



Oregon

Theodore R. Kubongski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

9/3/2010

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Dundee Plan Amendment
DLCD File Number 002-09

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Thursday, September 16, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

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

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

RECEIVED
AUG 27 2010
STAMP

DEPT OF

AUG 27 2010

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Dundee**

Local file number: **NLUR-09-011**

Date of Adoption: **8/17/10**

Date Mailed: **8/25/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 4/6/09

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Amended the text of the Dundee Development Ordinance to create a Parks and Open Space (PO) zoning district, which includes a list of allowed uses and procedures for development approval.

Does the Adoption differ from proposal?

Yes. The original proposal included this text amendment plus map amendments to change the zoning of specific properties. The City Council decided to address these issues separately, and therefore focused on the text amendment only in this ordinance.

Plan Map Changed from: **NA**

to: **NA**

Zone Map Changed from: **NA**

to: **NA**

Location: **NA**

Acres Involved: **NA**

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

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

Chehalem Park and Recreation District, Newberg School District.

Local Contact: **Luke Pelz**

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

Address: **City of Dundee, P.O. Box 220**

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

City: **Dundee**

Zip: **97115**

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD of the Adopted Amendment to:**

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

CITY OF DUNDEE
ORDINANCE NO. 495-2010

AN ORDINANCE ADOPTING A DEVELOPMENT ORDINANCE AMENDMENT TO ADD SECTION 2.111 PARKS AND OPEN SPACE (PO)

WHEREAS, the City recognizes that a desired level of parks and open space should be provided for the citizen's of Dundee per adoption of the Comprehensive Plan and Dundee Parks and Open Space Plan, and State Land Use Planning Goals.

WHEREAS, creating a Parks and Opens Space zone: provides predictability to surrounding property owners regarding future development, establishes a process for meaningful citizen involvement, and allows for input from the City regarding proposed parks and other recreational uses.

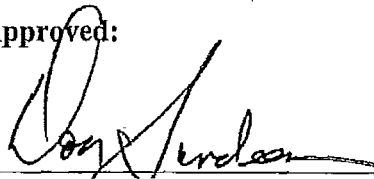
WHEREAS, the City Council held a hearing on this matter on August 3, 2010, and found that the proposed amendments are in the interest of the public, and meet the goals of the Dundee Comprehensive Plan.

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

1. Adopt the amendments contained in Exhibit "A".
2. Adopt the findings contained in Exhibit "B".

ADOPTED by the Council this 17th day of August 2010.

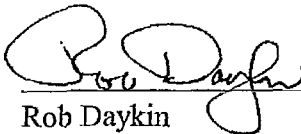
Approved:



Don Sundeen

Mayor

Attest:



Rob Daykin

City Administrator/Recorder

EXHIBIT A

DUNDEE DEVELOPMENT ORDINANCE AMENDMENT

File No. NLUR-09-01

The following section (2.111) shall be added to Dundee Development Ordinance as follows:

2.111 PARKS AND OPEN SPACE ZONE (PO)

2.111.01 Purpose

The purpose of the Parks and Open Space zone is:

To provide, protect, preserve, conserve and enhance parks, natural areas, and greenways in a manner that will provide a wide range of passive and active recreational opportunities for the citizens of Dundee consistent with the Dundee Parks and Open Space Plan.

2.111.02 Permitted Uses

The following uses are permitted in the PO zone:

- A. Parks, playgrounds and trails
- B. Public open space such as nature preserves or scenic areas
- C. Athletic fields and courts
- D. Swimming pools, splash fountains, and other outdoor water features
- E. Golf courses
- F. Boat landings
- G. Uses and structures clearly accessory and subordinate to the above

2.111.03 Development Review Process

These provisions provide the review and approval process for new development and improvements to existing sites. The intent of the process is to establish a long term plan for development sites and to coordinate site development with the local government, citizens, and developer. Furthermore, these provisions are intended to ensure that proposed site improvements, architecture, signs, landscaping, location and orientation of improvements, paths, and other site design elements meet the needs of

the community. Approval of a master plan is a precondition of all development on land within the Parks and Open Space (PO) zone.

A. Master Plan

The master plan shall be reviewed according to the following procedures:

1. All new development shall be reviewed as a Type III application.
2. An application shall be submitted by the applicant following the procedures of section 2.111.04.
3. Approval criteria. The approved master plan for new development shall be considered the master plan. The master plan shall show compliance with the guidelines of the 2005 edition of *Park, Recreation, and Leisure Facilities Site Planning*, the policies of the Dundee Comprehensive Plan and Parks and Open Space Plan, and the existing standards of the Dundee Development Ordinance. Specific consideration shall be given to the following criteria:
 - a. The master plan shall provide an adequate number of parking stalls to accommodate the proposed uses.
 - b. The master plan shall include uses that adequately meet the recreational needs of the population the use is intended to serve.
 - c. The master plan shall be compatible with neighboring uses. Considerations shall include, but not limited to: type of uses and improvements, hours of operation, lighting, noise, structure height, parking, setbacks, and landscaping.
 - d. The master plan shall provide for adequate pedestrian access to adjacent properties which are developed or will be developed in the future. This shall be accomplished through the provision of right of way dedication or a public access easement.
 - e. The master plan shall show the adjacent street frontage improved in accordance with city street standards and the standards contained in the transportation plan. At the discretion of the city, these improvements may be deferred through the use of a deferred improvement agreement or other form of security.
 - f. Other issues may be considered by the hearing body in order to ensure the proposed development complies with the Dundee Comprehensive Plan, the Dundee Parks and Open Space Plan, the

Dundee Development Code, and the 2005 edition of *Park, Recreation, and Leisure Facilities Site Planning*.

4. Community meeting. Prior to the initial hearing, the applicant shall hold one (1) meeting regarding the master plan. The applicant shall notify the City of the time and location of the meeting. The City may assist in coordination of the meeting at the direction of the City Administrator. The application shall be considered incomplete until the community meeting is held.

a. Objectives:

1. The meeting shall include a presentation by the applicant, and provide an opportunity for interested members of the public to review and comment upon the proposed development.
2. The required hearings shall not substitute for the required community meeting.
3. The initial hearing shall not be held until: the applicant certifies in writing that the required community meeting was held, and the applicant provides the City a summary of the public comments made at the community meeting.

b. Notice:

1. Newspaper Notice. The applicant shall publish notice of the meeting in the local newspaper fourteen (14) days prior to the meeting.
2. Mailed Notice. The applicant shall mail notice of the community meeting as follows:
 - a. For proposed development with a total area less than 2 acres, the applicant shall provide mailed notice to all property owners within 200 feet of the development site boundary.
 - b. For proposed development with total area between 2 acres and 5 acres, the applicant shall provide mailed notice to all property owners within 1000 feet of the development site boundary.

- c. For proposed development with a total area greater than 5 acres, the applicant shall provide mailed notice to all mail recipients within the Dundee City Limit boundary.
5. Conditions of approval. The hearing body shall designate conditions deemed necessary to secure the purpose of this chapter and the approval criteria and require the guarantees and evidence that such conditions will be complied with. Such conditions may include, but are not limited to, the regulation of:
- a. Setbacks.
 - b. Fences, walls, and vegetative buffers.
 - c. Exterior lighting.
 - d. Surfacing of parking areas.
 - e. Street dedications and improvements (or bonds).
 - f. Points of vehicular ingress and egress.
 - g. Signs.
 - h. Landscaping and maintenance thereof.
 - i. Maintenance of the grounds.
 - j. Noise, vibration, odors or other similar nuisances.
 - k. Hours of operation.
 - l. Time period within which the proposed use shall be developed.
 - m. Such other conditions as will make possible the development of the city in an orderly and efficient manner in conformity with the Dundee Comprehensive Plan, Dundee Parks and Open Space Plan, the Dundee Development Ordinance, and the 2005 edition of *Park, Recreation, and Leisure Facilities Site Planning*.
6. Public Hearing Notice. Notice shall be provided as described in section 3.202.

7. Appeals. A party aggrieved by the City Council decision may appeal the decision to the Land Use Board of Appeals.

B. Site Improvement Approval and Modification of the Master Plan

Site improvements are permitted outright upon a showing that the construction is in "substantial compliance" with the master plan according to the following procedure:

1. This review of substantial compliance will be undertaken by means of a Type IA procedure.
2. The site improvements will be considered to be within substantial compliance if the actual characteristics of the project, e.g., total gross square feet of development, building area, athletic field or court area, vehicle trips, parking spaces, are within five percent of those shown in the approved master plan, providing that the project still is in compliance with all applicable development standards in effect at the time of the approval, or existing applicable development standards, if these are less stringent than the standards in effect at the time of approval.
3. If a determination is made through the Type IA procedure that the site improvements are not in substantial compliance with the master plan, the proposal shall be considered a modification to the master plan. A modification to the master plan shall be reviewed as a new application and follow the procedures of 2.111.02.A.
4. If a master plan has not been approved for the site, the applicant shall have a master plan approved according to section 2.111.03.A prior to the approval of any site improvements that exceed a total valuation of \$7,500. Routine repairs and maintenance of existing facilities are permitted outright and do not require master plan approval.

2.111.04 Application Submittal – Master Plan

An application for master plan approval shall include the following:

- A. A Type III application form, fee, and deposit.
- B. Site plan. A site plan shall be to scale and indicate the following as appropriate to the nature of the use:
 1. Access to the site from adjacent right-of-way, streets and arterials;

2. Parking and circulation areas;
3. Location and design of buildings and signs;
4. Private and shared outdoor recreation spaces;
5. Pedestrian circulation;
6. Outdoor play areas;
7. Service areas for uses such trash disposal and above ground utilities;
8. Areas to be landscaped;
9. Exterior lighting;
10. Special provisions for handicapped persons;
11. Other site elements and spaces which will assist in the evaluation of site development;
12. Proposed grading, slopes, and proposed drainage;
13. Location and access to utilities including hydrant locations; and
14. Streets, driveways, and sidewalks.

C. Site analysis diagram. A site analysis diagram shall be to scale and shall indicate the following characteristics on the site and within 100 feet of the site:

1. Relationship of adjacent lands;
2. Location of species of trees greater than four inches in diameter at four feet above ground level;
3. Existing and proposed topography;
4. Natural drainage and proposed drainage and grading;
5. Natural features and structures having a visual or other significant relationship with the site.

D. Architectural drawings. Architectural drawings shall be prepared for all proposed structures.

- E. Landscape plan. The landscape plan shall indicate:
1. The size, species and approximate locations of plant materials to be retained or placed on the site together with a statement which indicates the mature size and canopy shape of all plant materials;
 2. Proposed site contouring; and
 3. A calculation of the percentage of the site to be landscaped.
 4. Buffering and screening of areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking and similar accessory areas and structures.
- F. Special needs for disabled. Where appropriate, the design review plan shall indicate compliance with accessibility requirements including, but not limited to, the location of parking spaces, the location of accessible routes from the on site facilities to the public way, and ramps for wheelchairs.
- G. Drives, parking and circulation. Where appropriate, the design review plan shall show proposed vehicular and pedestrian circulation, parking spaces, parking aisles, and the location and number of access points shall be indicated on the plans. Dimensions shall be provided on the plans for parking aisles, back-up areas, and other items as appropriate.
- H. Drainage. The direction and location of on and off-site drainage shall be indicated on the plans. This shall include, but not be limited to, site drainage, parking lot drainage, size and location of storm drain lines, and any retention or detention facilities necessary for the project.
- I. Signs and graphics. The location, colors, materials, and lighting of all exterior signs, graphics or other informational or directional features shall be shown on the plans.
- J. Exterior lighting. Exterior lighting within the design review plan shall be indicated on the plans. The direction of the lighting, size and type of fixtures and an indication of the amount of lighting shall be shown on the plans.
- K. Trash and refuse storage. All trash or refuse storage areas, along with appropriate screening shall be indicated on the plans. Refuse storage areas must be constructed of brick, concrete block or other similar products as approved by the hearing body.

- L. Roadways and utilities. The proposed plans shall indicate any public improvements that will be constructed as part of the project, including but not limited to, roadway and utility improvements.
- M. Current deed or title showing all easements and restrictions. For the purposes of this section current shall mean within six (6) months of the date of application submittal.
- N. Narrative. A narrative shall describe how the proposed plan complies with the Dundee Comprehensive Plan, Dundee Parks and Open Space Plan, the Dundee Development Ordinance, and the 2005 edition of *Park, Recreation, and Leisure Facilities Site Planning* and the intent statements in section 2.111.06. The narrative shall also summarize the comments obtained from the required neighborhood meeting.
- O. Other information as requested by the review body in order to make a decision.

EXHIBIT B

FINDINGS

File No. NLUR-09-01

TYPE IV LEGISLATIVE AMENDMENT CRITERIA

Proposed amendments shall be consistent with Dundee Comprehensive Plan policies and the State land use goals:

Dundee Comprehensive Plan and Dundee Parks and Open Space Plan

- 1. To conserve open space and preserve natural and cultural resources.*
- 2. Ensure adequate open space to meet the needs of Dundee's citizens, preserve scenic, historic, and natural resource areas, and promote a healthy, clean, and aesthetic environment.*
- 3. Anticipate and provide developed parks, open spaces, and natural areas prior to or concurrent with the development of neighborhoods.*
- 4. Provide recreational opportunities integrated throughout the community and into Downtown.*
- 5. Assure that parkland within Dundee owned by CPRD will not be sold or traded without the consultation and approval of the Dundee City Council.*

Oregon Administrative Rule (OAR) 660-034-0040 State and Local Park Planning

Local park providers may prepare local park master plans, and local governments may amend acknowledged comprehensive plans and zoning ordinances pursuant to the requirements and procedures of ORS 197.610 to 197.625 in order to implement such local park plans.

FINDINGS

By amending the Dundee Development Ordinance the City Council is taking necessary legislative action, as encouraged by OAR 660-034-0040, to implement the Dundee Comprehensive Plan and Dundee Parks and Open Space Plan.

FILE COPY Notice of

Proposed Amendment

THIS FORM **MUST BE RECEIVED BY DLCD**
45 DAYS PRIOR TO THE FIRST EVIDENTIARY HEARING
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18 AND SENATE BILL 543,
EFFECTIVE JUNE 30, 1999

For DLCD Use Only

Jurisdiction: Dundee Local file number: ZC-09-08, CMA-09-09

Date First Evidentiary hearing: 5/20/2009 Date of Final Hearing: _____

Date this Notice of Proposed Amendment was mailed to DLCD: 4/6/2009

Is this a **REVISED** Proposal previously submitted to DLCD? YES NO Date Submitted: _____

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Briefly Summarize Proposal. Do not use technical terms. Do not write "See Attached". (limit of 500 characters)

Amend the text of the Comprehensive Plan to establish a (PO) Parks and Open Sapce designation and amend the Development Code to establish a (PO) Parks and Open Space zoning designation and development policies. Amend the Development Code to modify the (P) zone minimum lot size. Amend the Comprehensive Plan Map and Zoning Map to reflect existing and future: public and quasi-public facilities, publicly owned lands, and parks.

Plan Map Changed from: A, R-1, CBD to: (P) Public & (PO) Parks

Zone Map Changed from: A, R-1, CBD to: (P) Public & (PO) Parks

Location: Existing and future public land and parks Acres Involved: 75

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 3, 5, 8, and 11

Is an Exception Proposed? YES NO

Affected State or Federal Agencies, Local Governments or Special Districts:

Chehalem Valley Park and Recreation District and the Newberg School District

Local Contact: LUKE PELZ Phone: (503) 538-1240 Extension: _____

Address: P.O. Box 220 City: Dundee Zip: 97115

Fax Number: 503-538-1958 Email Address: dundeeplanner@comcast.net

DLCD File No.: _____



PO Box 220
Dundee, Oregon 97115



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