



Oregon
Theodore R. Kubongoski, Governor

Department of Land Conservation and Development
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Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

08/30/2013

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 003-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. 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 12, 2013

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

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

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

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

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

AUG 26 2013

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **20-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: **LURA 12-11**

Date of Adoption: **8/20/2013**

Date Mailed: **8/22/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 8/6/2012

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".

Revision of the Dundee Development Code to streamline and clarify language, reorganize code and adopt as part of the overall municipal code, and minor policy adjustments. The concepts and policies within the code are carried forward with this version; no major policy issues are being addressed at this time.

Does the Adoption differ from proposal? Yes, Please explain below:

The code has undergone many iterations of formatting, word changes, and minor policy tweaks since the proposal was first submitted. No major policy issues were addressed however, and the code is fundamentally the same.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD File No. 003-12-(19451) [7588]

DLCD file No. _____

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

Local Contact: **Jessica Nunley, AICP**

Phone: **(503) 554-7744** Extension:

Address: **PO Box 220**

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

City: **Dundee**

Zip: **97115-**

E-mail Address:

jessica.nunley@newbergoreogn.gov

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE NO. 521-2013

AN ORDINANCE AMENDING THE DUNDEE MUNICIPAL CODE TO ADOPT A NEW TITLE 17, TO BE KNOWN AS THE DUNDEE DEVELOPMENT CODE

RECITALS:

1. The City of Dundee began an audit of the Dundee Development Ordinance (Code) in October 2010, by contracting with Siegel Planning Services, LLC. The intent of the Code audit and subsequent update was to: clarify Code standards and procedures; resolve substantive conflicts within the Code and ensure internal consistency; correct typographical and grammatical errors; improve the overall organization, formatting, and flow of the document; update the Code to address changes in state law; and identify major policy issues within the Code to be addressed in a future phase of Code updates.
2. The Planning Commission held a series of workshops throughout 2011, 2012, and 2013 to review and comment on work as it was completed by Siegel Planning Services, LLC and staff, and adopted an Order of Recommendation on July 17, 2013, recommending that City Council adopt the revised Development Code.
3. The updated Code meets the intent of the audit and update process, and results in a better organized and more clearly worded document to assist with development in Dundee. The Code has been numbered and formatted to fit into the existing Dundee Municipal Code as the new Title 17.
4. Proper notice of the August 6, 2013 City Council hearing was posted in the Newberg Graphic and on the City of Dundee website.

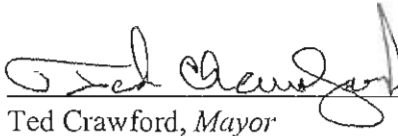
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUNDEE HEREBY ORDAINS AS FOLLOWS:

1. The City of Dundee Development Ordinance No. 324, dated May 1, 1995, including all subsequent amendments thereto, is hereby repealed.
2. Ordinance No. 434-2005, Service Station Design Ordinance, is hereby repealed.
3. The Dundee Municipal Code is hereby amended to include the revised Title 17, Dundee Development Code, as shown in Exhibit "A". Exhibit "A" is hereby attached and by this reference incorporated.


4. The findings in support of these amendments are hereby attached as Exhibit "B" and by this reference incorporated.

ADOPTED by the Dundee City Council this 20th day of August, 2013.

Approved:


Ted Crawford, *Mayor*

Attest:


Rob Daykin, *City Administrator/Recorder*

ATTACHMENTS:

Exhibit "A": Title 17, Dundee Development Code

Exhibit "B": Findings

Title 17

DEVELOPMENT CODE

Chapters:

Division 17.100. Introduction and General Provisions

- 17.101 Introduction
- 17.102 Title, Purpose, and Authority
- 17.103 Code Interpretations
- 17.104 Nonconforming Situations
- 17.105 Violations

Division 17.200. Zoning and Land Use Requirements

- 17.201 Establishment of Zones
- 17.202 Zoning Regulations
- 17.203 Special Use Standards
- 17.204 Overlay Zones

Division 17.300. Development Requirements

- 17.301 Access and Circulation
- 17.302 Landscaping and Screening
- 17.303 Exterior Lighting
- 17.304 Parking and Loading
- 17.305 Public Improvements and Utilities
- 17.306 Signs

Division 17.400. Application Review Procedures and Approval Criteria

- 17.401 General Review Procedures
- 17.402 Site Development Review
- 17.403 Land Divisions and Property Line Adjustments
- 17.404 Conditional Use Permits
- 17.405 Map or Code Amendments
- 17.406 Variances and Adjustments
- 17.407 Planned Unit Development (PUD)
- 17.408 Annexations

Division 17.500. Definitions

- 17.501 Definitions

Division 17.100. Introduction and General Provisions**Chapter 17.101****INTRODUCTION**

Sections:

17.101.010 Introduction.

17.101.010 Introduction.

The city of Dundee development code ("code") is administered by the city administrator who acts as planning official, or by a planning official designated by the city administrator.

This code regulates land use and development within the city of Dundee, and is organized as follows:

DMC Division 17.100 describes the title, purpose, organization and general administration of the code. DMC Division 17.100 explains how the city interprets and enforces the code, and how the city will handle non-conforming situations.

DMC Division 17.200 sets forth the land uses allowed in the city's zoning districts, and the lot and development standards for each use or zone, consistent with the city of Dundee comprehensive plan.

DMC Division 17.300 sets forth the city's site development and land division standards related to street access; pedestrian and vehicle circulation; parking; landscaping, screening, fences and walls; outdoor lighting; transportation improvements; water, sanitary sewer, and storm drainage improvements; utility requirements; and signs.

DMC Division 17.400 sets forth the city's land use application requirements and review procedures, including procedures for site development review, land divisions, property line adjustments, conditional use permits, zoning amendments, variances, and planned unit developments.

DMC Division 17.500 contains definitions and other exhibits that the city uses in interpreting and administering this code. [Ord. 521-2013 Exh. A].

Chapter 17.102**TITLE, PURPOSE, AND AUTHORITY**

Sections:

- 17.102.010 Title.
- 17.102.020 Purpose.
- 17.102.030 Conformance required.
- 17.102.040 Savings clause.
- 17.102.050 Pre-existing approvals.

17.102.010 Title.

The official name of this title is “the city of Dundee development code.” It may be referred to as “development code” and “code.” [Ord. 521-2013 Exh. A].

17.102.020 Purpose.

This code is enacted to:

- A. Implement the goals and policies of the city of Dundee comprehensive plan;
- B. Provide methods of administering and enforcing city land use standards and procedures, consistent with state requirements; and
- C. Promote the public health, safety, and general welfare of the community. [Ord. 521-2013 Exh. A].

17.102.030 Conformance required.

The use of all land, as well as the construction, reconstruction, enlargement, structural alteration, movement, use, or occupation of any structure within the city of Dundee shall conform to the requirements of this code. [Ord. 521-2013 Exh. A].

17.102.040 Savings clause.

Should any section, clause, or provision of this code be declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the code as a whole or of the remaining sections. Each section, clause, and phrase is declared severable. [Ord. 521-2013 Exh. A].

17.102.050 Pre-existing approvals.

A. Developments and uses for which city approvals were granted prior to the effective date of this code or subsequent amendment thereof may occur pursuant to such original approvals until the expiration of such approval. Modifications to those approvals shall be subject to the provisions of this code.

B. Per ORS 92.040(3), the provisions of this code in effect at the time of subdivision tentative plat approval shall apply to subsequent construction on the property for the five-year period following the preliminary plat approval date, unless a different period is specified in the amending ordinance or the applicant elects for the current code provisions to apply. [Ord. 521-2013 Exh. A].

Chapter 17.103**CODE INTERPRETATIONS**

Sections:

- 17.103.010 Purpose.
- 17.103.020 General standards for interpretation.
- 17.103.030 Process for formal code interpretations.
- 17.103.040 Authorization of similar uses.

17.103.010 Purpose.

Some terms or phrases within this code may have two or more reasonable meanings. This chapter provides a process for resolving differences in the interpretation of the code text. [Ord. 521-2013 Exh. A].

17.103.020 General standards for interpretation.

A. Except as otherwise provided herein or by law, the planning official shall be responsible for interpreting the provisions of this code.

B. The provisions of this code shall be interpreted as minimum requirements. When this code imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provisions of this code shall control.

C. Where a certain provision of this code conflicts with another provision of this code, the more restrictive provision shall apply.

D. Where the provisions of this code are not clear, any party may request a formal interpretation of this code in accordance with the procedures in DMC 17.103.030.

E. The planning official may correct scrivener's errors in the text of this code. [Ord. 521-2013 Exh. A].

17.103.030 Process for formal code interpretations.

A. Requests. Any party requesting a formal code interpretation shall make the request in writing to the planning official. The request shall be made on forms provided by the planning official, and shall be accompanied by a fee set by resolution of the city council.

B. Decision to Issue Interpretation. The planning official shall have the authority to review a request for an interpretation. The planning official shall advise the requester in writing within 14 days after the request is made on whether or not the city will issue the requested interpretation.

C. Declining Requests for Interpretations. The planning official is authorized to issue or decline to issue a requested interpretation. The basis for declining may include, but is not limited to, a finding that the subject code section affords only one reasonable interpretation and the interpretation does not support the request. The planning official's decision to issue or decline to issue an interpretation is final when the decision is mailed to the party requesting the interpretation and the decision is not subject to any further local appeal. If the planning official declines the request for interpretation, the planning official shall refund the unexpended portion of the application fee.

D. Written Interpretation. If the planning official decides to issue an interpretation, he or she shall issue it in writing and mail or deliver it to the person requesting the interpretation and any other person who specifically requested a copy of the interpretation. The written interpretation shall be issued within 14 days after the planning official advises the requester that an interpretation will be issued. The decision shall become effective 10 days later, unless an appeal is filed in accordance with subsection (E) of this section.

E. Appeals. The applicant and any party who received such notice or who participated in the proceedings through the submission of written or verbal evidence of an interpretation may appeal the interpretation to the planning commission within 10 days after the interpretation was mailed or delivered to the applicant. The appeal may be initiated by filing a notice of appeal with the planning official. The appeal shall be handled in the same manner as provided under DMC 17.401.030(D).

F. Interpretations on File. The planning official shall keep on file a record of all formal code interpretations. [Ord. 521-2013 Exh. A].

17.103.040 Authorization of similar uses.

A. The purpose of this section is to provide for those uses not specifically listed in a particular zoning district but which are similar in character, scale and performance to the permitted uses specified therein.

B. The planning official, through a Type I procedure, may determine that a use not specifically listed among the allowed uses in a zone is permitted, permitted with special use standards, or allowed subject to approval of a conditional use permit based on all of the following criteria:

1. The use is consistent with the purpose of the underlying zoning district and is similar in character, scale and performance to permitted uses specified in the underlying district;

2. The use does not conflict with the standards and limitations of the underlying zoning district. The review body shall determine whether additional land use review, such as conditional use approval or a site plan review, is required;

3. The proposed use, by definition, is not limited to a different zone.

C. The applicant and any party who received such notice or who participated in the proceedings through the submission of written or verbal evidence of a similar use may appeal the interpretation to the planning commission within 10 days after the interpretation was mailed or delivered to the applicant. The appeal may be initiated by filing a notice of appeal with the planning official. The appeal shall be handled in the same manner as provided under DMC 17.401.030(D).

D. The determination by the planning official that a proposed similar use cannot be accommodated in a given zone does not preclude an application by the appropriate party for an amendment to the text of the comprehensive plan and/or development code. [Ord. 521-2013 Exh. A].

Chapter 17.104

NONCONFORMING SITUATIONS

Sections:

- 17.104.010 Purpose and scope.
- 17.104.020 Applicability.
- 17.104.030 Nonconforming use.
- 17.104.040 Nonconforming development.
- 17.104.050 Nonconforming lots.
- 17.104.060 Planning commission review of nonconforming situations.

17.104.010 Purpose and scope.

Within the zoning districts established by this code and amendments thereto, uses, developments, and lots exist which were lawful when established but which would be prohibited or restricted under the terms of this code. The general purpose of this chapter is to encourage the conversion of such nonconforming situations to conforming situations. However, this chapter allows nonconforming uses, developments, and lots to be continued, altered, restored or replaced within limits established herein and subject to satisfaction of the review criteria. Nothing contained in this chapter shall require any change in the plans, construction, or designated use of any structure for which a building permit was issued and actual construction commenced prior to the date of adoption of this chapter or any amendment thereto. [Ord. 521-2013 Exh. A].

17.104.020 Applicability.

- A. DMC 17.104.030 applies to nonconforming uses (e.g., industrial use in residential zone);
- B. DMC 17.104.040 applies to nonconforming developments (e.g., structure does not meet setback standard, or site does not comply with parking or landscaping standards);
- C. DMC 17.104.050 applies to nonconforming lots (e.g., lot is smaller than minimum area required by code);
- D. DMC 17.306.040 applies to nonconforming signs; and
- E. DMC 17.303.060 applies to nonconforming exterior lighting. [Ord. 521-2013 Exh. A].

17.104.030 Nonconforming use.

A legally established and continuing nonconforming use, such as an industrial use in a residential zone, may continue, subject to the following:

A. Location of Nonconforming Use. A nonconforming use shall not be moved in whole or in part from one lot to another lot, except as to bring the use into conformance with this code.

B. Change of Nonconforming Use. A nonconforming use may not be changed to or replaced with a different nonconforming use. A change to or replacement with a use in the same land use category, such as a change from one type of manufacturing use to another, is allowed.

C. Expansion, Modification or Alteration. The planning commission may authorize expansion, modification, or alteration of nonconforming use, subject to the Type III review procedure. Notwithstanding the above provisions, alteration of any nonconforming use when necessary to comply with any lawful requirement for alteration of the use shall be permitted, subject to all other laws, ordinance and regulations.

D. Discontinuation or Abandonment of Nonconforming Use. A nonconforming use that is discontinued for any reason for a period of more than 12 months shall be deemed abandoned and shall no longer be an allowed use; except as provided under subsection (E) of this section. The beginning date of discontinuance is determined by the first occurrence of any one of the following or any other action to discontinue the use:

1. The date when the use of land is physically vacated;

2. The date the use ceases to be actively involved in the sale of merchandise or the provision of services; for example, as evidenced by the removal of signs, goods/stock, or office equipment, or the disconnection of telephone or utility service;

3. The date of termination of any lease or contract under which the nonconforming use has occupied the land;

4. The date a request for final reading of water or power meters is made to the applicable utility districts.

E. Extension of Nonconforming Use. A discontinued nonconforming use may continue beyond the time period established under subsection (D) of this section in either of the following situations:

1. The planning official may approve an extension of the time period above through a Type I procedure if the discontinuance was due to a physical casualty beyond the owner's control, such as fire, flood, or natural disaster, and the nonconforming use is reestablished within 24 months of the first discontinuance.

2. The planning commission may approve an extension of the time periods above through a Type III procedure, following the criteria and procedures found in DMC 17.104.060, in which case the extension shall be limited to one 12-month period.

F. Application of Code Criteria and Standards to Abandoned Nonconforming Use. Once a nonconforming use is abandoned pursuant to subsection (D) of this section, any subsequent use of the subject lot shall conform to the current standards and criteria specified by this code. After the nonconforming use is abandoned, the use shall not be allowed to resume, in whole or in part, under the same or different ownership/management, and shall not be altered or replaced by another nonconforming use; any such activity is a violation of this code.

G. Uses that Now Require Conditional Use Permits. A continuing use that was legally established as a permitted use in the zone but that now only could be established with a conditional use permit is considered to be permitted as a conditional use under the terms of the original permit. [Ord. 521-2013 Exh. A].

17.104.040 Nonconforming development.

Legally existing nonconforming development, such as development that does not meet current standards for height, setbacks, access, parking, landscaping, frontage improvements, or other requirements concerning the development, may remain on the site so long as it remains otherwise lawful, subject to the provisions below.

A. Maintenance. Nonconforming development may be maintained to remain in good condition, such as by painting, residing, resurfacing, or repairing or replacing worn material. Maintenance shall not include major structural alterations as determined by the city building official. Replacement of items is subject to the provisions of subsection (D) of this section.

B. Expansion of Structure Not Conforming to Front Yard Setback. When a nonconforming structure does not meet front yard setback requirements, the planning official may approve additions to that structure, provided:

1. The addition has a front yard setback equal to or exceeding the front yard setback of the existing nonconforming structure;

2. The addition conforms to all other provisions of this code; and

3. The addition is not greater than 40 percent of the square footage on the ground level of the existing structure.

C. Other Expansion, Modification and Alteration. The planning commission may authorize alteration of nonconforming development, subject to the Type III review procedure and the criteria and procedures in DMC 17.104.060.

D. Destruction or Removal.

1. The planning official shall authorize restoration or replacement of a nonconforming building when restoration or replacement is made necessary due to circumstances beyond the owner's control, such as fire, casualty, or natural disaster, provided the physical restoration or replacement is lawfully commenced within 12 months of the damage or destruction. The planning commission may approve an extension for an additional 12 months using the procedures in DMC 17.104.060.

2. Nonconforming development, when otherwise destroyed or removed, may not be replaced except in conformance with this code.

3. A nonconforming development, upon being moved for any reason and by any distance, shall thereafter conform to the regulations of this code.

E. Improvements on Lots Containing Nonconforming Development.

1. Improvements on lots containing nonconforming development where the floor area or value of proposed improvements equals or exceeds the floor area or value of existing improvements on site shall bring all existing development on site into conformance with current development standards.

2. Improvements on lots containing nonconforming development where the floor area and value of improvements are less than the floor area and 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 nonconformities beyond a cost that would exceed roughly 25 percent of the cost of the proposed improvements.

3. 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.

F. Land Divisions or Property Line Adjustments on Lots Containing Nonconforming Development. Land divisions and property line adjustments may be approved on lots containing nonconforming development without change to the development, provided the land division or adjustment does not increase the nonconformity. This provision does not alleviate requirements for improvements, such as frontage improvements, driveway relocations, utility installation, or other improvements necessitated by the land division or adjustment. [Ord. 521-2013 Exh. A].

17.104.050 Nonconforming lots.

A. Development on Nonconforming Lots. Development otherwise permitted in the zone may occur on a lot that is nonconforming due to substandard lot size, lot width, lot frontage, or other dimensional standards subject to all other standards of this code, including setbacks and access, unless otherwise approved through a variance.

B. Residential Development on Undersized Lots. Where a noneonforming lot is less than the minimum lot size but at least 3,000 square feet and a single-family dwelling otherwise would be permitted on the lot, the single-family dwelling will be permitted. If the nonconforming lot is less than 3,000 square feet, a single-family dwelling only may be considered by the planning commission, subject to the Type III review procedure and the criteria and procedures in DMC 17.104.060.

C. Modifications to Nonconforming Lots. Adjustment or division on nonconforming lots is subject to the requirements of Chapter 17.403 DMC. [Ord. 521-2013 Exh. A].

17.104.060 Planning commission review of nonconforming situations.

A. Applicability. This section applies to areas where planning commission review of a nonconforming situation is allowed or required using a Type III process, including:

1. Expansion, modification, or alteration of a nonconforming use (DMC 17.104.030(C)).
2. Extension of a discontinued nonconforming use (DMC 17.104.030(E)(2)).
3. Expansion, modification, or alteration of a nonconforming development (DMC 17.104.040(C)).
4. Improvements on lots containing nonconforming development exceeding limits (DMC 17.104.040(E)(3)).
5. Allowance for residential development on undersized lots (DMC 17.104.050(B)).

B. Criteria. The planning commission may approve an application for review of a nonconforming situation upon finding all the following criteria are met:

1. The proposal provides a reasonable continuance of the nonconforming situation considering the time frame of establishment, discontinuance, and level and intensity of use.
2. The proposal or reasonable alternate cannot reasonably or practically bring the nonconforming situation into conformance with current code.

3. The proposal brings the nonconforming situation into conformity to the extent practical.

4. If the proposal involves an expansion, modification, or alteration of nonconforming use or development, then the expansion, modification, or alteration has no greater adverse impact on the neighborhood than the existing nonconforming use or development with regard to noise, traffic, parking, air quality, impact on public facilities or similar impacts.

C. Conditions of Approval. In reviewing a nonconforming situation, the planning commission may impose such conditions as it deems appropriate to ensure that the intent of this chapter is carried out. Such conditions shall be reasonably related to the criteria set forth in this chapter. [Ord. 521-2013 Exh. A].

Chapter 17.105**VIOLATIONS**

Sections:

17.105.010 Violations.

17.105.010 Violations.

Upon failure to comply with any provision of this code, or with any restrictions or conditions imposed hereunder, the city administrator may withhold any further permits and may withhold or withdraw city utility services until correction is made. Notwithstanding any such action taken by the city administrator, any person, firm or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this code shall be subject to civil penalties of no more than \$250.00 for each offense. Each day that a violation exists shall constitute a separate offense. [Ord. 521-2013 Exh. A].

Division 17.200. Zoning and Land Use Requirements**Chapter 17.201****ESTABLISHMENT OF ZONES**

Sections:

- 17.201.010 Purpose and classification of zones.
17.201.020 Determination of zoning boundaries.

17.201.010 Purpose and classification of zones.

Every parcel, lot, and tract of land within the city of Dundee is designated with a zoning district. The use of land is limited to the uses allowed by the applicable zoning district. Zoning designations shall be as depicted on the city of Dundee zoning map, which shall be consistent with the city of Dundee comprehensive plan. The planning official maintains official copies of the zoning map and comprehensive plan. Where a conflict between documents arises, the comprehensive plan shall govern. [Ord. 521-2013 Exh. A].

17.201.020 Determination of zoning boundaries.

Where due to the scale, lack of scale, lack of detail or illegibility of the zoning map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of a zoning boundary line, the boundary line shall be determined by the planning official or, upon referral, the planning commission, in accordance with all of the following criteria:

A. Rights-of-Way. Boundaries that approximately follow the centerlines of streets, highways, alleys, bridges, or other rights-of-way shall be construed to follow such centerlines. Where the right-of-way is not shown as zoned, the zoning of the abutting property shall extend to the centerline. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same zoning designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a zoning boundary, the vacated lands within the former right-of-way shall be allocated to the zones in the same manner as the vacated lands are apportioned to the abutting lands;

B. Parcel, Lot, Tract. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries;

C. Jurisdiction Boundary. Boundaries indicated as approximately following a city or county boundary, or the urban growth boundary, shall be construed as following said boundary; and

D. Natural Features. Boundaries indicated as approximately following a river, stream, topographic contour or other changeable natural feature not corresponding to any feature listed in subsections (A) through (C) of this section shall be construed as following such feature. [Ord. 521-2013 Exh. A].

Chapter 17.202

ZONING REGULATIONS

Sections:

- 17.202.010 Purpose.
- 17.202.020 Allowed uses.
- 17.202.030 Lot and development standards.
- 17.202.040 Yard standards, exceptions to yard and building height standards.
- 17.202.050 Fence standards.

17.202.010 Purpose.

All real property in Dundee is subject to the zoning regulations of this chapter. Certain types of land uses are also subject to the special use regulations in Chapter 17.203 DMC. Some properties are also subject to the overlay zone regulations of Chapter 17.204 DMC.

A. Agricultural Zone (A). The A zone encourages the continuation of productive farmland within the city.

B. Exclusive Farm Use (EFU). The EFU zone provides for the continued practice of agriculture while providing for new uses that are compatible with agricultural activities.

C. Single-Family Residential Zone (R-1). The R-1 zone preserves existing single-family residential areas and provides for future single-family residential housing opportunities at target densities between three and one-half and four units per acre. The R-1 zone is consistent with the low density residential comprehensive plan designation.

D. Single-Family Residential Zone (R-2). The R-2 zone provides for a mixture of single-family and duplex housing at target densities between four and 4.7 units per acre. The R-2 zone is consistent with the low density residential comprehensive plan designation.

E. Medium Density Residential Zone (R-3). The R-3 zone provides for a mixture of attached and detached housing at target densities of up to 10 units per acre. The R-3 zone is consistent with the medium density residential comprehensive plan designation.

F. Community Commercial Zone (C). The C zone provides for a wide range of retail, wholesale, transportation, and service uses. To assure compatibility between those 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 specified.

G. Central Business District (CBD). The CBD 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.

H. Light Industrial Zone (LI). The LI zone provides for the grouping together of warehousing, manufacturing, and other light industrial uses, which because of their usual operating characteristics could be permitted to operate in close proximity to commercial or residential uses.

I. Public Zone (P). The P zone provides for public and semi-public uses, where such uses do not unreasonably disrupt or alter other areas of the community.

J. Parks and Open Space Zone (PO). The PO zone provides for the use, protection, preservation, conservation, development and enhancement of parks, natural areas, and greenways in a manner that meets community and visitor needs for a wide range of passive and active recreational uses, consistent with the Dundee parks and open space plan. [Ord. 521-2013 Exh. A].

17.202.020 Allowed uses.

Table 17.202.020 lists the uses that are allowed by each of the city's base zones. Where a specific use is not listed, and is not otherwise defined in DMC Division 17.500 as an example of a permitted use, the city may find the use is allowed or not allowed in the subject zone, pursuant to DMC 17.103.040.

Notwithstanding the provisions below, additional limitations may apply to uses within overlay zones. For requirements applicable to the city's overlay zones – flood plain overlay, greenway management overlay, and commercial Victorian overlay – please refer to Chapter 17.204 DMC.

Property owners are responsible for verifying whether a specific development is allowed on a particular site. Approval of a Type I checklist or site development review under Chapter 17.402 DMC may be required prior to commencing a use.

Table 17.202.020 is organized as follows:

- A. Residential uses.
- B. Public and institutional uses.
- C. Commercial uses.
- D. Industrial and mixed employment uses.
- E. Agricultural and natural resource uses.
- F. Accessory uses.
- G. Temporary uses.

Legend for Table 17.202.020:

- P: Permitted use
- CU: Conditional use
- S: Special use requirements apply
- N: Use is not permitted

Table 17.202.020: Zoning Use Table		P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted									
Uses	Residential			Commercial and Employment			Public and Agriculture				Special Use Requirements
	R-1	R-2	R-3	C	CBD	LI	P	PO	A	EFU	
A. Residential Uses											
Single-Family Dwelling, including manufactured homes subject to DMC 17.203.100	P	P	P	N	N	N	N	N	See Ag Uses	See Ag Uses	
Two-Family (Duplex) Dwelling, Single-Family Attached Dwelling	N	S	S	N	N	N	N	N	N	N	DMC 17.203.080, DMC 17.202.040(G) for Single-Family Attached
Zero Side Yard Dwellings (Townhouse or Single-Family Detached)	N	N	S	N	N	N	N	N	N	N	DMC 17.202.040(G)
Manufactured Dwelling Park or Mobile Home Park	N	N	S	N	N	N	N	N	N	N	DMC 17.203.110
Multifamily Dwelling	N	N	P	CU	N	N	N	N	N	N	DMC 17.203.120
Dwelling(s), above permitted ground floor commercial use	N	N	N	CU	P	N	N	N	N	N	
Boarding, Lodging, or Rooming House	N	N	P	N	N	N	N	N	N	N	
Home Occupation	S	S	S	N	N	N	N	N	S	S	DMC 17.203.090, DMC 17.203.180 in EFU
Family Child Care Home	P	P	P	P	P	N	P	N	N	N	
Residential Care Home	P	P	P	N	N	N	N	N	N	N	
Residential Care Facility	N	N	P	CU	N	N	N	N	N	N	
B. Public and Institutional Uses											
Cemetery	CU	CU	CU	N	N	N	CU	N	N	N	
Church	CU	CU	CU	P	P	N	P	N	CU	S	DMC 17.203.180, see limits in OAR 660-33 in EFU
Community Building	CU	CU	CU	P	P	N	P	N	CU	CU+S	DMC 17.203.180, see limits in OAR 660-33 in EFU

Table 17.202.020: Zoning Use Table		P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted									
Uses	Residential			Commercial and Employment			Public and Agriculture				Special Use Requirements
	R-1	R-2	R-3	C	CBD	LI	P	PO	A	EFU	
Club, Lodge, or Fraternal Organization	CU	CU	CU	P	P	N	P	N	CU	N	
Day Care Facility, Preschool	CU	CU	CU	P	N	N	CU	N	N	N	
Emergency Service Facility	N	N	N	P	CU	N	P	N	N	S	DMC 17.203.180, see limits in OAR 660-33 in EFU
Hospital	N	N	CU	P	N	N	CU	N	N	N	
Mortuary	N	N	N	P	N	N	CU	N	N	N	
Nursing Home	N	N	CU	N	N	N	CU	N	N	N	
Parking Facility	N	N	N	P	P	P	P	N	N	N	
Parks Not to Exceed One-Half Acre, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, including Accessory Buildings and Structures	P	P	P	P	P	N	P	S	CU	CU+S	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	S	S	S	N	S	S	CU+S	CU+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	CU	CU	CU	N	CU	N	N	N	
School, Commercial	N	N	N	CU	P	N	N	N	N	N	
School, Elementary or Secondary	CU	CU	CU	N	N	N	P	N	N	N	
Solid Waste Disposal and Recycling Sites and Facilities, except as accessory to a permitted use	N	N	N	N	N	CU	CU	N	N	N	
Utility, Area	CU	CU	CU	P	CU	P	P	N	N	N	

Table 17.202.020: Zoning Use Table		P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted									
Uses	Residential			Commercial and Employment			Public and Agriculture				Special Use Requirements
	R-1	R-2	R-3	C	CBD	LI	P	PO	A	EFU	
Wireless Communication Facilities	CU+S	CU+S	CU+S	CU+S	CU+S	S	S	N	CU+S	S	DMC 17.203.170, DMC 17.203.180 in EFU, see limits in OAR 660-33 In EFU
C. Commercial Uses											
Amusement and Recreation Facilities, including Theaters, Bowling Alleys, Concert Venues.	N	N	N	CU	CU	N	CU	N	N	N	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	N	N	N	P	P	N	N	N	N	N	
Automobile Service Station	N	N	N	CU+S	N	S	N	N	N	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	N	N	N	CU+S	N	S	N	N	N	N	DMC 17.203.140 if outdoors/unenclosed
Automotive Sales and Rental, including Automobiles, Motorcycles, Aircraft, Boats, RVs, and Trucks	N	N	N	CU+S	N	N	N	N	N	N	DMC 17.203.140 if outdoors/unenclosed
Automotive Parts and Accessory Sales	N	N	N	S	N	N	N	N	N	N	DMC 17.203.140 if outdoors/unenclosed
Bakery, Butcher Shop, Candy Manufacturing, and similar uses, when retail sales provided on premises	N	N	N	P/S	P/S	N	N	N	N	N	See DMC 17.203.070 if drive-through or walk-up service

Table 17.202.020: Zoning Use Table											
P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted											
Uses	Residential			Commercial and Employment			Public and Agriculture			Special Use Requirements	
	R-1	R-2	R-3	C	CBD	LI	P	PO	A	EFU	
Banks and Other Financial Institutions	N	N	N	P/S	P/S	N	N	N	N	N	See DMC 17.203.070 if drive-through or walk-up service
Barber or Beauty Shop	N	N	N	P	P	N	N	N	N	N	
Bed and Breakfast Inn, with three or fewer guest sleeping rooms	P	P	P	N	P	N	N	N	N	N	DMC 17.203.050
Bed and Breakfast Inn, with four or more guest sleeping rooms	CU	CU	CU	N	P	N	N	N	N	N	DMC 17.203.050
Bicycle Rental Shop	N	N	N	P	P	N	N	N	N	N	
Boat Landing, not a marina	N	N	N	N	N	N	N	S	CU	CU+S	DMC 17.203.130, DMC 17.203.180 in EFU, see limits in OAR 660-33 in EFU
Business and Professional Offices	N	N	N	P	P	N	N	N	N	N	
Garden Supply, including Commercial Greenhouses	N	N	N	P/S	CU+S	CU+S	N	N	P	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	CU	CU	CU	N	N	N	P	P	CU	CU+S	DMC 17.203.180, see limits in OAR 660-33 in EFU
Golf Driving Range, Miniature Golf, Golf Pro Shop	N	N	N	CU	CU	N	CU	CU	N	N	See DMC 17.203.140
Hotels and Motels	N	N	N	P	P	N	N	N	N	N	
Kennel	N	N	N	CU	N	CU	CU	N	CU	N	See DMC 17.203.140
Lumber Yard and Similar Outdoor Sales of Building or Contracting Supplies	N	N	N	CU+S	N	S	N	N	N	N	DMC 17.203.140
Marina, with no boat repair	N	N	N	N	N	N	CU+S	S	CU	N	DMC 17.203.140

Table 17.202.020: Zoning Use Table		P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted									
Uses	Residential			Commercial and Employment			Public and Agriculture				Special Use Requirements
	R-1	R-2	R-3	C	CBD	LI	P	PO	A	EFU	
Medical/Dental Clinic	N	N	N	P	P	N	N	N	N	N	
Paint and Painting Supplies Sales or Rental	N	N	N	P	P	P	N	N	N	N	
Restaurants, and Other Eating and Drinking Establishments	N	N	N	P/S	P/S	N	N	N	N	N	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	N	N	N	P/S	P/S	N	N	N	N	N	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	N	N	N	S	N	N	N	N	N	DMC 17.203.060
Service-Related Businesses, except as specified elsewhere in this table	N	N	N	P/S	P/S	N	N	N	N	N	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	N	N	N	CU+S	N	S	N	N	N	N	DMC 17.203.140 if outdoors/unenclosed
D. Industrial and Mixed Employment Uses											
Airports, and Heliport Facilities	N	N	N	N	N	CU	CU	N	N	N	
Auction Yards	N	N	N	N	N	CU+S	CU	N	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	N	N	N	P	N	N	N	N	

Table 17.202.020: Zoning Use Table		P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted									
Uses	Residential			Commercial and Employment			Public and Agriculture				Special Use Requirements
	R-1	R-2	R-3	C	CBD	LI	P	PO	A	EFU	
Bulk Storage of Flammable Liquids or Gases; Petroleum Products Storage and Distribution; Wood or Biomass Fuel Dealers	N	N	N	N	N	CU	N	N	N	N	DMC 17.203.140 if outdoors/unenclosed
Call Centers and Data Centers	N	N	N	CU	CU	CU	N	N	N	N	
Cement, Glass, Clay, and Stone Products Manufacture	N	N	N	N	N	P	N	N	N	N	DMC 17.203.140 if outdoors/unenclosed
Chemical, Fertilizer, Insecticide, Paint Product Manufacture, or Similar Uses	N	N	N	N	N	CU	N	N	N	N	DMC 17.203.140 if outdoors/unenclosed
Concrete or Asphalt Batch Plants	N	N	N	N	N	CU+S	N	N	N	N	DMC 17.203.140
Dairy Products Manufacture, e.g., butter, milk, cheese, ice cream	N	N	N	N	N	P	N	N	N	N	DMC 17.203.140 if outdoors/unenclosed
Dwelling for a Caretaker or Watchperson	N	N	N	N	N	P	P	P	N	N	
Feed and Seed Facilities, including Grain Elevators and Storage	N	N	N	N	N	P	N	N	P	CU+S	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	N	N	N	P	N	N	N	N	DMC 17.203.140 if outdoors/unenclosed
Food Processing, including Canning, Freezing, Drying and Similar Food Processing and Preserving	N	N	N	N	N	P	N	N	P	CU+S	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	N	N	N	P	N	N	N	N	DMC 17.203.140 if outdoors/unenclosed

Table 17.202.020: Zoning Use Table		P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted									
Uses	Residential			Commercial and Employment			Public and Agriculture				Special Use Requirements
	R-1	R-2	R-3	C	CBD	LI	P	PO	A	EFU	
Machine Shop, and Sales, Service and Repair of Machinery	N	N	N	N	N	P	N	N	N	N	DMC 17.203.140 if outdoors/unenclosed
Metal Plating	N	N	N	N	N	CU	N	N	N	N	DMC 17.203.140 if outdoors/unenclosed
Metal Products Manufacture	N	N	N	N	N	P	N	N	N	N	DMC 17.203.140 if outdoors/unenclosed
Newspaper, Periodical, Publishing and Printing	N	N	N	CU	CU	P	N	N	N	N	
Outdoor Storage of Materials of an Industrial Character	N	N	N	N	N	CU+S	N	N	N	N	DMC 17.203.140
Personal Storage, such as Mini-Storage Warehouses	N	N	N	CU	N	P	N	N	N	N	DMC 17.203.140 if outdoors/unenclosed
Rendering Plants	N	N	N	N	N	N	N	N	N	N	
Small-Scale Manufacturing in the community commercial zone, as defined in DMC 17.203.150.	N	N	N	S	N	N	N	N	N	N	DMC 17.203.150, DMC 17.203.140 if outdoors/unenclosed
Specialty Trade Contracting Facilities, conducted wholly within a building	N	N	N	CU	N	P	N	N	N	N	
Specialty Trade Contractor Facilities, conducted all or partially outdoors	N	N	N	N	N	S	N	N	N	N	DMC 17.203.140
Welding Shop and Blacksmith, conducted wholly within a building	N	N	N	CU	N	P	N	N	N	N	
Welding Shop and Blacksmith, conducted all or partially outdoors	N	N	N	N	N	S	N	N	N	N	DMC 17.203.140
Wood Products Manufacture, including sawmills, paper and allied products, and secondary wood products	N	N	N	N	N	P	N	N	N	N	DMC 17.203.140 if outdoors/unenclosed
Wrecking, Demolition, Junk Yards, including Recycling Firms	N	N	N	N	N	CU+S	N	N	N	N	DMC 17.203.140

Table 17.202.020: Zoning Use Table		P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted									
Uses	Residential			Commercial and Employment			Public and Agriculture				Special Use Requirements
	R-1	R-2	R-3	C	CBD	LI	P	PO	A	EFU	
E. Agricultural and Natural Resource Uses											
Gardening	P	P	P	P	P	P	P	P	P	P	
Farm Use	N	N	N	N	N	N	N	N	P	P	See DMC Title 6 and DMC 8.16.020. Livestock not allowed in A
Dwelling, Primary, Customarily Provided in Conjunction with Farm Use	N	N	N	N	N	N	N	N	P	S	DMC 17.203.180
Additional Dwellings in Conjunction with Farm Use	N	N	N	N	N	N	N	N	CU	CU+S	DMC 17.203.180, see OAR 660-33 for limits in EFU
Any other dwelling listed as an allowed use under OAR Chapter 660, Division 33	N	N	N	N	N	N	N	N	N	S	DMC 17.203.180, see OAR 660-33 for limits
Any other dwelling that may be allowed after required review under OAR Chapter 660, Division 33	N	N	N	N	N	N	N	N	N	CU+S	DMC 17.203.180, see OAR 660-33 for limits
Commercial Activities in Conjunction with Farm Use, except Farm Stands	N	N	N	N	N	N	N	N	CU	CU+S	DMC 17.203.180, see OAR 660-33 for limits in EFU
Farm Stand per ORS 215.283(o)	N	N	N	N	N	N	N	N	P	S	DMC 17.203.180, see OAR 660-33 for limits in EFU

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17.202.020

ZONING REGULATIONS

Table 17.202.020: Zoning Use Table												P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted
Uses	Residential			Commercial and Employment			Public and Agriculture				Special Use Requirements	
	R-1	R-2	R-3	C	CBD	LI	P	PO	A	EFU		
Operations for the Exploration for and Production of Geothermal Resources as defined by ORS 522.005 and Oil and Gas as defined by ORS 520.005, including the Placement and Operation of Compressors, Separators and Other Customary Production Equipment for an Individual Well Adjacent to the Wellhead; Operations for the Exploration for Minerals as defined by ORS 517.750.	N	N	N	N	N	N	N	N	N	N	P	
Operations Conducted for Mining and Processing of Geothermal Resources as defined by ORS 522.005 not otherwise permitted; Operations Conducted for Mining, Crushing or Stockpiling of Aggregate and Other Mineral and Other Subsurface Resources; Processing of Other Mineral Resources and Other Subsurface Resources	N	N	N	N	N	N	N	N	N	N	CU+S	DMC 17.203.180, see OAR 660-33 for limits
Veterinary Clinic with On-Site Service of Farm Animals	N	N	N	N	N	N	N	N	N	P	P+S	DMC 17.203.180, see OAR 660-33 for limits
Any other use specifically listed in OAR Chapter 660, Division 33 that must be an allowed use in EFU zones	N	N	N	N	N	N	N	N	N	N	P	DMC 17.203.180, see OAR 660-33 for limits
F. Accessory Uses	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU/S	P or CU per primary use, DMC 17.203.180 in EFU

Table 17.202.020: Zoning Use Table	P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted										
Uses	Residential			Commercial and Employment			Public and Agriculture				Special Use Requirements
	R-1	R-2	R-3	C	CBD	LI	P	PO	A	EFU	
G. Temporary Uses	S	S	S	S	S	S	S	S	S	S	DMC 17.203.160, plus DMC 17.203.180 in EFU, see OAR 660-33 for limits in EFU

[Ord. 521-2013 Exh. A].

17.202.030 Lot and development standards.

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, 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 setback requirements.
- C. Maximum structure height.
- D. Minimum lot dimensions.
- E. Maximum lot coverage.

Table 17.202.030 – Lot and Development Standards by Zoning District

Uses	Residential			Commercial and Employment			Public and Agriculture				Exceptions See also DMC 17.202.040
	R-1	R-2	R-3	C	CBD	LI	P	PO	A	EFU	
A. Minimum Lot Area (Square Feet) – (b) applies to all zones											
Single-Family Dwelling (1 unit)	9,000	7,000	5,000 (a)	5,000 (all uses)	5,000 (all uses)	5,000 (all uses)	5,000 (all uses)	(c)	20 acres (all uses)	20 acres (all uses)	(a) 3,000 per dwelling unit if more than one dwelling on a lot. (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 (c) Lot and development standards in the PO zone are subject to approval of a parks/open space master plan, per DMC 17.203.130.
Duplex Dwelling (2 units)	NA	10,000	6,000 (a)								
Multifamily Dwellings (3 or more units)	NA	NA	3,000 per unit								
Nonresidential Uses	Adequate to contain all structures within required yard setbacks										

Table 17.202.030 – Lot and Development Standards by Zoning District

Uses	Residential			Commercial and Employment			Public and Agriculture				Exceptions See also DMC 17.202.040
	R-1	R-2	R-3	C	CBD	LI	P	PO	A	EFU	
B. Minimum Yard Setback Requirements (Feet)											
Primary Front Yard	20(d)	20(d)	15	None(j)	None	None	20	(c)	20	30	(d) Minimum front yard for unenclosed, single story porch or deck is 15.
Secondary Front Yard	20(d)	15	15	None(j)	None	None	20		20	20	(e) Minimum side or rear setback adjoining residential zone is 20 feet.
Side Yard for a Principal Structure	10	7.5	5	None(e)(j)	None(e)	None(e)	None(h)		10	15(g)	(f) Minimum rear setback is 50 feet for nonresidential uses.
Rear Yard for a Principal Structure	20	15	15	None(e)(j)	None(e)	None(e)	None(h)		20	30(f)	(g) Minimum side setback is 30 feet for nonresidential uses.
Rear Yard or Side Yard for an Accessory Structure	1/3 of building height, none if 6 feet high or less			None(e)(j)	None(e)	None(e)	None(h)		20	20	(h) Minimum side or rear setback adjoining residential zone is 10 feet.
Side Yards for Zero Side Yard Dwelling Units	NA	NA	10, except zero yard(i)	NA	NA	NA	NA		NA	NA	(i) Limited to six common wall dwellings on individual lots.
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.										(j) Structures and improvements for conditional uses shall be located no closer than 150 feet from the Highway 99W right-of-way.
C. Maximum Structure Height (Feet)											
Dwellings	30	30	30	45	45	45	45	(c)	30	35	
Non-Dwelling Structures	30	30	30	45	45	45	45(k)		45	45	(k) Telecommunication structures in excess of 45 feet in height allowed with conditional use permit.

Table 17.202.030 – Lot and Development Standards by Zoning District

Uses	Residential			Commercial and Employment			Public and Agriculture				Exceptions See also DMC 17.202.040
	R-1	R-2	R-3	C	CBD	LI	P	PO	A	EFU	
D. Minimum Lot Dimensions (Feet)											
Lot Width and Frontage	60	60	50(l)	None			None	(c)	None	None	(l) Minimum lot width for lots containing townhouse dwelling units built the full width of the lot is 20 feet.
Lot Depth	90(m)	90(m)	80(m)	None			None		None	None	(m) Lot depth shall not be more than 3 times the lot width, except townhouses (no limit, but must provided 300 sq. ft. of semi-private outdoor living space for each unit), single-family attached (three and one-half times max.) and public utility uses (no limit).
E. Maximum Lot Coverage (% of Lot)											
Lot Coverage	35	40	45	None			None	(c)	None	None	
Parking Area Coverage	30	30	30	None			None		None	None	
Combined Lot and Parking Area Coverage	65	70	75	None			None		None	None	

[Ord. 521-2013 Exh. A].

17.202.040 Yard standards, exceptions to yard and building height standards.

A. Yards Apply Only to One Building. No required yard or other open space or required driveway provided around or for any building or structure for the purpose of complying with the provisions of this code shall be considered as providing a yard or open space for any other building, nor shall any yard or other required space on an adjoining lot be considered as providing a yard or open space on the lot whereon the building is to be erected.

B. General Exception to Building Height Limitations. Projections such as chimneys, spires, domes, elevator shaft housing, towers, aerials, flagpoles, and other similar objects not used for human occupancy are not subject to the building height limitations of the underlying zone.

C. Building Height Exception for Public and Institutional Uses. Buildings for public and institutional uses, as shown in Table 17.202.020, may be constructed to a height that exceeds the maximum building height in the zone, provided the required yards are increased one foot for each one foot of additional building height above the height regulation for the zone.

D. Protection of Solar Access. The use of active or passive solar energy systems including solar collectors, storage facilities, and distribution components for space heating and cooling and domestic water heating is a permitted use within all zones, whether as a part of a structure or incidental to a group of structures nearby.

1. Solar collectors and the equipment used for the mounting and operation of such collectors, where necessary, may be elevated above the 30-foot height limitation in residential zones. However, elevation of solar collectors shall not restrict solar access to adjacent properties.

2. Chimneys, communication transmission towers, television, radio masts, or landscaping shall not significantly restrict or impair solar access to buildings or solar collector locations.

E. Setbacks after Public Dedications. Setback standards of this code do not apply to structures lawfully existing prior to a public dedication whose setback is reduced by the public dedication. Additions to such structures shall be allowed subject to DMC 17.104.040(B) and other applicable provisions of this code.

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.

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.

G. Zero Side Yard Dwelling Units (Single-Family Detached, Attached, or Townhouse). Zero side yard dwelling units, including single-family detached, attached, or townhouse dwelling units, shall meet the following use and development standards:

1. Location. Zero side yard dwelling units are permitted where shown in Table 17.202.020.

2. Number of Attached Units. No more than six townhouse dwelling units, each on a lot held in separate ownership, may be attached in the R-3 zone.

3. Front yards, either primary or secondary, may not be used as zero yards.

4. Side Yards. Each zero side yard dwelling unit shall be built to at least one side lot line. The side yard setback opposite the zero side yard shall be twice the minimum side yard setback in the applicable zone. This does not apply to townhouse dwellings that have both side yards as zero yards.

5. Maintenance Easement. As a condition of issuance of a permit for any building having an exterior wall contiguous to a property, the applicant shall furnish an easement from the owner of the property adjacent to said wall providing for ingress, egress, and use of such adjacent property for the purpose of maintaining, repairing, and replacing the building. In the case of common wall development, the easement shall allow maintenance of the shared wall. Said easement shall be appurtenant to the property on which the building is located and shall be approved as to form by the city recorder and shall be recorded with the county prior to issuance of the permit. [Ord. 521-2013 Exh. A].

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.

B. Fence Heights in Residential Zones.

1. Fences 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 in interior yards more than six feet in height shall meet the setback requirements in Table 17.202.030 for an accessory structure.

3. The fence height limits above include the height of soil berms under the fence or acting as a fence.

4. 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.

5. If a variance has been granted to the fence height restriction, a building permit may be required prior to construction. [Ord. 521-2013 Exh. A].

Chapter 17.203

SPECIAL USE STANDARDS

Sections:

- 17.203.010 Purpose.
- 17.203.020 Applicability.
- 17.203.030 Review process.
- 17.203.040 Automobile service stations.
- 17.203.050 Bed and breakfast inn in residential zones.
- 17.203.060 Retail small-scale winery, brewery, or distillery in CBD zone.
- 17.203.070 Drive-through service and walk-up service windows.
- 17.203.080 Two-family (duplex) dwellings.
- 17.203.090 Home occupations.
- 17.203.100 Manufactured homes sited on individual lots.
- 17.203.110 Manufactured dwelling parks and mobile home parks.
- 17.203.120 Multifamily development standards.
- 17.203.130 Park and open space (PO) zone master plans.
- 17.203.140 Outdoor/unenclosed uses.
- 17.203.150 Small-scale manufacturing in the community commercial zone.
- 17.203.160 Temporary uses.
- 17.203.170 Wireless communication facilities.
- 17.203.180 Uses in exclusive farm use zone.

17.203.010 Purpose.

Special uses included in this chapter are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same zoning district. [Ord. 521-2013 Exh. A].

17.203.020 Applicability.

All uses designated as special ("S") uses in Table 17.202.020, and other uses designated herein, and uses the city determines to be similar to such uses, are subject to the special use standards of this chapter. The special use standards supplement the other requirements of this code. When a standard for a special use differs from that of the underlying district, the standard for the special use shall apply. [Ord. 521-2013 Exh. A].

17.203.030 Review process.

The status of a special use as a permitted or conditional use is set forth in the underlying zone (Table 17.202.020), except as otherwise designated in the special use section. The process for review of a special use is the same as for a permitted or conditional use, as applicable, and pursuant to Chapter 17.401 DMC, General Review Procedures. [Ord. 521-2013 Exh. A].

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. 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.

C. 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. Further, gasoline pumps or pump islands shall not be built within 10 feet from a property line.

D. Canopy Standards.

1. Canopy columns shall be enclosed by masonry bricks, stone, or other decorative materials. Such enclosures shall extend from grade to meet underside of canopy. Minimum column enclosures shall be 18 inches on each side. Masonry columns shall be braced for seismic action.

2. 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.

c. Canopy Eaves. Eaves shall be trimmed with a fascia board of fire retardant materials.

d. 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. 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.

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. Building 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.

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.

- 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, slatted 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 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 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.

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 I 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.

L. Signs.

1. Service Station Sign. Each station may have a permanently mounted sign. 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.

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;

c. 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;

d. The sign shall have a monument base of masonry construction;

e. A sign permit is required.

2. Prohibited Signs. Signs that are not specifically authorized are expressly prohibited. These prohibited signs 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.

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.
- 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.

O. 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.

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

S. 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. [Ord. 521-2013 Exh. A].

17.203.050 Bed and breakfast inn in residential zones.

Bed and breakfast establishments shall conform to the following standards:

A. Owner- or Manager-Occupied Single-Family Structure. The structure is designed and occupied as a single-family residence by either the owner or a manager.

B. Off-Street Parking. A minimum of one off-street parking space per guest room plus two off-street parking spaces for the owner/resident manager, pursuant to DMC 17.304.040, must be provided on the site.

C. Maximum Stay. The maximum length of stay is 28 days per guest.

D. Food Service. A morning meal must be provided as part of the overnight lodging fee. All other commercial food service is limited to serving overnight guests of the bed and breakfast. [Ord. 521-2013 Exh. A].

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

Retail small-scale wineries, breweries, or distilleries are allowed in the CBD zone, 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.

C. The floor area devoted to production, storage, and related uses does not exceed 4,000 square feet. [Ord. 521-2013 Exh. A].

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.

B. Drive-Through Service. 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.

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.** 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.

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.

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. [Ord. 521-2013 Exh. A].

17.203.080 Two-family (duplex) dwellings.

Duplexes shall comply with all of the following requirements:

A. **Distribution.** In the R-2 zone, not more than three duplexes shall be located on any two contiguous blocks.

B. **Orientation.** Every duplex shall be designed with its primary entrance oriented to an adjacent street, or where it is impractical to orient a primary entrance to a street, the surface area of the building elevation facing the street shall be comprised of not less than 20 percent windows. The planning official may waive this standard where a proposed duplex is not located adjacent to a street but is oriented to an open space or common area; provided, that any elevation facing a street shall meet the foregoing standard for windows.

C. **Materials.** Duplexes shall have exterior materials (siding, roofing, windows and trim) that are the same as or similar to the materials used on adjacent single-family dwellings, except that the planning official may waive this standard where the materials used on adjacent single-family dwellings are of inferior quality to those the applicant proposes. [Ord. 521-2013 Exh. A].

17.203.090 Home occupations.

A. **Home Occupations Permitted.** Home occupations are permitted as an accessory use to a residential use, pursuant to the standards of this section.

B. **Standards.** Home occupations may be allowed as an accessory use on any property on which there is a residence, subject to the following standards and restrictions:

1. **Participation.** No person shall be employed other than a member of the family residing on the premises.

2. Character. The character and primary use function of the residence and premises shall not be changed by the use of colors, materials, design, construction, lighting, landscaping, or lack of landscaping.

3. Traffic. A home occupation located on a local street, or privately maintained road serving three or more residences, shall not generate more than 20 vehicle trips in one day. A "trip" is a vehicle traveling in one direction to or from a source. Twenty trips are equivalent to 10 round trips.

4. Noise. A home occupation shall not create noise of a type, duration or intensity which, measured at the property line, exceeds 60 dba between the hours of 7:00 a.m. and 6:00 p.m. No noise shall be created by the home occupation between the hours of 6:00 p.m. and 7:00 a.m. that is detectable to normal sensory perception off the premises of the home occupation.

5. Equipment and Process Restrictions. No home occupation conducted within a single-family detached residence or an accessory structure shall create vibration, glare, fumes, odors, or electrical interference detectable to the normal sensory perception off the property. No home occupation conducted in a residence other than a single-family detached residence shall create vibration, glare, fumes, odors, or electrical interference detectable to normal sensory perception outside the dwelling unit. In the case of electrical interference, nothing shall be used which creates visual or auditory interference in any radio or television off the premises.

6. Hazards. No equipment, process or material shall be used which will change the fire rating or structure separation, firewall, or ventilation requirements for the structure in which the home occupation is located. No hazardous materials shall be used or stored on the property on which a home occupation located in quantities not typical of those customarily used in conjunction with activities or primary uses allowed in the zoning district.

7. Signs. Signs are subject to Chapter 17.306 DMC.

8. On-Premises Client Contact. Customer and client contact shall be primarily by telephone, mail, or electronic communication and not on the premises of the home occupation, except those home occupations, such as tutoring, counseling or personal services, which cannot be conducted except by personal contact. Services or sales conducted on the premises shall be by appointment only, and shall not be oriented toward, or attract, off-the-street customer or client traffic.

9. Prohibited Businesses. The repair or maintenance of vehicles shall be prohibited. This includes the repair and/or maintenance of automobiles, trucks, recreational vehicles, trailers, motorcycles, farm equipment, boats, and lawn mowers and other small engine equipment.

10. Deliveries and Large Vehicle Storage. Delivery of materials to and from the premises shall not involve the use of vehicles over two-ton capacity, except parcel post or private parcel delivery trucks. Vehicles over one-ton capacity and used in conjunction with a home occupation shall be stored within an enclosed structure on the property. Regardless of capacity, storage of vehicles within the public right-of-way shall be prohibited.

11. Parking. Parking spaces needed for the conduct of a home occupation shall be provided off the street, in defined areas which are appropriately designed and surfaced for that purpose, and not located within the side or rear yard setbacks required by the district. No more than two home-occupation-related vehicles shall be located on the property at one time. If access to the property is from an arterial or collector street, adequate maneuvering room shall be provided on site to allow vehicles to leave the property front-end first.

12. Storage and Use of Yard Areas. Storage of tools, equipment and materials, and display of merchandise and all other activities associated with a home occupation, except as provided above for parking, shall be contained and conducted wholly within covered and enclosed structures and shall not be visible from the exterior of the containing structure(s).

13. Family child care homes, child care by babysitters, residential care homes, and residential care facilities, as defined by state statute, shall not be subject to the provisions in this section. [Ord. 521-2013 Exh. A].

17.203.100 Manufactured homes sited on individual lots.

A. Review Process. The city building official shall review compliance with the standards of this section administratively during the review of applicable building permits and set-up permits.

B. Standards.

1. The manufactured home shall be multi-sectional and shall enclose a space of not less than 1,000 square feet.

2. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade. The foundation must be constructed of concrete or concrete block.

3. The manufactured home shall have a roof with a nominal pitch of not less than 3/12.

4. Roofing material shall be composition asphalt, fiberglass, wood shake, or tile.

5. The exterior siding must be standard wood siding, T-111, a siding of equivalent appearance, or better.

6. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting current performance standards specified by state law for single-family dwellings.

7. The manufactured home shall have an enclosed, attached or detached garage or carport if 50 percent or more of the adjacent residential properties contain a garage or carport. The garage shall be constructed of materials that are identical to or similar in color, material, and appearance to the house. The garage shall be constructed prior to occupancy.

8. Transportation mechanisms, including wheels, axles, and hitch, must be removed prior to occupancy.

9. The manufactured home shall be provided with gutters and downspouts to direct storm water away from the placement site.

10. All utilities shall be connected to the manufactured home in compliance with city and state requirements prior to occupancy.

11. At the time of installation, the manufactured home shall be in good repair and free of structural, electrical, mechanical, and plumbing defects.

12. The manufactured home and any manufactured home accessory buildings shall be constructed and maintained in conformance with the state and federal safety construction standards, applicable at the time of placing the manufactured home. The home shall bear the Oregon "insignia of compliance."

13. Except for a structure that conforms to the state definition of a manufactured home accessory structure, no other extension shall be attached to a manufactured home, except a garage constructed to the standards of the Oregon State Structural Specialty Code. No attached extension shall exceed a height of 14 feet, or the roofline of the manufactured home, whichever is greater.

14. The applicant must obtain an installation/set-up permit for the manufactured home from the city.

15. A manufactured home shall not be placed within an acknowledged historical district or adjacent to a historic landmark. [Ord. 521-2013 Exh. A].

17.203.110 Manufactured dwelling parks and mobile home parks.

A. Review Process. Manufactured dwelling parks and mobile home parks shall be subject to the site development review procedures of Chapter 17.402 DMC. Submittal requirements and review procedures shall be as specified in that chapter. Approval shall not be granted unless all provisions of this section and other applicable requirements of this code are met.

B. Standards.

1. Any lot or site used for a manufactured dwelling park or mobile home park and any modifications to a park shall comply with the provisions of ORS Chapter 446, OAR Chapter 918, Division 600, and the current Oregon Manufactured Dwelling and Park Specialty Code. The required minimum lot size for a manufactured dwelling park or mobile home park shall be the lesser of three acres or the current standard found in ORS 197.314(5).

2. Density. The maximum density of a manufactured home park shall not exceed 10 units per gross acre.
3. Setbacks. The following setback standards shall apply:
 - a. Exterior Setbacks. Setbacks from any property line at the exterior boundary of the park shall comply with the minimum residential setbacks in the underlying zone.
 - b. Interior Setbacks. Setbacks within the park shall comply with the standards in the Oregon Manufactured Dwelling and Park Specialty Code.
4. Driveways. All driveways shall be paved with an asphaltic material or concrete and shall meet the minimum standards in the Oregon Manufactured Dwelling and Park Specialty Code.
5. Signs. Signs are subject to Chapter 17.306 DMC.
6. Utilities. All utility services shall be underground. The applicant shall furnish the city with proper easements for reading the meters and for inspecting water and sewer lines. The park owners shall maintain all meters and water and sewer lines to city standards.
7. Water, Sewer and Surface Drainage. Adequate provisions shall be made for an ample supply of safe and potable water, and adequate provisions shall be made for sewage disposal and surface drainage, and plans for such must have prior approval of the health department and the city engineer before a manufactured dwelling or mobile home park is approved. All meters, sewer and water lines shall be inspected while being installed and the installation shall meet normal city standards.
8. No part of any manufactured home park shall be used for the parking or storage of any heavy equipment, or trucks with a rated capacity exceeding two tons.
9. A caretaker, owner or manager shall be responsible for keeping the manufactured home park, its facilities and equipment in a clean, orderly and sanitary condition.
10. Landscaped buffer areas shall be developed around the perimeter of all manufactured home parks. Buffering shall comply with the standards of DMC 17.302.060, Screening and buffering. [Ord. 521-2013 Exh. A].

17.203.120 Multifamily development standards.

Reserved. [Ord. 521-2013 Exh. A].

17.203.130 Park and open space (PO) zone master plans.

A. Purpose. All uses and development in the park and open space (PO) zone, plus development of any park greater than one-half acre, are subject to prior approval of a master plan, pursuant to the site development review procedures of Chapter 17.402 DMC. The intent of the park and open space master plan process is to establish a long-term plan for development sites and to coordinate site development with the local government, citizens, and developer. Furthermore, the master plan is 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.

B. Review Process. Review of parks and open space master plans follows the procedures for Type III applications in DMC 17.401.040. A community meeting conducted by the sponsoring park agency is required prior to commencing the public hearing process on a parks and open space master plan.

C. Community Meeting. Prior to the initial hearing, the applicant shall hold one 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.

1. Objectives.

- a. 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.
- b. The required hearings shall not substitute for the required community meeting.

c. 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.

2. Notice.

a. Newspaper Notice. The applicant shall publish notice of the meeting in the local newspaper 14 days prior to the meeting.

b. Mailed Notice. The applicant shall mail notice of the community meeting as follows:

i. For proposed development with a total area less than two acres, the applicant shall provide mailed notice to all property owners within 200 feet of the development site boundary.

ii. For proposed development with total area between two acres and five acres, the applicant shall provide mailed notice to all property owners within 1,000 feet of the development site boundary.

iii. For proposed development with a total area greater than five acres, the applicant shall provide mailed notice to all mail recipients within the Dundee city limit boundary.

D. Application Submittal – Master Plan. An application for master plan approval shall include the following:

1. A Type III application form, fee, and deposit.

2. Site Plan. A site plan shall be to scale and indicate the following as appropriate to the nature of the use:

a. Access to the site from adjacent right-of-way, streets and arterials;

b. Parking and circulation areas;

c. Location and design of buildings and signs;

d. Private and shared outdoor recreation spaces;

e. Pedestrian circulation;

f. Outdoor play areas;

g. Service areas for uses such trash disposal and above ground utilities;

h. Areas to be landscaped;

i. Exterior lighting;

j. Special provisions for handicapped persons;

k. Other site elements and spaces which will assist in the evaluation of site development;

l. Proposed grading, slopes, and proposed drainage;

m. Location and access to utilities including hydrant locations; and

n. Streets, driveways, and sidewalks.

3. 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:

a. Relationship of adjacent lands;

b. Location of species of trees greater than four inches in diameter at four feet above ground level;

c. Existing and proposed topography;

d. Natural drainage and proposed drainage and grading;

e. Natural features and structures having a visual or other significant relationship with the site.

4. Architectural Drawings. Architectural drawings shall be prepared for all proposed structures.

5. Landscape Plan. The landscape plan shall indicate:

a. 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;

b. Proposed site contouring;

c. A calculation of the percentage of the site to be landscaped; and

d. 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.

6. 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.

7. Drives, Parking and Circulation. Where appropriate, the design review plan shall show proposed vehicular and pedestrian circulation, parking spaces and 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. 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.

13. Current Deed or Title Showing All Easements and Restrictions. For the purposes of this section current shall mean within six months of the date of application submittal.

14. Narrative. A narrative shall describe how the proposed plan complies with the Dundee comprehensive plan, Dundee parks and open space plan, the Dundee development code, and the current edition of Park, Recreation, and Leisure Facilities Site Planning and the intent statements in DMC 17.202.010(J). The narrative shall also summarize the comments obtained from the required neighborhood meeting.

15. Other information as requested by the review body in order to make a decision.

E. Approval Criteria. Parks and open space master plans shall be consistent with the guidelines of the 2005 Edition of Park, Recreation, and Leisure Facilities Site Planning, and the policies of the Dundee comprehensive plan and parks and open space plan, and shall comply with the standards of this code. Additionally, the city review body shall apply the following criteria in approving, approving with conditions, or denying park and open space master plans:

1. The master plan shall provide an adequate number of parking stalls to accommodate the proposed uses.

2. The master plan shall include uses that adequately meet the recreational needs of the population the use is intended to serve.

3. The master plan shall be compatible with neighboring uses. Considerations shall include, but are not limited to: type of uses and improvements, hours of operation, lighting, noise, structure height, parking, setbacks, and landscaping.

4. 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.

5. 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.

6. 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.

F. 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:

1. Setbacks.
2. Fences, walls, and vegetative buffers.
3. Exterior lighting.
4. Surfacing of parking areas.
5. Street dedications and improvements (or bonds).
6. Points of vehicular ingress and egress.
7. Signs.
8. Landscaping and maintenance thereof.
9. Maintenance of the grounds.
10. Noise, vibration, odors or other similar nuisances.
11. Hours of operation.
12. Time period within which the proposed use shall be developed.
13. 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 code, and the 2005 Edition of Park, Recreation, and Leisure Facilities Site Planning.

G. 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:

This review of substantial compliance will be undertaken by means of a Type I procedure.

1. 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.

2. If a determination is made through the Type I 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 this section.

3. If a master plan has not been approved for the site, the applicant shall have a master plan approved according to this section. 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. [Ord. 521-2013 Exh. A].

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.

2. Temporary sale and display of other merchandise during normal operating hours of the business may occur outdoors. The merchandise shall be stored within a building during non-operating hours.

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.

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.

6. Temporary uses authorized under DMC 17.203.160 may operate outdoors where allowed as 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.

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. [Ord. 521-2013 Exh. A].

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.

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:

1. The area involved in the manufacturing of the product and all storage of materials shall not involve more than 4,000 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 review of a conditional use permit 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. [Ord. 521-2013 Exh. A].

17.203.160 Temporary uses.

A. Purpose. The purpose of these regulations is to provide standards for the establishment of temporary businesses and similar uses within the city.

B. Review Procedure.

1. Temporary uses are permitted through a Type I review, pursuant to DMC 17.401.020.

2. An applicant requesting a temporary use permit shall submit the following information:

a. A signed statement from the property owner or lessee of the primary use on said property:

i. Granting permission for the property to be used by the permit applicant;

ii. Including a copy of a property deed, ground lease or similar evidence of ownership for subject property;

iii. Specifying the day(s) for which permission is granted;

iv. Containing the name, mailing address and telephone number of the owner or lessee; and

v. Acknowledging responsibility to ensure all litter, trash and materials on the property associated with the temporary use are removed within two days after the temporary use ceases.

b. A signed statement from the permit applicant:

i. Specifying the permit applicant's name, permanent home or business address (not P.O. box), home or business telephone number;

ii. Specifying the type of use proposed by the applicant;

iii. Attaching proof that any applicable state or federal license or other requirements to engage in the temporary use proposed by the applicant have been granted by the appropriate governmental agencies;

iv. Acknowledging responsibility to ensure that all litter, trash and materials on the property associated with the temporary use are removed within two days after temporary use ceases.

3. Each application shall be accompanied by a site plan to demonstrate compliance with these provisions. The site plan shall be to an approximate scale, preferably on an eight-and-one-half-inch by 11-inch sheet of paper. The site plan shall include the following:

i. Locations of all existing structures;

ii. Proposed location of temporary use;

iii. Parking spaces and aisles within the parking lot;

iv. Driveways; and

v. Streets.

4. Long-term food cart vendors must also submit the following information in addition to the above requirements:

i. Description of the food cart, including size and dimensions, paint colors, location and size of any proposed signs.

ii. Site plan that identifies the location of the required parking space for the food cart business, and location of the trash receptacle for customer use.

C. Permitted Uses. Where allowed, the following temporary uses shall be permitted subject to the following limitations and requirements:

1. Trees and Fireworks. Christmas tree or fireworks sales are permitted subject to all of the conditions in subsections (C)(1)(a) and (b) of this section:

a. The sales shall be limited to commercial zones, except that sales may occur on those properties containing public or semi-public uses, such as schools or churches, regardless of the underlying zone.

b. Unless otherwise exempted by provisions in this section, the sales activity shall be subject to provisions in DMC 17.203.070, Drive-through service and walk-up service windows.

2. Commercial Activities. Temporary amusement and recreational services and retail sales and services are permitted in all commercial zones and in the light industrial (LI) zone, subject to all of the conditions in subsections (C)(2)(a) through (j) of this section:

a. The business may be operated from a vehicle, temporary structure, or a vacant building, subject to licensing and other applicable regulations.

b. Unless otherwise exempted by provisions in this section, the sales activity shall be subject to provisions in DMC 17.203.070, Drive-through service and walk-up service windows.

c. The activity is located on the same lot during only one period, not to exceed 90 consecutive days, in any calendar year.

d. The required parking for the primary uses on the same lot is not reduced below the minimum requirements of Chapter 17.304 DMC, Parking and Loading.

e. The use does not block driveways, driveway entrances, or parking aisles.

f. All signs conform to the requirements of Chapter 17.306 DMC.

g. The activity conforms to all setback requirements applicable to the lot and zone.

h. The operator of a temporary use shall provide the required information, pay the applicable fee, and obtain and display the required temporary business permit.

i. The operator of a temporary use shall obtain all permits required by other agencies including those required for food handling and sales, and the sale of fireworks.

j. All temporary commercial activities require a permit issued in accordance with subsection (B) of this section.

3. Temporary Construction Facilities. Mobile offices, temporary power equipment and temporary structures used by personnel and to store equipment during construction, provided the structures are located on the construction site and not used as dwellings. There is no restriction as to the zoning.

4. Sales and Auctions. Sales or auctions in any zone, provided there are not more than four sales in a calendar year, with each sale not to exceed three consecutive days. Merchandise and signs shall remain on private property. Sales and auctions located within residential zones shall not operate beyond 9:00 p.m. This section does not limit the number of times, or duration, that public agencies may conduct sales or auctions regarding agency land, equipment, supplies or other materials.

5. Farmers Market. Farmers markets are permitted in all commercial zones, the P zone, and the LI zone subject to the conditions in subsections (C)(5)(a) through (i) of this section:

a. The farmers market is operated from a gathering of tables and/or stalls in an outdoor environment.

b. The farmers market will feature agricultural products produced within Oregon and Washington. The balance of the market may be used for nonlocal agricultural products, the sale of arts and crafts, and for food prepared for consumption on the premises. The farmers market may include live music, provided all noise regulations are met.

c. The farmers market permit shall be valid for no more than 180 consecutive days in any calendar year and the market may not be operated not more than two days each week.

d. The farmers market cannot interfere with the required parking or access of any operating business.

e. Signs are subject to Chapter 17.306 DMC.

f. The activity conforms to all setback requirements applicable to the lot and zone.

g. The operator of a farmers market shall provide the required information, pay the applicable fee, and obtain and display the required temporary business permit.

h. The operator of a farmers market, and each vendor, shall obtain all permits required by other agencies including those required for food handling and sales.

i. Farmers markets require a permit issued in accordance with subsection (B) of this section.

6. Long-Term Food Cart Vendors. Long-term (over 90 days) food cart vendors are permitted in all commercial zones subject to the following:

a. The food cart business must be operated using a mobile vending cart that has wheels and an axle.

b. Each food cart business must have at least one off-street parking space available for their customers. The required parking for the primary uses on the same lot may not be reduced below code requirements.

c. The food cart may not block driveways, driveway entrances, or parking aisles, and must meet all applicable setbacks.

d. The food cart business must provide at least one trash receptacle for customer use, to be emptied on a regular basis.

e. The business must keep the site surrounding the food cart neat and clean of trash and litter.

f. Each food cart may have up to 12 outdoor seats for customer use. Any use of awnings or tent covers may require building permits and must meet any applicable setback requirements for the zone. Any tents or awnings may not block driveways, driveway entrances, or parking aisles.

g. Food carts shall comply with the following design standards:

i. Carts shall be painted with at least two different paint colors. Business owners are encouraged to paint their business name and logo on their carts. The business name and logo will not count toward limits on permitted sign size.

ii. Signs for food carts shall comply with signage requirements in Chapter 17.306 DMC.

iii. Flashing or rotating lights on the exterior of the cart are not permitted.

iv. Each business may have one temporary and portable sandwich board style sign not to exceed six square feet in size. The portable sign may not be located in the public right-of-way.

h. The operator of a food cart shall obtain all permits required by other agencies, including those required for food handling and sales. A plumbing permit is required if water service or sanitary sewer service is installed. An electrical permit may be required for any electric work or connections on the site.

i. All long-term food cart vendors require a permit issued in accordance with subsection (B) of this section. Food cart permits are valid for no more than one year, but may be renewed annually.

7. Additional Permitted Temporary Uses. The city council may, by resolution, authorize additional permitted temporary uses during a specific event or festival and set forth reasonable types of uses, appropriate zones for such uses, and any time restrictions the council finds necessary to protect the health, safety and welfare of the public. [Ord. 521-2013 Exh. A].

17.203.170 Wireless communication facilities.

A. Purpose. This section establishes application procedures, location requirements, and other standards for the placement of wireless communication facilities. It applies to all such facilities regardless whether permitted outright or subject to approval of a conditional use permit.

Site development review approval is required to place a new wireless communication facility. A request for a modification of an existing wireless tower or base station for the co-location of new transmission equipment or removal or replacement of existing transmission equipment shall be approved using a Type I procedure; provided, that such modification does not substantially change the physical dimensions of such tower or base station from the dimensions approved as part of the original discretionary permit for the tower or base station. Any other modification requires a site development review approval.

B. Review Procedure. In addition to the applicable application requirements for site development review, all of the following information shall be submitted:

1. An evaluation of the feasibility of co-location of the subject facility as an alternative to the requested permit. The feasibility study must include:
 - a. The location and ownership of the existing telecommunication structures within the cell service area and not to exceed two miles.
 - b. Written verification and other documentation revealing the availability and/or cooperation shown by other providers to gain access to existing sites/facilities to meet the needs of the applicant.
 - c. The tower type and height of potential collection facilities.
 - d. Anticipated capacity of the wireless communication facility, including number and type of antennas that can be accommodated.
 - e. The specific reasons as to why co-location is or is not feasible.
2. Alternatives for locating or relocating support structures within 250 feet of the proposed location.
3. Analysis of the visual impacts of the proposed facility on residential dwellings within 250 feet of the proposed site, and an assessment of potential mitigation measures, including relocation.

C. Approval Criteria. In addition to any other applicable requirements, the decision to approve or deny the placement of a wireless communication tower shall be based on all of the following:

1. Co-location is not feasible on existing structures, including other wireless communication facilities.
2. The wireless facility shall be located and designed to preserve the ability for co-location of at least one additional user on all structures exceeding 35 feet in height, if feasible.
3. Based on the visual analysis and mitigating measures, the location and design of a freestanding wireless communication facility shall be conditioned to minimize visual impacts from residential areas through the use of setbacks, building heights, bulk, color, landscaping and similar visual considerations.
4. The design minimizes identified adverse impacts of the proposed use to the extent feasible.
5. Structures greater than 35 feet in height shall be at least 300 feet from any residentially (R) zoned property.

D. Removal. Any obsolete freestanding or attached wireless communication facility shall be removed by the facility operator within six months of the date it ceases to be operational or if it falls into disrepair. [Ord. 521-2013 Exh. A].

17.203.180 Uses in exclusive farm use zone.

A. Application of State Rules. All uses in exclusive farm use zones are subject to the standards and criteria in OAR Chapter 660, Division 33 and applicable state statutes. This code is not intended to allow uses in this zone that would be prohibited, or to prohibit uses that must be allowed under OAR Chapter 660, Division 33 or applicable statutes.

B. Permitted Uses Subject to Discretionary Review. Where a use is permitted and the standards in OAR Chapter 660, Division 33 require a discretionary review, the application shall be processed using a Type II procedure. The planning official shall apply the applicable criteria from OAR Chapter 660, Division 33 and applicable state statutes and administrative rules in addition to any standards in this code.

C. Conditional Uses. Where a use is a conditional use, the planning commission shall apply the applicable criteria from OAR Chapter 660, Division 33 and applicable statutes in addition to the conditional use criteria, or in lieu of the conditional use criteria if rules or statutes do not allow them to be applied.

D. Uses Restricted on High Value Farmland. OAR Chapter 660, Division 33 provides additional restrictions or prohibits certain uses on high value farmland as defined in that rule. These restrictions and prohibitions apply to all such high value farmland in EFU zoned areas within Dundee. This means that certain of the uses listed in Table 17.202.020 may not be permitted in portions of the EFU zoned areas in Dundee. [Ord. 521-2013 Exh. A].

Chapter 17.204

OVERLAY ZONES

Sections:

- 17.204.010 Purpose.
- 17.204.020 Applicability.
- 17.204.030 Flood plain overlay (FP).
- 17.204.040 Greenway management overlay (GM).
- 17.204.050 Commercial Victorian overlay (CV).

17.204.010 Purpose.

Overlay zones implement comprehensive plan policies that recognize some special feature or circumstance in an area, such as a natural feature, a special hazard, or special design district. An overlay zone is a district that lies on top of the base zoning of an area. It is typically used to add additional design standards or restrictions beyond those required by the base zoning. [Ord. 521-2013 Exh. A].

17.204.020 Applicability.

Unless specifically modified by the overlay district, development within the boundaries of an overlay zone must meet both the requirements of the base zoning and the overlay zone. Overlay zone boundaries are depicted on the official zoning map, in the comprehensive plan, or as otherwise described herein. The overlay is designated by showing the base zone, followed by a slash then a two-letter abbreviation for the overlay, such as R-2/FP. Overlay zone boundaries may follow natural features, contours, or specified buffer distances rather than lot lines, so that an overlay zone may apply only to part of a development site. Where boundaries of an overlay zone are unclear, the city planning official shall use the procedure in DMC 17.201.020 to determine the boundary. The city planning official may rely on field measurements, surveys, or similar information to determine the boundaries. Boundary locations that are determined by information from other official sources are modified automatically when those official sources modify the boundary, such as when a letter of map amendment modifies a flood plain boundary. [Ord. 521-2013 Exh. A].

17.204.030 Flood plain overlay (FP).

- A. Purpose. The purpose of the flood plain overlay zone is to:
1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities.
 2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
 3. Control the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters.
 4. Control filling, grading, dredging and other development, which may be subject to or increase flood damage.
 5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.
- B. Applicability. This overlay applies to all new construction, substantial improvement, and flood plain development within the flood plain overlay.
1. For purposes of this overlay, new construction means structures for which the start of construction commenced on or after April 2, 2010.
 2. For purposes of this overlay, substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
 - a. Before the improvement or repair is started; or

b. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

3. For purposes of this overlay, start of construction means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

C. Lands to Which This Overlay Applies. This overlay shall apply to all areas of special flood hazards within the jurisdiction of the city of Dundee, Yamhill County, Oregon.

D. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas,” dated March 2, 2010, with accompanying Flood Insurance Rate Maps, is hereby referenced and declared to be a part of this code. The Flood Insurance Study is on file at the office of the Dundee city administrator, City Hall, Dundee, Oregon.

E. Warning and Disclaimer of Liability. The degree of flood protection required by this code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This code does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This code shall not create liability on the part of the city of Dundee, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

F. Establishment of Flood Plain Development Permit. A flood plain development permit shall be obtained before construction or flood plain development begins within any area of special flood hazard established herein. The permit shall be for all buildings, gas or liquid storage tanks that are principally above ground, manufactured dwellings, recreational vehicles placed on the site for 180 consecutive days or more, fill and other activities. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level of flood-proofing in any structure;
3. Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria herein; and
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed flood plain development.

G. Designation of the Flood Plain Administrator. The city building official is hereby appointed to administer and implement this chapter by granting or denying flood plain development permit applications in accordance with its provisions.

H. Duties and Responsibilities of the Flood Plain Administrator. Duties of the flood plain administrator shall include, but not be limited to:

1. Permit Review.
 - a. Review all flood plain development permits to determine that the permit requirements of this section have been satisfied.
 - b. Review all flood plain development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.

c. Review all flood plain development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of subsection (J)(3)(a) of this section are met.

2. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with subsection (D) of this section, the flood plain administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer this section.

3. Information to Be Obtained and Maintained.

a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basements and below grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.

b. For all new or substantially improved flood-proofed structures:

i. Verify and record the actual elevation (in relation to mean sea level); and

ii. Maintain the flood-proofing certifications required in subsection (J) of this section.

4. Alteration of Watercourses.

a. Notify adjacent affected communities and the Department of Land Conservation and Development and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. Interpretation of FIRM Boundaries. Make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 1910.6 of the rules and regulations of the National Flood Insurance Program (24 CFR 1909, etc.).

I. Variances. Variances hereto may be issued only in accordance with the guidelines specified in Section 60.6 of the rules and regulations of the National Flood Insurance Program.

J. Provisions for Flood Hazard Protection.

1. General Standards. In all areas of special flood hazards, the following standards are required:

a. Anchoring.

i. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

ii. All manufactured dwellings, or recreation vehicles placed on the site for 180 consecutive days or more, shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(A) Over-the-top ties be provided at each of the four corners of the manufactured dwelling or recreational vehicle, with two additional ties per side at intermediate locations, with manufactured dwellings less than 50 feet long requiring one additional tie per side;

(B) Frame ties be provided at each corner of the manufactured dwelling or recreational vehicle with five additional ties per side at intermediate points, with manufactured dwellings less than 50 feet long requiring four additional ties per side;

(C) All components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(D) Any addition to the manufactured dwelling or recreational vehicle shall be similarly anchored.

iii. An alternative method of anchoring may involve a system designed to withstand a wind force of 90 miles per hour or greater. Certification must be provided to the flood plain administrator that this standard has been met.

- b. Construction Materials and Methods.
 - i. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - ii. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - iii. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - c. Utilities.
 - i. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
 - iii. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 - d. Subdivision Proposals.
 - i. All subdivision proposals shall be consistent with the need to minimize flood damage;
 - ii. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 - iii. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
 - iv. Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres (whichever is less).
 - e. Review of Building Permits. Where elevation data is not available, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.
2. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in subsection (D) or (H)(2) of this section the following provisions are required:
- a. Residential Construction.
 - i. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above base flood elevation.
 - ii. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (A) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (B) The bottom of all openings shall be no higher than one foot above grade.
 - (C) Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of flood waters.
 - b. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor as described in subsection (J)(2)(a) of this section, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - i. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Said certification shall be provided to the official as set forth in subsection (H)(3) of this section;

iv. Nonresidential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in subsection (J)(2)(b) of this section;

v. Applicants flood-proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

c. Manufactured Dwellings.

i. All manufactured dwellings to be placed or substantially improved on sites within the flood plain overlay and:

(A) Outside of a manufactured dwelling park, mobile home park, or manufactured home subdivision;

(B) In a new manufactured dwelling park, mobile home park, or manufactured home subdivision;

(C) In an expansion to an existing manufactured dwelling park, mobile home park, or manufactured home subdivision; or

(D) In an existing manufactured dwelling park, mobile home park, or manufactured home subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood; shall be elevated on a permanent foundation such that the finished floor of the manufactured dwelling is elevated to a minimum of 18 inches above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

ii. Manufactured dwellings to be placed or substantially improved on sites within the flood plain overlay in an existing manufactured dwelling park, mobile home park, or manufactured home subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the above manufactured dwelling provisions shall be elevated so that either:

(A) The finished floor of the manufactured dwelling is elevated to a minimum of 18 inches above the base flood elevation; or

(B) The manufactured dwelling chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and is securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement. All manufactured dwellings to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured dwelling is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (J)(1)(a) of this section.

d. Recreational Vehicles. Recreational vehicles placed on sites within the flood plain overlay are required to either:

i. Be on the site for fewer than 180 consecutive days; and

ii. Be fully licensed and ready for highway use, on their wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

iii. The recreational vehicle must meet all the requirements for new construction, including the anchoring and elevation requirements.

3. Floodways. Located within areas of special flood hazard established in subsection (D) of this section are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating

that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

i. If subsection (J)(3)(a) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this subsection (J).

ii. New installation of manufactured dwellings is prohibited (2002 Oregon Manufactured Dwelling and Park Specialty Code). Manufactured dwellings may only be located in floodways according to one of the following conditions:

(A) If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation, and the continued use is not a threat to life, health, property, or the general welfare of the public; or

(B) A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted at the time of installation and the replacement home will not be a threat to life, health, property, or the general welfare of the public and it meets the following criteria:

(1) As required by 44 CFR Chapter 1, Subpart 60.3(d)(3), it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory structures, or any property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge;

(2) The replacement manufactured dwelling and any accessory buildings or accessory structures (encroachments) shall have the finished floor elevated a minimum of 18 inches (46 cm) above the BFE as identified on the Flood Insurance Rate Map;

(3) The replacement manufactured dwelling is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the authority having jurisdiction;

(4) The replacement manufactured dwelling, its foundation supports, and any accessory buildings, accessory structures, or property improvements (encroachments) do not displace water to the degree that it causes a rise in the water level or diverts water in a manner that causes erosion or damage to other properties;

(5) The location of a replacement manufactured dwelling is allowed by the local planning department's ordinances; and

(6) Any other requirements deemed necessary by the authority having jurisdiction.
[Ord. 521-2013 Exh. A].

17.204.040 Greenway management overlay (GM).

A. Purpose. The purpose of the GM (greenway management overlay) zone is to protect the natural, scenic, and recreation qualities of lands along the Willamette River in the city of Dundee; preserve and allow the restoration of historical sites, structures, and facilities along the Willamette River; implement the goals and policies of the state of Oregon's Willamette River greenway program; implement goals and policies of the city of Dundee's comprehensive plan; and establish standards and requirements for the use of lands within the Willamette River greenway.

B. Application. The provisions of this overlay zone shall apply to all lands within the Willamette River greenway boundary of the city of Dundee as shown on the official zoning map. The boundary is shown in detail on aerial photo maps on file with the Yamhill County planning division and the county recorder. Interpretation of the exact location of the boundary shall be made by the planning official from these photo maps.

C. Change of Use and Intensification. The following constitute a change of use and intensification for purposes of this section:

1. Change of Use. Making a different use of the land than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure, which does not substantially alter or affect the land or water upon which

it is situated. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use.

2. Intensification. Any additions that increase or expand the area or amount of an existing use or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of lands within the greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures, or construction or placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purpose of this section. Seasonal increases in gravel operations shall not be considered an intensification of use.

D. Review of Uses. Within the GM (greenway management overlay) zone, a conditional use permit shall be required for all use changes, intensification of uses or site alteration on land or water otherwise permitted in the underlying zone except for the following activities which are not subject to review in this overlay zone:

1. Customary dredging and channel maintenance conducted under permits from the state of Oregon.
2. Seasonal increases in gravel operations as provided under permit from the state of Oregon.
3. The placing by a public agency of signs, markers, aids, etc., to serve the public.
4. Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical and natural uses of public lands, identified in a public park master plan approved by the city council by order. If the responsible agency did not hold a public hearing prior to plan adoption, the city shall hold a hearing under the procedures for a conditional use permit and make findings that the criteria in this section are satisfied before approving a park plan.
5. Erosion control operations not requiring a permit from the division of state lands.
6. Farm uses.
7. Reasonable emergency procedures necessary for the safety or protection of property.
8. Maintenance and repair usual and necessary for the continuance of an existing use.
9. Landscaping, propagation of timber, construction of driveways, and the construction or placement of accessory structures other than guest houses; provided, that such activities are conducted in conjunction with uses already existing on the same property, are accomplished in a manner compatible with the purpose of this zone, and are located at least 30 feet upland from ordinary high water unless unusual site conditions are present. Setbacks are to be established on a case-by-case basis through the greenway development conditional use process.
10. The partial harvesting of timber in accordance with a plan approval under the Forest Practices Act on lands upland beyond the vegetative fringe.
11. Water intakes and utilities in conjunction with an agricultural use and single-family residences.
12. Private docks and wharfs, provided they are not more than two feet above water level, not more than 100 square feet in area, do not include any plumbing or electrical services, and there is not more than one such facility per property ownership.

E. Process.

1. A conditional use for development within the greenway management overlay zone shall be reviewed as a Type III action. The conditional use may be processed independently or in conjunction with other land use actions required for development of the property.

2. In addition to the submittal requirements for a conditional use application, the applicant shall supply the following:

- a. Plot plan showing the following:
 - i. The area of the proposed use or activity.

ii. The proximity of the activity to the Willamette River at low and high water level and the location of the top of the terrace bank.

iii. The location of any existing vegetative fringe along the river bank or other significant vegetation.

b. Statements, drawings, or photos of the proposed external appearance of proposed activity as viewed from the river.

c. Statements demonstrating compliance with the provisions of this zone.

d. Any additional information determined by the planning official to be necessary to demonstrate compliance with this zone.

F. Review Standards and Criteria. A conditional use permit within the greenway management overlay zone shall require compliance with the following decision criteria:

1. Significant fish and wildlife habitats shall be protected.

2. Significant natural and scenic areas, viewpoints and vistas shall be preserved.

3. Areas of ecological, scientific, historical or archeological significance shall be protected, preserved, restored, or enhanced to the maximum extent possible.

4. The quality of the air, water, and land resources in and adjacent to the greenway shall be preserved in the development, change of use or intensification of use of land within the greenway management zone.

5. Areas of annual flooding, flood plains, and wetlands shall be preserved in their natural state to the maximum possible extent to protect water retention, overflow and other natural functions.

6. The natural vegetative fringe along the river shall be maintained to the maximum extent that is practical in order to assure scenic quality, protection of wildlife, protection from erosion, and screening of uses from the river.

7. Only partial harvesting of timber shall be allowed. It shall be conducted in a manner consistent with the requirements under the Forest Practices Act. Wildlife habitat and the natural scenic qualities of the greenway shall be maintained or be restored. The extent or type of harvest shall be limited as necessary to satisfy the appropriate standards and criteria in this subsection. Harvesting shall only occur beyond the vegetative fringe.

8. The proposed development, change, or intensification of use is compatible with existing uses on the site and the surrounding area.

9. Areas considered for development, change, or intensification of use which have erosion potential shall be protected from loss by appropriate means, which are compatible with the provisions of the greenway management zone.

10. Extraction of aggregate deposits shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise and safety and to guarantee necessary reclamation.

11. Any public recreational use or facility shall not substantially interfere with the established uses on adjoining property.

12. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.

13. Except for water-related and water-dependent buildings and structures, buildings and structures shall be located 30 feet or more upland from the ordinary high water line unless it can be shown that the parcel size makes meeting this requirement impossible, or significant natural features would be lost if the standard is met.

14. Public access to and along the river shall be provided in conjunction with subdivision, commercial and industrial development, and public lands acquisition where appropriate. This access should be located and designed to minimize trespass and other adverse effects on adjoining property.

15. The development shall be directed away from the river to the greatest possible extent.

16. The development, change, or intensification of use shall provide the maximum possible landscaped area, open space, or vegetation between the activity and the river.

17. Private docks and wharfs shall be limited to one per property ownership, and shall be limited to 150 square feet of gross area per property served. Walkways to the dock or wharf shall be not more than five feet wide. When approving covered storage, subsections (F)(2), (3), (5), and (7) of this section shall be considered. Covered storage facilities shall not extend more than 10 feet above water level and shall be designed and painted to blend into the natural environment as much as possible.

G. Notice of Decision. In addition to notice required in DMC Division 17.400, notice of a decision approving conditional uses in the greenway management overlay zone shall be sent to the Oregon Parks and Recreation Department in the same manner as required in DMC Division 17.400, except notice shall be provided by certified mail. [Ord. 521-2013 Exh. A].

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 Hochstetler 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
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.

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. [Ord. 521-2013 Exh. A].

Division 17.300. Development Requirements**Chapter 17.301****ACCESS AND CIRCULATION**

Sections:

- 17.301.010 Purpose.
- 17.301.020 Vehicular access and circulation.
- 17.301.030 Pedestrian access and circulation.
- 17.301.040 Vision clearance.

17.301.010 Purpose.

This chapter contains standards for vehicular access and circulation, and pedestrian access and circulation. Street improvement requirements are contained in Chapter 17.305 DMC, Public Improvements and Utilities. [Ord. 521-2013 Exh. A].

17.301.020 Vehicular access and circulation.

A. Intent and Purpose. This section is intended to promote transportation safety and adequate levels of transportation service.

B. Applicability. This section applies to new development and changes in land use necessitating new or expanded street access, including land divisions.

C. Access Permit Required. Access to a public street (e.g., a new driveway opening or highway approach) requires permit approval by the applicable roadway authority (city, county, or ODOT). The city planning official reviews permit requests for access to city streets through a Type I procedure where no discretion is involved. Other permit requests may be reviewed by the city planning official through a Type II procedure, or by the planning commission through a Type III procedure, where discretion is involved, where a traffic impact analysis is required, or where the access permit is contingent upon a land use approval.

D. Conditions of Approval. Where an existing or proposed driveway approach does not meet a roadway authority's standards, the roadway authority may require the closing or consolidation of existing such access, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting development approval, to ensure the safe and efficient operation of the street and highway system.

E. Driveway Approaches. All driveway approaches (connections to a public right-of-way) shall conform to all of the following design standards:

1. Vehicle access onto higher classification streets (e.g., collector and arterial streets) shall be minimized; where technically feasible and appropriate, access shall be taken first from a lower classification street.
2. Driveways shall be designed and located to provide exiting vehicles with an unobstructed view of oncoming vehicles and pedestrians, in conformance with applicable sight distance and vision clearance requirements.
3. Construction of driveway accesses along acceleration or deceleration lanes or tapered (reduced width) portions of a roadway should be avoided due to the potential for vehicular conflicts.
4. Driveways shall be located to allow for safe maneuvering in and around loading areas.
5. Driveways shall have a paved or approved all-weather surface that meets minimum dimensions and appropriate signage designating any restrictions on access (e.g., one-way, exit-only, etc.). Driveway width shall provide for required emergency vehicle access and truck/trailer turning radius, as applicable.
6. Where sidewalks or walkways occur adjacent to the roadway, driveway aprons shall be constructed of concrete and shall be installed between the street right-of-way and the private drive. The roadway authority may require driveway aprons in areas without sidewalks or walkways, as needed, to protect the adjacent roadway pavement.

7. Access locations and turning movements at driveway approaches may be restricted to ensure safe roadway operations.

F. Approach Spacing. The following distances shall separate driveway, intersection, and alley access to streets:

Street Classification	Approach Spacing
Arterial	150 feet (+/- 20%), except as required for state highways
Collector	75 feet
Local	15 feet

The city engineer, with approval of the roadway authority, may adjust the access spacing standards as necessary to address project or location specific issues such as topographic conditions, property configurations, or preservation of significant natural features. In such cases, the roadway authority may require additional mitigation to ensure adequate traffic operation and safety. Refer to Chapter 17.305 DMC for other applicable street standards.

G. Driveway Development Standards. The following development and maintenance standards apply to all driveways:

1. Protection of Public Ways. During site development and construction, where applicable, unimproved driveways and access roads shall be graveled or otherwise protected to prevent soil compaction, erosion, and tracking of mud onto adjacent paved streets.

2. Driveway Surface. Driveways, parking areas, aisles, and turnarounds shall be paved with asphalt, concrete, or other durable paving material approved by the city engineer. All paving, where it meets the public right-of-way, shall be subject to review and approval by the city engineer.

3. Surface Water Management. Development that increases impervious surface area shall provide for surface water management, pursuant to DMC 17.305.050.

4. Residential Approach. All residential driveways shall have a minimum 10-foot paved approach from the curb line.

5. Nonresidential Approach. Multiple use, commercial use, institutional use, and industrial use driveways shall be paved.

H. Joint Use Driveways. Where necessary to maintain an adequate level of transportation service or traffic safety with planned future development, the review authority may require joint use driveways. Joint use driveways (i.e., driveways providing access to more than one lot) are appropriate for developments adjacent to one another where access onto the street system is limited. In such cases, driveways shall be stubbed to property lines, allowing extension and improvement of joint use of driveways with future development.

1. Joint Use Access Easement and Maintenance Agreement. Where the review authority requires a joint use driveway, the property owners shall record an easement with the deed allowing joint use of/cross access between adjacent properties served by the subject driveway. In addition the property owners shall record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners. The city of Dundee shall not be responsible for maintaining the driveway.

I. Circulation and Connectivity. New developments shall be required to provide a circulation system that accommodates vehicular and pedestrian traffic, as follows:

1. In new subdivisions, except as restricted on arterial streets, a street or driveway intersection providing multi-modal connectivity and circulation for pedestrians, bicyclists, and automobiles shall occur not less than once for every 600 linear feet of street frontage, measured from street right-of-way line to street right-of-way line.

2. Where it is not practicable to provide a street connection at least every 600 feet, due to topography, existing development patterns, or similar constraints (e.g., railroad, steep slope, wetland), the city may

approve a pedestrian access way with a public access easement through the subject lot or tract. See DMC 17.301.030 for pedestrian access way standards.

3. Vehicle circulation systems shall comply with applicable building codes and requirements for emergency vehicle apparatus.

4. The city may waive a street or access way connection requirement, where it would violate provisions of a lease, easement, covenant, restriction or other legal agreement existing as of May 1, 1995, that precludes said street or access way connection.

J. Private Access Easements. Where a private access easement is permitted to serve as the required frontage for a lot created through a land division, it shall conform to all of the following standards:

1. Partition access easements shall only be allowed where the applicable criteria of Chapter 17.403 DMC are satisfied. The easement shall comply with the following standards:

a. Minimum easement width: 25 feet.

b. Minimum paved width: 20 feet.

c. Maximum length: 250 feet.

d. Not more than three dwelling units shall use the same access easement.

e. The city may require curbing and connection to a city-approved storm drainage system, or on-site storm water retention facilities.

2. A turnaround shall be required for any access easement that has only one outlet and which is in excess of 150 feet long or as required by the Uniform Fire Code. Turnarounds shall be circular with a minimum paved radius of 35 feet.

3. Private access easements shall conform to design standards for emergency apparatus vehicles, consistent with applicable Fire Code requirements.

4. Private access easements shall comply with applicable public works design standards.

K. Private Streets. Private streets shall be developed in accordance with DMC 17.305.030, and are only permitted under the following circumstances:

1. Residential lots or parcels, excluding townhouse developments and planned unit developments, may be accessed via a private street when the review authority finds that public street access is infeasible due to lot shape, terrain, or location of existing structures, and is not necessary to provide for the future development of adjacent properties.

2. Internal local streets or drives to lots or parcels in townhouse developments or planned unit developments may be private.

3. Internal local streets or drives to access commercial or industrial uses located in a campus or park-like development may be private.

L. Vertical Clearances. Except as otherwise required by applicable building codes, driveways, private streets, aisles, turnaround areas and ramps shall have a minimum vertical clearance of 13 feet six inches for their entire length and width.

M. Corner Vision Clearance. Vision clearance at intersections shall conform to DMC 17.301.040 or the requirements of the roadway authority, whichever is more restrictive. [Ord. 521-2013 Exh. A].

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.

3. Walkway Construction. Walkway surfaces may be concrete, asphalt, brick/masonry pavers, gravel, or other city-approved durable surface, 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. [Ord. 521-2013 Exh. A].

17.301.040 Vision clearance.

A. Intent and Purpose. This section implements the transportation policies of the city of Dundee. It is intended to provide for transportation safety at street intersections, including driveway approaches.

B. Applicability. This section applies to all uses of real property at all times.

C. Clear Vision Area. Except as provided by subsection (D) of this section, every clear vision area shall be maintained at each access to a public street and on each corner of property at the intersection of two streets or a street and a railroad, pursuant to subsections (C)(1) through (4) of this section:

1. No fence, wall, hedge, sign, or other planting or structure that would impede visibility between the heights of two feet and eight feet shall be established in the clear vision area. Measurements shall be made from the top of the curb or, where no curb exists, from grade.

2. Except as provided for single use residential driveways under subsection (C)(3) of this section, a clear vision area shall consist of a triangular area, two sides of which are right-of-way lines or a right-of-way line and access easement line. Where the lot lines have rounded corners, the right-of-way lines are extended in a straight line to a point of intersection and so measured. The third side of the triangle shall be a line connecting the non-intersecting ends of the other two lines.

3. For single use residential driveways, the clear vision area shall consist of a triangular area, two sides of which are the curb line and the edge of the driveway. Where no curbs exist, the future location of the curb, based on future full street improvements, shall be used.

4. The following standards establish the required clear vision areas:

Type of Intersection	Measurement Along Each Lot Line or Drive Edge*
Controlled Intersection (stop sign or signal)	20 feet
Uncontrolled Intersection (60' right-of-way or more)	30 feet
Uncontrolled Intersection (less than 60' right-of-way)	40 feet
Commercial and Industrial District Driveways	20 feet
Residential District Driveways	10 feet
Alley (less than 25 feet wide)	20 feet

*Where there is an intersection of two or more streets of different right-of-way width, distance shall be measured along each respective lot line and shall conform to the minimum distances specified for each type street.

D. Exceptions. The following are allowed to be placed within a clear vision area notwithstanding the standards of subsection (C) of this section, provided they do not conflict with traffic safety or operations:

1. A public utility pole.
2. Telephone switch boxes, provided they are less than 10 inches wide at the widest dimension.
3. A tree trimmed (to the trunk) to a line at least eight feet above the grade of the intersection.
4. Plant species of open growth habit that are not planted in the form of a hedge and which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view.
5. A supporting member or appurtenance to a permanent building lawfully existing.
6. An official traffic control device, including a warning sign or signal.
7. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.
8. The post section of a pole sign when there are no more than two posts and any post is less than eight inches in diameter. [Ord. 521-2013 Exh. A].

Chapter 17.302

LANDSCAPING AND SCREENING

Sections:

- 17.302.010 Purpose.
- 17.302.020 Applicability.
- 17.302.030 Approvals process.
- 17.302.040 General requirements.
- 17.302.050 Minimum landscape area.
- 17.302.060 Screening and buffering.
- 17.302.070 Street trees and parking lot trees.
- 17.302.080 Landscape installation and maintenance.

17.302.010 Purpose.

This chapter establishes standards for landscaping, screening and buffering. It is intended to protect public health and safety, while maintaining compatibility with adjacent land uses and thereby protecting property values. [Ord. 521-2013 Exh. A].

17.302.020 Applicability.

This chapter applies to all projects subject to site development review (Chapter 17.402 DMC) and to subdivisions and other projects where landscaping, screening and/or buffering is proposed with development or is required as a condition of approval. [Ord. 521-2013 Exh. A].

17.302.030 Approvals process.

A. Review Process. Landscaping plans shall be submitted as required by the site development review procedures of Chapter 17.402 DMC, and shall be reviewed by the city pursuant to DMC 17.401.030, Type II reviews.

B. Adjustments. The city may adjust the standards of this section pursuant to Chapter 17.406 DMC. [Ord. 521-2013 Exh. A].

17.302.040 General requirements.

A. For purposes of satisfying the minimum requirements of this section, a “landscaped area” must be planted in lawn, ground cover plants, shrubs, annuals, perennials or trees, or desirable native vegetation, or be used for other landscape elements as defined in this code.

B. Landscaping shall be designed, developed, and maintained to satisfy the specific functional and aesthetic objectives appropriate to the development and the district, considering the following:

1. Type, variety, scale and number of plants used;
2. Placement and spacing of plants;
3. Size and location of landscaped areas;
4. Contouring, shaping and preparation of landscaped areas;
5. Use and placement of nonplant elements within the landscaping.

C. The review authority may grant the applicant credit for landscaping in the public right-of-way. The review authority shall consider the need for future use of the right-of-way for street purposes when granting approval for credit under this section.

D. The landscape design shall incorporate existing significant trees and vegetation preserved on the site. [Ord. 521-2013 Exh. A].

17.302.050 Minimum landscape area.

The minimum area requirements are as follows:

A. C and CBD Zones. A minimum of 10 percent of the gross lot area shall be landscaped. In this zone courts, 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.

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. L1 and P Zones. A minimum of six percent of the gross lot area shall be landscaped. Within the L1 zone, the required landscaping can be in conjunction with the parking lot landscaping requirements. [Ord. 521-2013 Exh. A].

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:

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. 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.

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. 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. 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.

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. [Ord. 521-2013 Exh. A].

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.

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:

Common Name	Latin Name
Amur Maple	<i>Acer ginnala</i>
Trident Maple	<i>Acer buergeranum</i>
Hedge Maple	<i>Acer campestre</i>
Globe Norway	<i>Acer calleryana</i>
Bradford Pear (varieties: "aristocrat," "chanticleer," etc.)	<i>Pyrus calleryana</i>
Golden Rain Tree	<i>Koelreuteria paniculata</i>
Redbud (needs protection from southwest sun)	<i>Cercis canadensis</i>
Kwanzan Cherry	<i>Prunus serrulata</i>
Crape Myrtle	<i>Lagerstroemia indica</i>
Flowering Plum (Flireiana, Thundercloud, etc.)	<i>Prunus cerasifera</i>
Raywood Ash	<i>Fraxinus oxycarpa</i>
Flame Ash	<i>Fraxinus oxycarpa</i>
Snowdrift Flowering Crabapple	<i>Malus "snowdrift"</i>
Japanese Crabapple	<i>Malus floribunda</i>
Washington Hawthorne	<i>Crataegus phacnopyrum</i>
European Hornbeam	<i>Carpinus betulus</i>
Profusion Crabapple	<i>Malus "profusion"</i>

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

2. Trees maturing to medium or large stature:

Common Name	Latin Name
Sargent Cherry	<i>Prunus sargentii</i>
Sweet Gum	<i>Liquidambar styraciflua</i>
Marshall's Seedless Ash	<i>Fraxinus pennsylvanica</i>
Kimberly Blue Ash	<i>Fraxinus excelsior</i>
Rosehill Ash	<i>Fraxinus americana</i>
Flowering Ash	<i>Fraxinus ornus</i>
Norway Maple Cultivars	<i>Acer platanoides</i>
Red Maple Cultivars	<i>Acer rubrum</i>
Scarlet Oak	<i>Quercus coccinea</i>
Red Oak	<i>Quercus rubra</i>
Canyon Live Oak (evergreen)	<i>Quercus chrysolepis</i>
Holly Oak (evergreen)	<i>Quercus ilex</i>
English Oak	<i>Quercus robur</i>

RECOMMENDED TREES (Continued)

Chinese Pistachio	<i>Pistacia chinensis</i>
Variegated Box Elder	<i>Acer negundo</i>
Ginkgo	<i>Ginkgo biloba</i>
Grecian Laurel	<i>Laurus nobilis</i>
Japanese Zelkova	<i>Zelkova serrata</i>
Amur Cork Tree	<i>Phellodendron amurense</i>
Thornless Honey Locust	<i>Gleditsia triacanthos</i>

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.

Common Name	Latin Name
Evergreen Conifers	numerous species
Poplar and related species	<i>Populus tricoarpa</i>
Black Locust	<i>Robinia psuedoacacia</i>
Box Elder (except variegated)	<i>Acer negundo</i>
Sycamore	<i>Platanus species</i>
Siberian Elm	<i>Ulmus pumila</i>
American Ehn	<i>Ulmus americana</i>
Walnut	<i>Juglans species</i>
Weeping Willow	<i>Saxix babylonica</i>
Commercial Fruit Trees	numerous species
Catalpa	<i>Catalpa speciosa</i>
Tree of Heaven	<i>Ailanthus altissima</i>
Big Leaf Maple	<i>Acer macrophyllum</i>
Fruiting Mulberry	<i>Morus alba</i>
Osage Orange	<i>Maclura pomifera</i>
Weeping varieties of various trees: i.e., cherry, mulberry, erabapple	numerous species

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. [Ord. 521-2013 Exh. A].

17.302.080 Landscape installation and maintenance.

All landscaping required by this code shall be continually maintained pursuant to this section. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property, including necessary watering, weeding, pruning, mowing, and replacement, as applicable, in a substantially similar manner as was approved by the city or as otherwise required by applicable city regulations. The following standards apply to all landscaping required by this code:

A. Clear Vision. No sight-obscuring plantings exceeding 24 inches in height shall be located within any required clear vision area as defined in DMC 17.301.040.

B. Pedestrian Areas. Landscape plant materials shall be kept clear of walks, pedestrian paths, and seating areas; trees shall be pruned to a minimum height of eight feet over pedestrian areas and to a minimum height of 15 feet over streets and vehicular traffic areas.

C. Utilities. Landscape plant materials shall be selected and maintained so that they do not generally interfere with utilities above or below ground.

D. Nursery Standards. Required landscape plant material shall be installed to current nursery industry standards. Landscape plant materials shall be properly guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.

E. Plant Selection. Plant materials shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas where permanent irrigation is not to be provided should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems and be sound, healthy, and free from defects, diseases, and infections.

F. Deciduous Trees. Deciduous trees, where required to provide shade (e.g., over parking lots or walkways), shall be fully branched and have a minimum caliper of two inches a minimum height of eight feet at the time of planting. Deciduous trees intended to serve as ornamental (nonshade) trees may be smaller, but shall not be less than one and one-half inch caliper, at time of planting.

G. Evergreen Trees. Evergreen trees shall be a minimum of six feet in height, fully branched, at time of planting.

H. Shrubs. Shrubs shall be supplied in minimum one-gallon containers or eight-inch burlap balls with a minimum spread of 12 to 15 inches.

I. Ground Cover. Ground cover shall consist of not less than 50 percent live plant material. Such plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area, with rows of plants staggered for a more effective covering. Ground cover plants shall be supplied in a minimum four-inch size container or equivalent if planted 18 inches on center; and nonliving material used for ground cover shall be limited to compost, bark chips, and other city-approved pervious materials.

J. Irrigation. Except in wooded areas, wetlands, flood plains, or along natural drainage channels or stream banks, where the city may waive irrigation requirements, all developments are required to provide appropriate methods of irrigation for the landscaping. Sites with more than 1,000 square feet of total landscaped area shall be irrigated with automatic sprinkler systems to ensure the continued health and attractiveness of the plant materials. Hose bibs and manually operated methods of irrigation may be used for landscaped areas totaling less than 1,000 square feet. Sprinkler heads shall be located and installed to not cause any hazard to the public.

K. Protection of Plants. Landscape plant material shall be protected from damage due to heavy equipment during construction. After construction, landscape plant material and irrigation shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, bollards, raised curbs, wheel stops, pavers or other suitable methods.

L. Performance Guarantee. Except where the review authority requires installation of landscaping prior to issuance of building permits, all landscaping required by this code and approved by the city shall be installed prior to issuance of a final occupancy permit unless security equal to 110 percent of the cost of the landscaping is filed with the city assuring such installation within six months of occupancy. The applicant will obtain cost estimates for landscape materials and installation to the satisfaction of the review authority prior to approval of the security. "Security" may consist of a faithful performance bond payable to the city, cash, certified check, time certificate of deposit, assignment of a savings account, or other such assurance of completion as approved by the city attorney.

M. Maintenance Guarantee. The developer or builder, as applicable, shall guarantee all landscape material for a period of one year from the date of installation. A copy of the guarantee shall be furnished to the city by the developer.

N. Final Inspection. The city planning official, prior to the city returning any security provided under this chapter, shall make the final landscape inspection. Any portions of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed. If the installation of the landscaping is not completed properly within six months of such postponement, or within an extension of time authorized by the city, the city may use the security to complete the installation. Any portion of the security that remains after installation of the landscaping shall be returned to the applicant. [Ord. 521-2013 Exh. A].

Chapter 17.303

EXTERIOR LIGHTING

Sections:

- 17.303.010 Purpose.
- 17.303.020 Permitted lighting and design standards.
- 17.303.030 Prohibited lighting.
- 17.303.040 Approval procedures.
- 17.303.050 Variance procedures.
- 17.303.060 Nonconforming lighting.

17.303.010 Purpose.

The purposes of the exterior lighting standards are to:

- A. Provide adequate light for safety and security;
- B. Promote efficient and cost effective lighting and to conserve energy;
- C. Minimize light pollution, glare, and nuisance light sources;
- D. Encourage quality lighting design, especially light fixture shielding;
- E. Provide an environmentally sensitive nighttime environment that protects and reclaims the ability to view the night sky. [Ord. 521-2013 Exh. A].

17.303.020 Permitted lighting and design standards.

- A. Scope. These standards shall apply to all exterior lighting in all zones, with the exception of:
 - 1. Lighting installed in any zone prior to March 1, 2011.
 - 2. Lighting required by federal or state law that cannot meet the standards of this chapter, or used by public safety personnel.
 - 3. Fossil Fuel Light. Fossil fuel light produced directly or indirectly by the combustion of a natural gas or other utility-type fossil fuels is exempt from the provisions of these standards. All fossil fuel lighting shall include an opaque top.
- B. Light Trespass. The luminance of any light shall not create a private nuisance.
- C. Fully Shielded Lighting. Luminaires with light output greater than 1,000 lumens shall be fully shielded or recessed. With the exception of uplighting, the shielding shall be angled; provided, that no light is directed above a 25-degree angle measured from the vertical line from the center of the light extended to the ground.
- D. Partially Shielded Lighting. Luminaires with light output between 450 and 1,000 lumens shall be partially shielded or recessed.
- E. Unshielded Lighting. The following types of luminaires may be left unshielded under certain conditions:
 - 1. Decorative Lighting. Luminaires shall be limited to small individual bulbs on a string where spacing of bulbs is not closer than three inches and where output per bulb is no greater than 50 lumens.
 - 2. Holiday Period Lighting. During the holiday period blinking, flashing, moving, revolving, flickering, changing intensity or color, and chase lights are permitted. The light output per luminaire shall not exceed 50 lumens, and shall be spaced a minimum of three inches apart.
 - 3. Motion Activated Lighting. Luminaires may be left unshielded if all of the following conditions are met:
 - a. The light output does not exceed 1,800 lumens; and
 - b. The light will go on only when motion activated; and
 - c. The light goes off within 10 minutes of motion cessation; and
 - d. The light is not activated by any movement or activity located on adjacent property except by express permission of the adjacent property owner(s).

4. Luminaires, except sign lighting, with light output less than 450 lumens.

F. Uplighting. Uplighting may illuminate landscaping, structures, flags, and signs under the following conditions:

1. Landscaping Uplighting. The light output for landscaping uplight shall not exceed 900 lumens, and shall be directed solely onto the landscaping. The lighting shall be shielded. The full beam width shall not exceed 40 degrees.

2. Structure Uplighting. The light output for structure uplight shall not exceed 900 lumens. The uplighting shall be directed solely onto the structure. The lighting shall be shielded. The full beam width shall not exceed 40 degrees.

3. Flag Uplighting. The light output for flag uplight shall not exceed 3,500 lumens. All uplighting shall be shielded. A spotlight shall be used for flag uplighting. The full beam width shall not exceed the width of the flag.

4. Sign Uplighting. The light output for sign uplight shall not exceed 900 lumens. The uplighting shall be directed solely onto the sign. The lighting shall be shielded. The full beam width shall not exceed the width of the sign.

G. Minimum Requirements. To improve public safety, the illuminance levels for parking lots, sidewalks, and other walkways shall meet the minimum recommended illuminance levels and shall not exceed the maximum recommended illuminance levels listed in the most current IESNA recommended practices. (See references: IESNA RP-33-99, Lighting for Exterior Environments; IESNA RP-20-98, Lighting for Parking Facilities; IESNA DG 5-94, Recommended Lighting for Walkways and Class I Bikeways. See PGE Dark Sky Friendly Fixture Recommendations.)

H. Height Limit. Any freestanding luminaire shall not exceed 25 feet in height, with the exception of street lights. Any luminaire attached to a building shall not exceed the height limit of that zone. There shall be no height limit for holiday period lighting or decorative lighting.

I. Equivalent Materials. The provisions of this section are not intended to prevent the use of any design, material or method of installation not specifically prohibited by this chapter, provided any such alternate has been approved by the city administrator or his/her designee. The city administrator or his/her designee may approve any such alternate if the proposed design, materials or methods provide an equivalent or superior method of satisfying the standards in this section. [Ord. 521-2013 Exh. A].

17.303.030 Prohibited lighting.

The following types of lighting are prohibited in all zones:

- A. Lighting that may be confused with or construed as a traffic control device.
- B. Search lights, laser source lights or any similar high intensity light.
- C. Blinking, flashing, moving, revolving, flickering, changing intensity or color, and chase lights that are not part of a holiday period lighting display.
- D. Low pressure sodium lamps.
- E. Mercury vapor luminaire or lamps.
- F. Drop (sag) lens luminaire. [Ord. 521-2013 Exh. A].

17.303.040 Approval procedures.

A. Lighting Plan Required. Any building permit, Type I, Type II, or Type III application where lighting is proposed shall include lighting plans in order to verify that new and existing lighting conforms to the provisions of these standards. The lighting plan shall include:

1. A site plan showing the location of all building and building heights, parking, and pedestrian areas on the lot or parcel;
2. The location and height above grade of all proposed and existing light fixtures on the subject property;
3. The type, initial lumen rating, and shielding of each lamp source;

4. A photometric plan showing the footcandle level at the property line, and a copy of the manufacturer's catalog information sheet. A photometric plan is not required for a building permit application for single- and two-family dwellings;

5. Control descriptions including type of controls (timer, motion sensor, time clock, etc.), the light fixtures to be controlled by each type, and control schedule when required.

B. Any lighting that is not part of a building permit, Type I, Type II, or Type III application shall meet the requirements of DMC 17.302.090. However, no lighting plan is required to be submitted to the city for approval. [Ord. 521-2013 Exh. A].

17.303.050 Variance procedures.

All variance requests regarding the standards of this chapter shall follow the procedures contained in Chapter 17.406 DMC. [Ord. 521-2013 Exh. A].

17.303.060 Nonconforming lighting.

Exterior lighting installed prior to March 1, 2011, does not need to conform to the standards of DMC 17.302.090 until such time as the light fixture is replaced or March 1, 2021, whichever occurs first.

Figure 17.303.060 Example Illustrations of Fully Shielded Fixtures



[Ord. 521-2013 Exh. A].

Chapter 17.304

PARKING AND LOADING

Sections:

- 17.304.010 Purpose.
- 17.304.020 Applicability.
- 17.304.030 General provisions.
- 17.304.040 Automobile parking standards.
- 17.304.050 Bicycle parking standards.
- 17.304.060 Disabled person parking space standards.
- 17.304.070 Off-street loading requirements.
- 17.304.080 Parking stall design and dimensions.

17.304.010 Purpose.

The purpose of this chapter is to provide adequate areas for the parking, maneuvering, loading and unloading of vehicles for all land uses in the city of Dundee. [Ord. 521-2013 Exh. A].

17.304.020 Applicability.

Development of off-street parking and loading areas for commercial, industrial, or multifamily development shall be subject to the site development procedures of Chapter 17.402 DMC. The provisions of this chapter shall apply to the following types of development:

- A. Any new building or structure.
- B. The construction or provision of additional floor area, seating capacity, or other expansion of an existing building or structure.
- C. A change in the use of a building or structure that requires additional parking spaces or off-street loading areas under the provisions of this chapter.
- D. As a condition of approval in a land use decision. [Ord. 521-2013 Exh. A].

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.

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).

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. 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. 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. [Ord. 521-2013 Exh. A].

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; 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

Residential

A. One- and two-family dwellings, including manufactured homes	2 spaces per dwelling unit
B. Multifamily dwellings	1 1/2 spaces per dwelling unit
C. Boarding house, lodging house, or rooming house	1 space per 2 guest accommodations
D. Fraternity, sorority, and group living units	1 space per 2 sleeping accommodations
E. Dormitory	1 space per sleeping room

Public Land Use

A. Convalescent hospital, nursing home, sanitarium, rest home, home for the aged	1 space per 2 beds
B. Hospital	3 spaces per 2 beds
C. Library, reading room	1 space per 300 s.f.
D. Preschool nursery, kindergarten	2 spaces per classroom
E. Elementary or junior high school	2 spaces per classroom
F. High school	5 spaces per classroom
G. Other places of public assembly, including churches	1 space per 4 seats or 8 feet of bench length

Commercial Land Use

A. Movie theater, theater	1 space per 4 seats or 8 feet of bench length
B. Amusement and recreational services	1 space per 250 s.f. of gross floor area
C. Retail store	1 space per 300 s.f. of gross floor area
D. Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture	1 space per 900 s.f. of gross floor area
E. Banks and other financial institutions	1 space per 300 s.f. of gross floor area
F. Offices and services	1 space per 300 s.f. of gross floor area
G. Medical or dental office	1 space per 300 s.f. of gross floor area
H. Mortuary	6 spaces for each room used as a parlor or chapel
I. Motel or hotel	1 space per guest room
J. Bed and breakfast inn	2 spaces for owner/manager, plus 1 space per guest room
K. Restaurant	1 space per 250 s.f. of gross floor area

Industrial Land Use

A. Manufacturing establishment	1 space per 0.75 employees plus 1 space per 2,500 s.f. of gross floor area
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Table 17.304.040(C) Minimum Automobile Parking Spaces Required by Use (Continued)

B. Wholesale establishment, warehouse, rail or truck freight terminal	1 space per 2,000 s.f. of gross floor or storage area
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[Ord. 521-2013 Exh. A].

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

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 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 20 vehicle spaces
Bowling alley, rink, community center	1 space per 20 vehicle spaces
Eating and drinking establishment	1 space per 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. [Ord. 521-2013 Exh. A].

17.304.060 Disabled person parking space standards.

Except as otherwise required or allowed by applicable building codes, the number of spaces for disabled person parking shall comply with the standards of Table 17.304.060. Striping and signing of the handicap space(s) shall conform to applicable building code requirements.

Table 17.304.060 Disabled Person Parking Spaces – Minimum Standards

Total in Parking Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1,000

[Ord. 521-2013 Exh. A].

17.304.070 Off-street loading requirements.

Buildings or structures to be built or substantially altered that receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.

A. Loading Berths Required. Except as otherwise allowed by this section, the following standards shall be used in establishing the minimum number of berths required:

Gross Floor Area	Number of Berths
Up to 10,000 s.f.	1
10,000 s.f. and over	2

Note: For buildings or structures up to 6,000 s.f., standard off-street parking areas may be used to meet the off-street loading requirements.

B. Loading Berth Dimensions. A loading berth shall contain a space a minimum of 12 feet wide and 35 feet long and have a vertical clearance of 13.5 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required size of these berths shall be increased.

C. Access and Screening Standards. Loading areas shall conform to the access and screening requirements of Chapters 17.301 and 17.302 DMC, respectively. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.

D. Exceptions. Through a Type II procedure the planning official may approve an exception to the loading area standards and permit loading activities adjacent to or within a street right-of-way only where it finds that loading and unloading operations are short in duration (e.g., less than one hour), infrequent (e.g., not more than once per week), do not obstruct traffic during periods of peak traffic or create a traffic hazard as deter-

mined by the city engineer, do not interfere with emergency vehicles or apparatus, and are acceptable to the applicable roadway authority (i.e., if different than the city). [Ord. 521-2013 Exh. A].

17.304.080 Parking stall design and dimensions.

A. Minimum Standards. Where a new off-street parking area is proposed, or an existing off-street parking area is proposed for expansion, the entire parking area shall be improved in conformance with this code. At a minimum the parking spaces and drive aisles shall be paved with asphalt, concrete, or other city-approved materials, provided the Americans with Disabilities Act requirements are met, and shall conform to the minimum dimensions in Table 17.304.080. All off-street parking areas shall contain wheel stops, perimeter curbing, bollards, or other edging as required to prevent vehicles from damaging buildings or encroaching into walkways, landscapes, or the public right-of-way. Parking areas shall also provide for surface water management, pursuant to city standards.

Figure 17.304.080 Off-Street Parking Dimensions

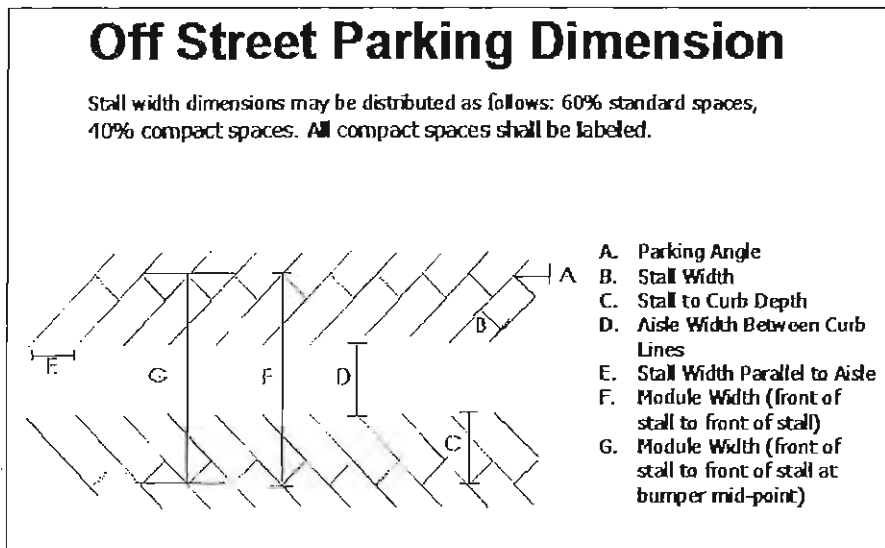


Table 17.304.080 Off-Street Parking Matrix

OFF-STREET PARKING MATRIX												
Minimum Parking Space and Aisle Dimensions (ft)												
One-Way Traffic Flow												
Compact							Standard					
A	B	C	D	E	F	G	B	C	D	E	F	G
0	8.5	8.5	12.0	19.0	28.0	-	9.0	9.0	12.0	22.0	28.0	-
30	8.5	15.4	12.0	17.0	41.7	34.4	9.0	17.3	12.0	18.0	45.6	37.8
45	8.5	17.3	13.0	12.0	47.6	41.6	9.0	19.8	13.0	12.7	52.6	46.2
60	8.5	18.1	18.0	9.8	54.2	50.0	9.0	21.0	18.0	10.4	60.0	55.7
70	8.5	17.9	19.0	9.0	54.9	52.0	9.0	21.0	19.0	9.6	61.0	57.8
90	8.5	16.0	24.0	8.5	56.0	56.0	9.0	19.0	24.0	9.0	62.0	62.0

B. Adjustments to Parking Area Dimensions. The dimensions in Table 17.304.080 are minimum standards. The planning official may adjust the dimensions through a Type II procedure based on evidence that a particular use will require more or less maneuvering area. For example, the planning official may approve an adjustment where an attendant will be present to move vehicles, as with valet parking. In such cases, a form of guarantee must be filed with the city ensuring that an attendant will always be present when the lot is in operation.

C. Americans with Disabilities Act. Parking shall be provided consistent with the requirements of the Americans with Disabilities Act, including but not limited to the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements. [Ord. 521-2013 Exh. A].

Chapter 17.305

PUBLIC IMPROVEMENTS AND UTILITIES

Sections:

- 17.305.010 Purpose.
 17.305.020 Applicability.
 17.305.030 Street standards.
 17.305.040 Utility lines and facilities.
 17.305.050 Storm drainage.

17.305.010 Purpose.

This chapter provides standards for public infrastructure and utilities installed with new development, consistent with the policies of the city of Dundee comprehensive plan and adopted city master plans. The standards are intended to minimize disturbance to natural features, promote energy conservation and efficiency, promote and maintain development impacts on surrounding properties and neighborhoods, and ensure timely completion of adequate public facilities in new development. [Ord. 521-2013 Exh. A].

17.305.020 Applicability.

Standards for the provision and utilization of public facilities or services available within the city of Dundee shall apply to all land developments in accordance with Table 17.305.020. No development permit shall be approved unless the following improvements are provided for prior to occupancy or operation, or unless future provision is assured in accordance with subsection (B) of this section.

Table 17.305.020 Applicability of Public Improvement Requirements

Land Use Activity	Fire Hydrant	Street Improvement	Water Hookup	Sewer Hookup	Storm Drain	Street Lights	Bike Lanes**	Sidewalks
Single-Family Home or Duplex	No*	C-2	Yes	Yes	Yes	No	No	C-2
Multifamily Dwelling	C-1	Yes	Yes	Yes	Yes	Yes	Yes (4+ units)	Yes
New Commercial Building	C-1	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Conunercial Expansion	C-1	C-3	Yes	Yes	Yes	Yes	No	C-3
New Industrial Building	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Industrial Expansion	C-1	C-3	Yes	Yes	Yes	Yes	No	C-3

Table 17.305.020 Applicability of Public Improvement Requirements

Laud Use Activity	Fire Hydrant	Street Improvement	Water Hookup	Sewer Hookup	Storm Drain	Street Lights	Bike Lanes**	Sidewalks
Partition, Subdivision, PUD, Manufactured Dwelling, or Mobile Home Park	C-1	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Legend: No = Not required. *Fire suppression sprinkler system may be required where hydrant standard not met. **Where required by the TSP. Yes = Required C = Conditional, as noted:

- C-1. Fire Hydrants for Commercial, Industrial Expansions, or Multifamily Uses. One or more fire hydrants are required as per the Uniform Building Code and Uniform Fire Code or if adequate fire flows are not available to the site. If the existing water lines are insufficient to provide adequate fire flows, water lines shall be upgraded to provide sufficient capacity.
- C-2. Street Improvements for Single-Family Dwellings. New single-family dwellings, which require a street extension, must provide street improvements to city street standards. For new single-family homes on unimproved rights-of-way, a minimum 20 feet of paving shall be required. The paving shall comply with city public works standards and begin at the end of the existing street improvement and extend to the farthest point on the property fronting the right-of-way.
- C-3. Street Improvements for Commercial or Industrial Expansions. Lots fronting on county roads must obtain access permits from the Yamhill County public works department. The city will require improvement to full city standards when the use meets any of the following criteria:
 - a. The expanded use generates an average of 100+ trips per day as documented in the Trip Generation Manual of the Institute of Transportation Engineers or other qualified source;
 - b. The expanded use includes at least weekly shipping and delivery trips by vehicles over 20,000 pounds gross vehicle weight; or
 - c. The subject use expands by at least 25 percent.

A. Public Works and Engineering Design Standards. The design of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall comply with the requirements of the most recently adopted public works design standards of the city of Dundee. Construction of all public streets, sidewalks, and other public utilities shall comply with the minimum requirements of the most recently adopted public works construction standards of the city of Dundee.

B. City Approval of Public Improvements Required. No building permit may be issued until all required public facility improvements are in place and approved by the city engineer, or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the public works design standards. [Ord. 521-2013 Exh. A].

17.305.030 Street standards.

A. Purpose. The purpose of this section is to:

- 1. Provide for safe, efficient, and convenient multi-modal transportation in the city of Dundee.

2. Provide adequate access to all proposed and anticipated developments in the city of Dundee. For purposes of this section "adequate access" means direct routes of travel between destinations; such destinations may include residential neighborhoods, parks, schools, shopping areas, and employment centers.

3. Provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way. For purposes of this section "adequate area" means space sufficient to provide all required public services to standards defined in this code and in the city's public works design manual, as applicable.

B. Applicability. The provisions of this section apply to:

1. The creation, dedication, or construction of all new public or private streets, bikeways, or access ways in all subdivisions, partitions, or other developments in the city of Dundee.

2. The extension or widening of existing public or private street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.

3. The construction or modification of any utilities, sidewalks, or bikeways in public rights-of-way or private street easements.

4. The designation of planter strips; the planting of street trees or other landscape materials is subject to Chapter 17.302 DMC.

5. Developments outside the city that tie into or take access from city streets.

C. Street Location. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets.

D. Continuation of Streets. Development proposals shall provide for the continuation of existing streets in accordance with the city of Dundee transportation system plan and applicable local street network plans, if any, and where necessary to promote appropriate traffic circulation in the vicinity of the development.

E. Future Extension of Streets. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets, bikeways and access ways shall be extended to the boundary of a tract being developed and the resulting dead-end streets may be approved without turnarounds. All dead-end streets must meet Fire Code and be approved by the Dundee fire chief. Reserve strips and streets plugs may be required to preserve access.

F. Street Alignment. All streets other than local streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the centerlines thereof. The staggering of street alignments resulting in "T" intersections shall, wherever practical, be avoided. If unavoidable, the "T" intersection shall leave a minimum distance of 200 feet between the centerlines of streets having approximately the same direction. A "T" intersection having less than a 200-foot separation from the centerline of another street shall be subject to the review and approval of the city engineer.

G. Intersection Angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle. Intersection angles, street curves and curb return radii shall conform to the city's public works design standards manual.

H. Improvements to Existing Streets.

1. All projects subject to site development review, partition, or subdivision approval must construct a minimum of a three-quarter street improvement to all existing streets adjacent to, within, or necessary to serve the development. The city engineer may waive or modify this requirement where the applicant demonstrates that the condition of existing streets to serve the development meets city standards and is in satisfactory condition to handle projected traffic loads. Where a development has frontage on both sides of an existing street, full street improvements shall be required.

2. The city may allow an applicant to record a "waiver of rights to reimbursement for streets and public utility improvements" in lieu of street improvements when the following criteria are met:

a. The contiguous length of the existing street to be improved (including the portion of the existing streets that must be improved to serve the development) is less than 250 feet;

b. The existing roadway condition and sections are adequate to handle existing and projected traffic loads; and

c. Existing public utilities (water, sanitary sewer and storm sewer) located within the existing roadway are adequate, or can be improved without damaging the existing roadway surface.

3. In lieu of the street improvement requirements outlined under this section, the review authority may elect to accept from the applicant monies to be placed in a fund dedicated to the future reconstruction of the subject street(s). The amount of monies deposited with the city shall be at least 100 percent of the estimated cost of the required street improvements (including associated storm drainage improvements), and may include more than 100 percent of the cost as required for inflation. Cost estimates shall be based from a preliminary design of the reconstructed street provided by the applicant's engineer and shall be approved by the city engineer. If the review authority elects to accept these monies in lieu of the street improvements, the applicant shall also record against all lots or parcels a "construction deferral agreement and waiver of rights to remonstrance for street and storm drainage improvements" approved by the city attorney. The agreement should be worded such that the subject properties are responsible for paying the full cost of required street improvements along their unimproved street frontages; where the subject properties are located adjacent to a collector or arterial street, local street standards will apply for purposes of determining the street improvement value. The agreement shall also state that the city has the right to collect money owed for the actual construction costs, if actual costs exceed the amount deposited, and that the city will reimburse the property owner(s) if the actual costs are less than anticipated. A separate "waiver of rights to remonstrance" may be required for the future improvement of other public utilities.

I. New Streets. Where new streets are created by a subdivision or partition, full street improvements shall be required. Three-quarter streets may be approved in lieu of full street improvements when the city finds it to be practical to require the completion of the other one-quarter street improvement when the adjoining property is developed; in such cases, three-quarters street improvements may be allowed by the city only where all of the following criteria are met:

1. The adjoining land abutting the opposite side of the street is undeveloped;

2. The adjoining land abutting the opposite side of the street is within the city limits and the urban growth boundary; and

3. Storm water drainage is provided on the noncurbed side of three-quarters street improvements in areas judged by the city engineer to have drainage concerns.

J. Cul-de-Sacs. Cul-de-sacs shall have maximum lengths of 400 feet and serve not more than 18 dwelling units. All cul-de-sacs shall terminate with circular turnarounds.

K. Street Names. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the city. Street names shall be required for all new publicly dedicated streets and private streets.

L. Grades and Curves. Street grades and curves shall conform to the city's public works design standards. Where existing conditions, particularly topography, make it otherwise impractical to provide buildable lots, the city engineer may accept steeper grades and sharper curves.

M. Alternative Access Streets. Where a development abuts or contains an existing or proposed arterial street, the city may require that access be from another alternative, such as an alley or frontage street. In such cases, the city may also require screening and landscape buffering pursuant to DMC 17.302.060 for adequate protection of residential properties and separation of through and local traffic.

N. Clear Vision Areas. Clear vision areas shall be maintained on corner lots at the intersection of all public streets and at the intersections of a public street with a private street pursuant to DMC 17.301.040.

O. General Right-of-Way and Street Improvement Widths. The following standards apply to public streets, bikeways and sidewalks in the city of Dundee. These standards shall be the minimum requirements, except where modifications are permitted under subsection (P) of this section.

Table 17.305.030(O) General Right-of-Way and Street Improvement Widths

Street Classification	Minimum R-O-W (a)	Median Type	Street Improvement (ft)	Travel Lanes	Bike Lanes	Sidewalk	On-Street Parking	Planter Strip
Statewide Expressway (b)	120 – 150	Separated		4	No	No	No	ODOT
Arterials	ODOT	CL or median	ODOT	ODOT	Yes	Yes	ODOT	ODOT
Collectors	60	Median, no CL	36	2	Yes	Yes	(c)	(c)
Parkway Collector (d)	70	No median	48	2	Yes	Yes	One-side	Yes
Local I (e)	50	No median	28	2	No	Yes	One-side	No
Local II (e)	50	No median	34	2	No	Yes	Yes	No
Cul-de-Sacs	50	No median	34	2	No	Yes	Yes	No
Turnaround Radii	45	No median	38	NA	No	Yes	Yes	No
Alleys	15	No median	12	NA	No	No	No	No

Legend:

ODOT = This is an ODOT facility and the final design authority rests with ODOT.

NA = Not applicable.

CL = Center lane.

- (a) Additional right-of-way may be necessary due to topographical constraints or to accommodate additional left- or right-turn lanes at intersections.
- (b) This classification reflects the design elements currently under consideration in the NDTIP process.
- (c) Improvements must comply with provisions in the Dundee TSP. Where on-street parking is provided, the bicycle lane shall be shared with the traffic lane. Planter strips shall be installed when no on-street parking is provided.
- (d) This classification shall reflect the design element contained in the Dundee TSP.
- (e) The Local I shall be the standard for the city of Dundee, and shall be subject to the following:
- i. The subject local streets shall connect with other streets and not terminate in a cul-de-sac. The street may “dead-end,” provided there is potential to continue the connection through the adjacent property.
 - ii. Subdivisions and other developments using these standards shall be limited to blocks with a maximum of 400 feet in length.
 - iii. The street grade shall not exceed four percent for the length of the street.
 - iv. The Dundee fire chief shall provide evidence that the street layout is capable of accommodating the largest emergency vehicle in the fire department. This determination shall consider on-street parking plans, curve radii and similar street design issues.
 - v. The narrower street shall not be used to extend existing streets that contain wider rights-of-way and/or street improvements.

The developer shall construct the street to a Local II standard if the proposed local street improvement cannot meet all of the requirements noted above.

P. Modification of Street Right-of-Way and Improvement Width. The planning official, pursuant to the Type II review procedures of DMC 17.401.030, may allow modification to the public street standards of subsection (O) of this section, when the criteria in both subsections (P)(1) and (2) of this section are satisfied:

1. The modification is necessary to provide design flexibility in instances where:
 - a. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or
 - b. Lot shape or configuration precludes accessing a proposed development with a street which meets the full standards of this section; or
 - c. A modification is necessary to preserve trees or other natural features determined by the city to be significant to the aesthetic character of the area; or
 - d. A planned unit development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.
2. Modification of the standards of this section shall only be approved if the city engineer finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.

Q. Private Streets. Private streets shall only be allowed where the applicable criteria of Chapter 17.301 DMC are satisfied, and shall comply with the following:

1. Private streets shall have a minimum easement width of 25 feet and a minimum paved or curbed width of 20 feet.
2. Unless otherwise specified in the public works design standards manual, all private streets serving four or more dwelling units shall be constructed to the same pavement depth specifications required for public streets. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the city attorney.
3. A turnaround shall be required for any private residential street that has only one outlet and that exceeds 150 feet in length, or which serves more than two residences. Nonresidential private streets serving more than one ownership, if in excess of 200 feet in length and having only one outlet, shall provide a turnaround. Turnarounds for private streets shall be circular with a minimum paved radius of 35 feet.
4. The city may require provision for the conversion of a private street to a public street, and/or the dedication and future extension of a public street connecting to a private street, consistent with the city of Dundee transportation system plan and any adopted local street network plan. [Ord. 521-2013 Exh. A].

17.305.040 Utility lines and facilities.

A. Purpose. The purpose of this section is to provide adequate services and facilities appropriate to the scale and type of development.

B. Applicability. This section applies to all new development where extension or improvement of water, sanitary sewer, storm drainage, or private utilities is required to serve the development or use of the subject property.

C. General Standards.

1. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall conform to the city's public works design standards.

2. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and be approved by the city to ensure the orderly extension of such utilities within public right-of-way and easements.

D. Standards for Water Improvements. All development that has a need for water service shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary sanitary sewer and storm drainage facilities, as applicable.

1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping stations which

connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.

2. Specific location, size and capacity of such facilities will be subject to the approval of the city engineer with reference to the applicable water master plan. All water facilities shall conform with existing city pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. Installation costs shall remain entirely the developer's responsibility.

3. The design of the water facilities shall take into account provisions for the future extension beyond the development to serve adjacent properties, which, in the judgment of the city, cannot be feasibly served otherwise.

4. Design, construction and material standards shall be as specified by the city engineer for the construction of such public water facilities in the city.

E. Standards for Sanitary Sewer Improvements. All development that has a need for sanitary sewers shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary water services and storm drainage facilities, as applicable.

1. All septic tank systems and on-site sewage systems are prohibited.

2. All properties shall be provided with gravity service to the city sanitary sewer system, except for lots that have unique topographic or other natural features that make gravity sewer extension impractical as determined by the city engineer. Where gravity service is impractical, the developer shall provide all necessary pumps/lift stations and other improvements, as determined by the city engineer.

3. All developments shall be required to be linked to existing sanitary sewer collection facilities adequately sized to serve their intended area by the construction of sewer lines which connect to existing adequately sized sewer facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.

4. Specific location, size and capacity of sewer facilities will be subject to the approval of the city engineer with reference to the applicable sewer master plan. All sewer facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. Installation costs shall remain entirely the developer's responsibility.

5. Temporary sewer service facilities, including pumping stations, will be permitted only if the city engineer approves the temporary facilities, and the developer provides for all facilities that are necessary for transition to permanent facilities.

6. The design of the sewer facilities shall take into account provisions for the future extension beyond the development to serve upstream properties, which, in the judgment of the city, cannot be feasibly served otherwise.

7. Design, construction and material standards shall be as specified by the city engineer for the construction of such sewer facilities in the city.

8. Prior to acceptance of the sanitary sewer system by the city, the sewers shall be flushed and inspected by the city as required by the public works design standards or the public works construction standards. All costs shall be borne by the developer.

F. Street Lights. All developments shall include underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the public works design standards. The developer shall install all such facilities and make the necessary arrangements with the serving electric utility as approved by the city. Upon the city's acceptance of the public improvements associated with the development, the street lighting system, exclusive of utility-owned service lines, shall be and become property of the city unless otherwise designated by the city through agreement with a private utility.

G. Private Utilities. All new and existing development which has a need for private utilities, including but not limited to electricity, gas, communication and cable television, shall install them pursuant to the requirements of the district or company serving the development, and consistent with all of the following standards:

1. Except as otherwise provided herein, all new and existing utility lines, cables or wires, including but not limited to those used for electricity, communication, street lighting, and cable television, which are on or adjacent to land partitioned, subdivided or developed within the city of Dundee after the effective date of this code, shall be required to be placed underground. Where undergrounding of utilities is required it shall extend to the next available property, which may require crossing an adjacent street or driveway underground. The intent of this provision is to require the undergrounding of utilities with new development, or to reasonably provide for the transition to an underground system over time through a combination of new development and capital projects.

2. Exceptions. Aboveground facilities shall be permitted for the following in which case the above provisions shall not apply:

a. Emergency installations or electric transmission lines or through feeders operating at distribution voltages which act as a main source of supply to primary lateral and to direct connected distribution transformers and primary loads. Should it be necessary to increase the capacity of such power transmission facilities for service to the area, such new or revised installations shall be made only on rights-of-way or easements on which existing overhead facilities exist at the time of such capacity increase.

b. Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, telephone cable closures, connection boxes and the like.

c. Structures without overhead wires, used exclusively for fire alarm boxes, street lights, or municipal equipment installed under the supervision and with the approval of the city engineer.

d. Power substations, pumping plants, and similar facilities necessary for transmission or distribution of utility services shall be permitted subject to compliance with all zoning regulations and other applicable land use regulations. Where project plans or conditions of approval associated with an aboveground facility provide for landscaping or screening, such plans shall be subject to review and approval by the city planning official and city engineer prior to any construction being started.

e. Television antennas.

f. The city may approve overhead power lines for certain industries requiring exceptionally large power supplies.

g. If existing overhead utilities within or adjacent to the development total less than 300 linear feet, the city may allow the applicant to record an approved "construction deferral agreement and waiver of rights to remonstrance for private utility improvements" in lieu of relocating existing private utilities underground at the time of development.

3. Information on Development Plans. The developer or subdivider shall show on the development plan or in his explanatory information easements for all underground utility facilities. Plans showing the location of all underground facilities as described herein shall be submitted to the city engineer for review and approval. Care shall be taken in all cases to ensure that aboveground equipment does not obstruct vision clearance areas for vehicular traffic.

4. Future Installations. The owner(s) or contract purchaser(s) of subdivided real property within a subdivision shall, upon conveyance or transfer of any interest including a leasehold interest in or to any lot or parcel of land, provide in the instrument conveying such interest a covenant running with and appurtenant to the land transferred under which grantee(s) or lessee(s), their heirs, successors, or assigns mutually covenant not to erect or allow to be erected upon the property conveyed any overhead utility facilities, including electric, communication, and cable television lines, poles, guys, or related facilities, except such facilities as are exempt from underground installation under this title or are owned or operated by the city. Such covenant shall require grantees to install, maintain, and use underground electric, telephone, cable television, or other utility services used or to be used to serve the premises. A copy of the covenant shall be submitted with the final plats.

H. Easements. Easements for public and private utilities shall be provided as deemed necessary by the city, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be recorded on easement forms approved by the city and designated on the final plat of all subdivisions and partitions. Minimum required easement width and locations are as provided in Table 17.305.040(H).

Table 17.305.040(H) Easements

Easement Type	Minimum Width	Location
Water	20 feet	(1)(2)
Sewer	20 feet	(1)(2)
Storm (piped)	20 feet	(1)(2)
Storm (other)	(5)	(5)
Private utility	5 feet (parallel)	(3)(4)
	10 feet (other)	(1)

Notes:

- (1) Centered on utility line.
- (2) Centered on property line, where possible.
- (3) Property lines fronting existing or proposed street rights-of-way.
- (4) Measured from edge of right-of-way.
- (5) Determined on a case-by-case basis.

[Ord. 521-2013 Exh. A].

17.305.050 Storm drainage.

A. Purpose. The purpose of this section is to provide for the drainage of surface water from all residential, commercial and industrial development; to minimize erosion; and to reduce degradation of water quality due to sediments and pollutants in storm water runoff.

B. Applicability. The provisions of this section apply to all developments subject to site development review or land division review and to the reconstruction or expansion of such developments that increases the flow or changes the point of discharge to the city storm drainage system. Additionally, the provisions of this section shall apply to all drainage facilities that impact any public storm drain system, public right-of-way or public easement, including but not limited to off-street parking and loading areas.

C. General Requirement. All storm water runoff shall be conveyed to a public storm sewer or natural drainage channel having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and/or private property. The developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.

D. Plan for Storm Drainage and Erosion Control. No construction of any facilities in a development included in subsection (B) of this section shall be permitted until an engineer registered in the state of Oregon and approved by the city prepares a storm drainage and erosion control plan for the project. This plan shall contain at a minimum:

1. The methods to be used to minimize the amount of runoff, siltation, and pollution created from the development both during and after construction.
2. Plans for the construction of storm sewers, open drainage channels, and other facilities that depict line sizes, profiles, construction specifications, and other such information as is necessary for the city to review the adequacy of the storm drainage plans.
3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included on the site plan drawings and shall be stamped by a licensed professional engineer in the state of Oregon. Peak design discharges shall be computed using the rational formula and based upon the design criteria outlined in the public works design standards for the city.

E. Development Standards. Development subject to this section shall be planned, designed, constructed and maintained in compliance with the city of Dundee public works design standards. [Ord. 521-2013 Exh. A].

Chapter 17.306**SIGNS**

Sections:

- 17.306.010 Purpose.
- 17.306.020 Measurement standards.
- 17.306.030 Development standards.
- 17.306.040 Nonconforming signs.
- 17.306.050 Sign review procedures.
- 17.306.060 Supplemental considerations.

17.306.010 Purpose.

The purpose of these sign regulations is to help implement the Dundee comprehensive plan, to provide equitable and easily administered signage rights, reduce signage conflicts and clutter, promote traffic and pedestrian safety and increase the aesthetic value and economic viability of the city, all by classifying and regulating the location, size, type and number of signs and related matters, in a content-neutral manner. [Ord. 521-2013 Exh. A].

17.306.020 Measurement standards.

A. Determining Sign Area and Dimensions. The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or plexiglass panel, the dimensions of the base material are to be used. The area of a sign on a fence or wall having no such perimeter, border, or base material shall be computed by enclosing the entire area within a quadrilateral, circle or a triangle of the smallest size sufficient to cover the entire message of the sign. The area of multi-faced signs shall be calculated by adding the area of all sign faces visible from any one point.

B. Determining Sign Height.

1. The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground to the highest point of the sign. A freestanding sign on a manmade base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb face, or the finished grade where there is no nearby pavement.

2. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other embellishments.

C. Determining Frontages and Frontage Lengths.

1. Building Frontage. The frontage of any building shall include the elevation(s) facing a public street or railroad right-of-way, facing a parking area for the building, or containing the public entrance(s) to the building.

2. Building Frontage Length. The length of any building frontage shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined by the review authority as clearly unrelated to the frontage criteria. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each such building frontage.

3. Lot Frontage. As defined in DMC Division 17.500. [Ord. 521-2013 Exh. A].

17.306.030 Development standards.

The development standards contained in this section are categorized by nonresidential zones and residential zones. The residential zone category, for the purposes of this chapter, shall include the R-1 single-family

residential, R-2 single-family residential, and the R-3 medium density residential zones. The nonresidential zone category shall include all other zones.

A. Wall Signs.

1. Nonresidential Zones.

a. At least 20 square feet of wall signage shall be allowed for each building frontage.

b. For single story structures the basic allowance for wall signs shall be limited to one square foot of sign area for each linear foot of building frontage length. Additional permitted sign area may be increased by one-half square foot for each additional building floor above one floor. The total sign area on a building frontage shall not exceed 150 square feet. Each building frontage may have multiple wall signs as long as the total wall sign area does not exceed the allowances established for wall signs.

c. The projection of the sign face shall not exceed a distance of 12 inches from the face of the wall to which the sign is attached, except as allowed for projecting signs under subsection (A)(1)(g) of this section.

d. The sign shall be placed on the wall that is used to calculate the total area allowance.

e. Awning signs shall be considered wall signs for the purposes of this code and permitted according to the following:

i. Awning signs are permitted only as an integral part of the awning to which they are attached or applied.

ii. The awning shall maintain a minimum height of eight feet above grade.

iii. An awning shall not extend to within two feet from the curb face.

iv. The awning sign shall extend no more than eight feet from the building face.

v. An awning shall not project above the roofline.

f. Roof signs shall be considered wall signs for the purposes of this code and permitted according to the following:

i. The signs shall not exceed the highest point of the roof to which they are attached.

ii. The signs shall be located on the roof directly above the building frontage used to calculate the permitted area.

g. Projecting wall signs shall be considered wall signs for the purposes of this code and permitted according to the following:

i. The bottom of the sign shall be a minimum of eight feet above grade; the sign shall not project more than four feet from the wall of the building on which the sign is placed and may not be closer than two feet from the face of the curb; and the height shall not exceed the highest point of the wall to which it is attached.

h. An exterior window sign shall be considered a wall sign for the purposes of this code.

i. Canopy signs are permitted, in addition to the allowance for wall signs. Canopy signs shall have a maximum area of six square feet; the bottom of the sign shall be a minimum of eight feet above the sidewalk; the height shall not exceed the highest point of the roof; the sign shall not project more than 12 inches from the face of the canopy; and adjacent canopy signs shall not be closer than 25 feet.

2. Residential Zones.

a. The basic area allowance for wall signs is as follows:

i. Single-family and two-family (duplex) dwelling: the total sign area shall not exceed six square feet.

ii. Multiple-family dwelling: the total sign area shall not exceed 24 square feet.

iii. Nonresidential uses: the total sign area shall not exceed one square foot for each foot of building frontage, not to exceed a maximum total area of 100 square feet.

b. Each lot may have multiple signs. The total aggregated sign area shall not exceed the allowances in subsection (A)(2)(a) of this section.

c. The sign shall not be a roof sign.

d. An exterior window sign shall be considered a wall sign for the purposes of this code.

B. Freestanding Signs.

1. Nonresidential Zones.

a. One freestanding sign shall be allowed per lot frontage. One additional freestanding sign shall be permitted for every 150 feet of lot frontage. Each sign shall be located a minimum distance of 50 feet from another freestanding sign located on the same lot.

b. The combined area of all freestanding signs along one lot frontage shall be a maximum of four-tenths square foot for each foot of lineal lot frontage. The maximum area of any single sign shall not exceed 50 square feet. At least 20 square feet is allowed per frontage.

c. The maximum height shall not exceed 12 feet.

d. No portion of a freestanding sign shall be in, or project over, a public right-of-way.

2. Residential Zones.

a. The basic area allowance for freestanding signs is as follows:

i. Single-family dwelling, two-family (duplex) dwelling, and vacant lots: the total sign area shall not exceed six square feet.

ii. Multiple-family dwelling: the total sign area shall not exceed 30 square feet.

iii. Nonresidential uses: the total sign area shall not exceed 50 square feet.

iv. Monument sign for subdivisions: the monument sign area shall not exceed 30 square feet. Monument signs are permitted as described in subsection (B)(2)(f) of this section.

b. One sign shall be permitted for each lot frontage.

c. The height of the sign shall not exceed six feet, measured from the ground to the top of the sign face.

d. The sign may be located in any yard.

e. No portion of a freestanding sign shall be in, or project over, a public right-of-way.

f. In addition to the allowance for freestanding signs in residential zones, one monument sign may be permitted at each street entrance of a residential subdivision that comprises 20 or more lots. The height of the additional sign may not exceed a height of six feet. The additional sign may be located in any yard.

C. Design Standards.

SIGN DESIGN STANDARDS

These design standards apply to:

All signs larger than six square feet in nonresidential zones.

Institutional uses in residential zones if the use abuts Hwy 99W.

The sign design standards supersede other development code requirements for signs, including those in the Victorian overlay and DMC 17.203.040.

All signs must incorporate at least two of the design elements below, except signs with internally illuminated faces must include at least three of the design elements.

1. The sign primarily includes raised or engraved individual letters or graphics on a background wall or sign face (raised or engraved depth at least one-half inch). Letters made from neon tube lighting are one type of raised letters.

2. The outline or top of the sign frame (or the letters and graphics if no frame) is predominantly curved or nonrectangular.

3. The sign incorporates stone, masonry, sculpted metal, wrought iron, or natural wood as a frame or background (not plywood, particle board or other wood composite).

4. The sign is indirectly illuminated or non-illuminated.

5. If internally illuminated then no more than 50 percent of the face is light-colored.

6. Freestanding sign is no more than six feet tall.

SIGN DESIGN STANDARDS

7. For wall signs, total sign area is at least 20 percent below maximum allowed on that building frontage. For freestanding signs, sign area is at least 20 percent below the total area allowed for that sign.

8. Installing only one freestanding sign on a lot that qualifies for two or more freestanding signs.

D. Temporary Signs.

1. Generally Permitted. Each lot may be permitted one temporary sign. The sign shall not exceed six square feet. The sign may be in any yard, but not in the public right-of-way. The sign is permitted for 90 days out of any consecutive 365-day period.

2. Additional Temporary Signs. In addition to the generally permitted temporary signs, a lot may contain any of the following additional temporary signs during the time periods specified below:

a. Election Events. An election event begins 90 days prior to and ends 14 days after any public election. During this event a lot may contain up to 12 square feet of additional temporary signage in a residential zone, and up to 50 square feet of additional temporary signage in nonresidential zones. These signs shall not be located in the public right-of-way.

b. Special Events. Each lot may be permitted additional signs for other events including, but not limited to: grand openings, clearance sales, garage sales, local festivals, birthdays, religious events, and/or federal holidays. Each lot may be permitted to have signage for one special event in one consecutive 30-day period. The signage may be permitted for three consecutive days. Each lot may be permitted an unlimited number of signs not to exceed a total of 12 square feet in a residential zone, and 50 square feet in a nonresidential zone. These signs shall not be located in the public right-of-way.

c. Construction Events. Signs may be placed during a construction event pursuant to a permit issued by the city on the lot, provided total number does not exceed four and total cumulative size does not exceed 64 square feet. For the purposes of this subsection, a construction event begins on the date of local structural permit approval and ends on the date the permit is final or expires. These signs shall not be placed in the public right-of-way.

d. Sales Event.

i. On property which has received subdivision or development approval from the city, from that approval until issuance of a building permit for the last lot to be sold or completion of the development project, one temporary sign not exceeding 32 square feet in area and eight feet in height is allowed on properties less than four acres in size, or two temporary signs not exceeding 32 square feet in area each and eight feet in height are allowed on properties greater than four acres in size.

ii. Existing Development. A post-style sign not exceeding six square feet in area and five feet in height, or a hanging-style sign not exceeding six square feet in area and six feet in height, during the time of sale, lease or rental of the property; provided, that the sign is removed within 15 days of the sale, lease or rental of the property. An additional sign of the same size may be erected if the property borders a second street and the signs are not visible simultaneously. On lots of more than two acres the sign area may be increased to 32 square feet. In no case shall the sign or signs be erected for more than 12 months.

e. Portable Daily Sign. A portable sign may be permitted to be located in the public right-of-way or on private property in any nonresidential zone, provided the following:

i. No more than one sign per business with the permission of the owner/operator of the adjacent business. An exception is allowed for single businesses with long frontages; an additional sign is allowed for every 100 feet of frontage.

ii. The sign area shall not exceed a total of six square feet per side. The area of the sign within the right-of-way shall not be included in the total allowed area for other temporary signs on the adjacent lot.

iii. The sign is self-supporting (e.g., A-frame or sandwich board sign). The sign shall not be attached to any structure or object including, but not limited to, utility poles, mailboxes, trees, and governmental signs.

iv. A minimum five-foot horizontal travel and fire hydrant clearance shall be provided on the sidewalk. The sign shall not be placed on the street or in any on-street parking area, and shall not interfere with the vision clearance requirements of this code.

v. The sign shall be removed during nonbusiness hours of the adjacent business.

3. Signs for Temporary Businesses. Temporary businesses may display temporary or portable signs, other than trailer-mounted reader boards or any sign that includes flashing or rotation lights or moving parts. The cumulative size of all such signs may not exceed 32 square feet. All temporary signs must be placed within 10 feet of the structure or vehicle used for the temporary business and may not be placed within any public right-of-way.

4. Design.

a. All temporary signs shall be portable signs.

b. The maximum height for temporary signs shall not exceed six feet.

E. Signs Allowed Without Permit. The following signs are permitted in all zones without a permit but still shall meet all requirements of this code and the Oregon Structural Specialty Code. All other signs not listed in subsection (D) of this section, including but not limited to wall signs and freestanding signs, require permit approval prior to construction. The following signs shall not be included when determining compliance with total allowed area or number of other signs that require a permit.

1. Temporary signs that meet the standards of subsection (D) of this section.

2. Signs entirely within a building including interior window signs.

3. Signs not visible from a right-of-way.

4. Address identification signs.

5. One flag display is permitted on each street frontage. An unlimited number of displays is permitted on any legal holiday or city council designated festival.

6. Driveway Signs. In addition to the other signs allowed, a lot in any zone may contain signs with the following conditions:

a. For lots with one driveway, two signs shall be permitted at the driveway entrance or exit.

b. If a lot has more than one driveway, one sign shall be permitted for each driveway; and

c. One sign shall be permitted at each internal drive aisle intersection.

d. The area of each sign shall not exceed four square feet.

e. The sign may be located in any yard.

f. The height of the sign shall not exceed three feet. [Ord. 521-2013 Exh. A].

17.306.040 Nonconforming signs.

A. General Provisions.

1. Nonconforming signs shall be maintained in good condition pursuant to DMC 17.306.060.

2. A nonconforming sign shall not be altered, modified or reconstructed except:

a. When such alteration, modification or reconstruction would bring such sign into conformity with these regulations;

b. When the existing use has new ownership or tenant which results in a change in the name or logo of the use or business on the property, and such change complies with subsection (A)(2)(d) of this section;

c. When the space is reoccupied by a similar use and the new occupant requires no external building or site renovation, and such change complies with subsection (A)(2)(d) of this section;

d. Any alteration, modification or reconstruction permitted in this section shall be limited to the replacement of a sign panel, replacing individual letters and logos within the same area or repainting a sign face, and does not permit changes to the structure, framing, height or relocation of the sign unless such changes conform to subsection (A)(2)(a) of this section.

B. Limitations for Nonconforming Signs.

1. A nonconforming sign shall be removed upon verification that any of the following conditions have been met:

- a. The use of the property with such nonconforming sign has been abandoned for more than two consecutive years;
- b. The regulation or amendment to these regulations which made the sign nonconforming has been in effect for 10 years or more;
- c. The development site is granted land use approval for a Type II or Type III request; or
- d. The sign is a temporary sign.

2. Extension of Time to Comply. The dates established in this section for a sign to be brought into compliance with the requirements of these regulations may be extended at the request of the sign owner or lessee. An extension request shall be considered by the planning commission and follow the procedural and notice requirements of the Type III land use action. In evaluating the extension of time for a nonconforming sign, the planning commission shall consider the following factors to determine whether the owner of the sign has had reasonable amount of time to recoup the initial investment:

- a. The value of the sign at the time of construction and the length of time the sign has been in place;
- b. The life expectancy of the original investment in the sign and its salvage value, if any;
- c. The amount of depreciation and/or amortization of the sign already claimed for tax or accounting purposes;
- d. The length of the current tenant lease or expected occupancy compared to the date the sign is to be brought into compliance;
- e. The extent to which the sign is not in compliance with the requirements of these regulations;
- f. The degree to which the city determines that the sign is consistent with the purposes of these regulations;
- g. Whether the sign has "historical" or "landmark" significance as determined by the planning commission and should, therefore, be exempt from the requirements of this section; and
- h. Whether the sign is in a good state of repair and maintenance. [Ord. 521-2013 Exh. A].

17.306.050 Sign review procedures.

A. Application Requirements. An application for sign permit approval shall be made on a form provided by the planning official. The application shall include, at a minimum:

1. A sketch drawn to scale that includes: the design, location, height, area, and type, shielding, and wattage of illumination.
2. A sketch drawn to scale showing the location and size of all existing signs on site.
3. Name, contact information, and address of the sign designer and/or contractor.
4. Signature of the property owner.
5. Application fee.
6. Submittal of a structural permit and application fees.

B. Appeals and Variances. All appeals and major variances regarding this chapter shall be heard by the planning commission. Minor variances shall not be permitted regarding the sign standards contained in this chapter. [Ord. 521-2013 Exh. A].

17.306.060 Supplemental considerations.

A. Construction Standards. The construction, erection, safety and maintenance of all signs shall comply with the current edition of the Oregon Structural Specialty Code and all of the following:

1. Signs shall be structurally sound and located so as to pose no reasonable threat to pedestrian or vehicular traffic.
2. Banners are allowed only as temporary signs.

3. All freestanding signs shall have self-supporting structures erected on, or permanently attached to, concrete foundations.

4. Signs shall not be in locations that interfere with safe vehicular and pedestrian circulation or public safety signals and signs.

5. No signs shall be erected, constructed or maintained so as to obstruct any fire escape, required exit, window, or door opening used as a means of egress.

6. Signs may be illuminated by external or internal means; provided, that:

a. Light sources shall be shielded from all adjacent buildings and streets.

b. The lighting shall not create excessive glare to pedestrians and/or motorists, and will not obstruct traffic control or any other public informational signs.

c. The illumination meets the standards of Chapter 17.303 DMC, Exterior lighting.

d. The sign is not an animated sign.

e. In addition, signs in residential zones may only be indirectly illuminated by a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., and shall not flash, blink, or fluctuate.

B. Maintenance. All signs shall be maintained in accordance with the following:

1. The property owner shall maintain the sign: in a condition appropriate to the intended use; to all city standards; and has a continuing obligation to comply with all building code requirements.

2. All signs, excluding the sign structure, for a business shall be removed within 30 days after that business ceases to operate.

3. Illegal and abandoned signs which are not removed or are erected in violation of this chapter may be removed by the city of Dundee following notice to the property owner. The property owner will be assessed the cost of sign removal if the owner fails to remove the nonconforming, illegal or abandoned sign and the city exercises its authority under this provision.

4. If the sign is deemed by the planning official to be in an unsafe condition, the owner of the business shall be immediately notified in writing, and shall, within 72 hours of receipt of such notification, respond to the city with a plan to correct the unsafe condition, remove the unsafe sign, or cause it to be removed. If, after 30 days, the unsafe condition has not been corrected through repair or removal, the planning official may cause the repair or removal of such sign, at the expense of the property owner or lessee. If the total costs are not paid in full within 30 days of the repairs or removal, the amount owed shall be certified as an assessment against the property of the sign owner, and lien upon that property, together with an additional one percent penalty for collection as prescribed for unpaid real estate taxes.

5. In cases of emergency, the planning official may cause the immediate removal of a dangerous or defective sign without notice.

6. Whenever any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, relettering or repainting, the same may be done without a permit or without any payment of fees; provided, that all of the following conditions are met:

a. There is no alteration or remodeling to the structure or the mounting of the sign itself;

b. There is no enlargement or increase in any of the dimensions of the sign or its structure;

c. The sign is accessory to a legally permitted, conditional or nonconforming use.

C. Sign Lighting. Except as provided elsewhere in this code, all permanent signs may be internally illuminated, externally illuminated, or illuminated by exposed neon. The illumination of signs shall comply with the following standards:

1. When neon tubing is employed on the exterior or interior of a sign, the capacity of such tubing shall not exceed 300-milliamperc rating for white tubing or 100-milliamperc rating for any colored tubing. Exposed neon tube illumination is permitted on permanent signs in nonresidential zoning districts only.

2. No exposed reflective type bulb, PAR (parabolic aluminized reflector) spot or incandescent lamp, which incandescent lamp exceeds 250 lumens, shall be exposed to direct view from a public street or highway, but may be used for indirect light illumination of the display surface of a sign.

3. Exterior lighting shall meet the standards of DMC 17.303.020. The illumination level of all exterior sign lighting shall not exceed that necessary to illuminate and make legible a sign from the closest adjacent public right-of-way.

4. When fluorescent tubes are used for interior illumination of a sign such illumination shall not exceed:

a. Within residential districts, illumination equivalent to 425-milliampere rating tubing behind a sign face with tubes spaced at least seven inches, center to center.

b. Within nonresidential districts, illumination equivalent to 800-milliampere rating tubing behind a sign face spaced at least nine inches, center to center.

D. Changeable Copy. Changeable copy by non-electronic means may be utilized on any permitted sign, and is limited to a maximum of 25 square feet. Changeable copy by electronic means is limited to a maximum of four square feet.

E. Prohibited Signs. The following signs are prohibited:

1. Abandoned signs.

2. Animated, rotating signs and festoons, inflatable signs, tethered balloons, banners, pennants, search lights, streamers, exposed light bulbs, strings of lights not permanently mounted to a rigid background, and any clearly similar features, except special event signs or banners permitted in DMC 17.306.030(D).

3. Interior window signs that exceed 25 percent of the total window area.

4. Electronic changeable copy signs that exceed four square feet.

5. Roof signs that project above the highest point of the roof.

6. Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals. Signs that obstruct required vision clearance area or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard.

7. Signs located on trees or utility poles.

8. Signs that emit odor, visible matter, or sound.

9. Signs that use or employ guy lines of any type.

10. Signs on unimproved property, unless allowed as a temporary sign by the provisions of this code.

11. Vehicle Signs. Signs on vehicles when the vehicle is placed in a location not otherwise permitted for parking such vehicles, any sign attached to an unlicensed or inoperable vehicle in the public right-of-way or on private property, and signs not permanently attached to any vehicle parked in the public right-of-way or on private property.

12. Any sign not permitted by this code.

F. Exempt Signs. All governmental signs located within the public right-of-way and any other notice or warning required by a valid and applicable federal, state or local law, regulation, or resolution are exempt from meeting the provisions of this chapter. [Ord. 521-2013 Exh. A].

Division 17.400. Application Review Procedures and Approval Criteria

Chapter 17.401

GENERAL REVIEW PROCEDURES

Sections:

- 17.401.010 Purpose and applicability.
- 17.401.020 Type I procedure (staff review).
- 17.401.030 Type II procedure (administrative review).
- 17.401.040 Type III procedure (quasi-judicial review – planning commission decision).
- 17.401.050 Type IV procedure (quasi judicial review – city council decision).
- 17.401.060 Type V (legislative review – city council decision).
- 17.401.070 General provisions applicable to all reviews.

17.401.010 Purpose and applicability.

A. Purpose. The purpose of this chapter is to establish standard decision-making procedures that will enable the city, the applicant, and the public to review applications and participate in the local decision-making process in a timely and effective way. Table 17.401.010 provides a key for determining the review procedure and the decision-making body for particular approvals.

B. Applicability of Review Procedures. All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure “type” assigned to each application governs the decision-making process for that permit or approval. There are five types of permit/approval procedures as described in subsections (B)(1) through (5) of this section. Table 17.401.010 lists the city’s land use and development approvals and corresponding review procedure(s).

1. Type I Procedure (Staff Review). Type I decisions are made by the city planning official, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying city standards and criteria that do not require the use of discretion (i.e., clear and objective standards).

2. Type II Procedure (Administrative/Staff Review with Notice). Type II decisions are made by the city planning official with public notice and an opportunity for appeal to the planning commission.

3. Type III Procedure (Quasi-Judicial Review – Planning Commission Hearing). Type III decisions are made by the planning commission after a public hearing, with an opportunity for appeal to the city council.

4. Type IV Procedure (Quasi-Judicial Review – Planning Commission and City Council Hearings). The Type IV procedure applies to certain small-scale quasi-judicial decisions (i.e., small zone changes, right-of-way vacations, and annexations) that are considered by the planning commission for a recommendation to city council, and then by the city council for a final decision.

5. Type V Procedure (Legislative Review – Planning Commission and City Council Hearings). The Type V procedure applies to the creation or revision, or large-scale implementation, of public policy (i.e., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type V reviews are considered by the planning commission for a recommendation to city council. City council makes the final decision on legislative proposals.

**Table 17.401.010
Summary of Approvals by Type of Review Procedure**

Approvals*	Review Procedures	Applicable Regulations
Adjustment	Type II	Chapter 17.406 DMC
Annexation	Type IV or V	Chapter 17.408 DMC
Code Interpretation	Type II or III	Chapter 17.103 DMC

**Table 17.401.010
Summary of Approvals by Type of Review Procedure (Continued)**

Approvals*	Review Procedures	Applicable Regulations
Code Text Amendment	Type V	Chapter 17.405 DMC
Comprehensive Plan Amendment	Type IV or V	Chapter 17.405 DMC
Conditional Use Permit	Type III	Chapter 17.404 DMC
Home Occupation	Type I	Chapter 17.203 DMC
Legal Lot Determination	Type I	ORS 92.010 to 92.190
Nonconforming Use or Structure, Expansion of	Type III	Chapter 17.104 DMC
Partition or Replat of 2 – 3 Lots		
Preliminary Plat	Type II	Chapter 17.403 DMC
Final Plat	Type I	Chapter 17.403 DMC
Property Line Adjustments, including Lot Consolidations	Type I	Chapter 17.403 DMC
Sign Permit	Type I	Chapter 17.306 DMC
Similar Use Authorization	Type I	Chapter 17.103 DMC
Site Development Review	Type I or II	Chapter 17.402 DMC
Park and Open Space Master Plan	Type III**	Chapter 17.203 DMC
Planned Unit Development	Type III	Chapter 17.407 DMC
Subdivision or Replat of > 3 Lots		
Preliminary Plat	Type III	Chapter 17.403 DMC
Final Plat	Type I	Chapter 17.403 DMC
Temporary Use	Type I	Chapter 17.203 DMC (Special Uses – DMC 17.203.160)
Vacation	Type V	See ORS Chapter 271
Variance	Type III	Chapter 17.406 DMC
Zoning Map Change	Type IV or V	Chapter 17.405 DMC

*The applicant may be required to obtain building permits and other approvals. The city's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the city under this code.

**The city council through the Type III procedure reviews park and open space master plans.

C. Determination of Procedure Type. If there is a question of which procedure type a particular application should follow, the planning official shall determine the procedure to use. [Ord. 521-2013 Exh. A].

17.401.020 Type I procedure (staff review).

The city planning official, or his or her designee, without public notice and without a public hearing, makes ministerial decisions through the Type I procedure. The Type I procedure is used in applying city standards and criteria that do not require the exercise of discretion (i.e., clear and objective standards).

A. Application Requirements.

1. Application Forms. Approvals requiring Type I review shall be made on forms provided by the city.

2. Application Requirements.

- a. Include the information requested on the application form;
- b. Address the criteria in sufficient detail for review and action; and
- c. Be filed with the required fee.

B. Requirements. A building permit shall not be issued until the city planning official has approved a Type I application for the proposed project.

C. Criteria and Decision. The city planning official's review is intended to determine whether minimum code requirements are met and whether any other land use permit or approval is required prior to issuance of a building permit.

D. Effective Date. A Type I decision is final on the date it is signed by the city planning official. It is not a land use decision or limited land use decision as defined by ORS 197.015. Decisions may only be appealed to the planning commission where specifically noted. [Ord. 521-2013 Exh. A].

17.401.030 Type II procedure (administrative review).

The city planning official or his or her designee performs administrative staff reviews through the Type II procedure. Type II decisions are made by the city planning official with public notice and an opportunity for appeal to the planning commission.

A. Application Requirements.

1. Applications for projects requiring administrative review shall be made on forms provided by the city.

2. The city planning official shall advise the applicant of the application submittal requirements. At a minimum, the application shall include all of the following information:

- a. The information requested on the application form;
- b. Plans and exhibits required for the specific approval(s) being sought (for example, requirements for property line adjustments are in Chapter 17.403 DMC);
- c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;
- d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;
- e. Draft public notice and public mailing list; and
- f. The required fee.

B. Procedure.

1. The city planning official shall mail public notice of applications subject to administrative review not less than 14 days prior to decision. The city planning official shall prepare an affidavit of notice stating the date the notice was mailed, which shall be made a part of the file.

2. The purpose of the administrative review notice is to give nearby property owners and other interested people and agencies the opportunity to submit written comments on the application before the planning official issues the decision. The intent is to invite people to participate early in the decision-making process. Therefore all of the following individuals and agencies shall be notified:

- a. All owners of record of real property within a minimum of 100 feet of the subject site;
- b. Any person who submits a written request to receive a notice; and
- c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city and any other affected agencies. At a minimum, the city planning official shall notify the road authority if different than the city of Dundee. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the city under this code.

3. The notice shall contain all of the following information:

- a. The deadline for submitting written comments;
- b. A summary of the proposal and the relevant approval criteria. The notice must have sufficient detail to help the public identify and locate applicable code requirements;

c. The address and city contact person for submitting written comments;
 d. The street address or other easily understandable reference to the location of the proposed use or development;

e. Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or circuit court on that issue. Only comments on the relevant approval criteria are considered relevant evidence;

f. Statement that all evidence relied upon by the city planning official to make its decision is in the public record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the city; and

g. Statement that after the comment period closes the city will issue its decision and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

4. At the conclusion of the comment period, the city planning official shall review the comments received and prepare a decision notice approving, approving with conditions, or denying the application based on the applicable code criteria.

5. The city planning official shall prepare a notice of decision and mail it to the applicant, property owner (if different), those who provided written comments on the proposal, and those who requested a copy of the decision. The administrative notice of decision shall contain all of the following information:

a. A description of the applicant's proposal and the city's decision on the proposal. The notice may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (i.e., copy of assessor's map may be used);

c. A statement of where the city's decision can be obtained;

d. The date the decision shall become final, unless appealed; and

e. A statement that all persons entitled to notice may appeal the decision to the planning commission pursuant to subsection (D) of this section.

C. Effective Date of Decision. Unless the conditions of approval specify otherwise, an administrative decision becomes effective 10 days after the city mails the decision notice unless the decision is appealed pursuant to subsection (D) of this section.

D. Appeal of Type II (Administrative) Decision. A Type II administrative decision made by the city planning official may be appealed to the Dundee planning commission, pursuant to the following:

1. Who May Appeal. The following people have legal standing to appeal a Type II administrative decision:

a. The applicant or owner of the subject property;

b. Any person who was entitled to written notice of the administrative review;

c. Any other person who participated in the proceeding by submitting written comments on the application to the city by the specified deadline.

2. Appeal Filing Procedure.

a. Notice of Appeal. Any person with standing to appeal, as provided in subsection (D)(1) of this section, may appeal a Type II administrative decision by filing a notice of appeal according to the following procedures.

b. Time for Filing. A notice of appeal shall be filed with the city planning official within the time frame specified on the notice of decision; this will be within 10 days of the date the notice of decision is mailed.

c. Content of Notice of Appeal. The notice of appeal shall be accompanied by the required filing fee and shall contain:

i. An identification of the decision being appealed, including the date of the decision;

ii. A statement demonstrating the person filing the notice of appeal has standing to appeal;

iii. A statement explaining the specific issues being raised on appeal; and

iv. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

3. **Scope of Appeal.** The appeal of a Type II administrative decision shall be a hearing de novo before the planning commission, where the contested decision was made by the city planning official. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the administrative decision, but may include other relevant evidence and arguments. The hearing appeal body may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.

4. **Appeal Hearing Procedure.** Hearings on appeals of Type II decisions shall follow the same procedure used for public hearings on Type III reviews under DMC 17.401.040. DMC 17.401.040 contains requirements for public hearing notices, conduct of hearings, and decision-making procedures. [Ord. 521-2013 Exh. A].

17.401.040 Type III procedure (quasi-judicial review – planning commission decision).

The planning commission makes Type III quasi-judicial decisions. The Type III review procedure involves a public hearing, and provides an opportunity for those who appear to appeal the planning commission decision to the city council.

A. Application Requirements.

1. **Application Forms.** Applications requiring a quasi-judicial public hearing shall be made on forms provided by the city planning official.

2. **Submittal Information.** The city planning official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:

- a. The information requested on the application form;
- b. Plans and exhibits required for the specific approval(s) being sought;
- c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;
- d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;
- e. Draft public notice and public mailing list; and
- f. The required fee.

B. Procedure.

1. **Mailed and Published Notice.** The city planning official shall mail public notice of a public hearing on a quasi-judicial application not less than 20 days prior to the first hearing date on the application to the individuals and organizations listed below. The city planning official shall prepare an affidavit of notice stating the date the notice was mailed, which shall be made a part of the file. Notice shall be mailed to:

- a. All owners of record of real property located within a minimum of 100 feet of the subject site;
- b. Any person who submits a written request to receive a notice; and
- c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city and any other affected agencies. At a minimum, the city planning official shall notify the road authority if different than the city of Dundee. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the city under this code.

2. **Posted Notice.** The city planning official shall post public notice(s) of the public hearing on the subject site not less than 20 days prior to the first hearing date on the application. Notice posters shall be posted in conspicuous locations, with at least one poster on each street frontage adjacent to the subject site. Notices shall be posted at least once every 600 feet of street frontage along the perimeter of the property. The city planning official shall prepare a signed affidavit of posting, which shall be made a part of the file. The affidavit shall state the date and location(s) where the notice was posted.

3. Content of Notices. Notice of a quasi-judicial hearing to be mailed and published shall contain all of the following information:

- a. A summary of the proposal and the relevant approval criteria. The notice must have sufficient detail to help the public identify and locate applicable code requirements;
- b. The date, time and location of the scheduled hearing;
- c. The street address or other easily understandable reference to the location of the proposed use or development;
- d. A disclosure statement that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the city council, Land Use Board of Appeals, or circuit court, as applicable, on that issue. Only comments on the relevant approval criteria are considered relevant evidence;
- e. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards shall be available for review at the office of the city planning official and that copies shall be provided at a reasonable cost;
- f. A statement that a copy of the city's staff report and recommendation to the hearing body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
- g. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and
- h. A statement that after the public hearing closes, the planning commission will issue its decision, and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

C. Conduct of the Public Hearing.

1. Hearing Instructions. At the commencement of the hearing, the chairperson of the commission or mayor, as applicable, or his or her designee, shall state to those in attendance all of the following information and instructions:

- a. The applicable approval criteria by code chapter that apply to the application;
- b. Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
- c. Failure to raise an issue with sufficient detail to give the hearing body and the parties an opportunity to respond to the issue may preclude appeal to the State Land Use Board of Appeals on that issue;
- d. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the public record. See subsection (F) of this section, Record of the Public Hearing;
- e. Any participant may ask the hearing body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the hearing body grants the request, it will schedule a date to continue the hearing as provided in subsection (C)(5) of this section, or leave the record open for additional written evidence or testimony as provided in subsection (C)(6) of this section.

2. Impartial Tribunal. The public is entitled to an impartial hearing body as free from potential conflicts of interest and prehearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the hearing body shall follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, the member or members of the hearing body shall individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall excuse themselves from the proceedings.

3. Presenting and Receiving Evidence.

- a. The hearing body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;

b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section;

c. Members of the hearing body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

4. Record. The hearing body, in making its decision, shall consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports) upon announcing its intention to take notice of such facts in its deliberations and allowing persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.

5. Continuances. If the hearing body decides to continue the hearing, the hearing shall be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity shall be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the hearing body may limit additional testimony to arguments and not accept additional evidence.

6. Record Left Open for Additional Testimony. If the hearing body leaves the record open for additional written testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the hearing body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the hearing body shall reopen the record, as follows:

a. When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;

b. An extension of the hearing or record granted pursuant to this section is subject to the limitations of DMC 17.401.070 (ORS 227.178 – “120-day rule”), unless the applicant waives his or her right to a final decision being made within 120 days of filing a complete application; and

c. If requested by the applicant, the hearing body shall grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

7. Decision Notice. The notice of quasi-judicial decision shall contain all of the following information:

a. A description of the applicant’s proposal and the city’s decision on the proposal. The notice may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (i.e., copy of assessor’s map may be used);

c. A statement of where the city’s decision can be obtained;

d. The date the decision shall become final, unless appealed; and

e. A statement that all persons entitled to notice may appeal the planning commission’s decision to city council pursuant to subsection (E) of this section, or may appeal the city council’s decision to the State Land Use Board of Appeals, as applicable.

D. Effective Date of Decision. Unless the conditions of approval specify otherwise, a quasi-judicial decision becomes effective 10 days after the city mails the decision notice unless the decision is appealed pursuant to subsection (E) of this section.

E. Appeal of Planning Commission Decision. The planning commission’s decision may be appealed to the Dundee city council as follows:

1. Who May Appeal. Only persons who “appear” during a quasi-judicial proceeding, by testifying orally or in writing, prior to the close of the public record, may appeal the planning commission decision.

2. Appeal Filing Procedure.

a. Notice of Appeal. Any person with standing to appeal, as provided in subsection (E)(1) of this section, may appeal a Type III quasi-judicial decision by filing a notice of appeal according to the following procedures.

b. Time for Filing. A notice of appeal shall be filed with the city planning official within the time frame specified on the notice of decision; typically, this will be within 14 days of the date the notice of decision is mailed.

c. Content of Notice of Appeal. The notice of appeal shall be accompanied by the required filing fee and shall contain:

- i. An identification of the decision being appealed, including the date of the decision;
- ii. A statement demonstrating the person filing the notice of appeal has standing to appeal;
- iii. A statement explaining the specific issues being raised on appeal; and
- iv. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

3. Scope of Appeal. The appeal of a Type III quasi-judicial decision shall be a de novo hearing before the city council, which may allow additional evidence, testimony or argument concerning any issue raised at the planning commission.

F. Record of the Public Hearing.

1. Official Record. The official public hearing record shall include all of the following information:

- a. All materials considered by the hearing body;
- b. All materials submitted by the city planning official to the hearing body regarding the application;
- c. The minutes of the hearing;
- d. The final written decision; and
- e. Copies of all notices given as required by this chapter, and correspondence regarding the application that the city mailed or received.

2. Minutes. The meeting minutes shall be filed in hard copy form with the city planning official. The minutes and other evidence presented as a part of the hearing shall be part of the record.

3. Exhibits. All exhibits received and displayed shall be marked to provide identification and shall be part of the record.

G. Effective Date and Appeals to State Land Use Board of Appeals. Final decisions, including appeal decisions, are effective the date the city mails the decision. Appeals of city council final decisions under this code shall be filed with the State Land Use Board of Appeals pursuant to ORS 197.805 to 197.860, except where state law requires review by a different court. [Ord. 521-2013 Exh. A].

17.401.050 Type IV procedure (quasi judicial review – city council decision).

Type IV quasi-judicial decisions are heard first by the planning commission for a recommendation to the city council, and then by the city council for a final decision. The Type IV review procedure involves two public hearings.

A. Application Requirements.

1. Application Forms. Applications requiring a quasi-judicial public hearing shall be made on forms provided by the city planning official.

2. Submittal Information. The city planning official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:

- a. The information requested on the application form;
- b. Plans and exhibits required for the specific approval(s) being sought;
- c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;
- d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;

- e. Draft public notice and public mailing list; and
- f. The required fee.

B. Procedure.

1. Mailed and Published Notice. The city planning official shall mail public notice of a public hearing on a quasi-judicial application not less than 20 days prior to the first hearing date on the application to the individuals and organizations listed below. The city planning official shall prepare an affidavit of notice stating the date the notice was mailed, which shall be made a part of the file. Notice shall be mailed to:

- a. All owners of record of real property located within a minimum of 100 feet of the subject site;
- b. Any person who submits a written request to receive a notice; and
- c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city and any other affected agencies. At a minimum, the city planning official shall notify the road authority if different than the city of Dundee. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the city under this code.

2. Posted Notice. The city planning official shall post public notice(s) of the public hearing on the subject site not less than 20 days prior to the first hearing date on the application. Notice posters shall be posted in conspicuous locations, with at least one poster on each street frontage adjacent to the subject site. Notices shall be posted at least once every 600 feet of street frontage along the perimeter of the property. The city planning official shall prepare a signed affidavit of posting, which shall be made a part of the file. The affidavit shall state the date and location(s) where the notice was posted.

3. Content of Notices. Notice of a quasi-judicial hearing to be mailed and published shall contain all of the following information:

- a. A summary of the proposal and the relevant approval criteria. The notice must have sufficient detail to help the public identify and locate applicable code requirements;
- b. The date, time and location of the scheduled hearing;
- c. The street address or other easily understandable reference to the location of the proposed use or development;
- d. A disclosure statement that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or circuit court, as applicable, on that issue. Only comments on the relevant approval criteria are considered relevant evidence;
- e. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards shall be available for review at the office of the city planning official and that copies shall be provided at a reasonable cost;
- f. A statement that a copy of the city's staff report and recommendation to the hearing body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
- g. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and
- h. A statement that after the public hearing closes, the city council will issue its decision, and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

C. Conduct of the Public Hearing.

1. Hearing Instructions. At the commencement of the hearing, the chairperson of the commission or mayor, as applicable, or his or her designee, shall state to those in attendance all of the following information and instructions:

- a. The applicable approval criteria by code chapter that apply to the application;
- b. Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;

c. Failure to raise an issue with sufficient detail to give the hearing body and the parties an opportunity to respond to the issue may preclude appeal to the State Land Use Board of Appeals on that issue;

d. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the public record. See subsection (E) of this section, Record of the Public Hearing;

e. Any participant may ask the hearing body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the hearing body grants the request, it will schedule a date to continue the hearing as provided in subsection (C)(5) of this section, or leave the record open for additional written evidence or testimony as provided in subsection (C)(6) of this section.

2. Impartial Tribunal. The public is entitled to an impartial hearing body as free from potential conflicts of interest and prehearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the hearing body shall follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, the member or members of the hearing body shall individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall excuse themselves from the proceedings.

3. Presenting and Receiving Evidence.

a. The hearing body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;

b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided by this section;

c. Members of the hearing body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

4. Record. The hearing body, in making its decision, shall consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports) upon announcing its intention to take notice of such facts in its deliberations and allowing persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.

5. Continuances. If the hearing body decides to continue the hearing, the hearing shall be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity shall be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the hearing body may limit additional testimony to arguments and not accept additional evidence.

6. Record Left Open for Additional Testimony. If the hearing body leaves the record open for additional written testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the hearing body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the hearing body shall reopen the record, as follows:

a. When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;

b. An extension of the hearing or record granted pursuant to this section is subject to the limitations of DMC 17.401.070 (ORS 227.178 – “120-day rule”), unless the applicant waives his or her right to a final decision being made within 120 days of filing a complete application; and

c. If requested by the applicant, the hearing body shall grant the applicant at least seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.

7. Decision Notice. The notice of quasi-judicial decision shall contain all of the following information:

a. A description of the applicant's proposal and the city's decision on the proposal. The notice may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (i.e., copy of assessor's map may be used);

c. A statement of where the city's decision can be obtained;

d. The date the decision shall become final, unless appealed; and

e. A statement that all persons entitled to notice may appeal the city council's decision to the State Land Use Board of Appeals, as applicable.

D. Effective Date of Decision. Unless the conditions of approval specify otherwise, a quasi-judicial decision becomes effective 10 days after the city mails the decision notice unless the decision is appealed pursuant to DMC 17.401.040(E).

E. Record of the Public Hearing.

1. Official Record. The official public hearing record shall include all of the following information:

a. All materials considered by the hearing body;

b. All materials submitted by the city planning official to the hearing body regarding the application;

c. The minutes of the hearing;

d. The final written decision; and

e. Copies of all notices given as required by this chapter, and correspondence regarding the application that the city mailed or received.

2. Minutes. The meeting minutes shall be filed in hard copy form with the city planning official. The minutes and other evidence presented as a part of the hearing shall be part of the record.

3. Exhibits. All exhibits received and displayed shall be marked to provide identification and shall be part of the record.

F. Effective Date and Appeals to State Land Use Board of Appeals. Final decisions, including appeal decisions, are effective the date the city mails the decision. Appeals of city council final decisions under this code shall be filed with the State Land Use Board of Appeals pursuant to ORS 197.805 to 197.860, except where state law requires review by a different court. [Ord. 521-2013 Exh. A].

17.401.060 Type V (legislative review – city council decision).

A legislative action for the purposes of this code is a land use decision requiring city council enactment of an ordinance. Legislative actions include amendments to the city of Dundee comprehensive plan, amendments to the city of Dundee transportation system plan and other facility plans which are ancillary to the comprehensive plan, and amendments to the city's zoning map and development code that are not otherwise reviewable as quasi-judicial actions under DMC 17.401.040.

A. Initiation of Requests. The city council or planning commission may initiate a legislative action at any time by a majority vote. Legislative requests are not subject to the 120-day review period under ORS 227.178.

B. Application Requirements.

1. Application Forms. Applications for legislative action shall be made on forms provided by the city.

2. Submittal Information. Applications for legislative action shall contain all of the following information:

a. The information requested on the application form;

- b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
- c. The required fee, except when city of Dundee initiates request; and
- d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.

C. Procedure. Hearings on legislative land use requests are conducted similar to city council hearings on other legislative proposals, except the notification procedure for legislative land use requests must conform to state land use laws (ORS 227.175), as follows:

1. The city planning official shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of proposed legislative amendments at least 35 days before the first public hearing at which public testimony or new evidence will be received. The notice shall include a DLCD certificate of mailing.

2. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any zone change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:

- a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one comprehensive plan land use designation to another). See also ORS 227.186 for instructions;
- b. Any affected governmental agency;
- c. Any person who requests notice in writing; and
- d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

3. At least 10 days before the scheduled city council public hearing date, public notice shall be published in a newspaper of general circulation in the city.

4. For each mailing and publication of notice, the city planning official shall keep an affidavit of mailing/publication in the record.

D. Final Decision and Effective Date. A legislative land use decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant. Notice of a legislative land use decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within five business days after the city council decision is filed with the city planning official. The city shall also provide notice to all persons as required by other applicable laws. [Ord. 521-2013 Exh. A].

17.401.070 General provisions applicable to all reviews.

A. Time Limit – 120-Day Rule. The city shall take final action on administrative and quasi-judicial land use applications, pursuant to this chapter, including resolution of all appeals, within 120 days from the date the city planning official deems the application complete for purposes of processing, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (Note: The 120-day rule does not apply to legislative land use decisions.)

B. Time Periods. In computing time periods prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.

C. Consolidated Review of Applications. When an applicant applies for more than one type of land use or development permit for the same one or more contiguous lots, the proceedings shall be consolidated for review and decision at the applicant's request or at the city's discretion. The consolidated application shall be considered using the highest procedure type of any of the applications. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.

D. City Planning Official's Duties. The city planning official, or his or her designee, shall perform all of the following duties with regard to administration of this code:

1. Prepare application forms based on the provisions of this code and applicable state law;
2. Review required notices, and process applications;
3. Assist planning commission and city council in administering the hearings process;
4. Answer questions from the public regarding the city's land use regulations;
5. Prepare staff reports summarizing pending applications, including applicable decision criteria;
6. Prepare findings consistent with city council decisions on land use and development applications;
7. Prepare notices of final decisions, file the notices in the city's records and mail a copy of the notices to all parties entitled to notice under this code; and
8. Maintain and preserve the file and public record for each application.

E. Fees. Fees for land use applications are established by city council resolution. [Ord. 521-2013 Exh. A].

Chapter 17.402**SITE DEVELOPMENT REVIEW**

Sections:

- 17.402.010 Purpose.
- 17.402.020 Applicability and exemptions.
- 17.402.030 Review procedure.
- 17.402.040 Application submission requirements.
- 17.402.050 Approval criteria.
- 17.402.060 Assurances.
- 17.402.070 Compliance with conditions – Permit expiration.

17.402.010 Purpose.

The purpose of this chapter is to advance all of the following objectives in the public interest:

- A. Carry out the development pattern and plan of the city and its comprehensive plan policies through efficient and effective review of site development proposals;
- B. Promote the public health, safety and general welfare;
- C. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards; and
- D. Encourage efficient use of land resources and public services, and the provision of transportation options. [Ord. 521-2013 Exh. A].

17.402.020 Applicability and exemptions.

Site development review approval is required for new development, changes of use resulting in increased vehicle traffic or demand for parking, additions and remodels, and to expand a nonconforming use or development. Except as specified by a condition of approval on a prior city decision, or as required for uses subject to conditional use permit approval, site development review is not required for the following:

- A. Change in occupancy from one type of land use to a different land use resulting in no increase in vehicle traffic or demand for parking;
- B. Single-family detached dwelling (including manufactured home on its own lot);
- C. Duplex;
- D. Home occupation;
- E. Accessory structures that don't require a building permit, and accessory parking;
- F. Public improvements required by city standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), except where a condition of approval requires site development review;
- G. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair. [Ord. 521-2013 Exh. A].

17.402.030 Review procedure.

Site development review shall be conducted using a Type I checklist in DMC 17.401.020 or the Type II procedure in DMC 17.401.030. The procedure type will be determined as follows:

- A. Type I Checklist Review. A Type I checklist will be used to review all of the following:
 - 1. Change of occupancy from one type of land use to a different type of land use resulting in an increase in vehicle traffic or demand for parking;
 - 2. Commercial, industrial, institutional, or multifamily building addition or remodel that adds less than 25 percent floor area;
 - 3. Site improvements, such as modifications to a landscaped area or parking area.

- B. Type II Review. A Type II review will be used to review all of the following:
1. All new development.
 2. Commercial, industrial, institutional, or multifamily building addition or remodel that adds 25 percent or more floor area. [Ord. 521-2013 Exh. A].

17.402.040 Application submission requirements.

A Type I checklist review for minor developments is meant to compare the proposal to development code standards and does not require discretion. For a Type I checklist review, a completed application checklist and a site plan with dimensions are required.

All of the following information is required for a Type II site development review application submittal, except where the city planning official determines that some information is not pertinent and therefore is not required:

- A. General Submission Requirements.
1. Information required for Type II review (see Chapter 17.401 DMC);
 2. Public Facilities and Services Impact Study. The impact study shall quantify and assess the effect of the development on public facilities and services. The city shall advise as to the scope of the study, which, at a minimum, shall address the transportation system, including required improvements for vehicles and pedestrians; the drainage system; the parks system (for multifamily development); water system; and sewer system. For each system and type of impact, the study shall propose improvements necessary to meet city requirements; and
 3. Traffic impact analysis, as may be required by the city or other roadway authority.

B. Site Development Review Information. In addition to the general submission requirements an applicant for site development review shall provide the following information, as deemed applicable by the city planning official. The city planning official may request any information that he or she needs to review the proposal and prepare a complete staff report and recommendation to the approval body.

1. Site Analysis Map. At a minimum the site analysis map shall contain the following information, as the city planning official deems applicable:
 - a. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the city, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified;
 - b. Topographic contour lines at two-foot intervals for slopes, except where the city engineer determines that larger intervals will be adequate for steeper slopes;
 - c. Identification of slopes greater than 10 percent, with slope categories identified in five percent increments (e.g., zero percent to five percent, greater than five percent to 10 percent, greater than 10 percent to 15 percent, greater than 15 percent to 20 percent, and so forth);
 - d. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
 - e. Potential natural hazard areas, including, as applicable, the base flood elevation identified on FEMA Flood Insurance Rate Maps or as otherwise determined through site specific survey, areas subject to high water table, and areas designated by the city, county, or state as having a potential for geologic hazards;
 - f. Areas subject to overlay zones;
 - g. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
 - h. The location, size and species of trees and other vegetation (outside proposed building envelope) having a caliper (diameter) of six inches or greater at four feet above grade;
 - i. North arrow, scale, names and addresses of all persons listed as owners of the subject property on the most recently recorded deed;
 - j. Name and address of project designer, engineer, surveyor, and/or planner, if applicable.

2. Proposed Site Plan. The site plan shall contain the following information:
 - a. The proposed development site, including boundaries, dimensions, and gross area;
 - b. Features identified on the existing site analysis maps that are proposed to remain on the site;
 - c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
 - d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
 - e. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
 - f. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
 - g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);
 - h. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
 - i. Loading and service areas for waste disposal, loading and delivery;
 - j. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
 - k. Location, type, and height of outdoor lighting;
 - l. Location of mail boxes, if known;
 - m. Name and address of project designer, if applicable;
 - n. Locations of bus stops and other public or private transportation facilities;
 - o. Locations, sizes, and types of signs.
3. Architectural Drawings. Architectural drawings, as applicable:
 - a. Building elevations with dimensions;
 - b. Building materials, colors and type;
 - c. Name and contact information of the architect or designer.
4. Preliminary Grading Plan. A preliminary grading plan prepared by a registered engineer shall be required for all projects subject to site design review, including commercial, industrial, or multifamily developments. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, and all proposed storm water drainage systems and erosion control facilities.
5. Landscape Plan. Where a landscape plan is required, it shall show the following, pursuant to Chapter 17.302 DMC:
 - a. The location and height of existing and proposed fences, buffering or screening materials;
 - b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
 - c. The location, size, and species of the existing and proposed plant materials (at time of planting);
 - d. Existing and proposed building and pavement outlines;
 - e. Specifications for soil at time of planting, irrigation if plantings are not drought-tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule;
 - f. Other information as deemed appropriate by the city planning official. An arborist's report may be required for sites with mature trees that are to be retained and protected.
6. Deed Restrictions. Copies of all existing and proposed restrictions or covenants, including those for roadway access control.
7. Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in DMC 17.402.050.

8. Traffic impact analysis, when required, shall be prepared in accordance with the road authority's requirements.

9. Other Information Determined by the City Planning Official. The city may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal's conformance with this code. [Ord. 521-2013 Exh. A].

17.402.050 Approval criteria.

A. Approval Criteria. An application for a Type II site development review shall be approved if the proposal meets all of the following criteria. The city decision-making body may, in approving the application, impose reasonable conditions of approval, consistent with the applicable criteria.

1. The application is complete, in accordance with DMC 17.402.040;
2. The application complies with all of the applicable provisions of the underlying zone and overlay zone(s), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards;
3. The proposal includes required upgrades, if any, to existing development that does not comply with the applicable land use district standards, pursuant to Chapter 17.104 DMC, Nonconforming Situations;
4. The proposal complies with all of the site design and development standards of this code, as applicable;
5. The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable. Note: compliance with other city codes and requirements, though not applicable land use criteria, may be required prior to issuance of building permits. [Ord. 521-2013 Exh. A].

17.402.060 Assurances.

Public improvement required as part of a site development review approval shall be subject to the performance guarantee and warranty bond provisions of DMC 17.305.020, as applicable. [Ord. 521-2013 Exh. A].

17.402.070 Compliance with conditions – Permit expiration.

Development shall not commence until after the effective date of all applicable land use and development approvals. Construction of public improvements shall not commence until the city has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The city may require bonding or other assurances for improvements. Site development review approvals are subject to all of the following standards and limitations:

A. Approval Period. Site development review approvals shall be effective for a period of one year from the date of approval. The approval shall lapse if:

1. A public improvement plan or building permit application for the project has not been submitted within one year of approval; or
2. Construction on the site is in violation of the approved plan.

B. Extension. The city planning official, upon written request by the applicant, shall grant one written extension of the approval period not to exceed one year; provided, that the applicant demonstrates:

1. No changes are made on the original approved plan;
2. The applicant can show intent of initiating construction on the site within the one-year extension period;
3. There have been no changes to the applicable code provisions on which the approval was based. If there have been changes to the applicable code provisions and the subject plan does not comply with those changes, then the extension shall not be granted; in this case, a new site development review shall be required;
4. Failure to obtain building permits and substantially begin construction within the standard time frame was beyond the applicant's control; and
5. Payment of applicable fees. [Ord. 521-2013 Exh. A].

Chapter 17.403

LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS

Sections:

- 17.403.010 Purpose.
- 17.403.020 General requirements.
- 17.403.030 Preliminary plat approval process.
- 17.403.040 Preliminary plat submission requirements.
- 17.403.050 Preliminary plat approval criteria.
- 17.403.060 Land division related variances.
- 17.403.070 Final plat submission requirements and approval criteria.
- 17.403.080 Filing and recording.
- 17.403.090 Replatting and vacation of plats.
- 17.403.100 Property line adjustments.
- 17.403.110 Validation of unit of land not lawfully established.

17.403.010 Purpose.

The purpose of this chapter is to implement the objectives in subsections (A) through (E) of this section:

A. Provide rules, regulations and standards governing the approval of subdivisions, partitions and property line adjustments as follows:

1. Subdivisions are the creation of four or more lots from one parent lot, parcel or tract, within one calendar year.
2. Partitions are the creation of three or fewer lots within one calendar year from one parent lot, parcel, or tract.
3. Property line adjustments are modifications to lot lines or parcel boundaries that do not result in the creation of new lots (includes consolidation of lots).

B. Carry out the city's development pattern, as envisioned by the city's comprehensive plan.

C. Encourage efficient use of land resources and public services, and provide transportation options.

D. Promote the public health, safety and general welfare through orderly and efficient urbanization.

E. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards. [Ord. 521-2013 Exh. A].

17.403.020 General requirements.

A. Subdivision and Partition Approval Through Two-Step Process. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:

1. The preliminary plat must be approved before the final plat can be submitted for approval consideration; and
2. The final plat must demonstrate compliance with all conditions of approval of the preliminary plat.

Property line adjustments and lot consolidation requests (i.e., no new lot is created) are subject to DMC 17.403.100; they are not subject to this section through DMC 17.403.090.

B. Compliance with ORS Chapter 92. All subdivision and partition proposals shall conform to state regulations in ORS Chapter 92, Subdivisions and Partitions.

C. Adequate Utilities. All lots created through land division shall have adequate public utilities and facilities such as streets, water, sewer, gas, and electrical systems, pursuant to Chapter 17.305 DMC.

D. Adequate Drainage. All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required, pursuant to Chapter 17.305 DMC.

E. Adequate Access. All lots created or reconfigured shall have adequate vehicle access and parking, as may be required, pursuant to Chapter 17.301 DMC. [Ord. 521-2013 Exh. A].

17.403.030 Preliminary plat approval process.

A. Review of Preliminary Plat. Preliminary plats shall be processed using the Type II procedure under DMC 17.401.030 for partitions, and using the Type III procedure in DMC 17.401.040 for subdivisions. All preliminary plats are subject to the approval criteria in DMC 17.403.050.

B. Preliminary Plat Approval Period. Preliminary plat approval shall be effective for a period of 18 months from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted or other assurance provided, pursuant to DMC 17.403.070, within the maximum four-and-one-half-year period. The planning commission may approve phased subdivisions, pursuant to subsection (D) of this section, with an overall time frame of more than two years between preliminary plat and final plat approvals.

C. Extensions. The original approval body may, upon written request by the applicant and payment of the required fee, grant written extensions of the approval period not to exceed one year per extension; provided, that all of the following criteria are met:

1. The applicant has submitted written intent to file a final plat within the one-year extension period;
2. An extension of time will not prevent the lawful development of abutting properties;
3. There have been no changes to the applicable code provisions on which the approval was based.

If such changes have occurred, a new preliminary plat application shall be required;

4. The extension request is made before expiration of the original approved plan; and
5. Applicants will be limited to a maximum of three extensions per project.

D. Phased Subdivision. The city may approve a phased subdivision, provided the applicant proposes a reasonable phasing schedule that meets all of the following criteria:

1. In no case shall the construction time period (i.e., for required public improvements, utilities, streets) for the first subdivision phase be more than one year;
2. Public facilities shall be constructed in conjunction with or prior to each phase;
3. The phased development shall not result in requiring the city or a third party (e.g., owners of lots) to construct public facilities that are required as part of the approved development proposal; and
4. The proposed time schedule for phased development approval shall be reviewed concurrently with the preliminary subdivision plat application. [Ord. 521-2013 Exh. A].

17.403.040 Preliminary plat submission requirements.

Applications for preliminary plat approval shall contain all of the following information:

A. General Submission Requirements.

1. Information required with a Type II application for a partition, or Type III application for a subdivision (see DMC 17.401.030 or 17.401.040, as applicable);
2. Traffic impact analysis, as may be required by the city or other roadway authority.

B. Preliminary Plat Information. In addition to the general information described in subsection (A) of this section, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information, in quantities required by the city planning official:

1. General Information.
 - a. Name of subdivision (partitions are named by year and file number). This name shall not duplicate the name of another land division in Yanhill County;
 - b. Date, north arrow, and scale of drawing;
 - c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;

- d. Zoning of tract to be divided, including any overlay zones;
 - e. A title block including the names, addresses and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey; and
 - f. Identification of the drawing as a "preliminary plat."
2. Existing Conditions. Except where the city planning official deems certain information is not relevant, applications for preliminary plat approval shall contain all of the following information on existing conditions of the site:
- a. Streets. Location, name, and present width of all streets, alleys and rights-of-way on and abutting the site;
 - b. Easements. Width, location and purpose of all existing easements of record on and abutting the site;
 - c. Utilities. Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standard;
 - d. Ground elevations shown by contour lines at two-foot vertical interval. Such ground elevations shall be related to some established benchmark or other datum approved by the county surveyor; the city engineer may waive this standard for partitions when grades, on average, are less than six percent;
 - e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
 - f. The base flood elevation, per FEMA Flood Insurance Rate Maps, as applicable;
 - g. North arrow and scale; and
 - h. Other information, as deemed necessary by the city planning official for review of the application. The city may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.
3. Proposed Development. Except where the city planning official deems certain information is not relevant, applications for preliminary plat approval shall contain all of the following information on the proposed development:
- a. Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street centerline grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
 - b. Easements. Location, width and purpose of all proposed easements;
 - c. Lots and private tracts (e.g., private open space, common area, or street) with approximate dimensions, area calculation (e.g., in square feet), and identification numbers. Through lots shall be avoided except where necessary to provide separation of residential development from major traffic arteries, adjacent nonresidential activities, or to overcome specific issues with topography or orientation. Screening and buffering of through lots may be required pursuant to DMC 17.302.060;
 - d. Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space for the purpose of surface water management, recreation, or other use;
 - e. Proposed public street improvements, pursuant to Chapter 17.305 DMC;
 - f. Information demonstrating that proposed lots can reasonably be accessed and developed without the need for a variance and in conformance with applicable setbacks and lot coverage requirements;
 - g. Preliminary design for extending city water and sewer service to each lot, per Chapter 17.305 DMC;
 - h. Proposed method of storm water drainage and treatment, if required, pursuant to Chapter 17.305 DMC;
 - i. The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;
 - j. Evidence of compliance with applicable overlay zones, including but not limited to city of Dundee flood plain overlay; and

k. Evidence of contact with the applicable road authority for proposed new street connections. [Ord. 521-2013 Exh. A].

17.403.050 Preliminary plat approval criteria.

A. Approval Criteria. By means of a Type II procedure for a partition, or a Type III procedure for a subdivision, the city shall approve, approve with conditions, or deny an application for a preliminary plat. The decision shall be based on findings of compliance with all of the following approval criteria:

1. The land division application shall conform to the requirements of this chapter;
2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of DMC Division 17.200, Zoning and Land Use Requirements;
3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer and streets, shall conform to DMC Division 17.300, Development Requirements;
4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
5. The proposed streets, utilities, and surface water drainage facilities conform to city of Dundee adopted master plans and applicable engineering standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;
6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;
7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and
8. Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

B. Conditions of Approval. The city may attach such conditions as are necessary to carry out provisions of this code, and other applicable ordinances and regulations. [Ord. 521-2013 Exh. A].

17.403.060 Land division related variances.

Variances shall be processed in accordance with Chapter 17.406 DMC. Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted; when practical the applications shall be reviewed concurrently. [Ord. 521-2013 Exh. A].

17.403.070 Final plat submission requirements and approval criteria.

Final plats require review and approval by the city planning official prior to recording with Yamhill County. The final plat submission requirements, approval criteria, and procedure are as follows:

A. Submission Requirements. The applicant shall submit the final plat within 18 months, or as otherwise provided for in DMC 17.403.030. The format of the plat shall conform to ORS Chapter 92. The final plat application shall include the following items:

1. One original and one identical copy of the final plat for signature. The plat copies shall be printed on mylar, and must meet the requirements of the county recorder and county surveyor. The plat must contain a signature block for approval by the city administrator, in addition to other required signature blocks for county approval.
2. Written response to conditions of approval assigned to the land division.
3. A title report for the property, current within six months of the final plat application date.
4. Copies of any required dedication, easement, or other documents.
5. Copies of all homeowner's agreements, codes, covenants, and restrictions, or other bylaws, as applicable.
6. Copies of any required maintenance agreements for common property.

7. Any other item required by the city to meet the conditions of approval assigned to the land division.

B. Approval Process and Criteria. By means of a Type I procedure, the city planning official shall review and approve, or deny, the final plat application based on findings of compliance or noncompliance with the preliminary plat conditions of approval. [Ord. 521-2013 Exh. A].

17.403.080 Filing and recording.

A new lot is not a legal lot for purposes of ownership (title), sale, lease, or development/land use until a final plat is recorded for the subdivision or partition containing the lot. The final plat filing and recording requirements are as follows:

A. Filing Plat with County. Within 60 days of the city approval of the final plat, the applicant shall submit the final plat to Yamhill County for signatures of county officials as required by ORS Chapter 92.

B. Proof of Recording. Upon final recording with the county, the applicant shall submit to the city a paper copy of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.

C. Prerequisites to Recording the Plat.

1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;

2. No plat shall be recorded until the county surveyor approves it in the manner provided by ORS Chapter 92. [Ord. 521-2013 Exh. A].

17.403.090 Replatting and vacation of plats.

Any plat or portion thereof may be replatted or vacated upon receiving an application signed by all of the owners as appearing on the deed. Except as required for street vacations, the same procedure and standards that apply to the creation of a plat (preliminary plat followed by final plat) shall be used to replat or vacate a plat. Street vacations are subject to ORS Chapter 271. A replat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable city standards. [Ord. 521-2013 Exh. A].

17.403.100 Property line adjustments.

A property line adjustment is the modification of lot boundaries when no lot is created. The city planning official reviews applications for property line adjustments pursuant to the Type I review under DMC 17.401.020. The application submission and approval process for property line adjustments is as follows:

A. Submission Requirements. All applications for property line adjustment shall be made on forms provided by the city and shall include information required for a Type I review, pursuant to DMC 17.401.020. The application shall include a preliminary lot line map drawn to scale identifying all existing and proposed lot lines with dimensions; footprint with dimensions of existing structures (including accessory structures); location with dimensions of driveways and public and private streets within or abutting the subject lots; location of lands subject to the city of Dundee flood plain overlay; existing fences and walls; and any other information deemed necessary by the city planning official for ensuring compliance with city codes. The application shall be signed by all of the owners as appearing on the deeds of the subject lots.

B. Approval Criteria. The city planning official shall approve or deny a request for a property line adjustment in writing based on all of the following criteria:

1. Lot Creation. No additional parcel or lot is created by the property line adjustment;

2. Lot Standards. All lots conform to the standards of the applicable zone (DMC Division 17.200) including lot area, dimensions, setbacks, and coverage. If either or both of the lots are nonconforming prior to the adjustment, they may remain nonconforming after the adjustment, so long as the nonconforming situation is not made worse by the adjustment. As applicable, all lots shall conform to the city of Dundee flood plain overlay; and

3. Access and Road Authority Standards. All lots conform to the standards or requirements of Chapter 17.301 DMC, Access and Circulation, and all applicable road authority requirements are met. If a lot is non-conforming to any city or road authority standard, it shall not be made less conforming by the property line adjustment.

C. Recording Property Line Adjustments.

1. Recording. Upon the city's approval of the proposed property line adjustment, the applicant shall record the property line adjustment documents with Yamhill County within 60 days of approval (or the decision expires), and file a survey of the property line adjustment with the Yamhill County surveyor.

2. Time Limit. The applicant shall submit a copy of the recorded property line adjustment documents to the city within 15 days of recording and prior to issuance of any building permits on the reconfigured lots. [Ord. 521-2013 Exh. A].

17.403.110 Validation of unit of land not lawfully established.

The planning commission, through a Type III procedure and the procedures and criteria established in ORS 92.176, may validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land. [Ord. 521-2013 Exh. A].

Chapter 17.404

CONDITIONAL USE PERMITS

Sections:

- 17.404.010 Purpose.
- 17.404.020 Application submission requirements.
- 17.404.030 Criteria, standards and conditions of approval.

17.404.010 Purpose.

There are certain uses, which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as conditional uses in Chapter 17.202 DMC, allowed uses. The purpose of this chapter is to provide procedures and standards for permitting conditional uses. [Ord. 521-2013 Exh. A].

17.404.020 Application submission requirements.

In addition to the submission requirements for a Type III review under DMC 17.401.040, applications for conditional use permits shall include a narrative report or letter responding to the applicable approval criteria in DMC 17.404.030, description of existing conditions, a site plan, and information on any existing or proposed restrictions or covenants. (For a more detailed description of each item, please refer to DMC 17.402.040, site development review application submission requirements.) Where site development review is also required for a proposed development, only one site plan submittal is required; conformance with the site plan submittal requirements under Chapter 17.402 DMC shall satisfy the site plan submittal requirements for a conditional use permit application. [Ord. 521-2013 Exh. A].

17.404.030 Criteria, standards and conditions of approval.

By means of a Type III procedure, the planning commission shall approve, approve with conditions or deny an application, including requests to enlarge or alter a conditional use, based on findings of fact with respect to all of the criteria and standards in subsections (A) through (C) of this section.

A. Use Criteria.

1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations.

2. The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval.

3. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposal, consistent with city standards.

4. A conditional use permit shall not allow a use that is prohibited or not expressly allowed under DMC Division 17.200; nor shall a conditional use permit grant a variance without a variance application being reviewed with the conditional use application.

B. Conditions of Approval. The city may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that any negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, one or more of the following:

1. Limiting the hours, days, place and/or manner of operation;
2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;
4. Limiting the building or structure height, size, lot coverage, and/or location on the site;

5. Designating the size, number, location and/or design of vehicle access points or parking and loading areas;
6. Requiring street right-of-way to be dedicated and street improvements made, or the installation of pathways or sidewalks, as applicable;
7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
8. Limiting the number, size, location, height and/or lighting of signs;
9. Limiting or setting standards for the location, type, design, and/or intensity of outdoor lighting;
10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location and/or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;
13. Requiring improvements to water, sanitary sewer, or storm drainage systems, in conformance with city standards; and
14. The planning commission may require renewal of conditional use permits annually or in accordance with another timetable as approved pursuant to this chapter. Where applicable, the timetable shall provide for periodic review and renewal, or expiration, of the conditional use permit to ensure compliance with conditions of approval; such periodic review may occur through an administrative or quasi-judicial land use review process.

C. Conditional Use Permit Supplemental Requirements. The requirements for compliance with permit conditions and permit expiration are the same as for site development review under DMC 17.402.070. [Ord. 521-2013 Exh. A].

Chapter 17.405**MAP OR CODE AMENDMENTS**

Sections:

- 17.405.010 Purpose.
- 17.405.020 Procedure.
- 17.405.030 Criteria.
- 17.405.040 Transportation planning rule compliance.
- 17.405.050 Record of amendments.

17.405.010 Purpose.

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this code and zoning map. Amendments may be necessary from time to time to reflect changing community conditions, to correct mistakes, or to address changes in the law. [Ord. 521-2013 Exh. A].

17.405.020 Procedure.

A. Except for corrections, amendments to development code or comprehensive plan text are legislative actions. Text amendments can be initiated by the city council or planning commission.

B. Amendments to the zoning map or comprehensive plan map that are initiated by a property owner and affect either a single property or a group of five or fewer properties and that affect three or fewer acres are processed as Type IV quasi-judicial actions.

C. Amendments to the zoning map or comprehensive plan map that affect more than three acres and/or more than five properties with different owners are processed as Type V legislative actions.

D. Amendments to the zoning map or comprehensive plan map that are initiated by the city council or planning commission are processed as Type V legislative actions. [Ord. 521-2013 Exh. A].

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.

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.

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.

D. Comprehensive Plan Amendment. Proposals for a comprehensive plan amendment must comply with applicable statewide planning goals and Oregon Administrative Rules and Revised Statutes. [Ord. 521-2013 Exh. A].

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. [Ord. 521-2013 Exh. A].

17.405.050 Record of amendments.

The city planning official shall maintain a record of amendments to the text of this code and the zoning map in a format convenient for public use. In the case of a map amendment, the map shall be made part of the ordinance. [Ord. 521-2013 Exh. A].

Chapter 17.406

VARIANCES AND ADJUSTMENTS

Sections:

- 17.406.010 Purpose.
- 17.406.020 General provisions.
- 17.406.030 Adjustments.
- 17.406.040 Variances.
- 17.406.050 Expiration.

17.406.010 Purpose.

This chapter provides standards and procedures for variances and adjustments, which are modifications to development standards that are not otherwise permitted elsewhere in this code as exceptions to code standards. These procedures provide relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with all other codes. The variance and adjustment procedures provide flexibility while ensuring that the resulting development is consistent with the code's intent. [Ord. 521-2013 Exh. A].

17.406.020 General provisions.

A. Authorization of Adjustments and Variances. This chapter provides for two types of modifications to development code standards: adjustments and variances.

1. Adjustments involve limited discretion and are processed through an administrative Type II review procedure under DMC 17.401.030. Adjustments are subject to the approval criteria under DMC 17.406.030.

2. Variances involve more discretion than adjustments and require quasi-judicial Type III review under DMC 17.401.040. Variances are subject to the approval criteria under DMC 17.406.040.

B. Application Requirements. Adjustment applications shall be filed pursuant to the requirements for Type II review under DMC 17.401.030, and variance applications shall be filed pursuant to the requirements for Type III review under DMC 17.401.040, as applicable. In addition, the applicant shall provide a narrative or letter explaining the reason for the variance request, alternatives considered, how the variance criteria in DMC 17.406.040 are satisfied, and why the subject code standard(s) cannot be met without the variance.

C. Concurrent Review with Other Applications – Permit Approvals by Other Agencies. Adjustment and variance requests may be combined with other city land use and development applications; however, some variances may be subject to approval by other permitting agencies, such as ODOT or Yamhill County in the case of variances to highway or street access standards. Variances to city of Dundee public works design standards are reviewed by the city engineer and are not subject to the development code.

D. Allowed Uses Not Subject to Adjustment or Variance. An adjustment or variance may not be used to add a new use to the list of allowed or conditionally allowed uses by zoning district. [Ord. 521-2013 Exh. A].

17.406.030 Adjustments.

A. Applicability. The planning official may authorize an adjustment when the request would result in less than a 20 percent change to a quantifiable standard, and where the criteria in subsection (B) of this section are met. Any request to change a quantifiable standard by more than 20 percent would require a variance application.

B. Approval Criteria. An adjustment request shall be granted if an applicant demonstrates compliance with the following criteria:

1. The adjustment is consistent with the purpose and intent of the code standard(s) to be adjusted;
2. The adjustment would not create a conflict with or unreasonably impact adjacent uses; and

3. Approval of the adjustment does not create a violation of any other code standard or previous land use action. [Ord. 521-2013 Exh. A].

17.406.040 Variances.

A. Applicability. Except where this code specifically authorizes exceptions, or where the city may approve an adjustment pursuant to DMC 17.406.030, a variance is required to deviate from a standard of this code.

B. Approval Criteria. The planning commission may approve an application for a variance through a Type III review upon finding that the application meets all of the following criteria:

1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses;
2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site;
3. The need for the variance is not self-imposed by the applicant or property owner (for example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant);
4. The variance does not conflict with other applicable city policies or other applicable regulations;
5. The variance will result in no foreseeable harm to adjacent property owners or the public; and
6. All applicable building code requirements shall be met. [Ord. 521-2013 Exh. A].

17.406.050 Expiration.

A variance or adjustment approval, as applicable, shall expire if not acted upon by the property owner within one year of approval. Where the owner has applied for a building permit or final plat, or has made site improvements consistent with an approved development plan (e.g., site development review or preliminary subdivision plan), the city planning official may extend the approval without a separate land use action. [Ord. 521-2013 Exh. A].

Chapter 17.407

PLANNED UNIT DEVELOPMENT (PUD)

Sections:

- 17.407.010 Purpose.
- 17.407.020 Objectives.
- 17.407.030 Guidelines.
- 17.407.040 Permitted uses.
- 17.407.050 Development requirements.
- 17.407.060 Process.
- 17.407.070 Conditions of approval.
- 17.407.080 Modification of an approved PUD.

17.407.010 Purpose.

The purpose of this chapter is to provide flexibility in code regulations in order to encourage creative land development in the form of planned unit developments (PUDs). The flexibility granted from code regulations must result in a development that has more amenities, incorporates sustainable design elements or other special features, and is generally better planned than a similar development built to regular code standards. [Ord. 521-2013 Exh. A].

17.407.020 Objectives.

Planned unit development proposals shall consider the following objectives:

- A. Site and building design elements incorporating innovative architectural or environmental features, a mix of land uses and building types, open space amenities, and efficient use of land.
- B. Land development that respects, preserves, and incorporates natural features and conditions and does not adversely impact environmentally sensitive areas.
- C. Site and building design that is compatible with adjacent properties and the nearby area. [Ord. 521-2013 Exh. A].

17.407.030 Guidelines.

A. Relationship to Standards of the Underlying Zone District. In cases of conflict between standards of the underlying zone and the planned unit development provisions, the planned unit development standards shall apply.

B. Lot Requirements. Except where specified, the minimum lot area, width, frontage, and yard requirements otherwise applicable to individual buildings in a zone do not apply to a planned unit development in the same zone. Applicants for a planned unit development may request flexibility to these standards to better fit the proposed development.

C. Public Open Space. The city may request dedication of public open space in lieu of park system development charges. The land must be reasonably suited for use as a public park or for recreation purposes, consistent with the Dundee parks and open space plan.

D. Ownership. The site for a planned unit development must be under single ownership and/or unified control.

E. Where Permitted. Planned unit developments are permitted in residential zones. [Ord. 521-2013 Exh. A].

17.407.040 Permitted uses.

The following uses are permitted in a planned unit development:

- A. Residential uses.
- B. Recreational facilities.

- C. Parks and open space.
- D. Schools, libraries, community buildings, and churches.
- E. Commercial uses identified as permitted uses in the CBD zone, provided:
 1. Commercial uses shall be designed to be an integral part of the planned unit development and shall primarily serve the needs of residents of the planned unit development.
 2. Commercial uses shall not have an adverse effect on nearby residential uses, and shall provide adequate vehicular and pedestrian access.
 3. In residential areas, commercial uses and their required parking areas shall not exceed one acre per 100 dwelling units. [Ord. 521-2013 Exh. A].

17.407.050 Development requirements.

Applicants for planned unit development must demonstrate compliance with the following development requirements:

A. Development Standards. All planned unit developments must comply with the applicable development requirements of DMC Division 17.300.

B. Preservation of Natural Features. To the maximum extent possible, natural or unique features of the land shall be preserved through the plan and design of the planned unit development.

C. Residential Density. Permitted residential density of a planned unit development shall be calculated as follows:

1. Determine the total gross site area (GSA).
2. Multiply the GSA by 0.85 to determine the net site area (NSA).
3. Subtract any proposed commercial areas or nonresidential uses from the NSA to determine the net developable site area (NDSA). Open space areas do not have to be subtracted for this calculation.
4. Determine the maximum allowable residential density by zone by multiplying the NDSA as follows:

- a. R-1 zone = NDSA x five units per acre.
- b. R-2 zone = NDSA x seven units per acre.
- c. R-3 zone = NDSA x 10 units per acre.

D. Site Arrangement. All residential buildings in a planned unit development shall be located adjacent to an open space area or recreational facility. Where this is not possible, an accessible walkway to such facilities must be provided from each residential building.

E. Building Setbacks. Structures located around the perimeter of a planned unit development must be set back 20 feet. Detached structures on individual lots within a planned unit development must be set back five feet from each property line. All garage structures opening onto a public street must be set back 20 feet.

F. Common Open Space. A minimum of 20 percent of the gross acreage of the planned unit development site must be devoted to open space, outdoor recreational areas, or outdoor recreational facilities. At least half of the designated open space area shall have slopes of less than 10 percent.

Open space may include pedestrian walkways, bicycle trails, natural or landscaped buffer areas, sports fields, outdoor recreational facilities and buildings, and similar areas reserved for common use. Streets and parking areas shall not be considered open space. A bond may be required as assurance that any improvements, buildings, or structures required in the common open space are completed.

G. Ratio of Privately Maintained Open Space to Dwelling Units. If areas of open space within the planned unit development will be privately maintained, the planned unit development must contain sufficient area to provide a minimum of 50 residential dwelling units.

H. Circulation.

1. All streets within a planned unit development shall be public streets. Local streets within the planned unit development may be designed and built to the Local Street I standard in DMC 17.305.030.

2. Pedestrian and bike paths shall be integrated throughout the site, into open space areas, and with roadways to provide a safe, efficient, interconnected transportation network. Pedestrian and bike paths shall

be clearly marked and signed, and have adequate crossing facilities where necessary. Roads shall be planned and designed to minimize block length throughout the development.

I. Off-Street Parking. Off-street parking shall be provided as required in Chapter 17.304 DMC. Additional off-street parking may be required if warranted to mitigate for reduced lot sizes, additional traffic volumes, or related issues. Required parking within a planned unit development may be clustered.

J. Utilities. Utilities must meet the standards and requirements in Chapter 17.305 DMC.

K. Homeowners Association. A homeowners association, or similar entity acceptable to the city, is required for maintenance of all common areas or facilities within a planned unit development. The homeowners association must abide by the following principles:

1. A homeowners association shall be formed before approval of a final plat or certificate of occupancy.
2. Membership shall be mandatory for each property owner within the planned unit development.
3. Open space restrictions of the planned unit development shall be valid in perpetuity.
4. The homeowners association shall be responsible for liability insurance, applicable taxes, and maintenance of recreational and other common facilities.
5. Property owners shall pay their prorated share of common costs, or the assessment levied by the homeowners association shall become a lien on their property.
6. The homeowners association shall be able to adjust the assessment as needed.
7. A public hearing before the planning commission is required for any change in open space within the planned unit development or for dissolution of the homeowners association. [Ord. 521-2013 Exh. A].

17.407.060 Process.

Planned unit developments that are also subdivisions shall be processed according to the applicable subdivision requirements in Chapter 17.403 DMC. Other planned unit developments shall be processed using the Type III procedure in DMC 17.401.040.

Planned unit development applications must include the following information in addition to information required by either Chapter 17.403 DMC for subdivisions, or DMC 17.401.040 for Type III applications:

- A. Written response to the development requirements listed in DMC 17.407.050.
- B. Written response addressing the following items. Maps or other visual representations may be used to convey the required information as appropriate.
 1. Proposed Uses in the Planned Unit Development. This may include types and locations of residential uses, commercial uses, recreational space or facilities, open space, and public or semi-public uses. Uses should be clearly identified, along with any conditions or limitations of the proposed uses.
 2. Location and dimensions of all proposed buildings and structures, along with setback dimensions.
 3. Architectural renderings of proposed residential and commercial buildings and structures.
 4. Landscaping plan in conformance with Chapter 17.302 DMC.
 5. Statement of public and private improvements to be made or installed, including streets, sidewalks, pedestrian and bicycle paths and trails, lighting, landscaping, tree planting, and the timeline of such improvements. Public improvements shall be made in conformance with Chapter 17.305 DMC.
 6. Statement of ownership and maintenance for all open space areas and commonly owned facilities. [Ord. 521-2013 Exh. A].

17.407.070 Conditions of approval.

The planning commission may impose reasonable conditions of approval for a planned unit development in order to protect natural resources and to ensure compatibility with adjacent uses and compliance with development code standards. [Ord. 521-2013 Exh. A].

17.407.080 Modification of an approved PUD.

A new public hearing before the planning commission shall be required if any of the following changes are proposed to an approved planned unit development site plan:

A. An increase or decrease in the number of dwelling units.

B. An increase or decrease in the area devoted to open space, recreational space, or recreational facilities.

[Ord. 521-2013 Exh. A].

Chapter 17.408

ANNEXATIONS

Sections:

- 17.408.010 Authority to annex.
- 17.408.020 General procedures.
- 17.408.030 Annexation types.
- 17.408.040 Submission of annexation reports.
- 17.408.050 Effective date of annexation.
- 17.408.060 Zoning designation of annexed property.

17.408.010 Authority to annex.

The boundary of the city may be expanded by annexation of territory when the territory is located within the city's urban growth boundary and contiguous to the city limits, or separated from the city limits by a stream or right-of-way. [Ord. 521-2013 Exh. A].

17.408.020 General procedures.

A. Annexations are either a Type IV application, where the annexation is initiated by the property owner and affects either a single property or a group of five properties or less and affects five or fewer acres of land, or a Type V application, where the annexation is initiated by the city and/or affects more than five acres of land. Annexations where the city is the property owner will be processed as a Type IV application unless the area affected is greater than five acres in size.

B. The city recorder shall set a date for an initial public bearing before the planning commission following submission of an annexation application or initiation of an annexation proposal. Notice shall be pursuant to the proposed method of annexation.

C. The planning commission shall hear testimony and shall recommend approval or denial of the proposed annexation and submit such recommendation to the council within 10 days of the hearing. The planning commission's decision shall state the rationale used in justifying the decision, and that the decision is in conformance with the city's comprehensive plan. All annexation decisions shall state how the proposal will:

1. Affect the community's air resources;
2. Promote an orderly, timely and economical transition of rural and agricultural lands into urbanized lands;
3. Relate to areas with natural hazards;
4. Affect the fish and wildlife in the proposed annexation area;
5. Utilize energy resources and conserve energy use;
6. Protect open spaces and scenic views and areas;
7. Provide for transportation needs in a safe, orderly and economic manner;
8. Provide for an orderly and efficient arrangement of public services;
9. Provide for the recreation needs of the citizens;
10. Affect identified historical sites and structures and provide for the preservation of such sites and structures;
11. Improve and enhance the economy of the city; and
12. Provide quality, safe housing through a variety of housing types and price ranges.

D. The city recorder shall set a date for a public hearing with the council upon receipt of the planning commission's recommendation. Notice shall be pursuant to the proposed method of annexation. After considering all testimony the council shall sustain or reverse the planning commission's recommendation. The council shall state the rationale used in justifying the decision, and that the decision is in conformance with the city's comprehensive plan. The decision shall state how the proposed annexation will address the criteria stated in subsection (C) of this section. [Ord. 521-2013 Exh. A].

17.408.030 Annexation types.**A. Annexation by Election.**

1. The council, upon approval of the annexation proposal, has the authority to submit, except when not required under ORS 222.850 to 222.915, to dispense with submitting the proposal for annexation to the registered voters of the city.

2. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose. The proposal for annexation may be voted upon by the voters of the city and of the territory simultaneously or at different times not more than 12 months apart.

3. Two or more proposals for annexation may be voted upon simultaneously; however, in the city each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation no proposal for annexing other territory shall appear on the ballot.

4. The council shall give notice of each annexation election by publication prior to such election once each week for four successive weeks in a newspaper of general circulation in the city. Whenever simultaneous elections are held, the same notice and publication shall fulfill the requirements of publication for the city election and the election held in the territory. Notice shall also be given by posting notices of the election in four public places within the city if votes are to be cast therein and four public places in each territory proposed to be annexed for a like period as provided in this section for publication of notice. The notice shall distinctly state the proposition to be submitted, shall contain a legal description of, and a map indicating the boundaries of, each territory proposed to be annexed, and the registered voters shall be invited thereby to vote upon such annexation. The council shall also designate and the notice shall state the hours during which the polls will be open within the city and each territory proposed to be annexed. If the election is to be held at the usual precinct polling places designated for a general election held at that time, or if the election is not held at the same time as a general election, but is held at the same polling places used for the last preceding general election, the notice shall so state; if any polling place is to be different than the regular polling places, the notice shall describe the location of the polling places to be used in the area or precincts in which the polling places are different.

B. Annexation without Election.

1. By ordinance, the council may elect to dispense with submitting the annexation proposal to the registered voters of the city and set a date for public hearing, at which time the registered voters of the city can be heard on the annexation proposal.

2. Notice of the public hearing shall be published once a week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the city, and posted in four public places in the city for a like period.

3. Written notice shall be given to all property owners within the boundaries of the proposed annexation and within 500 feet of the external boundaries of the proposed annexation.

4. After the public hearing the council, by ordinance subject to referendum and containing a legal description of the proposed annexation, shall:

a. Declare that the territory is annexed to the city upon the condition that the majority of the votes cast in the territory are in favor of annexation;

b. Declare that the territory is annexed to the city where persons with land ownership in the proposed territory consent in writing to such annexation.

C. Annexation with Election in Proposed Territory. The council need not call or hold an election in any contiguous territory proposed to be annexed, or post notice in the contiguous territory, if more than half the owners of land in the territory, who also own more than half of the land in the contiguous territory, and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file the annexation proposal on or before the day:

1. The public hearing procedure shall be pursuant to DMC 17.408.020(B) and (C); and subsections (B) and (C) of this section, if the council dispenses with submitting the question to the registered voters of the city; or

2. The council takes the necessary action to call the annexation election in the city under subsection (A) of this section, if the council submits the question to the registered voters of the city.

D. Island Annexation.

1. It is within the power and authority of the city, by ordinance subject to referendum, to annex land, provided it is not an incorporated city, that is surrounded by the corporate limits or boundaries of the city, with or without consent of any property owner or resident in the territory.

2. Notice and procedure for public hearing shall be provided pursuant to the provisions of DMC 17.408.020.

3. If the council elects to submit the question to the registered voters of the city, procedure shall be pursuant to DMC 17.408.030. [Ord. 521-2013 Exh. A].

17.408.040 Submission of annexation reports.

A. The city shall report all changes in the boundaries or limits of the city to the county clerk and county assessor. The report shall contain a legal description of the new boundaries and shall be filed within 10 days from the effective date of the change of any boundary lines.

B. With the exception of "island annexation" the city recorder shall submit to the Secretary of State:

1. A copy of the annexation ordinance;
2. An abstract of the vote within the city if votes were cast therein, which shall show the whole number of registered voters voting therein on the annexation and the number of votes cast against annexation;
3. A copy of the statement of consent of landowners in the territory annexed;
4. A copy of the ordinance of the city declaring that no election is required in the city; and
5. An abstract of the vote upon the referendum if a referendum petition was filed with respect to the deferred ordinance. [Ord. 521-2013 Exh. A].

17.408.050 Effective date of annexation.

The annexation shall be complete from the date of filing with the Secretary of State as provided in ORS 222.150, 222.160, 222.170 and 111.900, and DMC 17.408.040(B). Thereafter, the annexed territory shall be and remain part of the city. The date of such filing shall be the effective date of annexation, provided such filing is not made later than 90 days prior to any general or primary election; otherwise, the effective date of such annexation shall be the day after the primary or general election next following the date of filing. [Ord. 521-2013 Exh. A].

17.408.060 Zoning designation of annexed property.

The city council shall establish the appropriate comprehensive plan and zoning designation upon annexation of territory to the city. Zoning designations shall be compatible with the comprehensive plan designation for the territory if the territory was previously located within the city's urban growth boundary. [Ord. 521-2013 Exh. A].

Division 17.500. Definitions

Chapter 17.501

DEFINITIONS

Sections:

- 17.501.010 Grammatical interpretation.
- 17.501.020 Definitions.
- 17.501.030 Definition designs.

17.501.010 Grammatical interpretation.

Words used in the masculine include the feminine, and words used in the feminine include the masculine. Words used in the present tense include the future, the singular number includes the plural, and the word "shall" is mandatory and not discretionary. Where terms or words are not defined, they shall have their ordinary accepted meanings within the context of their use. [Ord. 521-2013 Exh. A].

17.501.020 Definitions.

The following words and phrases, when used in this code, shall have the meanings ascribed to them in this chapter, except in those instances where the context clearly indicates a different meaning. Definitions with a "**" are provided with a visual design in DMC 17.501.030.

Abutting. See "Adjoining."

"Access" means the way or means by which pedestrians, bicycles and vehicles shall have safe, adequate and usable ingress and egress to property.

"Access management" means measures regulating access to streets, roads, and highways from abutting public or private property.

"Access way" means an easement or right-of-way, not located within a street or road right-of-way, designated for pedestrian and/or bicycle passage. May also be called a multi-use path.

"Accessory building (structure)" means a detached, subordinate building or portion of a main building, the use of which is incidental to that of the main building or to the use of the land, but does not include dwellings or living quarters.

"Accessory structure, exempt" means an accessory structure that is exempt from meeting yard setback requirements.

"Accessory use" means a use incidental, appropriate and subordinate to the main use of the lot or building.

"Adequate access" means direct routes of travel between destinations.

"Adequate area" means space sufficient to provide all required public services to standards defined in this code.

Adjacent. See "Adjoining"

"Adjoining" means located next to another and being in contact at some point, or being separated only by a public right-of-way unless the text dictates otherwise.

"Administrative review" means a decision affecting land use within the city which is based on the application and/or enforcement of existing standards contained in this code. Administrative decisions will be made by the city planning official.

"Alteration, structural" means any change in the exterior dimensions of a building or a change or repair which would affect or materially change a supporting member of a building, such as a bearing wall, column, beam, or girder.

"Appeal" means a request for a review of the decision authority's action on an application or interpretation.

“Applicant” means the owner of record or contract purchaser or other individual authorized by the owner to make an application under this code.

“Area of special flood hazard” means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letter A or V.

“Auction yard” means an open area where sale items are stored or displayed for not more than seven consecutive days within any given 30-day period and where persons are permitted to attend sales and offer bids on such items.

“Automobile, recreational vehicle or trailer sales areas” means a lot used for display, sale, or rental of new or used automobiles, recreational vehicles or trailers where no repair work is done except minor, incidental repairs of automobiles or trailers to be displayed, sold or rented on the premises.

“Automobile service station” means a building designed primarily for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhaul.

“Babysitter” means a person who goes into the home of a child to give care during the temporary absence of the parent or legal guardian or custodian.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood.” Designation on maps always includes the letter A or V.

**“Basement” means that portion of a building that is partly or completely below grade. A basement shall be considered as a story above grade plane where the finished surface of the floor above the basement is more than six feet above grade plane or more than 12 feet above the finished ground level at any point.

“Bed and breakfast establishment” means a structure designed and occupied as a single-family residence in which lodging rooms plus a morning meal are provided on a daily or weekly basis. A bed and breakfast structure must be owner or manager occupied.

“Bicycle facilities” means facilities which provide for the needs of bicyclists, including bikeways and bicycle parking.

“Bikeway” means a designated area located within and parallel to a street or road right-of-way for the primary use of bicycles; generally located abutting the roadway curb or shoulder.

**“Block” means an area of land bounded by three or more streets, excepting alleys.

“Boarding, lodging, or rooming house” means a building where lodging with or without meals is provided for compensation for not more than five persons in addition to members of the family occupying such building.

“Building” means any structure used or intended for supporting or sheltering any kind of use or occupancy. A recreational vehicle or residential trailer is not considered a building.

“Building, main” means a building in which is conducted a main use of the building site on which it is situated.

“Building official” means an individual empowered by the city council to administer and enforce building regulations.

“Building site” means a parcel, lot, or plot of land occupied or to be occupied by a main use and accessory uses and/or building or group of buildings, which parcel, lot, or plot of land complies with all the requirements of this code relating to building sites.

“Business office” means an office for credit agencies, loan companies, investment companies, detective agencies, government agencies, contractors, or similar businesses. “Business office” excludes call centers and professional offices.

“Cabana” means a stationary structure which may be prefabricated or demountable, with two or more walls, used in conjunction with a manufactured home to provide additional living space and meant to be moved with the manufactured home.

“Call center” means an office set up to handle a large volume of telephone calls, especially for taking orders and providing customer service. A call center includes stations for at least 20 call-handling employees on site.

“Campground” means an area designated for overnight camping that provides space for tents, tent vehicles, camping vehicles, or recreational structures. “Campground” excludes recreational vehicle parks and mobile home parks.

“Carpool” means two or more persons each with a valid driver’s license commuting in a single vehicle.

“Carport” means a stationary structure consisting of a roof with its supports and not more than one wall or storage cabinet substituting for a wall and used for covering a vehicle parking space.

“Cemetery” means land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum, or mortuary, when operated in conjunction with and within the boundary of such cemetery.

“Church” means a permanently located building primarily used for religious worship. A church shall also include accessory buildings for related religious activities and a residence.

“City” means the city of Dundee, Oregon.

“City decision-making body” means the person or entity responsible for making a decision on a particular matter or application, such as the planning official, the planning commission, or the city council.

***“Clear vision area” means a triangular area at the intersection of two streets or a street and a driveway that is required to be kept free of objects that would impede motorists traveling on those streets or driveways from seeing other vehicles or pedestrians crossing their paths.

“Clinic” means a facility for examination and treatment of human ailments by a group of physicians, dentists, or other licensed practitioners on an out-patient basis and not involving overnight housing of patients.

“Club, lodge or fraternal organization” means an organization, group, or association supported by the members thereof, the purpose of which is to render a service primarily for members and their guests, but shall not include any organization, group, or association the chief activity of which is to render a service customarily carried on as a business for profit.

Commercial Storage. See “Warehouse.”

“Commission” means the city planning commission of Dundee, Oregon.

“Common open space” means an area, feature, or building or other facility within a development designed and intended for the use or enjoyment of all occupants of the development or for the use and enjoyment of the general public.

“Community building” means a publicly owned and operated facility used for meetings, recreation, or extracurricular education, such as a library.

“Comprehensive plan” means the comprehensive plan of the city of Dundee, Oregon.

“Condominium” means property submitting to the provisions of ORS 94.004 to 94.480, and 94.991.

“Conforming” means in compliance with the regulations of this code.

Contiguous. See “Adjoining.”

“Council” means the city council of Dundee, Oregon.

“Critical feature” means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

“Data center” means a facility used to house computer systems and associated components, such as telecommunications and storage systems. It generally includes redundant or backup power supplies, redundant data communications connections, environmental controls (e.g., air conditioning, fire suppression) and security devices.

“Day care facility” means an institution, establishment or place, not a part of a public school system, in which are commonly received three or more children, not of common parentage, under the age of 14 years, for a period not exceeding 12 hours per day for the purpose of being given board, care, or training apart from their parents or guardians for compensation or reward. “Day care facility” includes a preschool, but excludes a family child care home.

“Density” means the number of dwellings, manufactured dwellings, or manufactured dwelling or mobile home park spaces per gross acre.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

“Drive-through service” means a use where patrons can enter a site, carry out transactions or receive service, and exit the site without leaving their vehicles. “Drive-through service” includes drive-up ATM service.

“Driveway” means a minor private way used by vehicles to gain access from a street onto a lot, or to circulate within or between lots. “Driveway” excludes a private street.

Duplex. See “Dwelling, two-family.”

“Dwelling, multifamily” means a building containing three or more dwelling units designed for occupancy by three or more families living independently of each other.

“Dwelling, single-family” means a detached building containing one dwelling unit designed exclusively for occupancy by one family.

“Dwelling, single-family attached” means a two-family dwelling so designed that each individual dwelling unit is located upon a separate lot or parcel.

“Dwelling, townhouse” means a multifamily dwelling so designed that each individual dwelling unit is located upon a separate lot or parcel.

“Dwelling, two-family (duplex)” means a detached building containing two dwelling units designed exclusively for occupancy by two families living independently of each other.

“Dwelling unit” means one or more rooms designed for occupancy by one family and not having more than one cooking facility. “Dwelling unit” includes an individual unit within a manufactured dwelling, but not within a recreational vehicle, a recreational structure, a hotel or motel room, or a campground space.

**“Dwelling, zero side yard” means a dwelling unit constructed so that at least one wall of the dwelling is constructed at a side lot line. “Zero side yard dwellings” include single-family attached dwellings, townhouse dwellings, and single-family detached dwellings constructed with one wall at a side property line. It excludes condominiums.

“Emergency service facility” means a facility for emergency response personnel and equipment, such as a police station, fire station, or ambulance station.

Exterior Lighting. Definitions commonly associated with Chapter 17.303 DMC, Exterior Lighting, are listed below. In the case where a term of this code is found to be in conflict with a definition of a term or any other ordinance, “IES” (Illuminating Engineering Society of North America) handbook or regulation, the more restrictive definition will apply.

A. “Decorative lighting” means luminaires that contain small individual bulbs on a string where spacing of bulbs is not closer than three inches and where output per bulb is no greater than 50 lumens.

B. “Exterior lighting” means temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outdoors. Luminaires that are indoors and intended to light something outside are considered exterior lighting for the purpose of Chapter 17.303 DMC.

C. “Footcandle (fc)” means the amount of illumination the inside surface of a one-foot radius sphere would be receiving if there were a uniform point source of one candela in the exact center of the sphere. The footcandle is equal to one lumen per square foot.

D. Holiday Period. For the purposes of DMC 17.303.020, the “holiday period” is defined as the months of November, December, and January.

E. “Horizontal plane” means a plane parallel to the horizon.

F. “Illuminance” means the amount of light falling on any point of a surface measured in footcandles/lux.

G. “IESNA” means Illuminating Engineering Society of North America (IES or IESNA). The professional society of lighting engineers.

H. “Lamp” means the generic term for an artificial light source, to be distinguished from the whole assembly (see “Luminaire”). Commonly referred to as “bulb.”

I. “Light” means the form of radiant energy acting on the retina of the eye to make sight possible.

J. "Light pollution" means artificial light emitted from a premises so as to be prejudicial to health, cause a safety hazard or create a nuisance.

K. "Light trespass" means light that shines onto neighboring properties.

L. "Lighting" means any or all parts of a luminaire that function to produce light.

M. "Lumen" means the unit of luminous flux, a measure of the power of light perceived by the human eye. If a light source emits one candela of luminous intensity uniformly across a solid angle of one steradian, its total luminous flux emitted into that angle is one lumen. This should be understood to be the initial lumens value for the lamp.

N. "Luminaire" means a complete lighting unit, consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power. When used, includes ballasts and photocells. Commonly referred to as "fixture."

O. "Milliamperere" means a unit of current equal to one-thousandth of an ampere.

P. "Recessed" means when a light is built into a structure or portion of a structure such that the light is fully cut off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.

Q. "Shielded" means a luminaire incorporating a solid barrier (the shield), which permits no light to escape through the barrier and where the lamp is recessed and is not visible from the elevation of the luminaire, and no light is emitted from its sides.

1. "Shielded, fully" means a luminaire incorporating a solid barrier (the shield), which permits no light to escape through the barrier or shine above a horizontal plane through the luminaire's lowest light emitting part, and where the lamp is recessed and is not visible from the elevation of the luminaire, and no light is emitted from its sides.

2. "Shielded, partially" means the bulb of the luminaire is shielded by a translucent siding and the bulb is not visible. Light may be emitted at the horizontal level of the bulb.

3. "Unshielded" means a luminaire that may emit light in any direction.

R. "Spotlight" means a light that incorporates a reflector or refractor to concentrate light output into a directed beam in a particular direction.

S. "Street light" means a luminaire approved by the city engineer to primarily provide illumination for the public right-of-way.

T. "Uplighting" means shielded lighting that is directed in such a manner as to shine light rays above the horizontal plane.

"Family" means an individual or two or more persons related by blood or marriage or a group of not more than five persons who need not be related by blood or marriage living together in a dwelling unit. "Family" includes a group of individuals with disabilities living as a single housekeeping unit.

"Family child care home" means a registered or certified family child care home under the laws of the state of Oregon. A registered family child care home generally provides care for a maximum of 10 children in the family living quarters of the provider's home. A certified family care home is located in a building constructed as a single-family dwelling and has a certificate to care for a maximum of 16 children at any one time.

"Farm use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the production of, poultry, fur-bearing animals or honeybees or the sale of dairy products or any other agricultural or horticultural use or any combination thereof, as further defined in ORS Chapter 215. "Farm use" excludes the keeping of livestock and gardening.

"Fence" means an unroofed barrier or an unroofed enclosing structure or obstruction constructed of any materials including but not limited to wire, wood, cement, brick, and plastic.

"Fence, sight-obscuring" means a fence or evergreen planting arranged in such a way as to obstruct vision.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

A. The overflow of inland or tidal waters; and/or

B. The unusual and rapid accumulation of runoff or surface waters from any source.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

“Flood plain development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of a special flood hazard. “Flood plain development” includes gas or liquid storage tanks that are principally above ground, manufactured dwellings, and recreational vehicles placed on the site for 180 consecutive days or more.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Floor area” means the sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

- A. Attic space providing headroom of less than seven feet;
- B. Basements not considered a story above grade plane;
- C. Uncovered steps or fire escapes;
- D. Garages, carports, or porches;
- E. Accessory water towers or cooling towers;
- F. Off-street parking or loading spaces.

“Garage” means a detached accessory building or portion of a main building used for the parking or temporary storage of automobiles in which no business, occupation, or service is provided. “Garage” excludes a carport.

“Gardening” means the raising of plants primarily for use or consumption of the resident or tenant of the lot. “Gardening” may include community gardens that provide space for individuals to raise plants for their personal use, or for donation to charitable organizations. “Gardening” also may include keeping of a small number of chickens or other small animals for personal use by the resident where permitted by the Dundee Municipal Code.

“Golf course” means a large outdoor tract of land laid out for playing golf. “Golf course” may include a golf driving range or golf pro shop as accessory uses.

“Golf driving range” means an area laid out for practicing golf distance shots.

“Golf pro shop” means a retail store for selling golf merchandise, and which may include instructional facilities.

**“Grade” means the finished ground level adjoining the building at all exterior walls, or adjoining a structure not having walls.

**“Grade plane” means a reference plane representing the average of the finished ground level adjoining the building at all exterior walls.

“Guest house” means a detached accessory building used as sleeping quarters for guests of the occupants of the main dwelling on a noncommercial basis and having no cooking facilities.

**“Height of building” means the vertical distance from the grade plane to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.

“Home occupation” means a lawful occupation carried on by a resident of a dwelling unit as a secondary use within the same dwelling unit.

“Hospital” means an establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care with nursing service on a continuous basis. “Hospital” excludes a residential care home, a residential care facility, and a nursing home.

"Hotel" means a commercial establishment offering lodging to transient (less than 30 days) residents, and often having restaurants, meeting rooms, stores, or other facilities that are available to the general public.

"Junk yard" means the use of more than 200 square feet of the area of any lot for the storage of salvage materials, including scrap metals or other scrap materials, or for the dismantling or "wrecking" of automobiles or other vehicles or machinery, whether or not such uses are conducted as a business for profit or otherwise.

"Kennel" means any lot or premises on which four or more dogs and/or cats over the age of four months are kept for sale, boarding, or training for other than the residents of the lot.

"Land division" means any partition or subdivision.

"Livestock" means domestic animals of types customarily raised or kept on farms for profit or other purposes.

"Loading space" means an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

"Lot" means a lawfully established unit of land that includes any of the following:

A. A subdivision lot or partition parcel created pursuant to ORS 92.010 to 92.192, and as may have been adjusted through an approved property line adjustment;

B. Another unit of land created:

1. In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or

2. By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations at the time of creation; or

C. A unit of land validated using the process described in this code.

"Lot" does not mean a unit of land created solely to establish a separate tax account.

"Lot area" means the total area of a lot, measured in a horizontal plane within the lot boundary lines, exclusive of public and private streets and easements of access to other property. For flag lots, the access strip shall not be included in lot area for the purposes of minimum lot area requirements of this code.

**"Lot, corner" means a lot abutting on two intersecting streets, other than an alley, where the angle of intersecting streets is no greater than 135 degrees.

**"Lot coverage" means the portion of a lot covered or occupied by buildings or other structures.

**"Lot depth" means the horizontal distance measured from the midpoint of the primary front lot line to the midpoint of the rear lot line, or on a through lot to the midpoint of the secondary front lot line.

**"Lot, flag" means a lot or parcel of land taking access by a relatively narrow strip of land between the major portion of the parcel and the point of public access to the parcel, all of which is in the same ownership or title.

**"Lot frontage" means the distance between the two side lot lines, or between the side and opposite front lot line, measured at the minimum front setback line, parallel to the front lot line.

**"Lot, interior" means a lot other than a corner lot.

**"Lot line, front" means a property line separating the lot from the street, other than an alley.

**Lot Line, Primary Front. On a corner lot or a through lot, it is generally the front lot line faced by the primary building entrance; however, the applicant may designate any one of the front lot lines as the "primary front lot line," provided that designation would not result in an avoidable nonconforming setback, lot depth, or other standard. On lots with only one front lot line, that front lot line is the "primary front lot line."

**"Lot line, rear" means a property line which is opposite and most distant from the primary front lot line, unless that property line is a secondary front lot line.

**"Lot line, secondary front" means a front lot line on a corner lot or through lot that is not the primary front lot line.

**"Lot line, side" means any property line which is not a front or rear lot line.

**"Lot, through" means a lot with frontage on two non-intersecting streets, other than alleys.

**"Lot width" means the diameter of the largest circle that may be inscribed within the lot lines of a lot.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the flood plain overlay.

“Manufactured dwelling” means a residential trailer, mobile home or manufactured home. “Manufactured dwelling” does not include any building or structure constructed to conform to the state of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

“Manufactured dwelling park” means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a manufactured home subdivision.

“Manufactured dwelling park space” means an area, tract of land, or portion of a manufactured dwelling park that is designed or used for occupancy by one manufactured dwelling or recreational vehicle.

“Manufactured home” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

“Manufactured home subdivision” means a subdivision intended for and designed to accommodate manufactured homes on individual lots and developed pursuant to the provisions of this code.

“Manufactured structure” means a recreational vehicle, manufactured dwelling or recreational structure. “Manufactured structure” does not include any building or structure regulated under the state of Oregon Structural Specialty Code or the Oregon Residential Specialty Code.

“Master plan” means a sketch or other presentation showing the ultimate development layout of a lot or tract that is to be developed in successive stages or subdivisions.

“Miniature golf” means a recreational facility laid out for golf where all shots are short distance and normally played with a putter.

“Mini-storage warehouse” means a warehouse divided into multiple small units that are leased to individual tenants for storage of personal household goods.

“Mobile home” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

“Mobile home park” means any place where four or more manufactured structures are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Mobile home park” does not include a manufactured home subdivision.

“Mobile home park space” means an area, tract of land, or portion of a mobile home park that is designed or used for occupancy by one manufactured structure.

“Modular or prefabricated home” means a dwelling unit whose components are assembled and brought to the site and erected. The dwelling unit is intended and designed to be placed upon a permanent foundation and substantial construction is needed before it is complete and ready for permanent occupancy. Modular or prefabricated homes are regulated by the applicable building codes.

“Mortuary” means an establishment in which the dead are prepared for burial or cremation and in which wakes and funerals may be held.

“Motel” means a commercial establishment offering lodging to transient (less than 30 days) residents, and which usually has each room open to the outside.

Multi-Use Path. See "Access way."

"Nonconforming development" means physical development that was legally established, but that does not meet the current standards of this code, such as buildings that do not meet required height or setback standards, lot development that does not meet current standards for parking or landscaping, or sites that do not meet current standards for sidewalk, street frontage or utility improvements. This does not include development where the standard was varied through a variance, planned unit development, or similar approval.

"Nonconforming lot" means a lot, parcel, or tract of land that was legally established, but that does not meet the current standards for lots in that zone, such as lot dimensions or lot frontage requirements. This does not include lots that were approved to have lesser dimensions or lot standards through a variance, planned unit development, or similar approval.

"Nonconforming use" means a current and continuing use of property that was lawfully established but that is not now listed as a permitted or conditional use in the zone in which it located, or that does not meet specified limits on size, residential density, or similar limits.

"Nursing home" means any home, place or institution which operates and maintains facilities providing convalescent or nursing care, or both, for periods exceeding 24 hours for two or more ill or infirm patients not related to the nursing home administrator, or owner, by blood or marriage. Convalescent care may include, but is not limited to, the procedures commonly employed in nursing and caring for the sick and includes rest homes and convalescent homes, but does not include a boarding home for the aged, a retirement home, hotel, hospital, residential care home, residential care facility, or a chiropractic facility licensed under ORS.

"Official zoning map" means the map or maps upon which the zone locations in the city of Dundee are indicated.

"Owner" means the owner of record of real property as shown on the latest tax rolls or deed records of the county, or a person who is purchasing a parcel or property under written contract.

"Parcel" means a single unit of land that is created by a partition of land.

"Park and ride lot" means parking spaces, dedicated or shared use, that are provided for motorists who transfer to and from individual vehicles to public transportation vehicles or to a carpool or vanpool operation.

***"Parking area coverage" means that portion of a lot covered by public and private parking areas and drive aisles, excluding carports and garages.

"Parking area, private" means an open area, building or structure, other than a street or alley, used for the parking of the automobiles of residents and guests of a building. It includes maneuvering areas, drive aisles and driveways needed to access the parking area.

"Parking area, public" means an open area, building or structure, other than a private parking area, street or alley, used for the parking of automobiles and other motor vehicles, and available for use by persons patronizing a particular building or establishment. It includes maneuvering areas, drive aisles and driveways needed to access the parking area.

"Parking facility" means parking spaces that are not designated for use by those patronizing a specific use on site or a nearby site. This includes publicly owned parking lots designated for use by the general public, commercial parking lots open to the general public where a fee is charged to park, and park and ride lots.

"Parking space" means an enclosed or open surfaced area, exclusive of maneuvering and access area, permanently reserved for the temporary storage of an automobile and connected with a street or alley by a surfaced driveway which affords ingress and egress for automobiles. The following are not considered parking spaces for the purposes of OAR 660-12-045(5)(c): park and ride lots, disabled parking and parking for carpools and vanpools.

"Partial harvesting of timber" means a timber harvest that leaves at least 25 percent of the trees at least six inches DBH standing beyond the vegetative fringe.

"Partition" means either an act of partitioning land or an area or tract of land partitioned.

"Partitioning land" means dividing land to create not more than three parcels of land within a calendar year, but does not include:

A. Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

B. Adjusting a property line as property line adjustment;
C. Dividing land as a result of the recording of a subdivision or condominium plat;
D. Selling or granting by a person to a public agency or public body of property for state highway, county road, city street or other right-of-way purposes if the road or right-of-way complies with the applicable comprehensive plan and ORS 215.213(2)(p) to (r) and 215.283(2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right-of-way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or

E. Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes when the sale or grant is part of a property line adjustment incorporating the excess right-of-way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

“Pedestrian connection” means a continuous, unobstructed, reasonably direct route intended and suitable for pedestrian use between two points. Pedestrian connections include but are not limited to sidewalks, walkways, access ways, stairways and pedestrian bridges.

“Pedestrian plaza” means a small semi-enclosed area usually adjoining a sidewalk or a transit stop which provides a place for pedestrians to sit, stand, or rest.

“Person” means every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

“Place of public assembly” means structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.

“Plan map” means an officially adopted map of the city, including land within the urban growth boundary, showing land use designations and other graphic information which is part of the city’s comprehensive plan.

“Planned unit development” means a type of development of a site which, as a single project, is based on a design which incorporates all elements of land, structures and uses in conformance with the applicable standards of this code.

“Planning commission” means the planning commission of Dundee, Oregon.

“Planning official” means the Dundee city administrator or an official designated by the Dundee city administrator with authority to administer the provisions of this code.

“Plat” means the final map which is a diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or partition.

“Preschool” means an educational institution for children not old enough to attend elementary school.

“Principal structure” means a structure that is not an accessory structure and is not exempt from meeting minimum yard setback requirements.

“Professional office” means an office occupied by an accountant, architect, artist, attorney-at-law, professional engineer, land surveyor, land use planner, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts, or other professional business similar in type, scale and character. “Professional office” excludes a business office.

“Property line adjustment” means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

“Public facilities and services” means projects, activities, and facilities which are necessary for the public health, safety, and welfare.

“Quasi-judicial review” means a decision affecting land use within the city which requires the interpretation and/or amendment of existing standards or maps contained in this code. Quasi-judicial decisions are heard by the planning commission. The decision of the planning commission is final except when the decision would necessitate an amendment to this code. In those cases the planning commission decision is forwarded

as a recommendation to the city council for a final decision. Quasi-judicial review is required for variances, conditional use permits, subdivisions, planned unit developments, some comprehensive plan and zone changes, and urban growth boundary amendments.

“Ramada” means a stationary structure having a roof extending over a manufactured home, which may also extend over a patio or parking space and is used principally for protection from the elements.

“Recreational structure” means a campground structure with or without plumbing, heating or cooking facilities intended to be used by any particular occupant on a limited-time basis for recreational, seasonal, emergency or transitional housing purposes and may include yurts, cabins, fabric structures or similar structures as further defined, by rule, by the state of Oregon.

“Recreational vehicle” means a vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as further defined, by rule, by the state of Oregon. The unit shall be identified as a recreational vehicle by the manufacturer and meet applicable federal standards for construction.

“Recreational vehicle park” means a place where two or more recreational vehicles are located within 500 feet of one another on a lot, tract or parcel of land under common ownership and having as its primary purpose the renting of space and related facilities for a charge or fee, or the provision of space for free in connection with securing the patronage of a person. “Recreational vehicle park” excludes a manufactured dwelling park or mobile home park.

“Residential care facility” means a residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

“Residential care home” means a residential treatment or training home, as defined in ORS 443.400, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential care home.

“Residential trailer” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

“Retail trade” means the process of selling to the consumer for direct consumption and not for resale.

“Retaining wall” means a wall that is built to resist lateral pressure. That portion of a “retaining wall” that projects above the retained grade is a fence.

**“Right-of-way” means the full width and length of a street, access way, or other strip of land designated for passage of persons, vehicles, or utilities through a dedication, plat, easement, public designation, or other legal means.

“School, college or vocational” means an institution offering post-secondary instruction primarily to adults, usually working toward a diploma, degree, or certificate.

“School, commercial” means a business that provides instruction to children or adults for a fee or other compensation, such as a music school or dancing school, where the instruction is normally beyond basic educational requirements for a high school diploma, post-secondary degree, or equivalent.

“School, elementary or secondary” means an institution offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education, including grades kindergarten through 12.

**“Setback” means the distance between a specified lot line and the foundation or exterior wall of a building or structure.

**“Sign” means any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device of similar nature designed to attract attention outdoors, and shall include

all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof. A sign does not include any architectural or landscape features that may also attract attention. Additional sign definitions applicable to Chapter 17.306 DMC include the following:

A. "Abandoned sign" means a sign that is located on an improved site that has not had legal occupancy for a period exceeding two consecutive years.

B. "Address identification sign" means a wall sign, required to be placed by law, containing only the address of a building, such sign being located on the same site as the structure.

C. "Alteration" means any change in color, size or shape, which changes appearance of a sign, or a change in position, location, construction or supporting structure of a sign, except that a copy change on a sign is not an alteration.

D. "Animated sign" means a sign which has any visible moving part, flashing or oscillating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that moves, changes, flashes, oscillates or visibly alters in appearance more than one time in a one-minute period.

**E. Area of Sign. Refer to measurement standards in DMC 17.306.020(A).

F. "Awning" means a shelter extending from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

G. "Awning sign" means any sign painted on or attached to or supported by an awning, not including banner signs.

H. "Balloon sign" means a lighter-than-air gas-filled balloon, tethered in a fixed location, that has a sign with a message on its surface or attached in any manner to the balloon.

I. "Banner sign" means a sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constructed of nondurable materials, including, but not limited to, cardboard, canvas, cloth and/or plastic. Banner signs do not include awning signs.

J. "Canopy" means (1) a freestanding permanent roof-like shelter not attached to or requiring support from an adjacent structure (for example, a freestanding canopy at a service station); or (2) a permanent projecting structure extending from a building over a walkway.

K. "Canopy sign" means any permanent sign attached to or constructed underneath a canopy. These signs are below a projecting structure which extends over the pedestrian walkway which effectively prevents the wall signs from being visible to the pedestrian walking under the canopy. See also "Projecting, wall sign."

L. "Changeable copy sign" means a sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (for example, time and temperature units), or manually through placement of letters or symbols on a panel mounted in or on a track system.

M. "Event, construction" means a period beginning on the date of local structural permit approval and ending on the date the final certificate of occupancy is issued.

N. "Event, election" means a period 90 days prior to and 14 days after any local, state, or national election.

O. "Event, special" means one three-consecutive-day period within one 30-consecutive-day period.

P. "Flag" means a fabric that is attached to a pole on one end only.

Q. "Flag display" means one or more flags attached to a single pole.

R. "Footcandle" means a measure of illumination on a surface that is one foot from a uniform source of light of one candle and equal to one lumen per square foot.

S. "Freestanding sign" means any sign which is permanently affixed in or upon the ground, supported by one or more structural members, including a fence or freestanding wall.

T. Frontage, Building. Refer to measurement standards in DMC 17.306.020(C).

U. "Governmental sign" means a sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.

V. "Grade" means the level of the site at the property line located at the closest distance to the sign.

W. Height of Sign. Refer to measurement standards in DMC 17.306.020(B).

X. "Illegal sign" means any sign placed without proper approval or permits as required by this code at the time of sign placement. "Illegal sign" shall also mean any sign placed contrary to the terms or time limits

of any permit and any nonconforming sign which has not been brought into compliance with any applicable provisions of this code.

Y. "Illuminated sign" means any sign for which an artificial source of light is used in order to make readable the sign's message, including internally and externally lighted signs and reflectorized, glowing or radiating signs.

Z. "Logo," "logogram," or "logotype" means an emblem, letter, character, pictograph, trademark, or symbol used to represent any firm, organization, entity, or product.

AA. "Monument sign" means a freestanding sign mounted on a solid base with no exposed poles or pylons where the bottom of the sign face is located within three feet of ground level.

BB. "Nonconforming sign" means a sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this code.

CC. "Portable sign" means any movable sign not permanently attached to the ground or a building and easily removable using ordinary hand tools.

DD. "Projecting, wall sign" means a wall sign which projects more than 12 inches from and is supported by a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall. See also "Canopy sign."

EE. "Revolving" or "rotating sign" means an animated sign.

FF. "Roof sign" means any sign erected upon a roof, parapet, or roof-mounted equipment structure.

**GG. "Sign face" means an exterior display surface of a sign including nonstructural trim exclusive of the supporting structure.

HH. "Temporary sign" means any sign which is installed for a period not to exceed the time limitations of DMC 17.306.030(D).

II. "Vehicle sign" means any sign permanently or temporarily attached to or placed on a vehicle or trailer.

JJ. "Wall sign" means any sign attached to or painted on the wall of a building in a plane parallel or approximately parallel to the plane of said wall.

KK. Window, Area of. The area of a single window includes all of the window panes in an area that is separated by mullions, muntins, or other dividers which are less than 12 inches wide.

LL. "Window sign, exterior" means any sign affixed in any manner to the exterior of a window. An exterior window sign shall be considered a wall sign for the purposes of this code.

MM. "Window sign, interior" means any sign affixed in any manner to a window or within two feet of a window and viewable from the exterior.

"Specialty trade contractor facilities" means facilities for plumbing, roofing, sheet metal, electrical, heating and air conditioners, tents and awnings, cabinet and carpentry, and similar construction and construction related activities. This may include an office, equipment and material storage, fabrication, and repair.

"Start of construction" means the date a building permit is issued; provided, that the actual start of construction, repair, reconstruction, placement or other improvement occurs within 180 days of the permit date.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above grade, as defined herein, for more than 50 percent of the total perimeter or is more than 12 feet above grade, as defined herein, at any point, such usable or unusable underfloor space shall be considered a story.

**"Street" means the entire width between the boundary lines of every way of travel which provides for public or private use for the purpose of providing ingress and egress for vehicular and pedestrian traffic and the placement of utilities to one or more lots, parcels, areas, or tracts of land. The following are types of "streets":

A. "Alley" means a narrow street through a block used primarily for access by service vehicles to the back or side of properties fronting on another street.

B. "Arterial" means a street of considerable continuity which is used primarily for through traffic and interconnection between major areas of the city.

C. "Collector" means a street supplementary to the arterial street system, used partly by through traffic and partly for access to abutting properties.

D. "Cul-de-sac (dead-end)" means a short street with one end open to traffic and the other terminated by a vehicle turnaround.

E. "Dead-end street" means a street which terminates without a turnaround area and is intended to continue at some time in the future.

F. "Frontage road, marginal access road" means a service road parallel and adjacent to an arterial street providing access to abutting properties, but protected from through traffic.

G. "Half street" means a portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision or development. Typically this includes the near side curbs and sidewalks, a paved surface up to the eventual road centerline, and drainage facilities.

H. "Local street" means a street intended primarily for access to abutting properties, but protected from most through traffic.

I. "Private street" means a street that is privately owned and maintained and that serves two or more lots. "Private street" excludes a driveway in a private access easement that serves as the required frontage for no more than three lots in a land division, or a shared driveway that serves no more than two lots.

J. "Three-quarter street" means a portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision or development. Typically this includes the near side curbs and sidewalks, a paved surface roughly three-quarters the ultimate width and adequate to allow passage of vehicles both directions, and drainage facilities.

"Structural alteration" means any change to the supporting members of a structure, including foundation, bearing walls or partition, columns, beams or girders, or any structural change in the roof or in the exterior walls.

"Structure" means that which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner.

"Subdivide" means to divide land to create four or more lots within a calendar year.

"Subdivision" means either an act of subdividing land or an area or a tract of land subdivided.

"Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

A. Before the improvement or repair is started; or

B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

"Tract" means a defined area of land that has been or is proposed or reserved for land division, open space, utilities, access or similar purposes not normally associated with single lot development.

"Transportation facilities and improvements" means the physical improvements used to move people and goods from one place to another. "Transportation facilities and improvements" includes the following:

A. Construction of streets, walkways, and associated improvements as part of an approved subdivision, partition, design review, or similar application.

B. Projects identified in the city's adopted transportation system plan.

C. Installation of culverts, pathways, medians, fencing, guardrails, walls, lighting, and similar types of improvements.

D. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

E. Landscaping as part of a transportation facility.

F. Transit stops.

“Transportation facilities and improvements” does not include airports, landing fields, heliports, helipads, transit centers, or parking areas.

“Unstable soil” means any soil type, as defined by the U.S. Soil Conservation Service and identified in the comprehensive plan, which has severe limitations for development due to potential flooding, erosion, structural instability or inadequate sewage waste disposal.

“Urban growth boundary” means the acknowledged boundary shown in the Duudee comprehensive plan that provides land for urban development needs and identifies and separates urban and urbanizable land from rural land.

“Use” means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

“Utility, local” means utility structures and buildings that primarily serve the local neighborhood and that typically must be sited at a specific location in order to provide the service. The facility typically has no regular personnel stationed at the site. This includes wires, cables, underground pipes, pump stations, storm drains, detention basins, reservoirs, electrical substations, and necessary right-of-way. It includes energy production facilities that use the resources at the site, such as windmills, hydropower generation facilities, and solar panel arrays.

“Utility, area” means utility structures and buildings that serve all or large parts of the community. The facility is not typically limited to siting in a particular neighborhood. The facility may have regular personnel stationed at the site. This includes water and wastewater treatment plants, and public works maintenance yards. It includes energy production facilities that use resources shipped to the site, such as biomass energy production.

“Vaupool” means more than five persons commuting in a single vehicle.

“Vegetative fringe” means a line generally parallel with the water line at least 30 feet upland from the ordinary high water mark including riparian and other vegetation screening upland development or activity areas from visibility from the water surface in the summer months.

“Veterinary clinic” means a facility designed to contain treatment and temporary care facilities for the cure and prevention of ailments or injuries of domestic animals, including both domestic pets and farm animals, under the direction of a licensed veterinarian.

“Walk-up service window” means a facility that patrons may use to transact business and exchange materials with a person inside the building while remaining just outside the building. “Walk-up service window” excludes ATMs or similar facilities where the transaction is made entirely electronically or automatically, and drop boxes where material is deposited only for processing after the patron has left.

“Warehouse” means a place for the safekeeping of goods and materials necessary for the proper functioning of an industrial or commercial enterprise. Also a facility designed and intended to be used for the rental of storage units to individuals for the safekeeping of personal items.

“Water-dependent” means a use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water.

“Water-related” means uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs.

“Wholesale trade” means the bulk sale of goods for resale to a person other than the direct consumer.

“Yard” means an area on a lot that is not covered by the foundation of principal structure.

**“Yard, front” means a yard adjacent to a front lot line, the depth of which is the minimum front yard setback for that zone.

**“Yard, interior” means a yard that is not a front, side, or rear yard.

**“Yard, primary front” means the front yard adjacent to the primary front lot line.

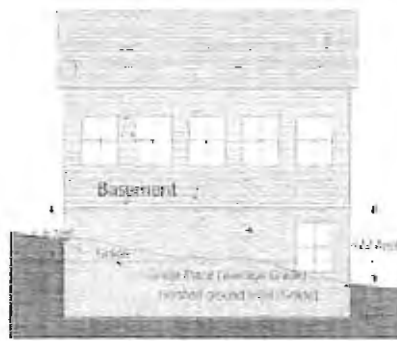
**“Yard, rear” means a yard adjacent to a rear lot line, excluding a front yard, the depth of which is the minimum rear yard setback for that zone.

**“Yard, secondary front” means a front yard on a corner lot or through lot that is not the primary front yard.

**“Yard, side” means a yard adjacent to a side lot line, excluding a front yard or rear yard, the depth of which is the minimum side yard setback for that zone. [Ord. 521-2013 Exh. A].

17.501.030 Definition designs.

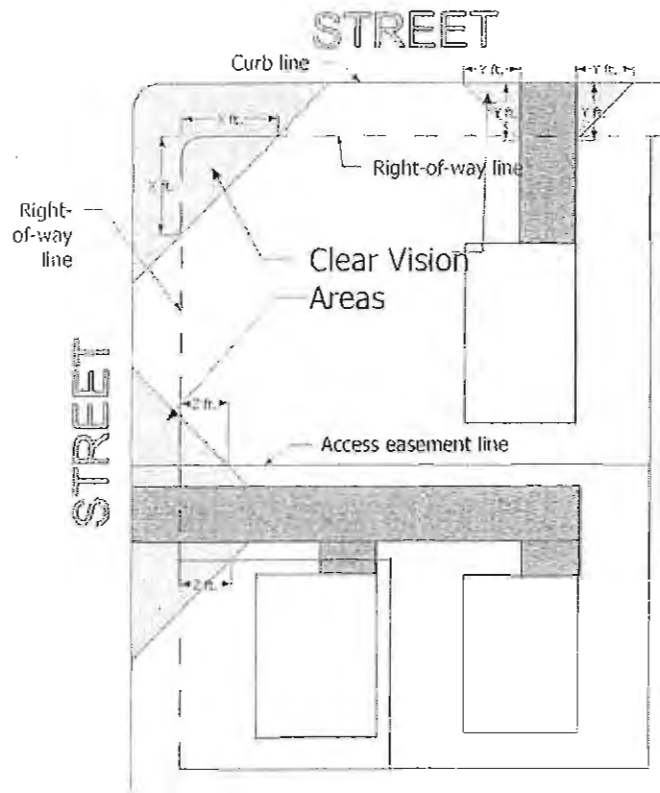
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- Grade
- Grade Plane



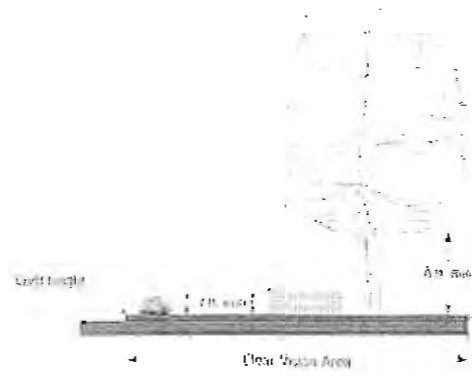
Block



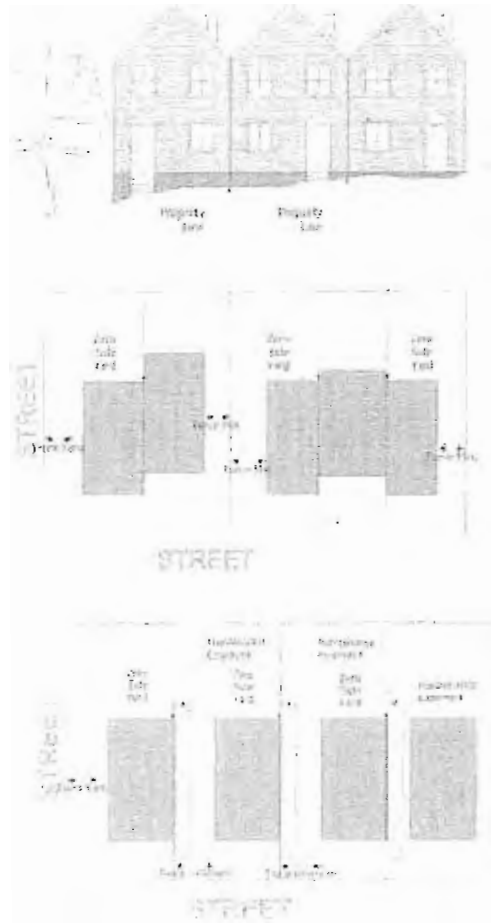
Clear Vision Area



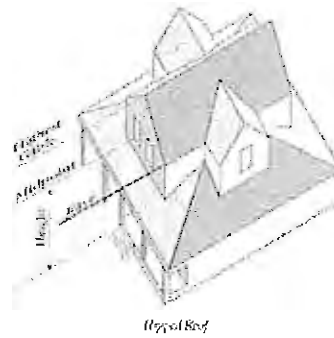
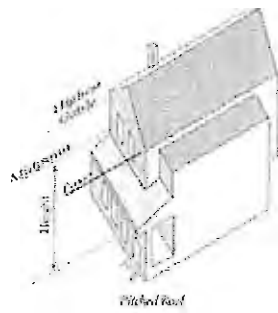
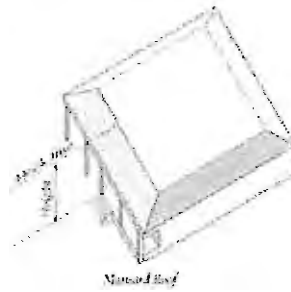
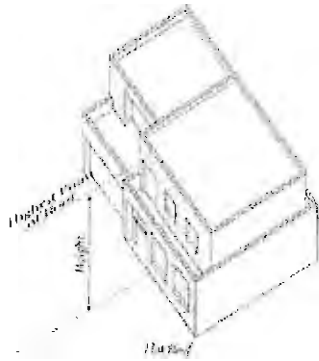
Clear Vision Area



Dwelling, Zero Side Yard



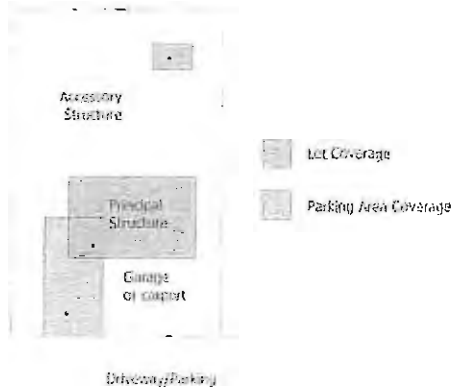
Height of Building



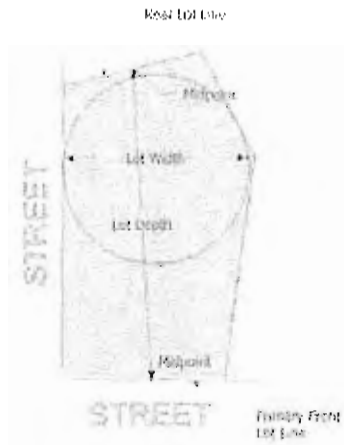
- Lot, Corner
- Lot, Flag
- Lot, Interior
- Lot, Through



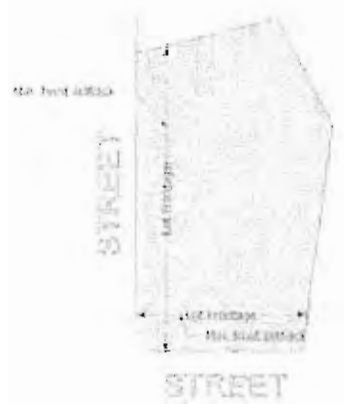
- Lot Coverage
- Parking Area Coverage



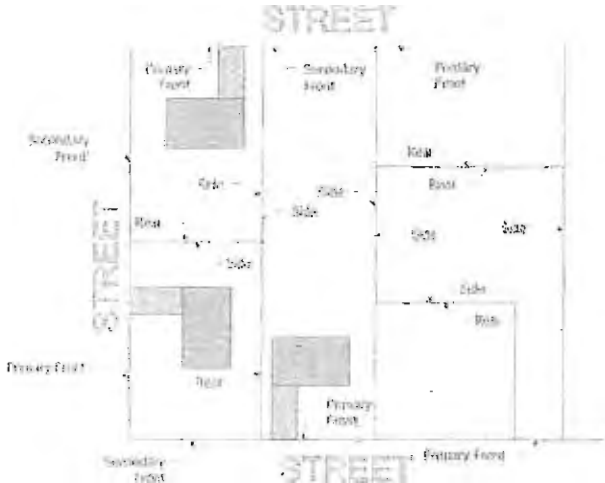
Lot Depth
Lot Width



Lot Frontage



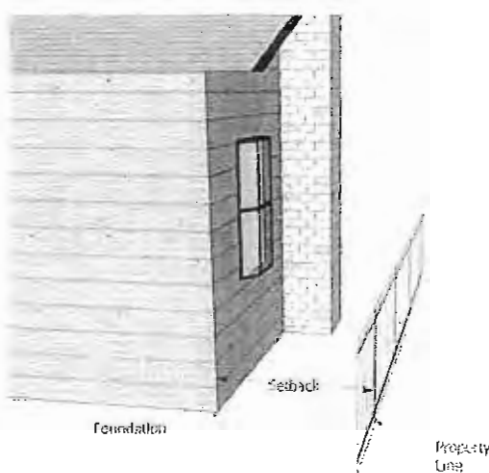
- Lot Line, Front
- Lot Line, Primary Front
- Lot Line, Secondary Front
- Lot Line, Rear
- Lot Line, Side



Right-of-Way



Setback

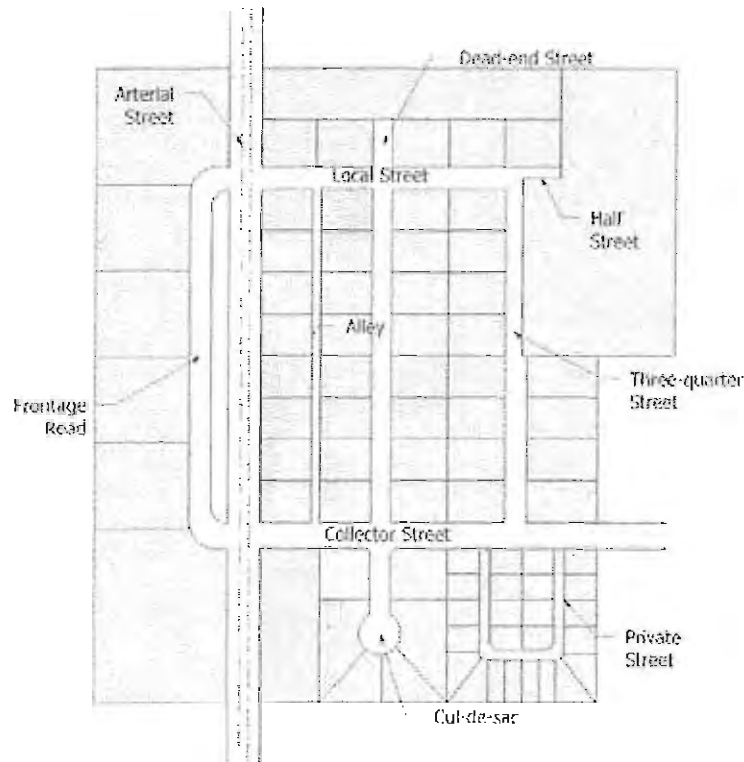


Sign
Sign Area
Sign Face

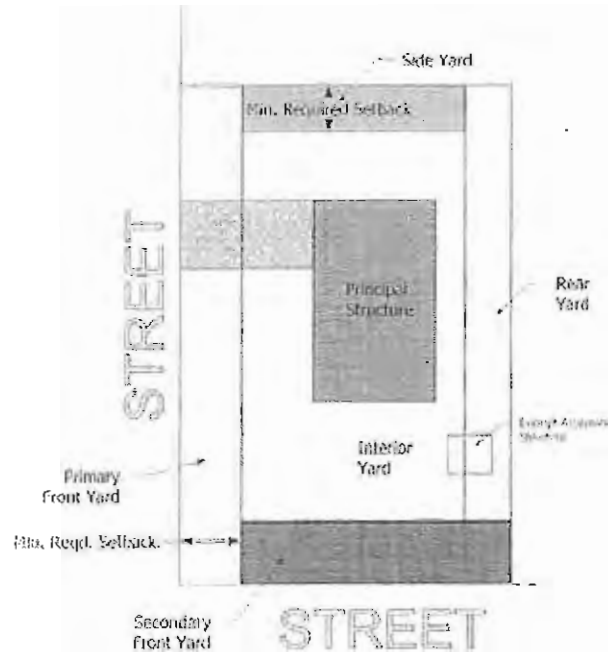


Street

- Alley
- Arterial
- Collector
- Cul-de-Sac
- Dead-End
- Frontage Road
- Half Street
- Local
- Private
- Three-Quarter Street



- Yard, Front
- Yard, Interior
- Yard, Primary Front
- Yard, Rear
- Yard, Secondary Front
- Yard, Side



[Ord. 521-2013 Exh. A].

Exhibit “B”: Findings LURA 12-11 – Revised Development Code

The updated Dundee Development Code remains consistent with the adopted comprehensive plan, and is also consistent with applicable state rules and statewide planning goals as shown below.

Statewide Planning Goal 2 / Dundee Comprehensive Plan

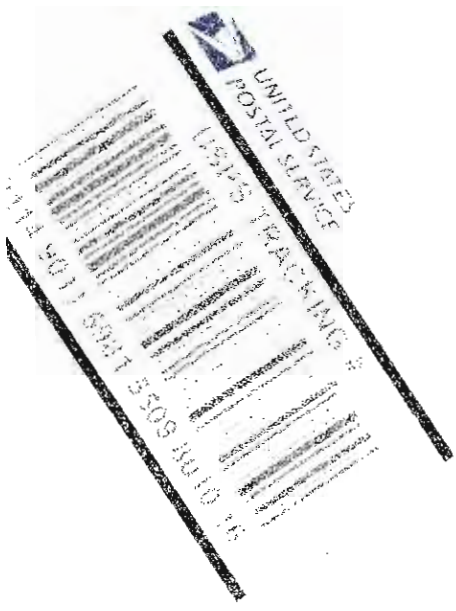
Goal 2: Land Use Planning (OAR 660-015-0000(2)) – To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. City, County, state, and federal agency and special district plans and actions related to land use shall be consistent with the comprehensive plans of cities and counties and regional plans adopted under ORS Chapter 268. Guidelines(F)(1)(a) Ordinances controlling the use and construction on the land, such as building codes, sign ordinances, subdivision and zoning ordinances. ORS Chapter 197 requires that the provisions of the zoning and subdivision ordinances conform to the comprehensive plan.

Finding: The updated Development Code (Code) remains consistent with Dundee’s adopted comprehensive plan, as the update is largely to clarify Code standards and procedures; resolve substantive conflicts within the Code and ensure internal consistency; correct typographical and grammatical errors; improve the overall organization, formatting, and flow of the document; update the Code to address changes in state law; and identify major policy issues within the Code to be addressed in a future phase of Code updates. This Code update does not change any major policies within the existing Code.

Oregon State Law

The Dundee Development Code was updated to comply with applicable provisions required by state law, including the following:

- ORS 215.780 & OAR 660-033 – to include a minimum lot size required for EFU land existing within the Dundee city limits, and to specify permitted uses allowed on EFU zoned lands per state law.
- ORS 197.480 – to include mobile homes or manufactured dwelling parks as a permitted special use in areas planned and zoned for residential density of six to 12 units per acre (the city’s R-3 zone). In addition, the Code was updated to specify that all manufactured dwelling parks and mobile home parks shall comply with the provisions of ORS Chapter 446, OAR Chapter 918, Division 600, and the current Oregon Manufactured Dwelling and Park Specialty Code.
- ORS 92.176 – to specify the process to validate a unit of land not lawfully established.



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