, subject to DMC 17.202.050.B.
 - b. In the CBD zone, black fused and bonded vinyl coated chain link fencing may be used if screened from view from the street by a sight-obscuring hedge of equal height, subject to DMC 17.202.050.B.

B. Fence Heights in Residential and Commercial Zones.

1. Fences in residential zones shall not exceed four feet in height in the required primary front yard setback, and six feet in height within secondary front, side or rear yard setback.
2. Fences and walls in the C and CBD zones shall not exceed four feet in height between a public street and the maximum front yard setback line (per DMC 17.202.030.B) and six feet in height within a side or rear yard setback.
- ~~3.~~ Fences in interior yards more than six feet in height shall meet the setback requirements in Table 17.202.030 for an accessory structure.
- ~~4.~~ The fence height limits above include the height of soil berms under the fence or acting as a fence.
- ~~5.~~ Vertical structural members such as posts or columns that are not wider than two feet and that are spaced not closer than eight 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.
- ~~6.~~ If a variance has been granted to the fence height restriction, a building permit may be required prior to construction.

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17.202.060 Site and Building Design Standards in Commercial Zones.

The following standards apply to all development in the C and CBD zones that is subject to land use approval, except that modification or expansion of an existing residential use allowed pursuant to DMC 17.203.190 is exempt from this section.

A. Maximum building setbacks. The maximum building setbacks are stated in Table 17.202.030.

1. Applicability. The setback standards apply to all buildings and structures on the site except as specified in this section or elsewhere in this code. Maximum setback standards of DMC 17.202.060(A) apply only to buildings that are enclosed on all sides and do not apply to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. These standards do not apply to flag lots.

2. Standards. There are two standards, as specified below:

a. In the C zone, at least 50 percent of the length of the ground level street-facing façade of the building must be within the maximum setback;

b. In the CBD zone, 80 percent of the length of the ground level street-facing façade of the building must be within the maximum setback.

3. Measurement.

a. Maximum setback is measured to an exterior building wall. Projecting building features, including those described in DMC 17.202.040(F) as well as awnings and bay windows, may not be used to satisfy maximum setback requirements.

b. Where there is more than one building on the site, the standards of DMC 17.202.060(A) apply to the combined ground level, street-facing facades of all of the buildings. See Figure 1.

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Figure 1: Maximum Building Setback Measurement for Sites with Multiple Buildings



c. Where an existing building is being altered or new buildings are being added to a site with an existing building, the standards apply to the ground level, street-facing façade of the entire site. Additions that do not increase the length of ground-level, street-facing façade are not subject to these standards. See Figure 2 and Figure 3.

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Figure 2: Maximum Setbacks -- Expansion of Existing Building

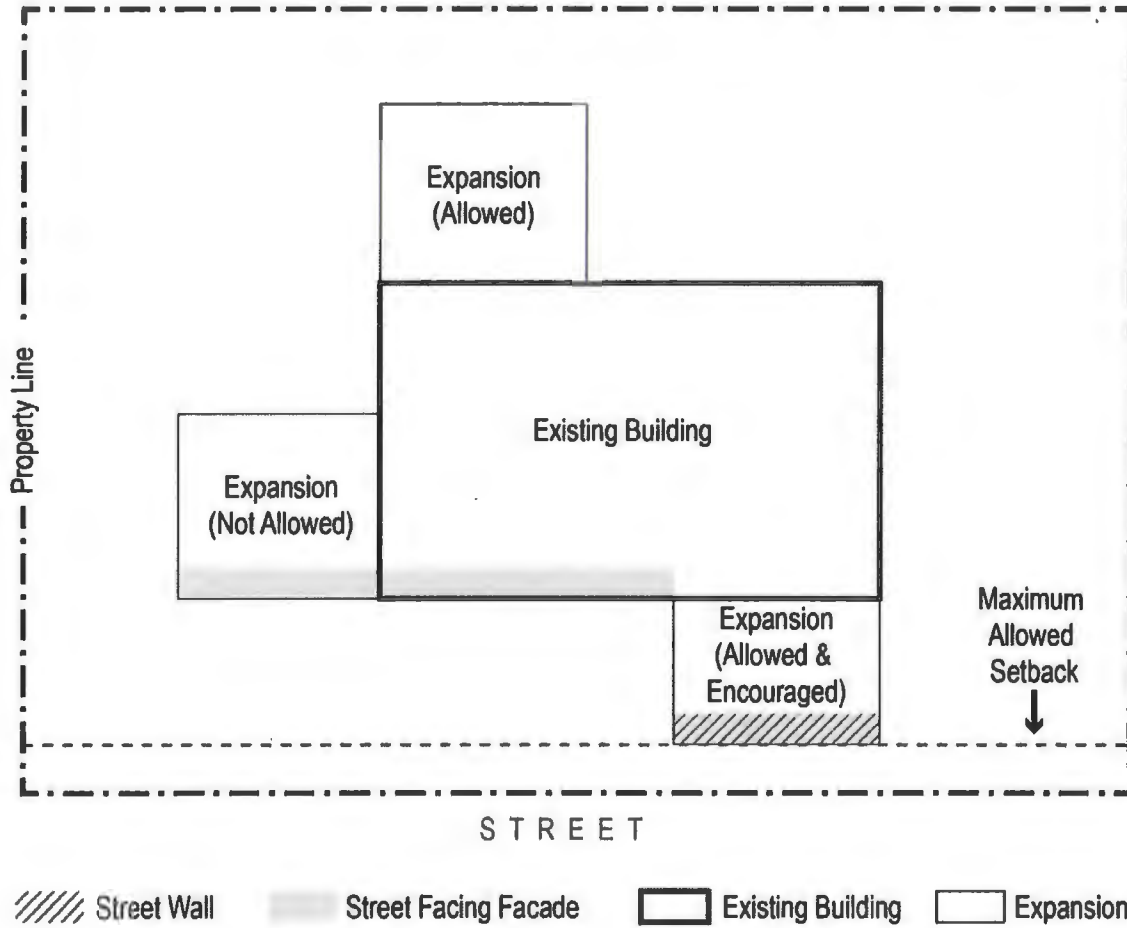
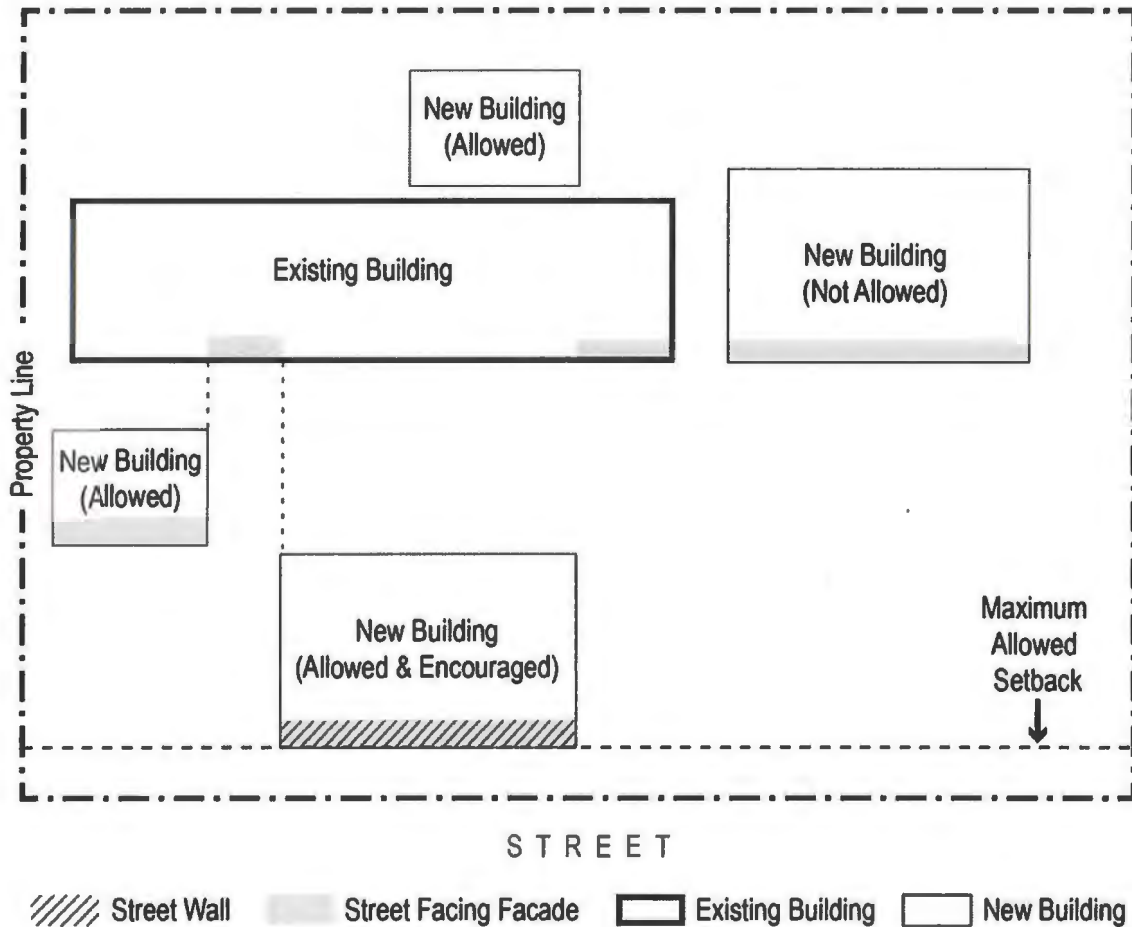


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Figure 3: Maximum Building Setbacks -- New Buildings on Sites with Existing Buildings



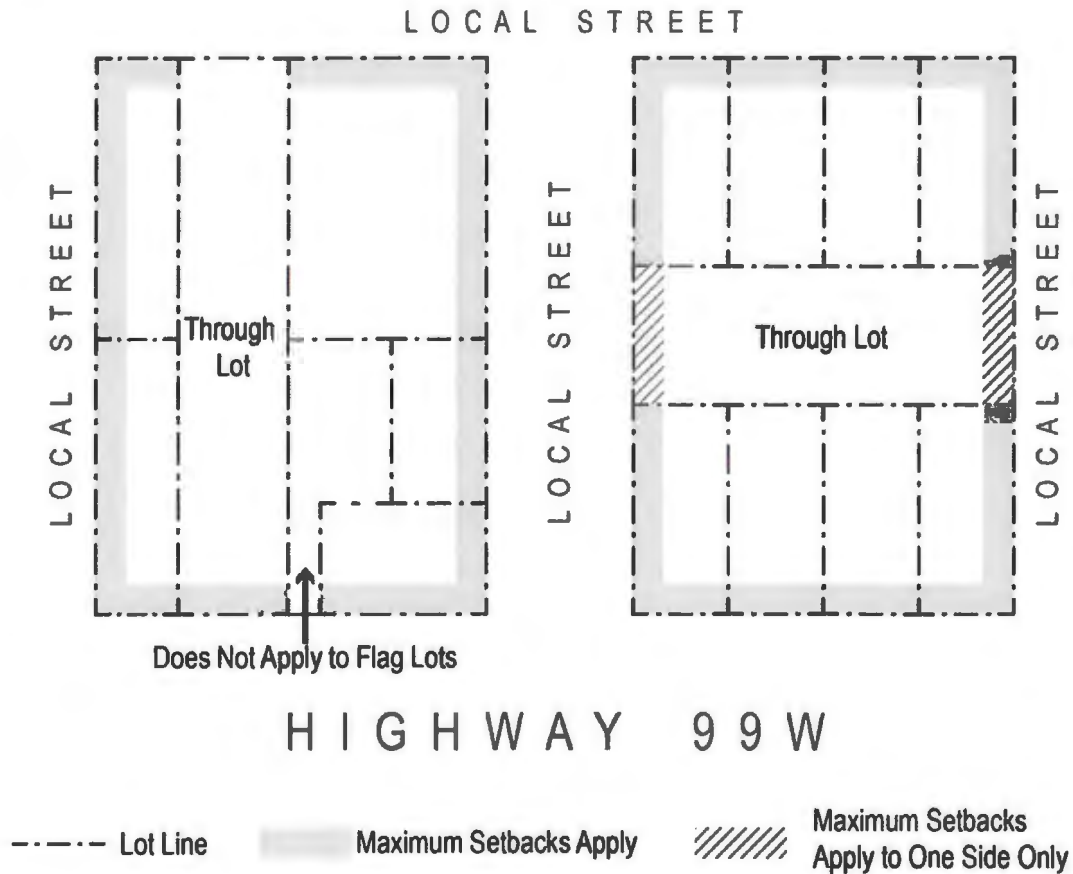
4. Sites with Multiple Frontages.

- Sites on corner lots shall meet the applicable standard above for the primary street frontage of their choosing. On the secondary street frontage, the maximum setback is adjusted to 30 feet for the CBD zone and 40 feet for the C zone. Building frontages used to meet the setback requirements on either the primary or secondary street frontage are considered "street walls" for purposes of this code (see Figure 4).
- Through lots shall meet the applicable standard on the street frontage of the street with the higher functional classification as designated in the City of Dundee Transportation System Plan. Where both streets have the same functional classification, the applicant may choose the street frontage on which to meet the applicable standard; the reverse frontage is exempt from these standards (see Figure 4).

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Figure 4: Applicability of Maximum Setback Standards, Parking Location Standards, and Front Setback Landscaping by Lot Type



5. Relationship to Other Standards. That portion of the ground level street-facing building façade that meets the standards in DMC 17.202.060(A)(2), above, shall be referred to as the "Street Wall" throughout DMC 17.202.060 and this Code.

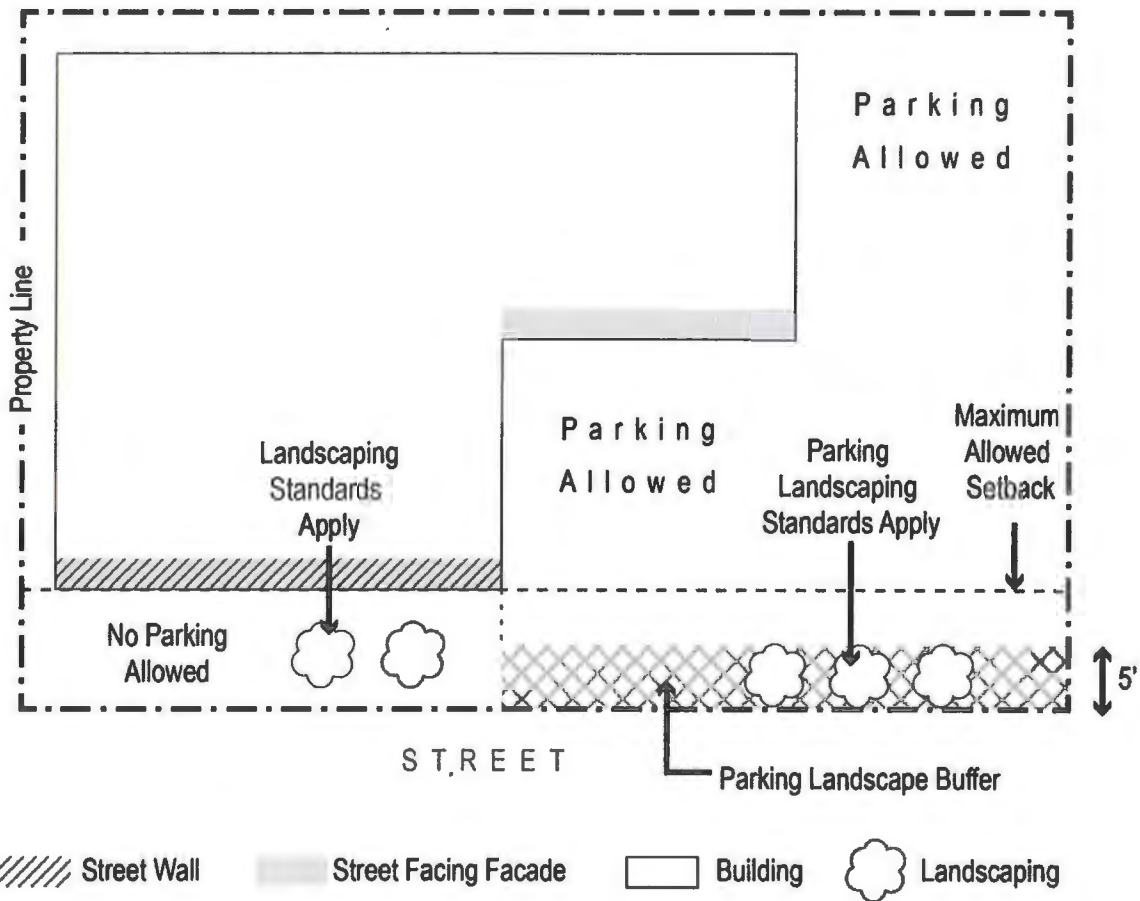
B. Parking Location. In order to encourage pedestrian-friendly commercial development, and to prevent vehicle parking from dominating the streetscape, the location of parking areas and areas for vehicle circulation on a site are limited.

1. Applicability. The standards of DMC 17.202.060(B) apply to parking areas, loading areas, drive-through lanes, driveways, and all other areas devoted to vehicle storage and circulation, except as specified in paragraph 4.

2. Standards.

a. Parking and vehicle circulation areas shall not be allowed between a Street Wall and a street (see Figure 5).

Figure 5: Commercial Zones Site Design Standards



b. In the CBD zone, in addition to meeting the standard above, sites with 100 feet or more of frontage on any single street shall have parking and vehicle circulation areas abutting no more than 50% of the total street frontage along that street.

3. Sites with Multiple Frontages.

a. Sites on corner lots shall meet the standards above for both street frontages (see Figure 4).

b. Through lots shall meet the applicable standard on the street frontage of the street with the higher functional classification as designated in the City of Dundee Transportation System Plan. Where both streets have the same functional classification, the applicant may choose the street frontage on which to meet the applicable standard; the reverse frontage is exempt from these standards (see Figure 4).

4. Exceptions.

a. In the C zone, drive-through lanes may be located between the Street Wall and the street if the applicant can demonstrate that it is not feasible to configure the site in any other way. The standards in DMC 17.203.070(B) shall apply.

b. Driveways accessing the site may be located between the Street Wall and the street if the City Engineer or ODOT find that access spacing standards and/or safety considerations require such a configuration.

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c. Improvements on lots that do not conform with this subsection (B) shall, to the extent feasible, reduce the area dedicated to parking and vehicular circulation between the building and the right-of-way.

C. Front Setback Landscaping. In order to enhance pedestrian comfort, development in the C and CBD zones shall be required to provide landscaping and/or pedestrian amenities within front setback areas between the building and the street.

1. Applicability. The standards of DMC 17.202.060(E) apply to front setback areas, including both the required front yard and any additional setback between the front lot line and the Street Wall. Where this setback area includes a landscape strip required to screen a parking lot, the standards of DMC 17.302.060(C) shall be met in addition to the standards of this section. (See Figure 5.)

2. Standards. Front setback areas in the C and CBD zones shall be landscaped to include a mix of plants and pedestrian amenities as follows:

a. In the CBD zone, front setback areas may be used for outdoor seating, pedestrian plazas, benches, walkways, outdoor display of merchandise during business hours (subject to DMC 17.203.140), sculptures, fountains, patios/decks, planter boxes, stormwater management features such as rain gardens and bioswales, tree wells, and/or other plant materials. At least 50% of the front setback between the front lot line and a Street Wall must be hard-surfaced with material other than asphalt and intended for usage by pedestrians and/or customers.

b. In the CBD zone, hedges in excess of 4 feet in height planted within front setback areas shall be limited to 50% of the width of the street frontage on each abutting street (there is no limitation on hedges 4 feet in height or less).

c. In the C zone, front setback areas shall be landscaped predominately with plant materials. Pedestrian walkways, benches, outdoor seating, and other features listed above for the CBD zone may be incorporated within front setback areas, but are not required. Plant materials within the front setback area shall include one or more varieties of shrubs, bushes, or trees and one or more varieties of perennial flowers. The remaining area shall be planted with grass or living ground cover to assure 80 percent coverage within two years.

3. Sites with Multiple Frontages.

a. Sites on corner lots shall meet the standards above for both street frontages (see Figure 4).

b. Through lots shall meet the applicable standard on the street frontage of the street with the higher functional classification as designated in the City of Dundee Transportation System Plan. Where both streets have the same functional classification, the applicant may choose the street frontage on which to meet the applicable standard; the reverse frontage is exempt from these standards (see Figure 4).

4. Exceptions. Improvements on lots that do not conform with subsection (C) shall provide additional landscaping in the front setback area to bring the site as close to compliance with the standard as is feasible without removing required parking, existing structures, driveways, or other necessary site components.

D. Entrances. In order to provide for safe and convenient pedestrian access to businesses, entrances that face or connect directly to the street are required in the commercial zones.

1. Applicability. The standards of DMC 17.202.060(C) apply to all buildings except for accessory structures.

2. Standards. There are two standards, as specified below.

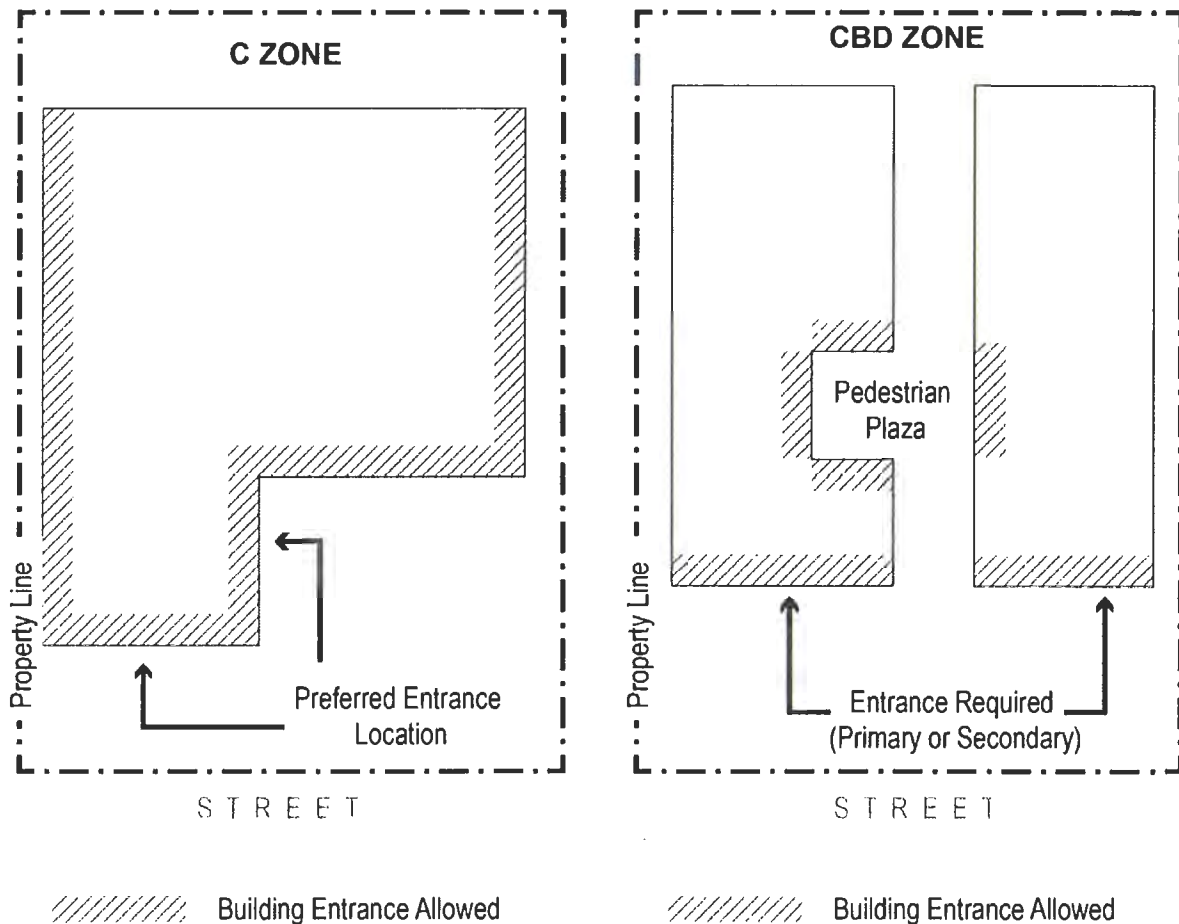
a. In the C zone, the primary building entrance for all buildings on the site shall face towards or within 90 degrees of the street and shall be as close as is practical to the street.

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b. In the CBD zone, all buildings shall provide an entrance facing the street, and the primary building entrance for all buildings on site shall be either facing the street or be oriented towards an internal pedestrian court with a direct walkway to the street.

Figure 6: Allowed Entrance Locations in Commercial Zones



3. Sites with Multiple Frontages.

a. On sites with frontage on Highway 99W, the street referenced by the regulations of this section shall be Highway 99W.

b. Sites with frontage on two local streets shall meet the standard above for one of the streets.

c. As required by DMC 17.301.030(C)(2), safe, reasonably direct and convenient connections shall be provided between the primary building entrance and all abutting public rights-of-way.

4. Exceptions. Improvements on lots that do not conform with subsection (D) shall improve compliance to the extent feasible as follows:

a. Improvements to buildings subject to DMC 17.104.040(E)(1) that do not meet the standards in paragraph (2) shall, at a minimum, provide a building entrance that faces towards the street or within 90 degrees of the street and is as close as practical to the street.

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b. Where subject to DMC 17.104.040(E)(2), additions to buildings that do not meet the standards in paragraph (2) shall include an entrance that faces towards the street or within 90 degrees of the street and is as close as practical to the street.

E. Ground-floor Windows. On the ground level of buildings in the commercial zones, blank walls are limited and windows are required in order to provide an interesting and inviting pedestrian environment that encourages pedestrian activity and to enhance pedestrian safety through greater visibility of the sidewalk from the interior of buildings.

1. Applicability. The standards of DMC 17.202.060(E) shall apply to all new Street Walls. Exterior remodels of existing non-conforming buildings shall improve compliance with these standards where possible, and at a minimum shall not increase non-conformance.

2. Standards. There are two standards, as specified below. In the CBD zone, all Street Walls shall meet standard 1, except as specified in paragraph 3. In the C zone, all Street Walls shall meet standard 2.

a. Standard 1: Windows must be at least 50 percent of the ground-level area of the Street Wall.

b. Standard 2: Windows must be at least 30 percent of the ground-level area of the Street Wall.

3. Exceptions. Sites in the CBD zone with more than one frontage shall meet the standards as follows:

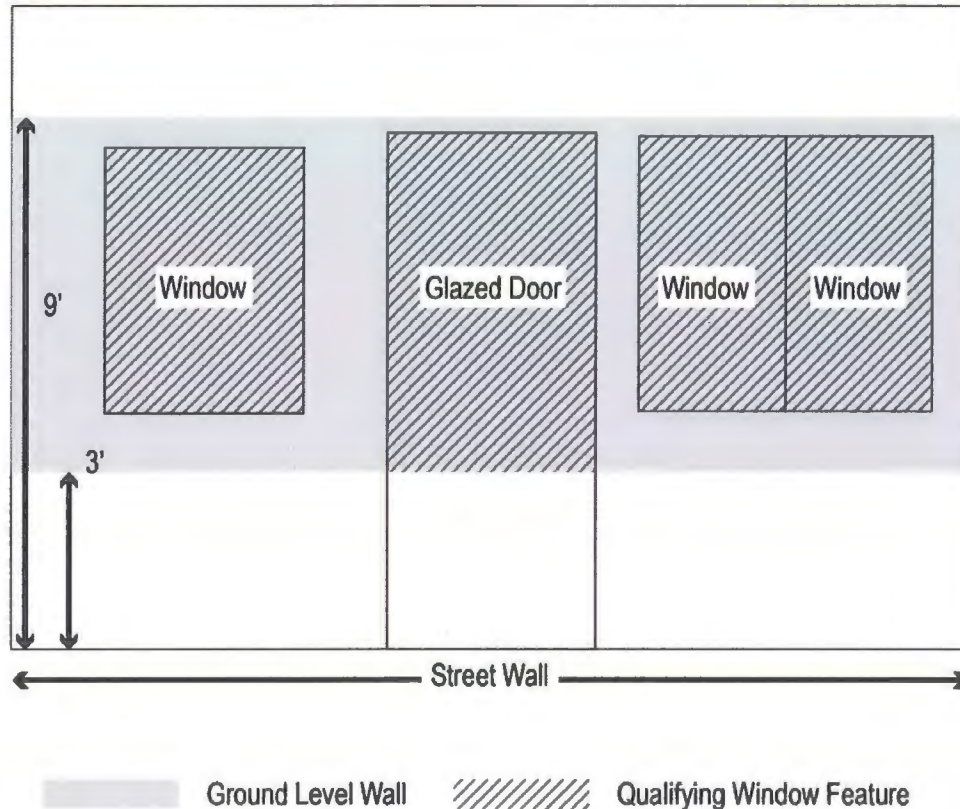
a. Sites with 50 feet or more of frontage on Highway 99W shall meet standard 1 on applicable facades facing Highway 99W. On other frontages, standard 2 shall apply.

b. Sites that do not have 50 feet or more of frontage on Highway 99W shall meet standard 1 on the longer street frontage. Where frontages are of equal length, the applicant may choose on which frontage to meet standard 1. On other frontages, standard 2 shall apply.

4. Qualifying window features. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than 3 feet above the adjacent exterior grade.

5. Measurement. The ground level area of the Street Wall is measured from three feet above finished grade up to nine feet above the finished grade (see Figure 7).

Figure 7: Measurement of Ground-floor Window Standard



F. Façade Articulation. In order to reduce the scale of large buildings and add visual interest and to encourage architectural design that contributes to the pedestrian environment, Street Walls shall include articulation features to break up long façades as set forth in this section.

1. Applicability. The standards of DMC 17.202.060(F) shall apply to all new Street Walls. Exterior remodels of existing non-conforming buildings shall improve compliance with these standards where possible, and at a minimum shall not increase non-conformance.

2. Standards. There are two standards, as specified below. In the CBD zone, all Street Walls shall meet standard 1, except as specified in paragraph 3. In the C zone, all Street Walls shall meet standard 2.

a. Standard 1: All Street Walls over 40 feet in length shall include at least two of the articulation methods listed in this section every 40 feet.

b. Standard 2: All Street Walls over 60 feet in length shall include at least two of the articulation methods listed in this section every 60 feet in length.

3. Qualifying articulation methods. The following methods may be used to provide façade articulation to meet the standards of this section:

a. Groupings of windows and/or entries separated by other elements, such as building columns or vertical piers (see Figure 9).

b. Change of roofline of at least 4 feet or 20% of the height of the wall (from finished grade to highest point of the roof), whichever is greater; or use of gabled rooflines with a minimum slope of 5:12 (see Figure 10).

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c. Change in building material or siding style (see Figure 11).

d. Change in building plane of over 1 foot (see Figure 12).

e. Other methods that meet the intent of the standard, subject to Type III review pursuant to DMC 17.401.040.

Figure 8: Illustration of Qualifying Building Articulation Methods

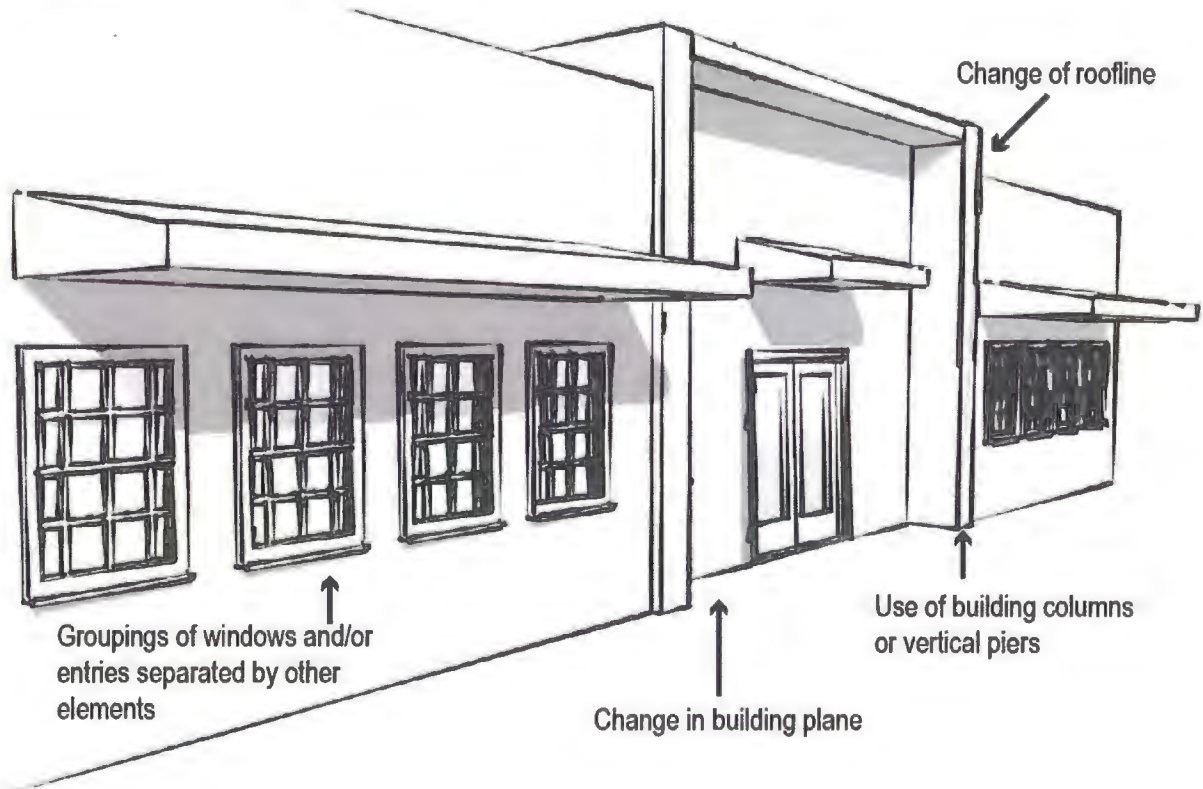


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Figure 9: Examples of buildings using distinct window patterns separated by other elements, such as building columns or vertical piers



Figure 10: Examples of roofline modulation

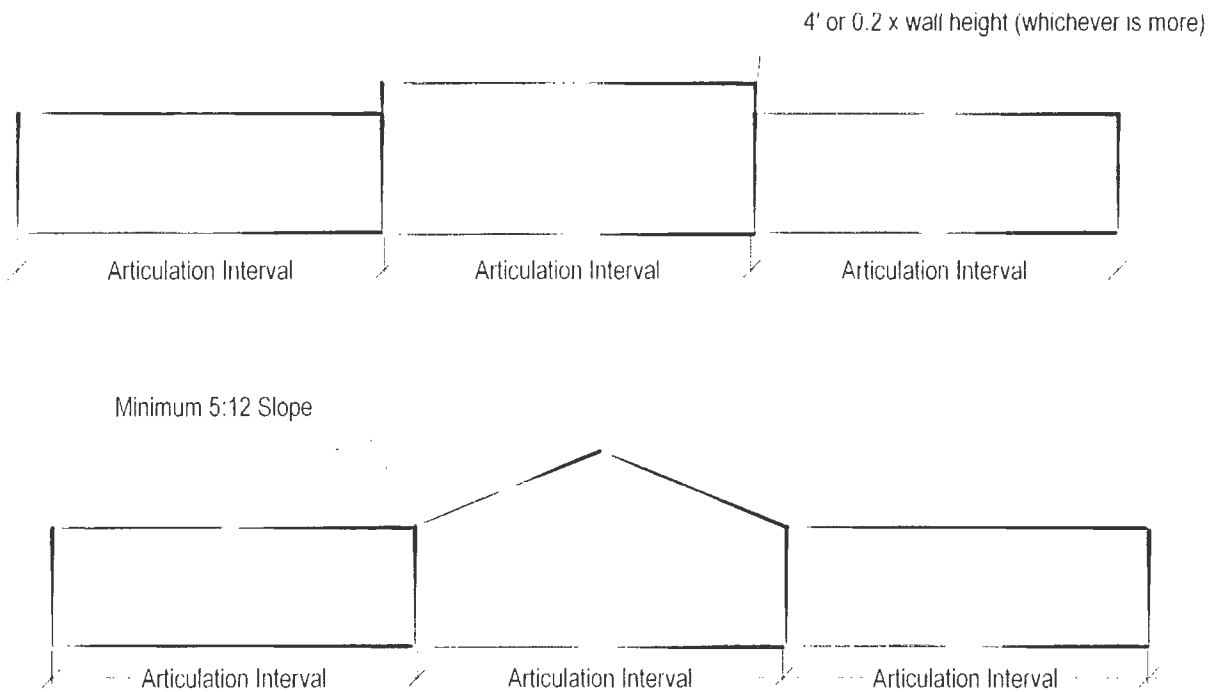


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Figure 11: Examples of change of building materials or siding style



Figure 12: Examples of changes in building plane of over 1 foot



G. Architectural Features Design Matrix. In order to encourage pedestrian-oriented and sustainable design while allowing flexibility on architectural style, development in commercial zones shall provide a combination of design features to meet the standards set forth in this section.

1. Applicability. The standards of DMC 17.202.060(D) shall apply to all new buildings, additions, and exterior renovations within the C and CBD zones. Improvements on lots containing nonconforming development are subject to DMC 17.104.040(E).

2. Standards. Compliance with the requirement to provide a suitable combination of building design features in each zone shall be determined based on the standards below and Table 17.202.060. Table 17.202.060 identifies the menu of design criteria and the points earned for varying degrees of compliance with each criterion. The number of points awarded for a given criterion shall be the greatest number of points for which the proposal fully meets the threshold(s) specified; proposals that fall between two thresholds shall be awarded the lower number of points. There are two standards for the minimum total number of points that must be earned, as specified below. In addition, minimum numbers of points must be earned in each of the categories (Building Design Features, Site Design Features, and Sustainable Design Features). The minimum number of points by category for each zone is listed in Table 17.202.060.

a. In the CBD zone, the minimum total number of points is 14.

b. In the C zone, the minimum total number of points is 8.

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Table 17.202.060 – Architectural Features Design Matrix

<u>Design Criteria</u>	<u>Possible Points</u>		
	<u>0</u>	<u>1</u>	<u>2</u>
Building Design Features (minimum points: CBD = 6, C = 2; possible points = 10)			
<u>Weather protection (may include awnings, covered porches, building overhangs, or other weather protection; must extend at least 4 feet in horizontal distance from the building wall and be constructed of durable materials in order to qualify; see examples in Figure 13 and Figure 14)</u>	<u>No weather protection at entrances or windows</u>	<u>Weather protection provided over the primary building entrance</u>	<u>Weather protection provided over all building entrances and required ground floor window areas</u>
<u>Use of natural siding materials (may include natural stone, wood and/or brick; materials designed to imitate natural materials do not qualify)</u>	<u>Little to no use of natural materials (less than 5 percent of Street Wall area, excluding area dedicated to glazing)</u>	<u>5 to 50 percent of both total building façade area and Street Wall area covered with natural siding materials (excluding area dedicated to glazing)</u>	<u>Over 50 percent of both total building façade area and Street Wall area covered with natural siding materials (excluding area dedicated to glazing)</u>
<u>Detailed Window Treatments (may include windows recessed at least 4 inches from façade, trim or moldings at least 3 inches in width, or projecting sills extending at least 2 inches from the window pane; see examples in Figure 15)</u>	<u>No use of detailed window treatments</u>	<u>Use of detailed window treatments on all Street Wall windows</u>	<u>Use of detailed window treatments on all exterior windows</u>

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Design Criteria	Possible Points		
	<u>0</u>	<u>1</u>	<u>2</u>
<u>Windows or doors that open onto a pedestrian area (may include "roll-up" doors or windows as shown in Figure 16 or other styles of doors or windows; must open onto a sidewalk, front setback area, or pedestrian plaza; does not include regular building entrances)</u>	<u>No windows/doors that open onto a pedestrian area</u>	<u>One or more windows/doors not located on the Street Wall that open onto a pedestrian area (such as a pedestrian plaza)</u>	<u>One or more windows/doors located on the Street Wall that open onto the sidewalk or front setback area</u>
<u>Pedestrian-oriented signs (see examples in Figure 17)</u>	<u>Site includes pole signs, roof signs, and/or monument signs that are more than 6 feet tall</u>	<u>Site includes monument signs that are no more than 6 feet tall and/or awning signs, wall signs, or projecting wall signs</u>	<u>Site uses exclusively awning signs, wall signs, and/or projecting wall signs</u>
Site Design Features (minimum points: CBD = 5, C = 2; possible points = 12 in CBD zone, 14 in C zone)			
<u>Parking Location (see also DMC 17.202.060(B))</u>	<u>Some parking located between a street-facing building façade and a public street</u>	<u>All parking located to the side of the building</u>	<u>All parking located behind the building</u>
<u>Protected bicycle parking (includes bicycle parking covered by an awning, indoor bicycle storage, and bike lockers; see also DMC 17.304.050)</u>	<u>No protection provided for required bicycle parking</u>	<u>Protection provided for 5% to 25% of required bicycle parking spaces</u>	<u>Protection provided for over 25% of required bicycle parking spaces</u>
<u>Benches (must be made from wood, metal, or stone; located within a front setback area; and accessible to the public in order to qualify; see examples in Figure 18)</u>	<u>No benches provided</u>	<u>At least one bench provided per 50 linear feet of street frontage</u>	<u>2 or more benches provided for each 50 linear feet of street frontage</u>
<u>Trees</u>	<u>No trees provided on-site beyond those required under other sections of this code</u>	<u>Additional trees provided on-site beyond those required under other sections of this code</u>	<u>All trees in front yard landscaping identified as preferred trees for downtown Dundee by the City Council.</u>

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<u>Design Criteria</u>	<u>Possible Points</u>		
	<u>0</u>	<u>1</u>	<u>2</u>
<u>Additional landscaped area in the C zone (subject to DMC 17.302.040; not applicable in the CBD zone)</u>	<u>Little or no additional landscaped area provided (less than 5% of gross lot area beyond base requirement)</u>	<u>5% to 10% additional gross lot area landscaped beyond base requirement in DMC 17.302.050.</u>	<u>More than 10% additional gross lot area landscaped beyond base requirement in DMC 17.302.050.</u>
<u>Plant selection</u>	<u>2 or fewer distinct plant species included in landscaping</u>	<u>3 or more distinct plant species included in landscaping</u>	<u>5 or more distinct plant species included in landscaping</u>
<u>Installation of public art, including decorative bike racks, in Primary Front Yard (approved by City Council or designee)</u>	<u>No public art on site</u>	<u>1 point may be assigned for public art that makes a minor contribution to the public realm, as determined by the City Council or designee</u>	<u>2 points may be assigned for public art that makes a significant contribution to the public realm, as determined by the City Council or designee</u>
Sustainability Features (minimum points: CBD = 1, C = 1; possible points = 14)			
<u>Shared parking with adjacent uses (must meet standards of DMC 17.304.040.B)</u>	<u>No shared parking</u>	<u>More than one space but less than half of required parking spaces shared with adjacent uses</u>	<u>More than half of required parking spaces shared with adjacent uses</u>
<u>Use of native plants (native species listed in Metro’s “Native plants for Willamette Valley yards” or a similar resource)</u>	<u>Little or no use of native plants (less than 5% of landscaped area)</u>	<u>5% to 25% of landscaped area covered by native plant species</u>	<u>More than 25% of landscaped area covered by native plant species</u>
<u>Stormwater management integrated into site and landscaping (can include rain gardens, bioswales, and similar low-impact development techniques; does not include detention ponds; see examples in Figure 19)</u>	<u>No low-impact development measures used on site</u>	<u>Site includes low-impact stormwater management measures</u>	
<u>Low-water irrigation systems</u>	<u>Any permanently installed irrigation systems using potable water do not use drip irrigation or a rain sensor</u>	<u>Any permanently installed irrigation systems using potable water use drip irrigation or a rain sensor</u>	<u>Site uses reclaimed water or rainwater for irrigation</u>

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<u>Design Criteria</u>	<u>Possible Points</u>		
	<u>0</u>	<u>1</u>	<u>2</u>
<u>Electric Vehicle charging station</u>	<u>Site does not include Electric Vehicle charging station</u>	<u>Site includes at least one Electric Vehicle charging station</u>	
<u>Permeable paving (may include porous concrete, permeable pavers, or other pervious materials as approved by the City Engineer)</u>	<u>Little or no use of permeable paving (less than 10% of all paved surfaces)</u>	<u>Permeable paving used on 10% to 50% of all paved surfaces</u>	<u>Permeable paving used on over 50% of all paved surfaces</u>
<u>Green Roofs for stormwater management (designed in accordance with best practices and approved by the Building Official; see examples in Figure 20)</u>	<u>Little or no Green Roof (less than 25% of total roof area)</u>	<u>Green Roof covering 25% to 50% of the total roof area</u>	<u>Green Roof covering more than 50% of the total roof area</u>
<u>LEED Certification by the U.S. Green Building Council</u>	<u>Building not LEED certified</u>		<u>Building LEED certified at any level</u>

Total possible points: 36 in CBD zone, 38 in C zone

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Figure 13: Examples of awnings over building entrance



Figure 14: Examples of awnings over all windows and doors



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Figure 15: Examples of detailed window treatments, including sills, trim, and recessed windows



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Figure 16: Examples of "roll-up" doors and windows that open onto the sidewalk



Figure 17: Examples of pedestrian-oriented signs



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Figure 18: Examples of benches in pedestrian setback areas



Figure 19: Examples of stormwater management features integrated into landscaping



Figure 20: Examples of Green Roofs for stormwater management



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3. Exceptions.

a. Additional points may be approved for features not listed that meet the intent of the standards, subject to Type III review pursuant to DMC 17.401.040.

b. Improvements on lots that do not conform with subsection (G) shall design improvements to earn as many points as is practical, until the required minimums are achieved for the site as a whole.

H. Siding Materials. In order to promote quality, lasting construction and design, the following materials are prohibited for exterior siding on buildings other than accessory structures in the commercial zones: vinyl; T1-11 or other sheet plywood or pressboard.

Chapter 17.203 SPECIAL USE STANDARDS

17.203.040 Automobile service stations

A. Purpose and Intent. The purpose of this section is to establish design review standards for automobile service stations. Automobile service stations in the C zone are subject to the site and building design standards in DMC 17.202.060, except as specified in this section. Special standards are applicable to automobile service stations because of their unique nature and their potential impact on the streetscape and the pedestrian environment. Where the standards of this section conflict with other standards in this code or other city ordinances, the more restrictive requirements shall apply.

~~B. Summary. Service station designs which incorporate a ranch or cottage style are the predominant accepted theme; service station design must complement the village character of Dundee and surrounding buildings. "Village character" means a community of small-scale, one and two-story buildings of residential design character and other similarly scaled structures that appear and function like a traditional small town. Designs which incorporate flat roofs on canopies or buildings are prohibited. The use of smooth flat metal panel siding or plastic panel siding is prohibited; except that horizontal, vinyl siding which simulates wood siding is permitted.~~

~~CB. Yard Standards. In a zone where automobile service stations are permitted, freestanding gasoline pumps and pump islands, identification signs and lighting standards may occupy a required front yard exclusive of a clear vision zone unless otherwise prohibited by this code. In any zone, gasoline pumps and pump islands shall not be located so that any part of a vehicle being served shall extend into any public street right-of-way, alley or private drive used for access or egress to private property. Gasoline pumps or pump islands shall not be located within a required front yard or within a front setback area between a building and a street within the C zone. Further, gasoline pumps or pump islands shall not be built within 10 feet from a property line.~~

~~D. Canopy Standards.~~

~~1. A canopy must cover service station pumps and service lanes.~~

~~2. A pump canopy structure shall be constructed of metal or noncombustible materials. Roofing materials may be metal, asphalt shingles, wood or tile.~~

~~3. The edge of the canopy trim, exclusive of any signs, shall not be illuminated.~~

C. Architectural Features. In the C zone, automobile service stations shall meet the standards in DMC 17.202.060(F), except as specified in this section. In order to encourage high quality canopy design while allowing flexibility, bonus points for the architectural design features matrix in DMC 17.202.060(F) are available for automobile service stations in the C zone as specified below. The design standards in sub-sections (D)(1) through (3) are not applicable in the LI zone.

1. 1 point is available if all canopy ~~Canopy~~ columns shall be are enclosed by masonry bricks, stone, or other decorative materials in conformance with this sub-section. Such enclosures shall extend from grade to

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meet underside of canopy. Minimum column enclosures shall be 18 inches on each side. Masonry columns shall be braced for seismic action.

~~2. 2 points are available if all requirements of subsections (2)(a) through (e) are met. Canopy Design. A canopy must cover service station pumps and service lanes. A pump canopy structure shall be constructed of metal or noncombustible materials. Roofing materials may be metal, asphalt shingles, wood or tile.~~

~~a. Canopy Roof Design – Sloped Roof. A canopy shall have a gable roof with a minimum pitch of 4/12. The underside of such canopy shall be enclosed in either of the following methods:~~

~~i. A flat, level surface between eaves.~~

~~ii. Enclosing the underside of structure members.~~

~~b. Canopy Roof Materials. Roofing may be composed of asphalt roof shingles, tile or metal roof materials, which simulate shakes or tab roofing materials, or cedar shingles treated with fire retardant according to a NFPPA standard.~~

~~e**b**. Canopy Eaves. Eaves shall be trimmed with a fascia board of fire retardant materials.~~

~~e**c**. Canopy Gutters and Downspouts. Canopy eaves shall include a gutter and downspout system. Downspouts shall be enclosed into one or more column surrounds. Downspouts shall connect to an enclosed storm water drainage system. Gutters may be built into the roof design and do not have to be placed on the eave fascia.~~

~~e**d**. Gable Ends. Gable ends of the sloped roof shall be trimmed in a similar manner to the eaves. Trim shall be placed at the underside of roofing materials for the entire length of the gable on both sides. Roof flashing overlaps shall not be visible.~~

~~e. Canopy Design Patterns and Colors. Canopy design shall incorporate the same design patterns and colors as the service building.~~

~~f. Signs. Small signs may be included along the edge of the canopy trim. The sign area of these signs shall be included in the total signage area of the lot. Maximum limit for all signs is one and one-half square feet of signage per lineal foot of building frontage. Maximum total signage shall not exceed 150 square feet per tax lot or total business site area.~~

~~g. Cupola. The canopy design is encouraged to support at least one cupola. Where the canopy is longer across the gable line than 50 feet, there shall be two cupolas. Cupolas shall be at least 36 inches square, and have a curved roof or prefabricated top. Cupola tops shall, where a single cupola is used, be located at the midpoint of the gable roof line. Where two cupolas are used they shall be evenly spaced along the gable roof line. The sides of each cupola shall consist of louvered panels.~~

~~h. Flags or Weather Vanes. Cupolas may be used to support a flag or weather vane. Company flags on staffs attached to the top of cupolas shall not be considered part of the square footage allotted for signage to a specific site.~~

~~i. Canopy Design Patterns and Colors. Canopy design shall incorporate the same design patterns and colors as the service building.~~

~~E. Service Building Requirements. Design. There shall be at least one enclosed service building at each service station site. This building may incorporate one or more uses. A use within the building may be a pay station for pump or service station automotive product sales, vehicle service, food sales (packed and prepared), rest rooms or any other automotive ancillary use. Access to restrooms shall be from within the building. Service buildings in the C zone shall be subject to the site and design standards of DMC 17.202.060.~~

~~1. Roof Design. Service station roofs shall have a minimum slope of 4:12.~~

~~a. A roof gable line of more than 50 feet must be articulated with an offset or change in elevation.~~

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- b. ~~Roof materials shall match the roofing materials used on the canopy.~~
 - c. ~~Cupolas. Building and canopy cupolas shall be complementary.~~
 - d. ~~Eaves. Eaves shall overhang a building wall by a minimum of 24 inches. A fascia board wide enough to cover the ends of any rafters or trusses shall be used.~~
 - e. ~~Porches. Roof structures may be extended to form a covered area.
 - i. ~~The underside of the extended roof/ceiling structure shall be finished.~~
 - ii. ~~Headers and columns shall be incorporated into a porch design.~~
 - iii. ~~Decorative materials may be incorporated between porch columns except for customer access points.~~~~
 - f. ~~Roof Drainage. Roof drains shall be built into the end of eaves. Exposed gutters shall be of a sculpted design. Downspouts will drain to tile which connects with the site storm drainage system, or to weep holes in the street or highway.~~
2. ~~Wall Design/Siding. Buildings shall use horizontal wood siding or simulated wood siding, stucco or brick. Brick wainscoting may be used.~~
3. ~~Windows shall not comprise more than 50 percent of a wall area. Individual window panels shall have imitation, slated shutters on each side, the full height of the window panel.~~
4. ~~Restrooms. Each service station shall have at least one restroom for each sex. Access to each restroom shall be from within the building.~~
- F. ~~Lighting. Building, site and canopy lighting shall conform to these standards:~~
- 1. ~~Building and Canopy Lighting. All lighting shall be recessed into the surface on which it is mounted. No pendant or suspended reflectors are allowed. Lighting shall be shielded and directed down onto the site and not shine or glare onto adjacent property, streets or into the sky. Canopy column lights may be flush mounted with light shielded and directed downward.~~
 - 2. ~~Site Lighting and Flag Poles. Lighting shall be shielded and directed down onto the site and not shine or glare onto adjacent property, streets or into the sky. Antique style lighting fixtures shall be used. Light poles and/or fixtures and flagpoles shall not exceed 25 feet in height.
 - a. ~~Building Exterior Lights (Including Security Lights). Exterior building lights shall be wall-mounted with shoebox, opaque reflectors or area flood lights with hood. The maximum wattage shall be 70 watts high pressure sodium cut-off security bulb. The model and type of exterior building lighting shall not use exposed conduit to support lamp base and reflector.~~
 - b. ~~Area Lights. Post style lights shall have opaque tops. The maximum light shall meet the standards in [DMC 17.303.020](#).~~
 - c. ~~Sign Lighting. Ground based lighting fixtures used to light signs shall be shielded.~~
 - d. ~~Outdoor mercury vapor and quartz lights are prohibited.~~~~
- G. ~~Parking Lots. All areas not occupied by buildings, enclosures, or off-street parking shall be landscaped. Off-street parking requirements are found in [DMC 17.304.040](#), the Dundee development code. Parking lots shall be constructed in accordance with the Dundee public works standards.
 - 1. ~~Employee Parking. There shall be one employee parking space for each employee on duty. Employee parking shall be out of the customer stream of traffic, and not count toward the total number of parking spaces required under Chapter [17.304](#) DMC.~~
 - 2. ~~Protective Barriers. Where metal vertical pipes are used to protect tanks and restricted areas such pipes shall be painted with a bright color and use reflective tape. Painted curbs are required to meet state Fire~~~~

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~~Marshal standards. Decorative enclosures such as wrought iron, wood, brick or stone are required to screen protective barriers.~~

3. Vertical tanks are prohibited; tanks greater than 4,000 gallons are prohibited.

4. Parking lots may be designed as site detention basins.

~~H. Solid Waste Enclosures. There shall be an enclosed area for the collection of solid wastes. Solid waste collection areas shall be surrounded by a decorative fence such as wrought iron, wood, brick or stone, and built in accordance with design standards from local solid waste collector.~~

H. Number of Pumps. In order to promote businesses that are scaled to serve the needs of the community, service stations shall be limited to a total of 6 pumps.

~~I. Storm Water Collection System. All buildings and parking lots are to drain into an enclosed storm water system.~~

~~1. Hazardous Materials Collection. Catch basins collecting drainage from areas where Class 1 fuels or motor oils are dispensed shall have a hydrocarbon separation and storage system. No fuel or motor oil is allowed to drain into any waterway.~~

~~2. Building Downspouts and Gutters. Building downspouts and gutters may drain to a weep hole in a street or highway curb or be connected to a storm water collection system separate from the hazardous materials collection system.~~

~~J. Use of any material or additive found to be hazardous by DEQ or EPA is prohibited.~~

~~K. Fuel Storage Tanks. Fuel storage tanks shall be placed underground in accordance with state standards. Fuel ports shall be placed out of the stream of customer traffic. Fuel tankers shall be provided with an unloading area specifically marked for such temporary parking. Such parking area shall not impinge upon off street parking areas for customers or employees. Tanks dispensing propane gas shall not be a prominent feature of any service station site.~~

I. Signs.

1. Signs shall be subject to DMC 17.306, except where noted below.

2. Prohibited Signs. Signs that are not specifically authorized are expressly prohibited. In addition to those signs prohibited under DMC 17.306.060.E, These prohibited signs for automobile service stations include, but are not limited to, the following:

a. All roof-mounted signs;

b. All portable signs except as otherwise permitted. Portable signs shall include, but are not limited to, signs which are mounted, attached, or painted on trailers, boats or vehicles when used as additional signage on or near the business premises;

c. Flag-mounted signs (vertical signs), except as otherwise provided;

~~d. All signs having intermittent or flashing illumination, animated or moving parts, or that emit sound;~~

~~e. All banners, pennants, streamers, balloons, flags, search lights, strobe lights, beacons, inflatable signs, except as otherwise permitted;~~

~~f. Any sign imitating an official traffic control sign, any sign or device or obscuring such signs or devices;~~

~~g. All signs mounted on, or applied to, trees and utility poles;~~

~~h. Any sign placed on private property without the property owner's approval;~~

~~i. Any sign placed in the public right of way, except as allowed under Chapter 17.306 DMC.~~

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~~3. Window Signs. A sign or signage may be placed in windows so as to attract the attention of persons outside of the building where the sign or signage is placed.~~

- ~~a. Window signage shall be limited to 25 percent of the total window area in which it is placed;~~
- ~~b. Window signage shall not be placed above the ground floor of the building;~~
- ~~c. No sign permit required for window signs.~~

~~4. Sign Illumination. Signs may be illuminated as provided by this section in accordance with the following regulations:~~

~~a. Externally Illuminated, Building Mounted Signs.~~

- ~~i. Either ground mounted lights may illuminate such signs or building mounted light bars.~~
- ~~ii. The light source shall be totally screened from view.~~
- ~~iii. Fully shielded light fixtures, which direct light towards the sign only, are required.~~
- ~~iv. Horizontal light emission is required; no light shall be directed towards the sky.~~

~~b. Externally Illuminated Freestanding Signs.~~

- ~~i. The light source shall be totally screened from view.~~
- ~~ii. Fully shielded lighting fixtures, which direct light towards the sign only, are required.~~
- ~~iii. Horizontal light emission is required. No light shall be directed towards the sky.~~

~~c. Internally Illuminated Signs.~~

- ~~i. Only the signage area shall be illuminated.~~
- ~~ii. Such signs shall be fully shielded so as to prevent light shining or glaring onto adjacent property or streets or into the sky; no light shall be emitted above the horizontal.~~
- ~~iii. Flashing or intermittent forms of illumination are prohibited.~~

~~5. Sign Maintenance.~~

- ~~a. The owner or person in possession of the property on which the sign is located shall maintain any signage that has been approved or that has been issued a permit. Maintenance shall be such that the signage continues to conform to the conditions imposed by the sign permit.~~
- ~~b. Any damaged sign shall be repaired within 60 days. Any metal pole covers and sign cabinets shall be kept free of rust and rust stains.~~
- ~~c. Legal nonconforming signage, which has been damaged to the extent of more than 30 percent of its replacement value, shall be removed or altered so as to conform to the provision of this section.~~
- ~~d. Any internally illuminated sign panels, which have been damaged, shall remain non-illuminated until repaired.~~
- ~~e. Any signage, which has been damaged to such extent that it may pose a hazard to passersby, as determined by city staff, shall be repaired or removed immediately.~~

~~3. Wall Signs. Signs included along the edge of the canopy trim shall be subject to DMC 17.306.030(A)(1)(i).~~

~~4. Free-standing signs. Service Station Sign. Each station may have a All permanently mounted free-standing signs shall be subject to DMC 17.306.030(B)(1), including those that. This sign may display the price of fuel or other information required or allowed per ORS 646.930 or other state or federal requirements, or other information. In addition to the standards of DMC 17.306.030(B)(1), the following shall apply:~~

- ~~a. A maximum of one such sign per street frontage is allowed;~~
- ~~b. Such sign shall not exceed 24 square feet in area nor eight feet in height;~~

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- a. The sign shall have a landscape area at the base of each sign equal to at least four square feet for each square foot of sign area;and
 - b. The sign shall have a monument base of masonry construction;;
 - e. A sign permit is required.
- M. Retaining Walls. Retaining walls shall be of sculpted, interlocking masonry units not more than 36 inches high.
- N. Landscaping. The following landscaping requirements shall be described in any design review application:
1. Landscape Plan Requirements. A comprehensive landscaping plan shall be submitted at the same time as building design review plans and application are submitted for review.
 - a. Plans submitted shall include all existing and proposed trees, shrubs, and other natural features of the site.
 - b. Plans submitted shall show the following:
 - i. The percentage of the gross area to be landscaped is 10 percent minimum.
 - ii. The location, type, size, height, color, common and botanical names of the proposed plant materials.
 - iii. All irrigation lines, valves, gauges and controls shall be shown on the same plan as the plantings.
 - iv. The location, height and material composition of fences, buffers and screening.
 2. Design Requirements for Irrigation Systems.
 - a. A permanent drip or very low spray irrigation system is required.
 - b. Landscaping consists of lawn, ground cover plants, shrubs, annuals, perennials, trees, native vegetation, wildflowers, rocks, sculpture and other elements of design.
 - c. Areas between plants may be covered with decorative rock, hazelnut shells, or wood chips.
 - d. Ground covers or grass must not be the predominant feature of the landscape.
 - e. Landscape plant materials shall be selected and planted to avoid interference with utilities, street lights, visibility, intersections or pedestrian paths.
 - f. Street intersections and medians must be landscaped with low profile, low maintenance plantings that do not interfere with visibility.
 - g. Setbacks shall be landscaped between dissimilar uses; a minimum of six percent of the remaining area of the lot shall be landscaped.
 3. Street trees are encouraged. A list of recommended street trees could be obtained from the city planning official.
- J. Public Address Systems. Public address systems are prohibited.
- P. Security Systems. A permit is required for audible alarm systems. Lighting used for security purposes shall not shine into windows of adjacent buildings or into the eyes of oncoming drivers or into the sky. Floodlights used for security purposes must comply with this section.
- Q. Fire Suppression Systems.
1. Fire suppression systems shall be provided for each separate area under roof.
 2. At least one fire hydrant of sufficient flow to suppress a service station fire shall be located at one corner of the service station site or immediately across a street or state highway. This installation is in addition to the existing space requirement of the Dundee public works standards.

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K. Combination of Uses with Fuel Dispensing. All buildings and facilities on a service station's site shall be the same design style.

L. Pedestrian Access. The design of fuel pump location, access lanes and buildings shall limit the amount of cross traffic between customers and vehicles.

~~T. Vehicle Access. Access to the state highway shall require the appropriate permit from the Oregon Department of Transportation. This permit may be subject to highway and frontage improvements.~~

17.203.060 Retail small-scale winery, brewery, or distillery in ~~CBD~~ a commercial zone.

Retail small-scale wineries, breweries, or distilleries are allowed in the C and CBD zones, provided all of the following are met:

A. Retail sale of the product is offered on site.

B. The floor area devoted to retail sales, eating and drinking, and similar customer uses is at least ~~1,000 square feet~~ 20% of the total floor area.

C. The floor area devoted to production, storage, and related uses does not exceed ~~4,000~~ 5,000 square feet.

17.203.070 Drive-through service and walk-up service windows.

A. Purpose. Where allowed by this code, the following standards shall apply for drive-through service and walk-up windows. The purpose of these standards is to ensure safe vehicular operations, limit impacts to neighboring properties, and minimize impacts to the streetscape and pedestrian environment.

B. Drive-Through Service. Drive-through service shall not be permitted within the CBD zone. In other zones where allowed, a building providing drive-through service shall be subject to all of the following standards:

1. General. Establishment of drive-through service shall require approval of a site development review.

2. Circulation. The overall circulation plan for a site shall not cause traffic congestion on surrounding streets and shall minimize potential nuisances to nearby property caused by vehicles and use of the order board.

3. Access Location. Wherever feasible, drive-through lanes shall be accessed from the rear of a site, and run along the side property line or building elevation. New access to a public street requires an access permit, pursuant to DMC 17.301.020.

4. Vehicle Stacking. All drive-through lanes shall provide stacking for a minimum of six vehicles as measured from the drive-up window to the entrance of the drive-through lane.

5. Setbacks. In the C zone, pursuant to DMC 17.202.060(B), drive-through lanes may only be located between a Street Wall and a street right-of-way if the applicant can demonstrate that it is not feasible to configure the site in any other way. In all zones, where ~~Where~~ a drive-through lane will be located between a building and a roadway, a minimum 15-foot setback shall be required from the roadway right-of-way to the drive-through lane. This setback area shall be landscaped. Where a drive-through lane will be located between a building and the Highway 99W right-of-way, landscaping in the setback area shall include trees meeting the standards established in DMC 17.302.070, in addition to the screening required in sub-section (6) below.

6. Screening. The drive-through lane shall be screened by a combination of shrub planting, berm(s), and/or low retaining wall(s) at least three feet in height.

7. Operation. Specific design and operational conditions may be imposed with approval of the site development review process. These may include, but are not limited to, additional vehicle stacking, screening or buffering, regulating the hours of operation and other measures to reduce potential impacts on surrounding properties.

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8. Window location. In the C zone, drive-through windows shall not be located on a building frontage that is used to satisfy the requirements of 17.202.060.A.

C. Walk-Up Service Window. A building providing a walk-up service window shall be subject to all of the following standards:

1. General. Establishment of a walk-up service window shall require approval of a site development review.
2. Circulation. The service window shall be so located as not to interfere with pedestrian traffic along the adjacent sidewalk and vehicle traffic entering or exiting the site.
3. Setback. There shall be a minimum five-foot setback between a service window and an adjacent property boundary.
4. Surfacing. The area where patrons place orders and receive ordered items shall be surfaced in concrete, brick, stone or other suitable surface material.
5. Outside Furniture. The provision of tables, seats, trash receptacles and similar items shall be permitted, provided they are located entirely on private property.
6. Noise. The use of a loudspeaker shall be prohibited.
7. Operation. Specific design and operational conditions may be imposed with approval of the site development review process. These may include, but are not limited to, regulating the hours of operation, screening or buffering and other measures to reduce potential impacts on surrounding properties.

17.203.140 Outdoor/unenclosed uses.

A. Purpose. The following standards are intended to maintain attractive neighborhoods and an attractive community, to promote compatibility between outdoor uses and other nearby uses, and to prevent erosion, protect water quality, and avoid excessive dust.

B. Applicability. This section applies to outdoor commercial or industrial uses in commercial or industrial zones, and to outdoor storage uses in any zone. Applications for site development review, conditional use review, or similar permits shall be reviewed for compliance with these standards. New outdoor uses shall comply with these standards, whether site design review is required or not. Any change to existing nonconforming outdoor uses or development shall be subject to the standards of Chapter 17.104 DMC.

C. Outdoor Uses in Commercial Zones. Except for those uses and activities listed below, all business, services, processing, or merchandise displays allowed in commercial zones shall be conducted wholly within an enclosed building.

1. Automobiles, motorcycles, trucks, trailers, boats, recreational vehicles, manufactured structures, nursery plants, and other merchandise which in all cases is required to be stored outdoors may be displayed outdoors where allowed under DMC 17.202.020. Areas used for display of automobiles, motorcycles, trucks, trailers, boats, recreational vehicles, manufactured structures, or other vehicles shall be paved with a concrete or asphalt surface. Such areas shall not be located within a required front yard. These areas shall be subject to the parking lot screening requirements of DMC 17.302.060(C)(1) and (2), but shall not be subject to the parking lot landscaping standards of DMC 17.302.060(C)(3). Where an area used for display of automobiles, motorcycles, trucks, trailers, boats, recreational vehicles, manufactured structures, or other vehicles is within 20 feet of the Highway 99W right-of-way, trees shall be planted within the required landscaped strip in compliance with DMC 17.302.070, in addition to meeting the requirements of DMC 17.302.060(C)(1) and (2). Outdoor display areas shall not include raised platforms for merchandise except as needed for display of plants.

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2. Temporary sale and display of other merchandise during normal operating hours of the business may occur outdoors on private property. The merchandise shall be stored within a building during non-operating hours. Merchandise shall not be displayed within a public right-of-way.
 3. Outdoor cooking and dining associated with a permitted eating or drinking establishment shall have a seating capacity not exceeding 75 percent of the indoor seating capacity of that business. Up to 12 outdoor seats will be outright permitted on private property. Outdoor seating shall not encroach on a public right-of-way.
 4. Automobile service stations may operate outdoors where allowed under DMC 17.202.020, subject to the standards of DMC 17.203.040.
 5. Drive-through windows in the C zone and walk-up service windows serving pedestrian traffic, subject to the standards of DMC 17.203.070.
 6. Temporary uses authorized under DMC 17.203.160 may operate outdoors where authorized by the applicable permit.
- D. Outdoor Uses in Industrial Zones. Outdoor uses in industrial zones shall be screened from adjoining residentially or commercially zoned properties in accordance with the provisions of DMC 17.302.060, Screening and buffering.
- E. Outdoor Storage Uses in Any Zone. Outdoor storage, where allowed as a primary use, or as an accessory use to any non-single-family or duplex residential use, shall be subject to the following:
1. Outdoor storage areas shall be screened according to the standards of DMC 17.302.060, Screening and buffering.
 2. Areas used for outdoor storage of automobiles, motorcycles, trucks, trailers, boats, recreational vehicles, manufactured structures, or other vehicles shall be paved with a concrete or asphalt surface. In a commercial zone, these areas shall be subject to the parking lot screening requirements of DMC 17.302.060(C)(1) and (2), but shall not be subject to the parking lot landscaping standards of DMC 17.302.060(C)(3). Where an area used for outdoor storage of automobiles, motorcycles, trucks, trailers, boats, recreational vehicles, manufactured structures, or other vehicles is within 20 feet of the Highway 99W right-of-way, trees shall be planted within the required landscaped strip in compliance with DMC 17.302.070, in addition to meeting the requirements of DMC 17.302.060(C)(1) and (2).
 3. Outdoor storage shall not occur in a required front yard or in a required landscaped area. Outdoor storage, where allowed in a required side or rear yard, shall not exceed 10 feet in height.
 4. Outdoor storage shall be maintained so as not to be a nuisance per the Dundee Municipal Code.

17.203.150 Small-scale manufacturing in the community commercial zone.

A. Purpose. The following standards, which restrict or limit the size of some manufacturing uses, are intended to promote compatibility between small-scale manufacturing in the community commercial (C) zone and adjacent commercial and residential uses. By controlling the form of development, the most objectionable impacts, such as odor, dust, smoke, cinders, fumes, noise, glare, heat, vibration, and others, can be avoided. The standards do not apply to zones where manufacturing uses are permitted outright. A retail small-scale winery, brewery, or distillery is subject to DMC 17.203.060 and is not subject to this section.

B. Review Process. Small-scale manufacturing uses, where allowed under DMC 17.202.020, shall be reviewed for compliance with the standards of this section pursuant to the site development review process in Chapter 17.402 DMC or the conditional use permit process in Chapter 17.404 DMC, as applicable.

C. Approval Criteria. In addition to other applicable development standards of this code, the following standards apply to small-scale manufacturing uses:

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1. The area involved in the manufacturing of the product and all storage of materials shall not involve more than ~~4,000~~ 5,000 square feet of floor area.
2. The building and site plan shall provide for adequate buffering and/or screening of adjacent residential and commercial uses, except where such uses complement the proposed manufacturing use. For example, where the manufacturing use is a bakery, distillery or brewery, and the adjacent use is a dining or drinking establishment, buffering or screening may not be required.
3. Uses involving carpentry, metal fabrication, machine work, lathing, drilling, welding, hammering, off-set printing, and similar noise or odor producing activities, where noise levels beyond the building would routinely exceed 60 dba, require conditional use permit approval under Chapter 17.404 DMC.
4. Uses involving outdoor or unenclosed activities, except as allowed elsewhere by this code, shall require approval of a conditional use permit.
5. Uses that the city planning official determines could be objectionable in relationship to surrounding residential or commercial uses, due to odor, dust, smoke, cinders, fumes, noise, glare, heat, vibration, or similar impacts, shall not be permitted without approval of a conditional use permit; and all such potential adverse impacts shall be mitigated through the project design and specific conditions of approval.
6. All other applicable standards of this code shall be met. All sign requirements of Chapter 17.306 DMC shall be met.

17.203.190 Existing Dwellings in Commercial Zones.

A. Purpose. The purpose of these standards is to allow existing residential uses in areas that are rezoned to commercial to continue as permitted uses, not subject to the non-conforming use provisions of DMC 17.104.030, until such time as the property owner chooses to convert them to a non-residential use.

B. Applicability. Residential uses within commercial zones that were lawfully established as of [adoption date of ordinance], including, but not limited to, those on tax lots identified [on file with the city], are permitted uses, subject to this section.

C. Expansion, modification, or alteration of existing residential buildings meeting the requirements of subsection (B) above shall be allowed subject to all other standards of this code. Restoration or replacement of an existing structure made necessary due to circumstances beyond the owner's control, such as fire, casualty, or natural disaster shall also be permitted; however replacement of the existing structure with a new structure designed exclusively for residential use shall not be allowed.

D. Once a site or structure has been converted to a non-residential use, residential use on the site or structure shall not be re-established except above ground floor commercial or in conformance with DMC 17.203.200. Establishment of a home occupation pursuant to DMC 17.203.090 shall not be considered conversion to non-residential use for the purposes of this section.

E. Residential uses subject to this section are not subject to the Site and Building Design Standards in Commercial Zones under DMC 17.202.060.

17.203.200 Ground floor multi-family dwellings and residential care facilities in commercial zones.

Multi-family dwellings and residential care facilities may be permitted on the ground floor in commercial zones subject to the following standards.

A. The multifamily dwellings or residential care facility shall be a component of a mixed-use development including commercial uses and/or public and institutional uses.

B. More than 50 percent of the gross floor area on the ground floor and more than 50 percent of the total street frontage of the site shall be occupied by commercial uses and/or public and institutional uses.

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C. A building entrance serving solely multifamily dwellings or a residential care facility shall be located no closer than 50 feet from a building corner located adjacent to a street intersection.

D. Multifamily dwellings and residential care facilities shall not be allowed to occupy Street Wall building frontage facing Highway 99W.

E. Developments including ground floor multi-family dwellings or residential care facilities shall be subject to the Site and Building Design Standards in Commercial Zones under DMC 17.202.060 in addition to the standards of this section.

17.203.210 Parking Facilities.

A. Purpose. The purpose of these standards is to ensure that public parking facilities support rather than detract from the pedestrian environment and are used to promote a "park once" business district that supports pedestrian activity.

B. Applicability. The standards of this section apply to all parking facilities that are available for use by the general public and are not provided as required parking associated with a particular use or uses. This section applies only to parking facilities that are developed at street level or within 4 feet of the existing street grade and are not wholly enclosed within a parking structure.

C. Standards. Parking facilities shall meet all of the following standards.

1. Parking facilities shall be subject to the parking lot screening and landscaping requirements of DMC 17.302.060(C).

2. Where parking facilities are located within 20 feet of the Highway 99W right-of-way, trees shall be planted within the required landscaped strip in compliance with DMC 17.302.070, in addition to meeting the requirements of DMC 17.302.060(C).

3. Where parking facilities are located within 20 feet of any improved public street right-of-way, a pedestrian plaza or pocket park shall be provided abutting the right-of-way that is a minimum of 10 feet in width and a minimum of 8 feet in depth and includes pedestrian amenities such as benches or low walls intended to double as seating.

17.203.220 Small-scale amusement and recreation facilities in commercial zones.

A. Purpose. The purpose of these standards is to allow small-scale amusement and recreation facilities that enliven the business district in commercial zones while requiring additional review of large-scale amusement and recreation facilities to ensure their impacts are appropriately managed.

B. Applicability. These standards apply to amusement and recreation facilities in commercial zones that are conducted wholly within an enclosed building and occupy no more than 10,000 square feet of gross floor area. All other amusement and recreation facilities in commercial zones require review of a conditional use permit under Chapter 17.404 DMC.

C. Standards.

1. All activity shall be conducted within a fully enclosed building.

2. Gross floor area dedicated to the use, including all storage areas and related facilities, shall be limited to 10,000 square feet.

3. Uses where noise levels beyond the building would routinely exceed 60 dba require review of a conditional use permit under Chapter 17.404 DMC.

Exhibit "A": Code Amendments

Commercial Zones Code Amendments Final Draft (Task 5.2)

17.203.230 Personal Storage in the Community Commercial zone.

A. Purpose. The purpose of these standards is to limit the scale and outdoor character of personal storage facilities in the C zone in order to maintain a more pedestrian-friendly environment and avoid large-scale uses that generate little activity or employment in the C zone.

B. Applicability. These standards apply to all new personal storage facilities located in the C zone and to expansions of existing personal storage facilities located in the C zone.

C. Standards.

1. Storage facilities shall be fully enclosed within a building.
2. Total ground-floor building footprint shall be no greater than 20,000 square feet of gross floor area.
3. Access to individual storage units shall be provided from the interior of the building only.
4. Existing buildings containing exclusively personal storage units that are accessed from the exterior of the building shall not be subject to the standards of DMC 17.202.060; however, a site with existing buildings containing exclusively personal storage units that are accessed from the exterior of the building shall also include an office or administrative building that meets the standards of DMC 17.202.060.

Chapter 17.204 OVERLAY ZONES

~~17.204.050 Commercial Victorian overlay (CV).~~

~~A. Purpose. The purpose of this section is to provide architectural design standards to develop a Victorian design theme for certain areas of the city.~~

~~B. Application and Procedure. The design requirements will apply to all new, reconstructed, or remodeled commercial structures in the commercial Victorian overlay zone. Each establishment is subject to site development review (Chapter ~~17.402~~ DMC) for compliance with these standards.~~

~~C. Design Theme— Late Victorian Era 1870—1915 Period Architectural Design Style. The late Victorian era/1870—1915 period architecture of Oregon was often a blend of more than one style. Construction shall attempt to emulate one or more of the architectural styles listed below. All old or historical structures being rehabilitated shall conform to the U.S. Department of Interior Standards for Rehabilitation. Architectural styles are listed below and shall conform to those listed in "Architecture Oregon Style," published by Professional Book Center, Inc., Portland, Oregon. (The Argyle tasting room is an example of a successfully rehabilitated old Dundee structure.)~~

~~Acceptable architectural styles of the period include:~~

Style	Example
Gothic Revival	Lee Laughlin House, 1879, Yamhill, OR
Stick/Eastlake	George Hochstedler House, 1889, Albany, OR
Queen Anne/Shingle	Benjamin Young House, 1888, Astoria, OR
Italianate/Second Empire	John M. Bunn House, 1888, Yamhill, OR
Edwardian	Enterprise House, 1910, Enterprise, OR

~~Architectural styles of this time period which are not acceptable include:~~

Style	Date
Romanesque	1885—1900

Exhibit "A": Code Amendments

Commercial Zones Code Amendments Final Draft (Task 5.2)

Style	Date
American Renaissance Style	1880—1915
Colonial Revival	1890—1915
Oregon Rustic Style	1840—Present
Gothic Style	1910—1935
English Cottage Style	1910—1935
Prairie School	1900—1925
Bungalow Style	1900—1925
Art Deco or Modernistic Styles	1915—1945

D. Architectural Techniques. Characteristic elements of the late-Victorian era 1870—1915 period style:

1. ~~Roof Shape. Pitch of 10/12 or greater, multi-gabled, hipped. Required: Minimum of one gable visible from the street, pitch of 10/12 or greater; or as shown in "Architecture Oregon Style" commercial-style flat roofs.~~
2. ~~Wraparound porches and verandas shall be incorporated where possible. Recessed porches in upper stories are desirable.~~
3. ~~Windows to be double or single hung. A variety of window shapes is permitted, including tall windows at least twice as tall as wide (example: five feet high by two and one-half feet wide), straight topped, round-arched, palladians, bays and dormers. Window grouping is permitted, provided there is a distinct separation between the windows of at least four and one-half inches. Prefabricated window groupings are not acceptable.~~
4. ~~Wood frame construction, or brick.~~
5. ~~Varied wall surfaces, predominately horizontal wood siding, patterned shingles.~~
6. ~~Decorative "gingerbread" style trims are required, especially on porches and at entryways, such as rows of spindles and knobs, latticework, circular cutouts and curved brackets. Fences, if used, are often cast iron.~~

E. Recommended Materials.

1. ~~Architectural Details. Attention to detail is of significant importance. Lighting fixtures, gates, exterior window treatments, use of materials and color must be considered relative to the Victorian period for authenticity and detail.~~
2. ~~Awning, Canopies, and Porches. Awning, porches, canopies or other additions to a structure shall be reviewed and approved by the city planning staff and shall be compatible with the Victorian era theme. Such additions on corner buildings shall be continuous around the corner.~~
3. ~~Benches. Benches should be provided in both public and private pedestrian areas and walkways. Benches in public areas on private property, adjacent to public right of way, shall comply with the Victorian theme.~~
4. ~~Building Entrances. Entrances to the building shall be recessed from the sidewalk to provide for any entryway not in conflict with the pedestrian circulation on the sidewalk.~~
5. ~~Colors. Primary exterior shades shall be whites, neutrals, earth tones, grays and subdued greens and blues. No bright blues, bright greens, or high intensity reds, yellows or oranges.~~
6. ~~Doors. Doors shall be appropriate for the structure and are subject to design review. Any changes in door styles are subject to design review.~~

Exhibit "A": Code Amendments

Commercial Zones Code Amendments Final Draft (Task 5.2)

- ~~7. Exterior Finishes. Typical materials would be primarily horizontal wood siding. Other acceptable materials include patterned shingles and tiles. Brick or stone masonry provides additional choice of material. Any T-111 siding and rough sawn unfinished plywood is prohibited. Aluminum and vinyl siding is prohibited.~~
- ~~8. Landscaping. Site landscaping shall be consistent with the overall Victorian design theme and shall also comply with the applicable provisions in Chapter [17.302](#) DMC.~~
- ~~9. Lighting. Lighting shall be low intensity, shaded, subject to review and shall be compatible with the Victorian theme. No fluorescent lighting may be exposed.~~
- ~~10. Public Art. All sculpture and visual art displayed for the public in the CV zone and located on the exterior of a building or on grounds outside of a building shall be subject to architectural theme design and site plan approval to ensure compatibility with the Victorian theme.~~
- ~~11. Roofs. Sawn cedar shingles, slate, or architectural grade shingles shall be the standard. Also any manmade or manufactured products, made to look like the standard.~~
- ~~12. Roof, Mechanical Equipment and Satellite Dishes. Such equipment shall be screened in a method consistent and integral with the overall architectural appearance of the structure.~~
- ~~13. Trash Enclosures. Trash enclosures shall be carefully located and treated to integrate with the appearance of the site/building design. The roof pitch and materials shall be consistent with the Victorian theme and the style of the adjacent buildings. It is recommended that placement of the enclosures be combined with neighboring properties where reasonably possible.~~
- ~~14. Windows. Wood and vinyl are the standard.~~

Chapter 17.301 ACCESS AND CIRCULATION

17.301.030 Pedestrian access and circulation.

- A. Intent and Purpose. This section implements the transportation policies of the city of Dundee. It is intended to provide for safe and convenient pedestrian access and circulation.
- B. Applicability. This section applies to projects requiring site development review pursuant to Chapter [17.402](#) DMC.
- C. Site Layout and Design. To provide safe, direct, and convenient pedestrian circulation, developments shall contain pedestrian walkways as follows:
 1. Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and all future phases of development, as applicable.
 2. Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, and public rights-of-way based on the following definitions:
 - a. "Direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel.
 - b. "Safe and convenient" means the route is reasonably free from hazards and provides a smooth and consistent surface and direct route of travel between destinations. The city may require landscape buffering between walkways and adjacent parking lots or driveways.
 - c. "Primary entrance" means the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance, as applicable.

Exhibit "A": Code Amendments

Commercial Zones Code Amendments Final Draft (Task 5.2)

3. Walkway Construction. Walkway surfaces may be concrete, asphalt, brick/masonry pavers, ~~gravel~~, or other city-approved durable surface (including permeable surfaces), and shall be five feet in width, except where the city determines that a larger or smaller dimension is warranted due to expected usage.

4. Accessible routes. Americans with Disabilities Act (ADA) accessible walkways may be required, per applicable building codes.

D. Pedestrian Access Way. Where a pedestrian access way is required in lieu of a standard street connection, pursuant to DMC [17.301.020\(I\)](#) or Chapter [17.403](#) DMC (Land Divisions and Property Line Adjustments), the access way shall consist of a 10-foot minimum width concrete or asphalt surface within a 20-foot public right-of-way tract or easement. The city may adjust the widths and construction specifications as necessary based on expected usage, including the need for emergency vehicle access.

Chapter 17.302 LANDSCAPING AND SCREENING

17.302.050 Minimum landscape area.

The minimum area requirements are as follows:

A. C and CBD Zones.

1. In the CBD zone, a A minimum of 10 percent of the gross lot area shall be landscaped.

2. In the C zone, a minimum of 15 percent of the gross lot area shall be landscaped.

3. In this a commercial zone courts, pedestrian courtyards, plazas, walkways, fountains, benches, sculptures, fences, or decks may be included within the required landscaping percentage if they are designed in conjunction with planting of street trees and potted plants and, upon design review, these features are found consistent with the purpose and intent set forth in this code.

4. Landscaping required under other sections of this code, including, but not limited to, parking lot landscaping pursuant to DMC 17.302.060 and landscaping within front setback areas pursuant to DMC 17.202.060(C), may be included in and counted towards the required landscaping percentage. If landscaping required under other sections of this code exceeds 10 percent of the gross lot area, the full amount of landscaping required under other sections shall still be required.

~~1. Victorian Overlay. Within the CV overlay in the CBD zone, courts, plazas, walkways, foundations, benches, sculptures, fences, and decks are considered to be features of the landscape and should integrate with the Victorian style of architecture. (Please refer to DMC [17.204.050](#) for further information.) Within the CV overlay zone, a variety of plant materials shall be planted to add color and visual appeal to the landscape. Wild flowers, flower gardens, plotted plants and trees, planter boxes, etc., may be included in the landscape in addition to trees, shrubs and ground covers. Benches should be provided in both public and private pedestrian areas, and walkways in the CV overlay zone. Benches in public areas on private property, adjacent to public right of way, shall comply with the Victorian theme.~~

B. Multifamily Developments. A minimum of 25 percent of the gross land area shall be devoted to landscaping in multifamily developments. Interior courtyards, atriums, solar greenhouses, walkways, outdoor recreation areas (e.g., pools and playgrounds) and roof gardens may be included with general landscaped areas in the calculation of this percentage.

C. LI and P Zones. A minimum of six percent of the gross lot area shall be landscaped. Within the LI zone, the required landscaping can be in conjunction with the parking lot landscaping requirements.

17.302.060 Screening and buffering.

Where required by code, or where placed as a condition of approval, screening and buffering shall meet all of the following minimum requirements:

Exhibit "A": Code Amendments

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A. Required Screening. Screening shall be used to eliminate or reduce the visual impacts of the uses in subsections (A)(1) through (6) of this section:

1. Commercial and industrial uses when abutting residential uses;
2. Industrial uses when abutting commercial uses;
3. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas;
4. Outdoor storage areas;
5. At and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners;
6. Any other area or use as required by this code.

B. Methods of Screening. Screening shall be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement, or other design techniques, as appropriate to the site given its visibility from adjacent uses and rights-of-way. (See also DMC [17.202.050](#) for fence regulations.)

C. Parking Lot Landscaping and Screening Standards. All new parking lots or expansions of existing parking lots, which for purposes of this section include areas of vehicle maneuvering, parking, and loading, shall be landscaped and screened as follows:

1. Screening Required. Parking lots shall be screened adjacent to lot lines as follows.

a. Any parking area for a use other than single family that is adjacent to an R-1 or R-2 district shall be screened by a five-foot landscaped strip. Where screening is required between zones the screening shall be incorporated into the required buffer strip, and shall not be an additional requirement.

b. Any parking area within a commercial zone for a use other than single family that is within 20 feet of a public right-of-way shall be screened by a five-foot landscaped strip.

2. Screen Height. The screen required under subsection (C)(1) of this section shall be designed and planted to grow to be at least 36 inches higher than the finished grade of the parking area within one year of planting; except for required vision clearance areas, the screen height may be achieved by a combination of earth mounding and plant materials or a combination of a 36-inch wall and plant materials. Where the parking area to be screened is above the adjacent grade, such screening shall cover both the parking and the retaining wall or slope, as applicable.

3. Parking Lot Landscaping. Landscaping within or adjacent to a parking lot shall consist of a minimum of six percent of the total parking area plus a ratio of one tree per 15 parking spaces, except that landscaping within or adjacent to a parking lot containing more than 20 parking spaces in the C zone shall consist of a minimum of 10 percent of the total parking area plus a ratio of one tree per 10 parking spaces. Trees and landscaping shall be installed as follows:

a. The tree species shall be an appropriate large canopied shade tree selected from the street tree list of DMC [17.302.070](#) to avoid root damage to pavement and utilities, and damage from droppings to parked cars and pedestrians.

b. The tree shall be planted in a landscaped area such that the tree bole is at least three feet from any curb or paved area.

c. The landscaped area shall be planted with shrubs, grass, or living ground cover to assure 80 percent coverage within two years.

Exhibit "A": Code Amendments

Commercial Zones Code Amendments Final Draft (Task 5.2)

d. That portion of a required landscaped yard, buffer strip or screening strip abutting parking stalls may be counted toward required parking lot landscaping as long as the tree species, living plant material coverage, placement and distribution criteria are also met.

e. Landscaping should be evenly distributed throughout the parking area and perimeter.

D. Required Buffers. Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses.

E. Methods of Buffering. Where buffering is determined to be necessary, one of the following buffering alternatives shall be employed:

1. Planting Area. Width not less than 15 feet, planted with the following materials:

a. At least one row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart; and

b. At least one row of evergreen shrubs which will grow to form a continuous hedge at least five feet in height within one year of planting; and

c. Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area.

2. Berm Plus Planting Area. Width not less than 10 feet, developed in accordance with the following standards:

a. Berm form shall not slope more than 40 percent (2.5H:1V) on the side away from the area screened from view (the slope for the other side (screened area) may vary); and

b. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use; and

c. Combined total height of the berm plus the hedge shall be at least five feet within one year of planting.

3. Wall Plus Planting Area. Width must not be less than five feet developed in accordance with the following standards:

a. A masonry wall or fence not less than five feet in height; and

b. Lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area.

4. Other methods that produce an adequate buffer considering the nature of the impacts to be mitigated, as approved by the review authority.

17.302.070 Street trees and parking lot trees.

A. ~~Street Trees Required in CBD Zone. All new development projects in the CBD zone and CV overlay fronting a public or private street, or with a driveway longer than 100 feet in length, shall be required to plant street trees in accordance with this section.~~ Applicability. Street trees within the public right-of-way shall be provided in accordance with street design standards in the City of Dundee Transportation System Plan. Trees in landscape strips on private property adjacent to a public right-of-way may be required elsewhere in this code. Required trees in or adjacent to the public right-of-way shall be subject to the standards of this section.

B. Type of Tree. Tree planting must conform to the list of recommended trees below. Trees that are known to severely damage utilities, streets, sidewalks, or create hazards shall be avoided. Approval of any planting list is subject to review.

RECOMMENDED TREES

The following tree species are recommended for use as street and parking lot trees:

1. Trees maturing to small mature stature: ...

Exhibit "A": Code Amendments

Commercial Zones Code Amendments Final Draft (Task 5.2)

The following tree species are recommended for use as street and parking lot trees:

2. Trees maturing to medium or large stature: ...

Prohibited Street Trees:

The following trees are not allowed as street trees except under special circumstances and with the approval of the review authority. As street trees they cause one or more of the following problems: (1) their roots damage sewer lines or pavement; (2) they are particularly subject to disease or insects; (3) they cause visibility problems along streets or intersections; (4) they create messy sidewalks and pavements, usually due to fruit drop.

...

C. Minimum Size to Be Installed. Street trees and other trees planted in accordance with this code shall have a minimum caliper of two inches measured four feet in height at the time of installation.

D. Spacing. The spacing of street trees by size of tree shall be as follows:

1. Small or narrow stature trees, under 25 feet tall and less than 16 feet wide, shall be spaced not greater than 20 feet apart.
2. Medium sized trees, between 25 feet and 40 feet tall and more than 35 feet wide, shall be spaced no greater than 30 feet apart.
3. Large trees over 40 feet tall and more than 35 feet wide shall be spaced no greater than 40 feet apart.

E. Placement. The placement of street trees is subject to review. Tree placement shall not interfere with utility poles, light standards, power lines, utility services, vision clearance, or required sidewalk access.

F. Exceptions to Street Tree Standards. The city may approve exceptions to the street tree standards where one or more of the following conditions are met:

1. The location of a proposed tree would cause potential problems with existing utility lines; or
2. The tree would cause vision clearance problems; or
3. There is not adequate space in which to plant street trees; or
4. Street trees have already been planted on the site.

Chapter 17.304 PARKING AND LOADING

17.304.030 General provisions.

A. Off-Street Parking and Loading Required. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. Except as otherwise provided by this code, no building permit shall be issued until the city planning official reviews and approves a plan showing an area that is and will remain available for exclusive use as off-street parking and loading space, in conformance with this code. The subsequent use of the subject property shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this code. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be unlawful and a violation of this chapter to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are observed.

B. Unlisted Uses. Requirements for types of buildings and uses not specifically listed herein shall be determined by the city planning official based upon the requirements of comparable uses listed and expectations of parking and loading need.

Exhibit "A": Code Amendments

Commercial Zones Code Amendments Final Draft (Task 5.2)

C. Multiple Uses. In the event several uses occupy a single structure or lot, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, unless a reduction is approved for shared parking pursuant to DMC ~~17.303.040(B)~~ 17.304.040(B).

D. Parking Space Usage. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

E. Parking of Trailers, Boats, Recreational Vehicle Trailers, and Similar Vehicles. Utility trailers, boats, recreational vehicle trailers, ATVs, or similar vehicles shall not be parked in the primary front yard setback. If they are parked in the area between a residential dwelling unit and a street, they shall be screened from view from the street with a fence, hedge, or similar screen that is a minimum of six feet in height.

F. Development Standards. All parking and loading areas, except those for single-family dwellings and areas used exclusively for bicycle parking, shall be developed and maintained as follows:

1. Surfacing. All driveways, parking, and loading areas shall have a durable, hard surface. The standards shall be as follows unless an alternative durable surface (including permeable surfaces) is approved by the City Engineer.

a. In residential areas, either a minimum of two inches of asphalt over a six-inch aggregate base or six inches of Portland cement concrete over a two-inch aggregate base shall be provided.

b. In commercial and industrial areas either a minimum of three inches of asphalt over an eight-inch aggregate base or six inches of Portland cement concrete over a two-inch aggregate base shall be provided.

2. Size of Parking Spaces and Driveways. Parking spaces and driveways shall conform to the dimensional standards of this chapter and shall be consistent with the requirements of Chapter [17.301](#) DMC, Access and Circulation.

3. Landscaping, Screening and Buffering, and Lighting. Parking areas shall conform to standards of Chapter [17.302](#) DMC, Landscaping and Screening, and Chapter [17.303](#) DMC, Exterior Lighting.

4. Areas used for parking and maneuvering of vehicles shall be drained as to avoid flow of water across sidewalks.

5. Except for parking to serve residential uses, parking and loading areas adjacent to residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents; for example, through effective orientation of drive aisles, setbacks, and screening.

6. Groups of more than four off-street parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.

7. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site. See also Chapter [17.301](#) DMC, Access and Circulation.

8. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail at least four inches high, located a minimum of three feet from the property line, to prevent a motor vehicle from extending over an adjacent property or a street and to protect adjacent landscaping.

9. Internal pedestrian connections shall be provided in parking lots with greater than ten (10) spaces located in a commercial zone. These connections shall be a minimum of six (6) feet wide and distinguished from vehicular areas through changes in elevation or contrasting paving materials (such as light-color concrete inlay between asphalt). Paint or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.

Exhibit "A": Code Amendments

Commercial Zones Code Amendments Final Draft (Task 5.2)

17.304.040 Automobile parking standards.

A. Location. Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use except that:

1. In any residential zone, automobile parking areas for dwellings and other uses permitted in a residential zone may be located on another lot if such lot is within 200 feet of the lot containing the main building, structure or use;
2. In any nonresidential zone, the parking area may be located off the site of the main building, structure or use if it is within 500 feet of such site, except that in the CBD zone, the parking area may be located off site if it is within 1,000 feet; and
3. No parking shall be allowed within a front yard, except as allowed on driveways.

B. Joint Use. Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared subject to review authority approval for commercial and industrial uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. The requirements of subsection (C) of this section may be reduced accordingly. Such joint use shall not be approved unless satisfactory legal evidence is presented which demonstrates the access and parking rights of parties.

C. Off-Street Automobile Parking Space Standards. The minimum number of required off-street vehicle parking spaces shall be determined in accordance with one of the following procedures:

1. Pursuant to the standards in Table 17.304.040(C); or
2. Pursuant to a parking demand analysis prepared by a qualified professional and subject to review through a Type II or Type III procedure, consistent with the application process. Such demand analysis must consider average parking demands for existing and proposed uses on the subject site, opportunities for shared parking (parking agreement) with other uses in the vicinity, and public parking, including on-street parking, in the vicinity; or
3. Where a use is not specifically listed in Table 17.304.040(C), parking requirements shall be determined by finding that a use is similar to one of those listed in Table 17.304.040(C) in terms of parking demand, or by estimating parking needs individually using the demand analysis option described in subsection (C)(2) of this section.

Table 17.304.040(C) Minimum Automobile Parking Spaces Required by Use

...

17.304.050 Bicycle parking standards.

At a minimum, required bicycle parking shall be consistent with the following standards and guidelines:

A. Location. All bicycle parking shall be within 100 feet from a building entrance; located within a well-lighted area; and clearly visible from the building entrance.

B. Access. Bicycle parking shall be convenient and easy to find; an access aisle of at least five feet in width shall be provided to each bicycle parking facility. Where necessary, a sign shall be used to direct users to the parking facility.

C. Bicycle Parking Spaces. The bicycle parking standards in Table 17.304.050(C) shall apply and the installation of bicycle parking spaces shall correspond with the required installation of new, or additional, vehicle parking improvements; except that the number of required bicycle parking spaces may be reduced following the same procedure as for automobile parking spaces under DMC [17.304.040\(C\)](#).

Table 17.304.050(C) Minimum Bicycle Parking Spaces Required by Use

Exhibit "A": Code Amendments

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Type of Use	Minimum Number of Bicycle Spaces
Single-family residential or duplex	0
Multifamily	1 space per two dwelling units
Hotel, motel	1 space per <u>10</u> 20 guest rooms
Club, lodge	1 space per 20 vehicle spaces
Hospital, nursing facility	1 space per 20 vehicle spaces
Church, auditorium	1 space per 20 vehicle spaces
Elementary, middle school, junior high	8 spaces per classroom
High school	2 spaces per classroom
Retail, office, government offices	1 space per <u>10</u> 20 vehicle spaces
Bowling alley, rink, community center	1 space per <u>10</u> 20 vehicle spaces
Eating and drinking establishment	1 space per <u>10</u> 20 vehicle spaces
Service retail, retail involving bulky merchandise (furniture, lumber)	1 space per 30 vehicle spaces
Industrial, warehousing	1 space per 30 vehicle spaces
Other uses	Requirements for uses not identified shall be determined by the city based upon requirements of comparable uses in this section.

D. Dimensions. Each bicycle parking space shall be at least two feet by six feet with a vertical clearance of six feet.

E. Security. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, i.e., a "rack," upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary).

F. Covered Employee Bike Parking. Whenever bicycle parking is provided for employees on a "work shift" it shall be sheltered, i.e., covered from the weather, or employees shall be provided access to a secure room within a building for bicycle parking.

Chapter 17.501 DEFINITIONS

17.501.020 Definitions.

...

"Lot, corner" means a lot abutting on two intersecting streets, either currently improved or planned to be improved as a public street in the Dundee Transportation System Plan, other than an alley, where the angle of intersecting streets is no greater than 135 degrees.

...

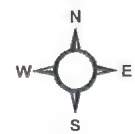
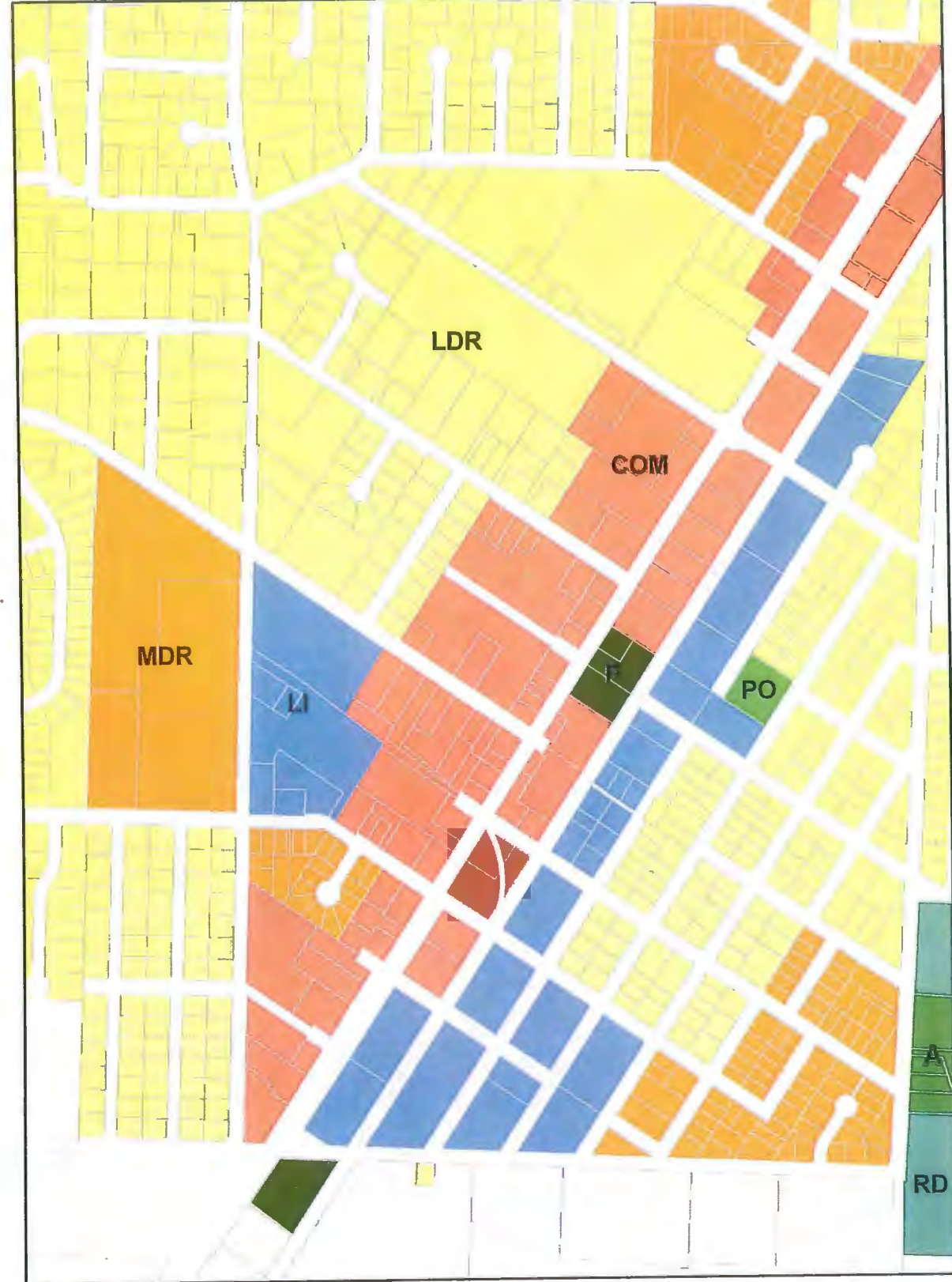
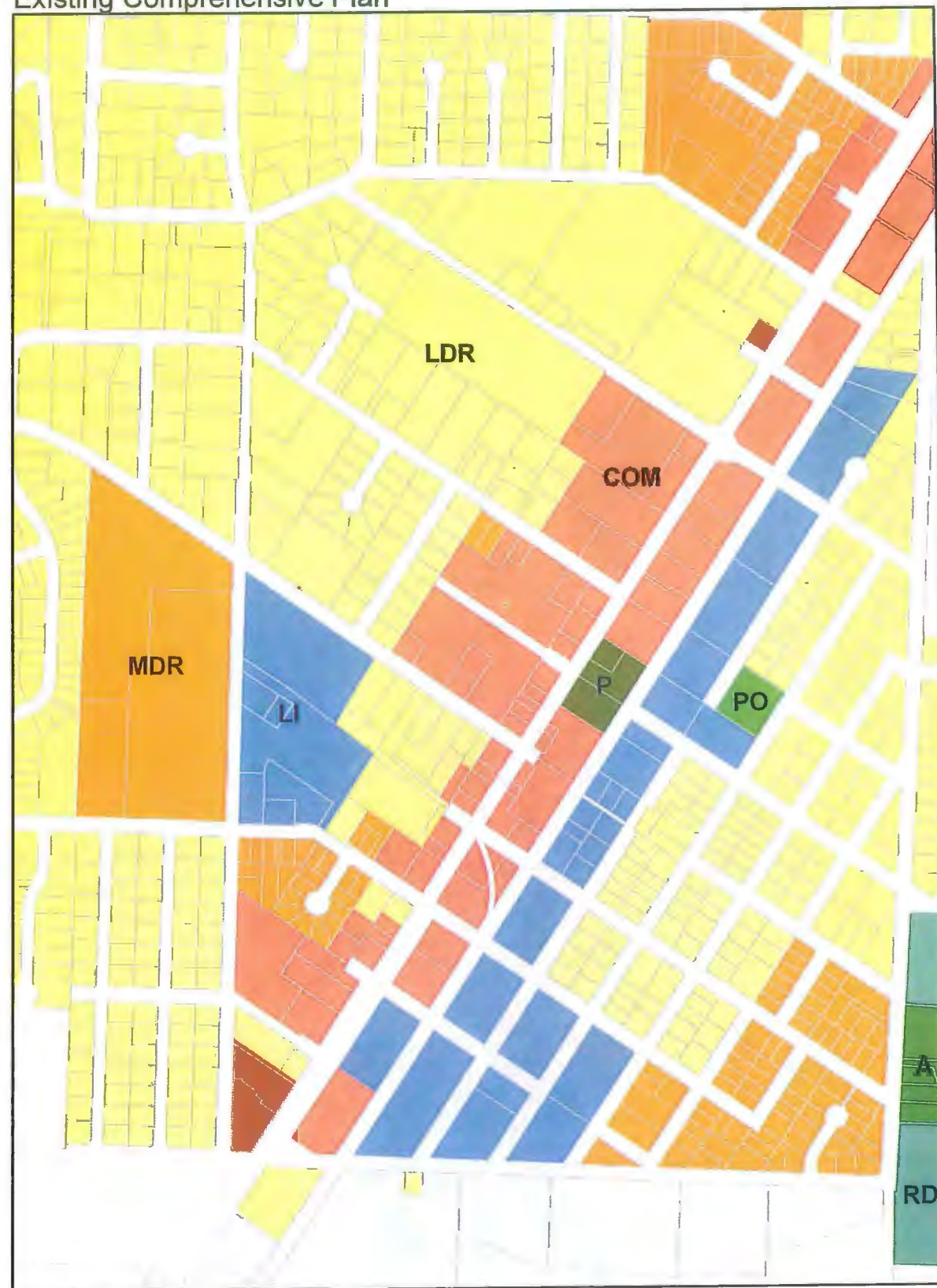
Exhibit "A": Code Amendments

Commercial Zones Code Amendments Final Draft (Task 5.2)

"Green Roof" means a roof with a thin layer of living vegetation installed on top intended to provide stormwater management.

...

"Street Wall" means an exterior building wall that faces a public street and is located within the maximum setback distance for the applicable zone.



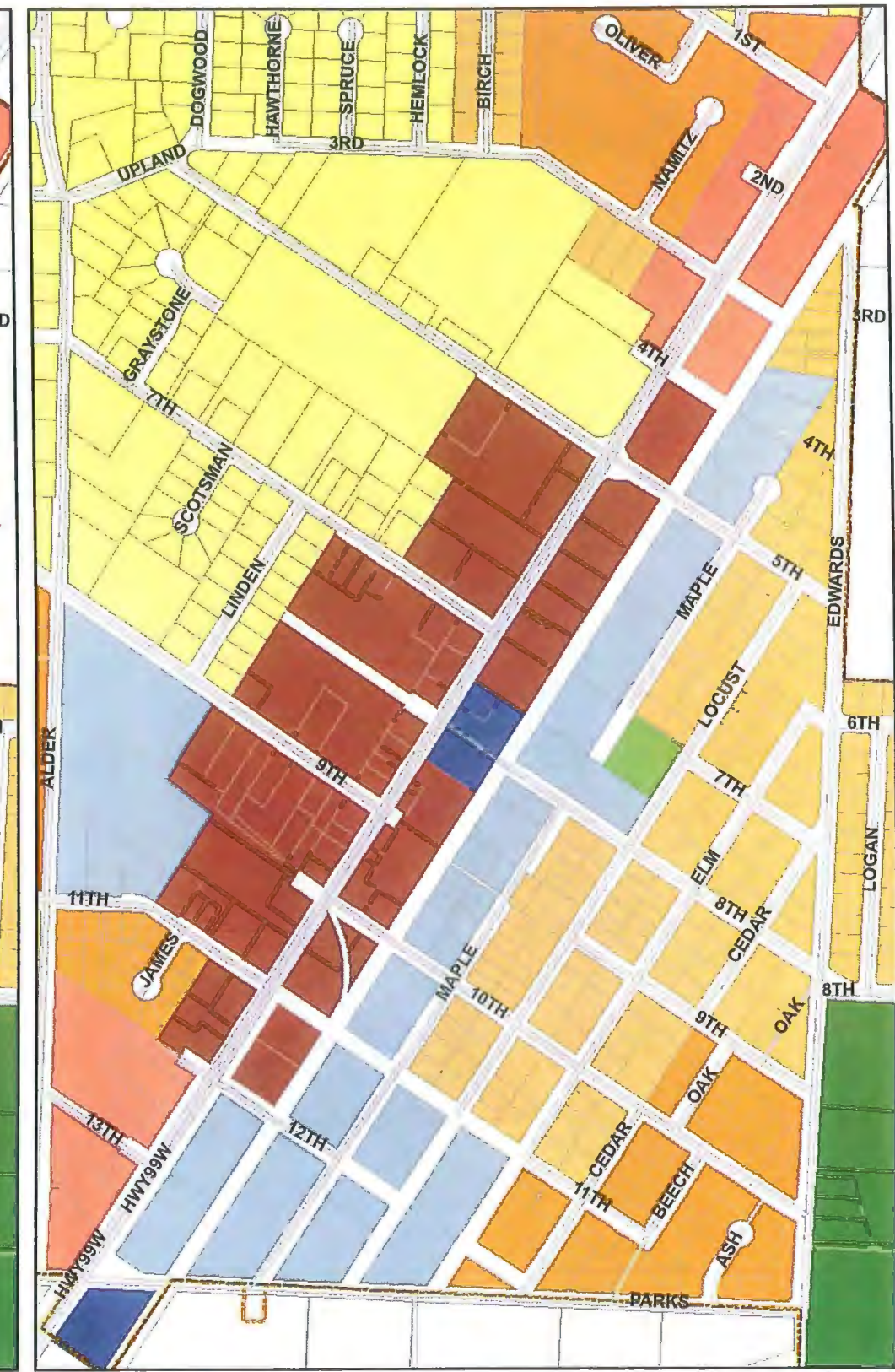
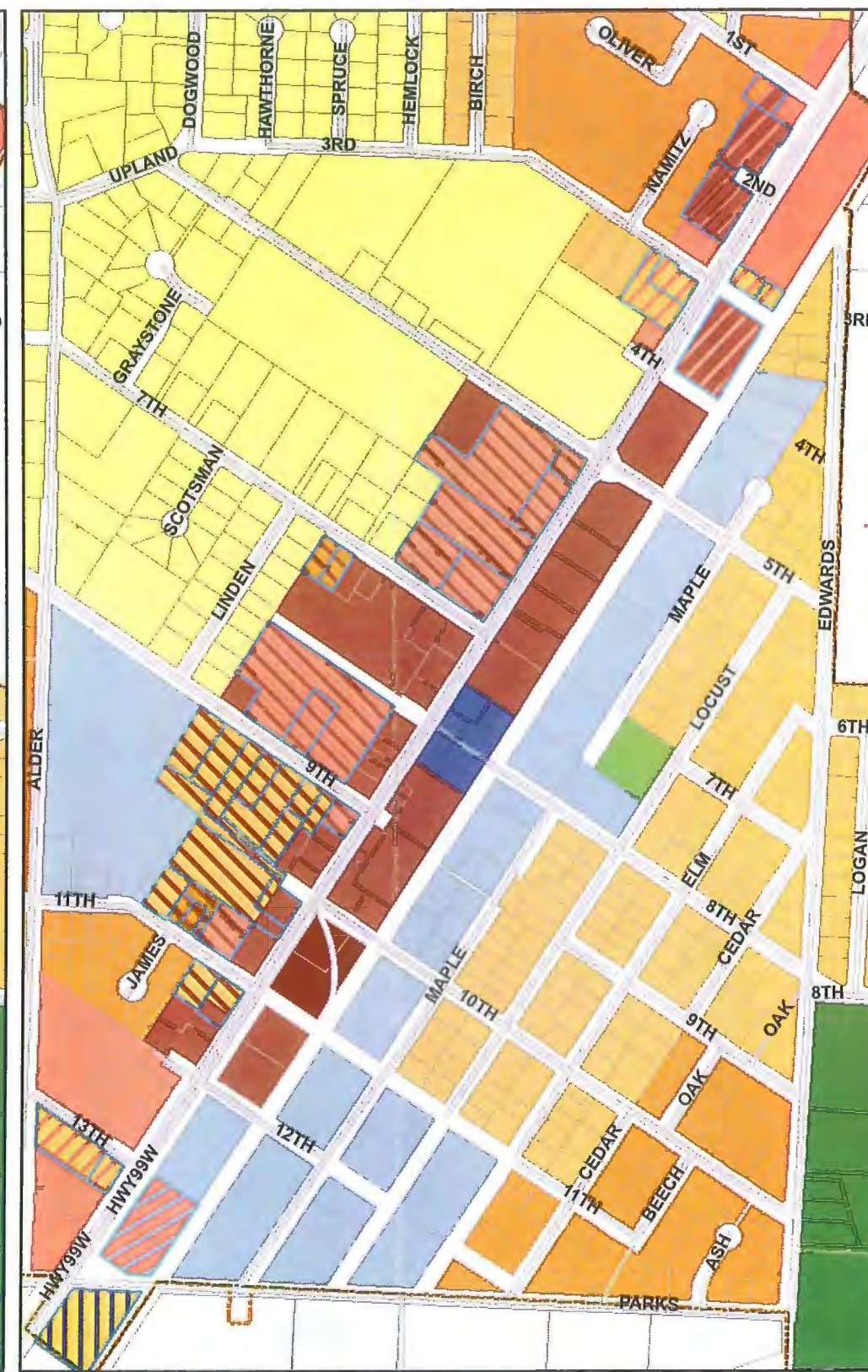
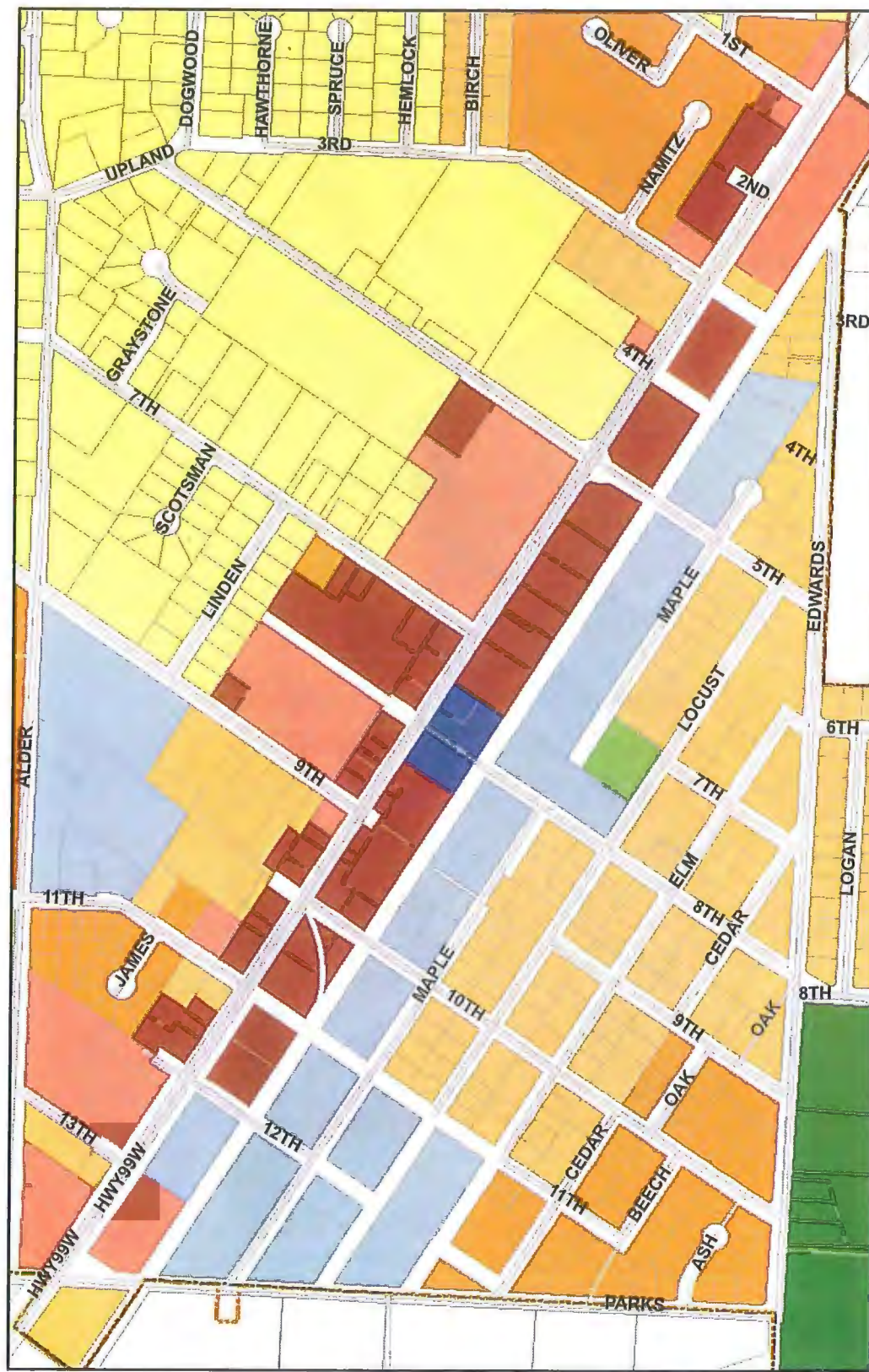
- A - Agriculture
- LI - Light Industrial
- COM - Commercial
- P - Public
- LDR - Low Density Residential
- PO - Parks & Open Space
- MDR - Medium Density Residential
- RD - Riverfront District

Dundee Commercial Zones Code Amendment Project: Recommended Zone Changes

Existing Zoning

Proposed Changes

Recommended Future Zoning



Zoning Designations		R-1	PO	Recommended Zone	Change to P	City Limits
C	R-2	A	Change to C	Change to LI	Dundee UGB	
CBD	R-3		Change to CBD		parcel lines	
LI	P				Streets	

TGM Commercial Zones Project (LURA 14-03)

The Commercial Zones project includes zoning map and comprehensive plan map amendments as well as development code text amendments. The proposed amendments comply with the Dundee development code, Dundee comprehensive plan goals & policies, and Oregon statewide planning goals, rules, and statutes, as demonstrated by the findings below. Note: the rezoning/redesignation of one parcel from C (commercial) to LI (light industrial) is covered by separate findings prepared by Mackenzie consulting firm.

17.405.030 Criteria. Approval of an ordinance amending the zoning map, comprehensive plan map, comprehensive plan, or development code shall be based on the following:

A. Zoning Map Amendment. Proposals for a zoning map amendment must comply with the following criteria:

1. The proposal must be consistent with the comprehensive plan map (the comprehensive plan map may be amended concurrently with proposed changes in zoning).

Finding: The proposal includes corresponding amendments to the comprehensive plan map; therefore, the proposed zoning amendments will be consistent and meet the criterion.

2. The site(s) must be appropriate for the proposed change, in terms of purpose of the proposed zone, topography, access, and required size and dimensions.

Finding: The purpose of the TGM code assistance grant project was for Dundee to review and analyze its commercial zones to better define what each zone should mean, what the differences between the two zones should be, what the design standards should be for each zone, and where the two zones should be located. The central idea throughout the process was to make Dundee more pedestrian friendly and to define what and where the “downtown” core should be. Dundee currently has two commercial zones, with one meant to be more of a “downtown” zone than the other, that are applied rather haphazardly along Highway 99W. Through an extensive public process, it has been determined that the “downtown”, or central business district (CBD) zone, should be applied consistently in the area from 4th Street to 11th Street. This is the most appropriate area for Dundee’s CBD zone to create the “downtown” feel Dundee is looking for because of its location in the middle of town, and because a deeper and more pedestrian friendly downtown area could be created on the west side of Highway 99W. Dundee’s other commercial zone – commercial (C) – would be applied at either end of town, creating some space for more auto oriented uses as vehicles are entering or leaving the city.

The topography and access of the area proposed for rezoning are appropriate to serve commercial uses. Several of the residentially zoned properties proposed for rezoning are either directly on or near Highway 99W, making the change to commercial a potentially better fit with less direct impacts from traffic and noise.

The R-2 zone requires a minimum lot size of 7,000 square feet while the C and CBD zones both require smaller minimum lot sizes of 5,000 square feet. Therefore, the existing lots will fit into the more permissive size and dimension standards of the C and CBD zones. In addition, the properties are existing

Exhibit C: Findings

lots of record so any nonconforming lots would still be permitted to develop using the rest of the site requirements for the zones.

3. Public facilities are available, or can be readily made available, to adequately serve the permitted and conditional uses of the proposed zone.

Finding: Public facilities are available, or can be made available, to serve all conditional and proposed uses in the proposed zones.

4. The amendment must conform to the transportation planning rule provisions under DMC

17.405.040.

Finding: The majority of the zone changes would be from either R-2 (single family residential) to CBD (central business district) or from C (commercial) to CBD. The CBD zone, particularly after the proposed development code amendments, is meant to be more pedestrian oriented and not auto oriented. Therefore, certain auto oriented businesses such as auto repair, service stations, and gas stations are not permitted in the CBD zone but are permitted in the C zone. It is reasonable to assume that the C zone will generate more trips than the CBD zone, due to the high trip generation rate of the permitted auto oriented uses over the other general commercial uses permitted in both the C and CBD zones. Due to the larger number of acres being changed to CBD from C, the overall rate of vehicle trips to the downtown commercial core would decrease.

The changes from R-2 to CBD and C will generate more trips overall with the change from residential and limited commercial (such as bed and breakfast inn, church, school) to general commercial uses. However, the location of the currently zoned R-2 areas is in direct proximity to Highway 99W, which is a major arterial and planned for commercial uses.

Dundee is currently undergoing an update of the Transportation System Plan (TSP), which will account for the proposed zoning changes during analysis of performance standards. The Transportation Planning Rule will be met through adoption of a new TSP in 2015 that takes into account these proposed zoning amendments for the long range analysis and road network options.

B. Comprehensive Plan Map Amendment. Proposals for an amendment to the comprehensive plan must comply with the following criteria:

1. The supply of vacant land in the proposed designation is inadequate to accommodate development during the next five years, or the site is not physically or locationally suited to the requirements of the existing designation;

Finding: Current analysis show that there is 9.4 acres of vacant CBD land, which may have been adequate to meet the development needs over the next five years. However, the zoning pattern of Dundee didn't make a lot of sense, with the two commercial zones applied rather haphazardly and intermixed along Highway 99W. In addition, there are several residentially zoned properties that are either adjacent to or very near Highway 99W that are proposed to be rezoned to one of the commercial zones. This will cause a reduction in the vacant R-2 zoned acres; however there will still be 6.8 vacant R-2 acres for future development, along with the future development potential of the Riverside area. The

Exhibit C: Findings

R-2 properties proposed for rezoning are a better fit for commercial development due to their proximity to Highway 99W with its truck and commuter traffic congestion, and because their inclusion will help create the “downtown core” envisioned by the TGM grant project.

Dundee received a TGM code assistance grant to review and analyze its commercial zones to better define what each zone should mean, what the differences between the two zones should be, what the design standards should be for each zone, and where the two zones should be located. The central idea throughout the process was to make Dundee more pedestrian friendly and to define what and where the “downtown” core should be. Through an extensive public process, it has been determined that the “downtown”, or central business district (CBD) zone, should be applied consistently in the area from 4th Street to 11th Street. This is the most appropriate area for Dundee’s CBD zone to create the “downtown” feel Dundee is looking for because of its location in the middle of town, and because a deeper and more pedestrian friendly downtown area could be created on the west side of Highway 99W. Dundee’s other commercial zone – commercial (C) – would be applied at either end of town, creating some space for more auto oriented uses as vehicles are entering or leaving the city. Several residentially zoned properties are proposed to be rezoned to commercial to further the downtown commercial core principles. The topography and access of the area proposed for rezoning are appropriate to serve commercial uses. The comprehensive plan map amendments would correspond with the zoning amendments.

2. The supply of vacant land in the existing designation remains adequate after the proposed change to accommodate development during the next five years;

Finding: As demonstrated in the buildable lands inventory table below, the biggest changes are a subtraction of 13.62 acres of R-2 (single family residential) zoned land and 12.72 acres of C (commercial) zoned land. After the proposed zone changes, there will be 15.9 acres of vacant C land and 6.8 acres of vacant R-2 land. At current plan densities, that equals approximately 42 dwelling units. Considering the slow pace of building permits over the past five years, that is more than enough land to meet the demand for the next five years. In addition to these vacant acres, the Riverside District Master Plan includes projected acreage for residential, commercial, and other uses to meet future needs.

Dundee’s Riverside District Master Plan (RDMP) specifies areas projected to be rezoned to accommodate residential developments at various densities. Those areas are not yet rezoned due to water infrastructure constraints, but the expectation is that the RDMP and its recommended zoning patterns will be implemented once the water constraint is remedied. The RDMP residential need assumptions were based on a variety of data and reports, and assumes that 970 housing units comprising a mix of densities (at an overall average density of 10 units per acre) will be built in the 360 acre Riverside area.¹ The RDMP also includes a future 22 acres of commercial land. The buildable lands inventory table below does not include the land that will be rezoned to accommodate the future 970 dwelling units or any of the other future Riverside area uses.

¹ A link to the Riverside District Master Plan can be found on Dundee’s website: www.dundeecity.org – click on Administrative Department, Land Use Planning

Exhibit C: Findings

June 2014 - Dundee Buildable Land Inventory								
Zoning	Built Acres (Pre)	Vacant Acres (Pre)	Total Acres Pre-Zone Changes	Acres Subtract	Acres Add	Total Acres Post-Zone Changes	Built Acres (Post)	Vacant Acres (Post)
C	9.36	21.16	30.52	(12.72)	5.32	23.12	7.54	15.90
CBD	12.01	9.43	21.44	(3.12)	20.94	39.26	18.17	17.42
LI	17.53	22.60	40.13		1.36	41.49	17.52	23.95
P	37.14	0.97	38.11		1.34	39.45	38.43	0.97
R-1	169.28	36.81	206.08			206.08	169.28	36.81
R-2	47.80	10.78	58.57	(13.62)		44.95	43.01	6.81
R-3	41.80	18.06	59.86	(0.85)		59.01	40.95	17.94

3. The proposal is consistent with applicable comprehensive plan goals and policies, statewide planning goals and Oregon Administrative Rules.

Finding: The proposal is consistent with applicable comprehensive plan goals and policies, statewide planning goals, and OARs as follows.

Dundee Comprehensive Plan. Land Use and Urbanization. General Commercial – the introductory text to the general commercial section states, “The plan indicates definite limits to the strip pattern but recognizes that much of the land along 99W is not usable for residential purposes because of highway noise and the proximity of the Southern Pacific Railroad....About 10 acres of land currently designated for residential development will be “reserved” for probable future commercial expansion.”

Finding: The proposed changes rezone approximately 14 acres of residential land to commercial. The residential areas slated for the rezoning are either on or in close proximity to Highway 99W, making them more suitable for commercial uses than residential uses. The Dundee comprehensive plan envisioned commercial development along Highway 99W, but did not want to see strip commercial development. The proposed changes create a pedestrian oriented “downtown”, which is envisioned to be the opposite of strip commercial development, and the accompanying development code amendments with design standards for the commercial zones will ensure the vision of the comprehensive plan is realized.

Dundee Comprehensive Plan. Land Use and Urbanization. Light Industrial Land Use – the introductory text to the light industrial section states, “...a plan change will be considered for light industrial uses between Highway 99W and the railroad tracks if they do not conflict with established commercial uses and do not create traffic or aesthetic problems.”

Finding: The proposal includes rezoning an approximately 1.36 acre parcel from commercial to light industrial. The parcel is located between Highway 99W and the railroad tracks and is adjacent to existing light industrial zoning. The rezone will actually be beneficial to economic development as it will allow the property owner to expand their adjacent business into the newly rezoned parcel.

Exhibit C: Findings

Dundee Comprehensive Plan. Economy. Objectives: 1. To protect areas well suited for business use from encroachment by other uses; 2. To assure that commercial and industrial developments preserve and enhance the aesthetic character and livability of Dundee; 3. To avoid unnecessary “strip,” or scattered commercial development along Highway 99W. Policy 2: The City should preserve and upgrade the businesses along 99W by supporting highway improvements that will alleviate traffic congestion, by requiring off-street parking, and by requiring high design standards in new developments.

Finding: Dundee received a TGM code assistance grant to review and analyze its commercial zones to better define what each zone should mean, what the differences between the two zones should be, what the design standards should be for each zone, and where the two zones should be located. The central idea throughout the process was to make Dundee more pedestrian friendly and to define what and where the “downtown” core should be. Through an extensive public process, it has been determined that the “downtown”, or central business district (CBD) zone, should be applied consistently in the area from 4th Street to 11th Street. This is the most appropriate area for Dundee’s CBD zone to create the “downtown” feel Dundee is looking for because of its location in the middle of town, and because a deeper and more pedestrian friendly downtown area could be created on the west side of Highway 99W. Dundee’s other commercial zone – commercial (C) – would be applied at either end of town, creating some space for more auto oriented uses as vehicles are entering or leaving the city. Several residentially zoned properties are proposed to be rezoned to commercial to further the downtown commercial core principles. The comprehensive plan map would be amended to correspond with the proposed new zoning.

The main purpose of this project is to define areas for commercial uses, to adopt design guidelines for new commercial uses in order to enhance the aesthetic character and livability of Dundee, and to avoid strip commercial developments in favor of a pedestrian oriented downtown area.

Dundee Comprehensive Plan. Energy. Objective: 1. Encourage energy conservation through sound land use planning policies.

Finding: One of the main purposes of creating more of a “downtown” core in Dundee is to create a pedestrian friendly area where automobiles would be unnecessary to get to each business. This idea encourages energy conservation by creating a model where residents can park downtown and walk around the commercial area instead of needing a separate car trip to each destination.

Statewide Planning Goal 9: Economic Development (OAR 660-015-0000(9)) – To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens...Comprehensive plans for urban areas shall: 3. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.

Finding: Dundee has decided to place an emphasis on a walkable downtown core, and to do so needed an adequate supply of land zoned for downtown commercial along Highway 99W. Part of implementing this vision required the rezoning and redesignation of some land from residential to commercial. However, there is still adequate residential land now and in the future from the undeveloped Riverside

Exhibit C: Findings

Master Plan area and other vacant land throughout the city. The proposed changes ensure that Dundee does have an adequate supply of employment land that is located in an area appropriate for commercial development.

C. Development Code Amendment. Proposals for a development code amendment must comply with applicable comprehensive plan goals and policies, statewide planning goals and Oregon Administrative Rules.

Finding: The proposed changes to the Dundee development code are consistent with applicable comprehensive plan goals and policies, statewide planning goals, and OARs as follows.

Dundee Comprehensive Plan. Land Use and Urbanization. General Commercial. Policy 2: High design standards for signing and appearance including the landscaping of setback areas and the designation of access points will be established.

Finding: The proposed development code amendments include design standards for both building and the overall site, including landscaping, setbacks, access, and parking requirements. The purpose of the design standards is to ensure a high level of aesthetic appeal, quality development, and a cohesive look and feel for downtown Dundee.

Dundee Comprehensive Plan. Economy. Objectives: 2. To assure that commercial and industrial developments preserve and enhance the aesthetic character and livability of Dundee; Policy 2: The City should preserve and upgrade the businesses along 99W by supporting highway improvements that will alleviate traffic congestion, by requiring off-street parking, and by requiring high design standards in new developments.

Finding: The proposed amendments include design standards for both building and site elements in order to preserve and enhance the aesthetic character and livability of Dundee. The City is in the process of highway improvements that will also contribute to the livability and enhanced aesthetic character of Dundee.

Statewide Planning Goal 9: Economic Development (OAR 660-015-0000(9)) – To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens...Comprehensive plans for urban areas shall: 3. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.

Finding: The Dundee has decided to place an emphasis on a walkable downtown core, and to do so needed an adequate supply of land zoned for downtown commercial along Highway 99W. The proposed changes ensure that Dundee does have an adequate supply of commercial land that is located in an area appropriate for commercial development. The development code amendments promote economic development in Dundee by creating a pedestrian oriented development pattern that enhances the aesthetic appeal of Dundee.

17.405.040 Transportation planning rule compliance. Proposals to amend the comprehensive plan or zoning map shall be reviewed to determine whether they significantly affect a transportation facility

Exhibit C: Findings

pursuant to OAR 660-012-0060 (Transportation Planning Rule – TPR). Where the city council, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the city shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law. [Ord. 521-2013 § 3 (Exh. A)].

Finding: The majority of the zone amendments and commensurate comprehensive plan map amendments would be from either R-2 (single family residential) to CBD (central business district) or from C (commercial) to CBD. The CBD zone, particularly after the proposed development code amendments, is meant to be more pedestrian oriented and not auto oriented. Therefore, certain auto oriented businesses such as auto repair, service stations, and gas stations are not permitted in the CBD zone but are permitted in the C zone. It is reasonable to assume that the C zone will generate more trips than the CBD zone, due to the high trip generation rate of the permitted auto oriented uses over the other general commercial uses permitted in both the C and CBD zones. Due to the larger number of acres being changed to CBD from C, the overall rate of vehicle trips to the downtown commercial core would decrease.

The changes from R-2 to CBD and C will generate more trips overall with the change from residential and limited commercial (such as bed and breakfast inn, church, school) to general commercial uses. However, the location of the currently zoned R-2 areas is in direct proximity to Highway 99W, which is a major arterial and planned for commercial uses.

Dundee is currently undergoing an update of the Transportation System Plan (TSP), which will account for the proposed zoning changes during analysis of performance standards. The Transportation Planning Rule will be met through adoption of a new TSP in 2015 that takes into account these proposed zoning amendments for the long range analysis and road network options.

Exhibit "C": Findings

COMPREHENSIVE PLAN MAP AMENDMENT & ZONE CHANGE FINDINGS

To
City of Dundee

For
12th and Maple Wine Company

Submitted
June 19, 2014

Project Number
2140098.05

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I. PROJECT SUMMARY

Applicant: City of Dundee

Owner: 12th and Maple Wine Company
1242 SE Maple Street
Dundee, OR 97115

Site Address: N/A (vacant)
Dundee, OR 97115

Map/Tax Lot Number: R3335AA 01700

Assessor Site Acreage: 1.36 Acres

Zoning: Community Commercial (C)

Comprehensive Plan: Commercial (COM)

Request: Comprehensive Plan Map Amendment & Zone Change

Project Contact: Mackenzie c/o Brian Varricchione
1515 SE Water Avenue, Suite 100
Portland, OR 97293
Phone: (503) 224-9560
Email: bvarricchione@mcknze.com

II. INTRODUCTION

Description of Request

The proposal is to rezone the site from Community Commercial (C) to Light Industrial (LI) and to amend the comprehensive plan map to change the site's designation from Commercial (COM) to Light Industrial (LI). The application is required to meet approval criteria set forth in the Dundee Municipal Code (DMC) Title 17 Development Code.

Existing Site & Surrounding Land Use

The subject site consists of property located at Highway 99W and SE Parks Drive (Tax Lot R3335AA 01700), with an area of 1.36 acres. The site is generally rectangular in shape, parallel to Highway 99, and is currently undeveloped. The property contains a number of perimeter trees along both Highway 99W and Parks Drive. The site is bordered to the northeast by existing operations of the 12th and Maple Wine Company, to the northwest by Highway 99W, to the south by Parks Drive, and to the southeast by the Portland & Western Railroad tracks.

The subject site is currently zoned Community Commercial (C) and is identified as Commercial (COM) on the comprehensive plan map. Adjoining properties are zoned Light Industrial (LI) to the northeast, Community Commercial and Single Family Residential (R-2) to the northwest, Single Family Residential (R-2) to the southwest, and Light Industrial to the southeast. The adjoining properties zoned C have a Commercial comprehensive plan designation, while those zoned LI have a Light Industrial (LI) comprehensive plan designation, and those zoned R-2 have a Low Density Residential (LDR) comprehensive plan designation. Adjoining commercial and industrial sites have been developed, while the adjoining residential sites are undeveloped. The two nearby residential sites are proposed to be rezoned as part of the City's Commercial Zones project, with one site changing to Community Commercial and the other site changing to Public.

Proposed Concurrent Comprehensive Plan Map Amendment and Zone Change

The proposal is to rezone the site from Community Commercial (C) to Light Industrial (LI) to encourage an existing successful business in the City by allowing for an increase in the winery's operations and exposure along Highway 99W. Future uses of the subject site may include wine barrel storage with the possibility of special event wine tasting. A wine storage warehouse (City use classification: "Beverage and Bottling Facility, Winery, Brewery, or Distillery, including Warehousing and Distribution") is not a permitted or conditional use within the Community Commercial zone, but is permitted in the Light Industrial zone.

Since a zoning map amendment must be consistent with the comprehensive plan map, in order to allow the zone change the City would also need to amend the comprehensive plan map to change the site's designation from Commercial (COM) to Light Industrial (LI).

Chapter 17.405 of the Development Code outlines the process through which the City evaluates amendments to the zoning map or comprehensive plan map. The amendment could lead to further development by allowing an existing industrial user to expand its operations in compliance with the Development Code. The City's analysis is based on all allowable uses under the zoning regulations since future uses may differ from the current property owner's anticipated land use.

Commercial and Industrial Land Issues

The proposed map amendment would convert 1.36 acres of buildable land from a commercial plan designation (COM) to an industrial plan designation (LI). The existing zoning could support a variety of commercial uses based on the permitted and conditional uses in the Community Commercial zone. If the proposal is approved, the site would be zoned Light Industrial, providing the opportunity for the site to be developed with industrial uses instead of commercial uses. In the context of the supply of available commercial land (see the City of Dundee June 2014 Buildable Land Inventory), a reduction of 1.36 acres is not significant, since the City is simultaneously converting other sites from Single Family Residential (R-2) and Medium Density Residential (R-3) to commercial zoning. A Buildable Land Inventory (BLI) performed by the City indicates that after all associated zone changes, the City will have approximately 33 acres of vacant commercial land and approximately 24 acres of vacant industrial land.

Transportation Planning Rule

The Transportation Planning Rule (TPR) stipulates that the City must demonstrate whether an amendment to the comprehensive plan and zoning map would have a significant effect on the transportation system. If the analysis demonstrates that a significant effect would occur, then the City must either deny the application or require mitigation to offset the traffic impact. The City has the authority to determine whether there is a significant effect on City streets (e.g., Parks Drive), Yamhill County Public Works Department has the authority to determine whether there is a significant effect on County roads, and ODOT has the authority to determine whether there is a significant effect on state highways (e.g., Highway 99W).

According to calculations provided by the property owner's transportation engineer, development of the site with an automobile service station under the current Community Commercial zone would generate on the order of 250 PM peak hour trips. The proposed Light Industrial zone also allows automobile service stations, so the site could again generate on the order of 250 PM peak hour trips (note that the worst case scenario, rather than the owner's intended use, is used for the purposes of the Transportation Planning Rule analysis). Since the overall effect is no increase in PM peak hour trips, the proposed amendment to the comprehensive plan and zoning map does not have a significant effect on the transportation network (see attached TPR analysis letter).

Public Utility Considerations

Demands on potable water, sanitary sewer, or storm drainage could be higher or lower with an industrial use than with a commercial use, depending on the specific development. Regardless of the zoning, the public utilities have sufficient capacity to serve the site.

Exhibit "C": Findings

Aerial Photo – Project Site



III. NARRATIVE & COMPLIANCE

This action proposes a comprehensive plan map amendment and zone change for the parcel on the northeast corner of Highway 99W and SE Parks Drive. Map amendments are required to meet development standards set forth in the Dundee Municipal Code (DMC) Chapter 17 Development Code. Therefore, the following addresses the applicable City of Dundee Municipal Code (DMC) criteria, together with statewide planning goals, Oregon Administrative Rules, and the Dundee Comprehensive Plan. Please note that the pertinent code sections are cited either in their entirety or in a summation and are followed by a response.

Statewide Planning Goals

Goal 1, Citizen Involvement

Objective: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: The City's acknowledged Comprehensive Plan & Development Code includes citizen involvement procedures with which the review of this application complies. This process allows for citizens to communicate their input into the map amendment review conducted by the City at public hearings or by submitting written comments. The Planning Commission will review the proposed comprehensive plan and zoning map amendment and make a recommendation to the City Council regarding the application. Within the comprehensive plan map amendment and zone change process, the City mails notices to affected property owners and agencies, notice is published in the newspaper, and public hearings are held. This process complies with the Goal.

Goal 2, Land Use Planning

Objective: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: The procedural requirements for the proposed comprehensive plan map amendment and zone change involve assessment of the application's merits, notice to affected parties, and public hearings. The proposal is to change the planning and zoning designations of urban land within the Urban Growth Boundary in compliance with Goal 2. Notice of the proposed comprehensive plan and zoning map amendment is provided to the Oregon Department of Land Conservation and Development (DLCD) as required. Oregon Department of Transportation, Yamhill County Public Works Department, and other affected agency staff have also been provided the opportunity to comment. The City's decision is based on findings of fact.

Goal 3, Agricultural Lands

Objective: To preserve and maintain agricultural lands.

Finding: This Goal is not applicable because the site is within the City of Dundee Urban Growth Boundary and no identified agricultural resources are located on site.

Goal 4, Forest Lands

Objective: To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational

opportunities and agriculture.

Finding: This Goal is not applicable because the site is within the City of Dundee Urban Growth Boundary and City Limits and no identified forest resources are located on site.

Goal 5, Open Spaces, Scenic and Historic Areas and Natural Resources

Objective: To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: There are no identified Goal 5 resources on the site. The subject site is not designated as open space, a scenic or historic area, or a natural resource area by the City and does not contain any known significant open space, scenic, historic, or natural resources. The proposed comprehensive plan amendment and zone change is not in conflict with this Goal.

Goal 6, Air, Water and Land Resources Quality

Objective: To maintain and improve the quality of the air, water and land resources of the state.

Finding: The site is currently designated for commercial use and is subject to City regulations regarding off-site impacts, so the potential harmful effects on air, water, and land resource quality is limited. Generally, small-scale commercial or industrial development produces relatively small impacts on environmental quality. The proposal to amend the comprehensive plan map and zoning boundary to reduce the commercial area and increase the industrial area would therefore have no significant impact with respect to this Goal.

Goal 7, Areas Subject to Natural Disasters and Hazards

Objective: To protect people and property from natural hazards.

Finding: According to FEMA's Flood Insurance Rate Map 41071C0219D, the site is not within a mapped flood hazard area. Similarly, it is not in a mapped potential landslide hazard or earthquake hazard area. The proposed comprehensive plan amendment and zone change is not in conflict with this Goal.

Goal 8, Recreational Needs

Objective: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: The parcel is presently designated for commercial development on the comprehensive plan map and has not been planned for recreational opportunities. Since the property is not identified for recreational use, the proposed comprehensive plan map amendment and zone change to industrial uses would have no significant impact on the City's planning for recreational needs.

Goal 9, Economic Development

Objective: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: As envisioned, the proposed comprehensive plan map amendment and zone change would not alter the amount of land available for economic development; rather, the amendment would change the list of allowable uses from commercial to industrial. Since the property has the same owner as the adjoining 12th and Maple Wine Company, the site could be put to productive use with development that complements and supports the winery's existing industrial use.

The proposal has the potential to convert vacant land into industrial usage, consistent with the existing zoning northeast and southeast of the site. This development would increase the number of jobs available to the community. Therefore, the proposed amendment is supportive of this Goal.

Goal 10, Housing

Objective: To provide for the housing needs of citizens of the state.

Finding: The site has not been planned for residential use, so amending the comprehensive plan map from Commercial to Light Industrial and changing the zoning from Community Commercial to Light Industrial will have no impact on the City's housing supply and the proposed amendment would not conflict with this Goal.

Goal 11, Public Facilities and Services

Objective: 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.

Finding: The subject property lies within City Limits and has public utilities available to serve the site. The City's utilities have adequate capacity to serve the site, whether commercial or industrial (particularly for a low-impact use such as wine storage envisioned by the current property owner). The proposed amendment is consistent with this Goal.

Goal 12, Transportation

Objective: To provide and encourage a safe, convenient and economic transportation system.

Finding: This Goal requires the City to prepare and implement a Transportation System Plan (TSP). The Dundee TSP assumed that the portions of parcels in question would be developed under the City's Commercial comprehensive plan and Community Commercial zoning designations. Since the proposed application would change these assumptions, further transportation analysis is necessary.

The 2003 TSP classifies Highway 99W as a Principal Arterial and SE Parks Drive as a collector. Adjacent to the site, Highway 99W is improved with two travel lanes, a center turn lane, a paved shoulder, and sidewalk along most of the west side. The roadway was designed to accommodate the mix of commercial, industrial, and residential uses envisioned in the Comprehensive Plan. SE Parks Drive is improved with two travel lanes but has no bicycle or pedestrian facilities. Conversion of 1.36 acres from C zoning to LI zoning would not impair the operation of either street, and future development could lead to additional street improvements.

As discussed in the Transportation Planning Rule analysis, conversion of this site from Community Commercial to Light Industrial would decrease potential traffic levels, so the proposed amendment to the comprehensive plan and zoning map should not have a significant effect on the transportation network.

Goal 13, Energy Conservation

Objective: To conserve energy.

1. *Land use plans should be based on utilization of the following techniques and implementation devices which can have a material impact on energy efficiency:*
 - a. *Lot size, dimension, and siting controls;*
 - b. *Building height, bulk and surface area;*
 - c. *Density of uses, particularly those which relate to housing densities;*
 - d. *Availability of light, wind and air;*
 - e. *Compatibility of and competition between competing land use activities; and*
 - f. *Systems and incentives for the collection, reuse and recycling of metallic and nonmetallic waste.*

Exhibit "C": Findings

Finding: The subject property is a desirable location for development because it is located close to other commercial and industrial uses along Highway 99W, SE Parks Drive, and the Portland & Western Railroad. The applicant's proposal would increase the likelihood of industrial development in close proximity to other industrial sites, potentially leading to trip sharing, carpooling, and/or combined deliveries, thereby reducing the number of vehicles on the road and increasing energy efficiency. The proposed comprehensive plan map amendment and zone change would permit development with the potential to create an energy-efficient land use pattern within the City.

Goal 14, Urbanization

Objective: To provide for an orderly and efficient transition from rural to urban land use.

Finding: The subject property is within the City, and no expansion of the Urban Growth Boundary is proposed. The proposed comprehensive plan map amendment and zone change would not affect the City's Goal 14 compliance.

Other Goals

- *Goal 15, Willamette River Greenway*
- *Goal 16, Estuarine Resources*
- *Goal 17, Coastal Shorelands*
- *Goal 18, Beaches and Dunes*
- *Goal 19, Ocean Resources*

Finding: Goals 15-19 are not applicable to this application.

Transportation Planning Rule

OAR 660 Division 12 – Transportation Planning

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*

Exhibit "C": Findings

- (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.*

[...]

- (4) *Determinations under sections (1)–(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.*

Finding: Transportation Planning Rule compliance is demonstrated in the attached letter.

Dundee Comprehensive Plan

Economy

GOAL: To maintain a level of economic development adequate to meet public need.

OBJECTIVES:

- 1. To protect areas well suited for business use from encroachment by other uses.*
- 2. To assure that commercial and industrial developments preserve and enhance the aesthetic character and livability of Dundee.*
- 3. To avoid unnecessary "strip," or scattered commercial development along Highway 99W.*

Finding: The site has previously been designated for commercial development and is now proposed to be designated for light industrial development. Given the location near major transportation facilities (highway and rail), either commercial or industrial development would be appropriate for the site. Enlarging the industrial area may well lead to additional development in support of the 12th and Maple Wine Company and enhance Dundee's reputation for the wine business. The proposal could lead to development of the site to complement the existing business and further the implementation of the City's vision for economic development in a coordinated manner rather than piecemeal mixing of commercial and industrial sites. The proposed amendment is supportive of this goal and objectives.

Public Facilities and Services

GOAL: Provide orderly and efficient public services and facilities to adequately meet the needs of Dundee's citizens.

OBJECTIVES:

- 1. Protect the general health of local residents by providing adequate sanitary sewerage, sewage treatment, solid waste disposal, and water facilities.*
- 2. Ensure the safety and health of Dundee's citizens through adequate police and fire protection.*

Finding: The public facility requirements of future development of the site would not be appreciably impacted by the proposed comprehensive plan amendment. The existing public infrastructure adjoining the site has been sized to accommodate development of this site and surrounding properties. The proposed amendment should not affect the potable water, sanitary sewer, storm drainage, or solid waste disposal from the perspective of service provided by the City. Any future development of the site would need to comply with applicable standards for public safety and fire protection at that time, and upgrades necessitated by development would be installed at the developer's expense. The applicable goal and objectives for public facilities are satisfied.

Transportation

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

OBJECTIVES

- A. *The development of a well-connected street network that is safe, accessible and efficient for motorists, pedestrians, bicyclists and the transportation disadvantaged.*
- B. *Preserve the aesthetic quality of the community.*
- C. *The construction of a safe, continuous and direct network of streets, accessways, and other improvements, including bikeways, sidewalks, and safe street crossings to promote safe and convenient bicycle and pedestrian circulation within Dundee.*
- D. *Develop policies for the location and improvement of arterials, collectors, local streets and sidewalks.*
- E. *Improve the transportation links within the region as well as other regions of the state, while encouraging alternative transportation mode for commuters.*

Finding: As discussed in the Transportation Planning Rule analysis, conversion of this site from Community Commercial to Light Industrial would decrease potential traffic levels, so the proposed amendment to the comprehensive plan and zoning map should not have a significant effect on the transportation network. The City can conclude that the map amendments would foster an efficient transportation network by reducing vehicular traffic. The site is relatively small (1.36 acres) and has direct access to Highway 99W, SE Parks Drive, and the railroad, allowing multiple options for future site layout and driveway access to ensure traffic safety. The applicable goal and objectives for transportation are satisfied.

Title 17 of the Dundee Municipal Code (Dundee Development Code)

Chapter 17.405 Map or Code Amendments

17.405.030 Criteria.

Approval of an ordinance amending the zoning map, comprehensive plan map, comprehensive plan, or development code shall be based on the following:

- A. *Zoning Map Amendment. Proposals for a zoning map amendment must comply with the following criteria:*
 - 1. *The proposal must be consistent with the comprehensive plan map (the comprehensive plan map may be amended concurrently with proposed changes in zoning).*
 - 2. *The site(s) must be appropriate for the proposed change, in terms of purpose of the proposed zone, topography, access, and required size and dimensions.*
 - 3. *Public facilities are available, or can be readily made available, to adequately serve the permitted and conditional uses of the proposed zone.*
 - 4. *The amendment must conform to the transportation planning rule provisions under DMC 17.405.040.*

Finding: The current proposal is to amend the comprehensive plan map to change the site's designation from Commercial (COM) to Light Industrial (LI) and to rezone the site from Community Commercial (C) to Light Industrial (LI). The parcel is relatively flat, has access to Highway 99W, SE Parks Drive, and the railroad, and meets the minimum lot size of 5,000 square feet for the LI zone. There is no minimum lot width, frontage, or depth for parcels in the LI zone and no maximum lot coverage standards. The permitted and conditional uses in the LI zone would use water, sewer, and other services at levels that may be smaller or greater than the demands from the existing commercial zone (depending on the actual use), but that would be adequately served by existing public facilities. Transportation Planning Rule compliance is discussed elsewhere in the findings.

Exhibit "C": Findings

- B. *Comprehensive Plan Map Amendment. Proposals for an amendment to the comprehensive plan must comply with the following criteria:*
1. *The supply of vacant land in the proposed designation is inadequate to accommodate development during the next five years, or the site is not physically or locationally suited to the requirements of the existing designation;*
 2. *The supply of vacant land in the existing designation remains adequate after the proposed change to accommodate development during the next five years;*
 3. *The proposal is consistent with applicable comprehensive plan goals and policies, statewide planning goals, and Oregon Administrative Rules.*

Finding: The proposed map amendment would convert 1.36 acres from a commercial plan designation (COM) to the Light Industrial plan designation (LI). The existing zoning could support a variety of commercial uses. If the proposal is approved, the site would be zoned Light Industrial, providing the opportunity for the site to be developed with industrial uses instead of commercial uses. In the context of the City's supply of available commercial land, a reduction of 1.36 acres is not significant. The reduction in supply of commercial property as a result of this map amendment would be offset by the corresponding map amendments from residential to commercial adjoining the existing central business district. A Buildable Land Inventory (BLI) performed by the City indicates that after all associated zone changes, the City will have approximately 33 acres of vacant commercial land and approximately 24 acres of vacant industrial land. The 12th and Maple Wine Company's existing operations on Highway 99W are located on the sole light industrial parcel west of the railroad tracks, and the proposed zone change would add a contiguous parcel to the LI designation and afford the property owner the opportunity to expand its business immediately adjacent to its existing operations.

Discussion of applicable comprehensive plan goals and policies, statewide planning goals, and Oregon Administrative Rules is found elsewhere in the findings.

17.405.040 Transportation Planning Rule Compliance.

Proposals to amend the comprehensive plan or zoning map shall be reviewed to determine whether they significantly affect a transportation facility pursuant to OAR 660-012-0060 (Transportation Planning Rule – TPR). Where the city council, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the city shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

Finding: Transportation Planning Rule compliance is demonstrated in the attached letter.

IV. CONCLUSION

As detailed above, the proposed comprehensive plan map amendment and zone change meets or exceeds the City of Dundee requirements and applicable statewide planning goals and administrative rules and is consistent with the City's Commercial Zones project.

MACKENZIE.

DESIGN DRIVEN | CLIENT FOCUSED

June 19, 2014

City of Dundee
Attention: Jessica Pelz, AICP
PO Box 220
Dundee, OR 97115

Re: **12th and Maple Wine Co.**
Transportation Planning Rule Analysis for Comprehensive Plan Map Amendment and Zone Change
Project Number 2140098.05

Dear Jessica:

This analysis has been prepared to address the Transportation Planning Rule (TPR) (OAR 660-012-0060) requirements of the City of Dundee Municipal Code (17.405.040), as they pertain to the proposed comprehensive plan amendment and zone change at the northeast corner of Highway 99W with SE Parks Drive.

The 1.36-acre site is vacant and zoned Community Commercial (C) with a comprehensive plan designation of Commercial. The proposed zone change is to Light Industrial (LI) with a concurrent comprehensive plan change to Light Industrial. The change is subject to DMC 17.405.040 Transportation planning rule compliance, which states:

Proposals to amend the comprehensive plan or zoning map shall be reviewed to determine whether they significantly affect a transportation facility pursuant to OAR 660-012-0060 (Transportation Planning Rule – TPR). Where the city council, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the city shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

TRANSPORTATION PLANNING RULE

Statewide Planning Goal 12: Transportation is implemented through OAR 660, Division 12 “to provide and encourage a safe, convenient and economic transportation system.” Transportation planning is meant to ensure existing and proposed land uses can reasonably be accommodated by the transportation system.

Specifically, OAR 660-12-0060 (1) states:

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*



Exhibit "C": Findings

- (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.*

The purpose of this analysis is to determine whether the proposed land use action will significantly affect a transportation facility as measured at the end of the planning period in the locally adopted Transportation System Plan (TSP) or comprehensive plan.

Current Zone Designation

The existing site is zoned Community Commercial and is a Commercial designation on the comprehensive plan map. As identified in DMC 17.202, the following land uses are permitted:

1. Galleries, studios and similar facilities
2. Automobile service station
3. Family day care
4. Offices
5. Hotels
6. Medical and dental clinics
7. Restaurants
8. Retail sales

For these uses, an automobile service station is the reasonable worst-case development for generating the most trips per acre. Service stations typically have a density of 14 fueling positions per acre, providing for up to 18 positions at the 1.36 acre site. This is about the most positions a fuel facility will provide. According to trip generation rates in the Institute of Transportation Engineers (ITE) *Trip Generation, Ninth Edition*, a total of 250 PM peak hour trips would be generated, of which 145 would be new trips. Pass-by trips are assumed to be 42% during the PM peak hour according to the ITE *Trip Generation Handbook*.

For comparison, a medical/dental office would have a typical floor area ratio (FAR) of 0.25, allowing for up to 14,800 SF on the 1.36 acre site. Trip generation estimates for a medical/dental office of 14,800 SF using ITE rates result in 52 PM peak hour trips.

Exhibit "C": Findings

City of Dundee
12th and Maple Wine Co.
Project Number 2140098.05
June 18, 2014
Page 3

A fast food restaurant with drive-through window use also would generate a high number of trips. A floor area ratio of 0.12 is typical, which would allow for a total of 7,000 SF, or two restaurants, on the 1.36 acre site. Trip estimates from ITE are a total of 229 PM peak hour trips and 115 new trips. Pass-by trips are assumed to be 50% during the PM peak hour per the ITE Trip Generation Handbook.

Proposed Zone Designation

The proposed zone is Light Industrial, which includes the following uses as identified in DMC 17.202:

1. Automobile service station
2. Automobile repair and service
3. Beverage and bottling facility
4. Manufacturing
5. Food processing
6. Mini-warehouses

The reasonable worst-case development for the LI zone is automobile service station, similar to the existing C zone, so there would be no increase in trip potential with the proposed zone change from C to LI. In fact, all the other allowed uses would generate far fewer trips than uses allowed in the existing C zone. For example a manufacturing facility would generate 19 PM peak hour trips, assuming a 0.40 FAR, based on ITE rates.

CONCLUSION

As noted in the trip generation estimates, the reasonable worst case for trip generation in both the existing C and proposed LI zones is an automobile service station, indicating no significant impact with the zone change. All other uses allowed in the LI zone would generate far fewer trips than uses allowed in the C zone, so the probability of a reduced traffic impact is high. Because the proposed comprehensive plan amendment and zone change will not significantly affect a transportation facility, no additional analysis and no mitigation within the TSP planning period is required.

If you have any questions regarding this information, please contact us directly.

Sincerely,



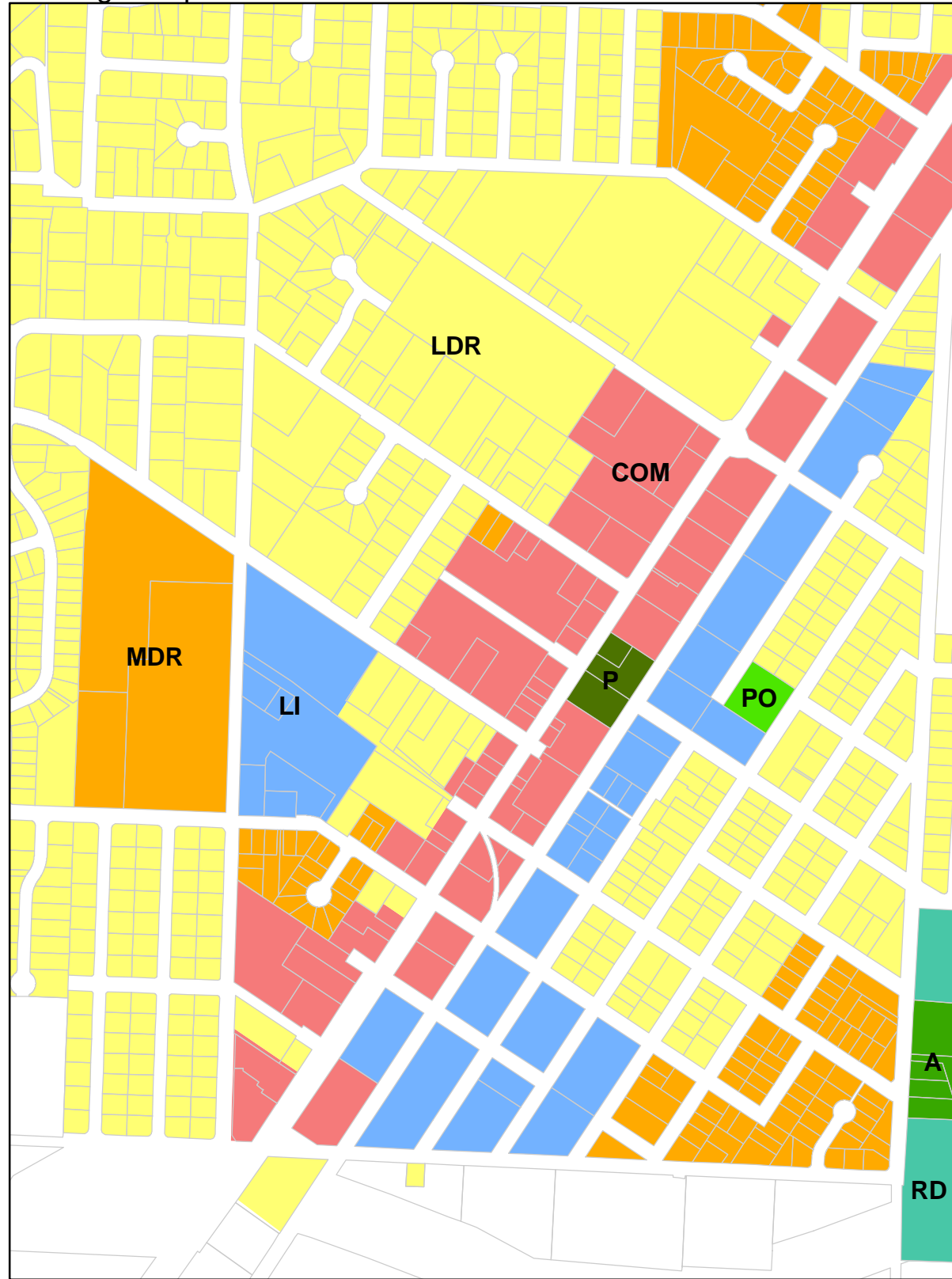
Brent Ahrend, P.E.
Senior Associate | Transportation Engineer

c: Anita Hettum - Robert Evans Company
Tom Wright - Mackenzie



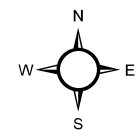
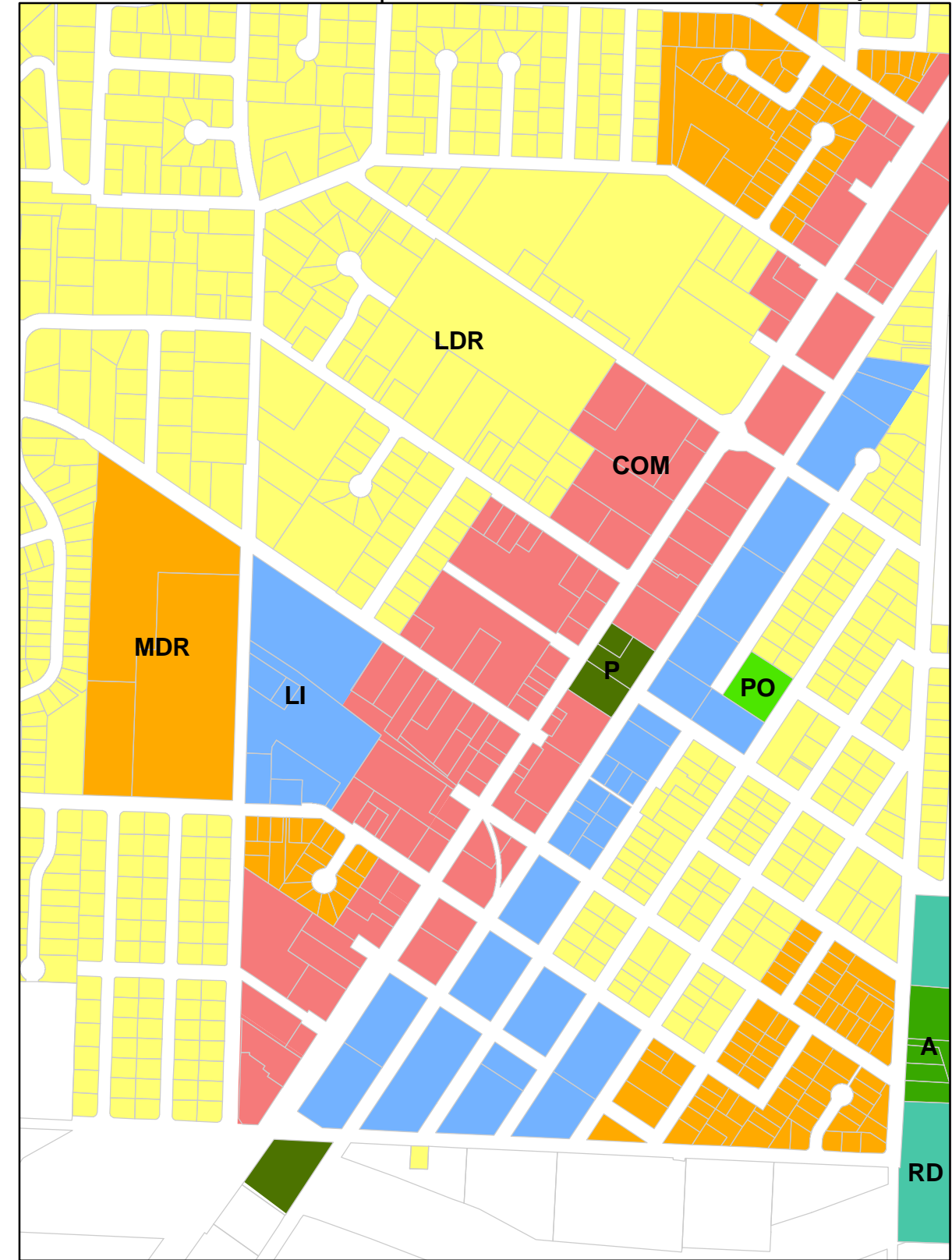
M.

Existing Comprehensive Plan



Recommended Future Comprehensive Plan

Exhibit "B": Map Amendments



- | | |
|---|--|
|  A - Agriculture |  LI - Light Industrial |
|  COM - Commercial |  P - Public |
|  LDR - Low Density Residential |  PO - Parks & Open Space |
|  MDR - Medium Density Residential |  RD - Riverfront District |