



# Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



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

Date: 12/28/2014  
Jurisdiction: City of Dundee  
Local file no.: LURA 14-07  
DLCD file no.: 002-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 12/19/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 36 days prior to the first evidentiary hearing.

### Appeal Procedures

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

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

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

### DLCD Contact

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



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

**FOR DLCD USE**  
 002-14  
**File No.:** { 22519 }  
**Received:** 12/19/2014

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

Jurisdiction: City of Dundee

Local file no.: **LURA 14-07**

Date of adoption: 12/16/14

Date sent:

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

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 10/15/14

No

Is the adopted change different from what was described in the Notice of Proposed Change?    Yes    No

If yes, describe how the adoption differs from the proposal:

At the time of the Form 1 submittal, there was not yet a staff report and proposed code amendments. The code amendments were created from Planning Commission workshops and then taken through the public hearing process.

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

Phone: 503-554-7744

E-mail: [jessica.pelz@newbergoregon.gov](mailto:jessica.pelz@newbergoregon.gov)

Street address: 620 SW 5<sup>th</sup> Street

City: Dundee

Zip: 97115-

**PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY**

**For a change to comprehensive plan text:**

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

**For a change to a comprehensive plan map:**

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

- |             |    |        |  |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this         |
| change.     |    |        |  |
| Change from | to | acres. | A goal exception was required for this change. |

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

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

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

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

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

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

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

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

Added new section 17.203.240. Amended sections 17.501.020, 17.202.020.

**For a change to a zoning map:**

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

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

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

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

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

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

**CITY OF DUNDEE**  
**ORDINANCE NO. 537-2014**

***An Ordinance amending the Dundee Development Code to incorporate standards for short term vacation rentals***

**WHEREAS**, the City of Dundee is generally lacking in lodging options, and the availability and regulation of short term vacation rentals is an emerging issue locally and regionally. By having more lodging options available, Dundee can better capitalize on increased local tourism. Many short term vacation rentals are peer-to-peer and internet based, so Dundee will be ahead of the curve by enacting regulations up front for short term vacation rentals, rather than trying to catch up to rentals already on the market.

**WHEREAS**, the Dundee Planning Commission held workshops in March and September of 2014 to discuss potential code amendments to allow short term vacation rentals. As a result of the workshop discussions, staff created Development Code amendments that will permit short term vacation rentals through the same approval processes as bed and breakfast establishments, and will create process, rules, and standards for vacation rentals.

**WHEREAS**, the Dundee Planning Commission considered the amendments at their November 19, 2014, meeting. The Planning Commission adopted an Order of Recommendation recommending that City Council adopt the proposed Development Code amendments.

**WHEREAS**, after proper notice, the Dundee City Council held a hearing on December 16, 2014, to consider the proposed Development Code amendments. The Council finds that the proposal meets the applicable criteria.

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

1. The Dundee Development Code is hereby amended as follows. The following proposed language would be included in the Development Code as shown. Proposed additions to the Code are shown as underlined.

**17.203.240 Vacation Rentals**

**All short term vacation rentals shall conform to the following standards:**

- A. **Purpose. The purpose of this section is to provide a process and standards for allowing short term vacation rental units. Vacation rental units shall be allowed anywhere residential uses are allowed, except they will not be allowed in multifamily dwellings.**

- B. Review Process. Vacation rentals shall be processed as a Type I application when the dwelling has three or fewer bedrooms, and as a conditional use application when the dwelling has four or more bedrooms.
- C. Notice. A written notice of the vacation rental decision shall be sent to all neighboring properties within 100 feet of the proposed vacation rental. The notice shall contain all of the following information:
1. The name, address, and telephone number of a local contact person responsible for maintenance and responding to emergencies, so that residents may report any problems with the vacation rental.
  2. The contact information for the City of Dundee.
- D. Business License and Transient Room Tax. The owner of the vacation rental unit shall annually renew a business license with the City of Dundee, and shall comply with Dundee Municipal Code Chapter 3.04, Transient Room Tax.
- E. Standards.
1. Off-Street Parking. A minimum of one off-street parking space per guest room, pursuant to DMC 17.304.040, must be provided on the site.
  2. Trash and Recycling Facilities. The applicant shall provide for regular trash collection. Available bins must have adequate capacity for the renters, and no uncontained garbage is allowed on the site.
  3. Pets. Pets shall comply with Dundee Municipal Code Title 6.
  4. Noise Limits. All activities associated with the vacation rental shall comply with the noise standards in Dundee Municipal Code Chapter 8.28.
  5. RVs and Other Temporary Shelters. The premises of the vacation rental may not include any occupied recreational vehicle, trailer, tent, or other temporary shelter during the rental occupancy.
  6. Landscaping. The property shall be landscaped and continuously maintained in good repair in the manner of a permanent residence.
  7. Nuisances. All activities associated with the vacation rental shall not cause a nuisance as defined in Dundee Municipal Code Chapter 8.16.
  8. Posting of Information. The applicant shall keep posted a list of information about the vacation rental adjacent to the front door inside the dwelling. At a minimum, the posting shall include the following information:
    - a. The name and contact information for a local contact person responsible for maintenance and responding to emergencies.
    - b. The current annual vacation rental business license.
    - c. The contact information for the City of Dundee.
    - d. Any requirements for the vacation rental to ensure it complies with this code.

9. Guest Register. The owner or local representative shall maintain a guest register listing each tenant of the vacation rental along with the number of dwelling occupancy days. The register shall be available for city inspection upon request.
- F. Complaints and Permit Revocation. Complaints regarding the use of the vacation rental shall be reviewed by the City Administrator or designee. The City shall notify the property owner in writing of any corrective action necessary to mitigate the complaint, and the owner shall have 30 days to correct the identified issue. If the city receives two or more unresolved complaints within a twelve month period, the City Administrator may schedule a hearing before the Planning Commission to consider adding additional conditions for mitigation or revoking the vacation rental permit. The owner may appeal the Planning Commission decision to the City Council.

**17.501.020 Definitions**

“Vacation rental” means a dwelling unit built for permanent use that is rented out in its entirety for the purpose of overnight lodging to visitors for less than 28 days at any one time. Vacation rental does not include a dwelling in which individual rooms are rented out separately; this type of use would fall under “bed and breakfast establishment”.

“Boarding, lodging, or rooming house” means a building where lodging with or without meals is provided for a period of longer than 30 days at a time for compensation for not more than five persons in addition to members of the family occupying such building.

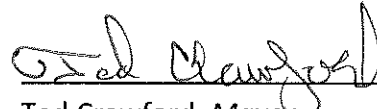
**Table 17.202.020: Zoning Use Table**

C. Commercial Uses	R-1	R-2	R-3	C	CBD	LI	P	PO	A	EFU	Special Use Requirements
<u>Vacation rental, with three or fewer bedrooms</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>DMC 17.203.240</u>
<u>Vacation rental, with four or more bedrooms</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>CU</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>DMC 17.203.240</u>


2. The findings in support of these amendments, as shown in Exhibit A, are hereby adopted and by this reference incorporated.
3. This ordinance shall take effect on January 15, 2015, thirty days after its enactment.

**ADOPTED by the Dundee City Council this 16<sup>th</sup> day of December, 2014.**

**Approved:**

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

**Attest:**

  
\_\_\_\_\_  
Rob Daykin, City Administrator/Recorder

## **Exhibit A: Findings (LURA 14-07 – Vacation Rentals)**

*Amendments are required to be consistent with all applicable local and state laws including the Dundee Comprehensive Plan and Statewide Planning Goals.*

### ***Dundee Comprehensive Plan***

***Recreation and Willamette River Greenway. Goal: To provide adequate park land and recreation facilities for area residents and visitors and preserve land within the Willamette River Greenway.***

**Finding:** While a vacation rental is not necessarily a recreation facility, it does provide a place for tourists to stay while they are visiting the area to take advantage of recreation or tourism facilities in the area. Therefore, providing opportunities for vacation rentals throughout Dundee enables the city to better capture tourists and other visitors, and to promote recreation and other tourism opportunities in Dundee and the surrounding region by offering unique places for visitors to stay.

***Economy. Goal: To maintain a level of economic development adequate to meet public need. Objective (2): To assure that commercial and industrial developments preserve and enhance the aesthetic character and livability of Dundee.***

**Finding:** The Development Code amendments would permit vacation rentals to be located in several zoning districts throughout the city. This may help encourage local economic development and help keep tourism dollars flowing through our local economy. The Dundee region has many tourism related opportunities, and these regulations will capitalize on tourism by providing a unique place for visitors to stay within the city. At the same time, the regulations will preserve the aesthetic character and livability of Dundee by ensuring that vacation rentals have a local contact person, provide adequate off-street parking spaces for their guests, and other standards to ensure vacation rentals are maintained in the character of a residential dwelling.

### ***Statewide Planning Goals***

***Goal 8: Recreational Needs (OAR 660-015-0000(8)) – To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.***

**Finding:** The proposed Development Code amendments will help satisfy the recreational needs of visitors to the Dundee area by providing them with a unique lodging option within the city. This is beneficial because visitors will stay longer and spend more tourism dollars in the city when they have various lodging options. Vacation rentals can also benefit tourism by giving area visitors a more comfortable home base from which to explore other regional recreation and tourism opportunities.

***Goal 9: Economic Development (OAR 660-015-0000(9)) – To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.***

**Finding:** Dundee’s Development Code does not currently permit vacation rentals. The proposed Development Code amendments would allow vacation rentals to be located within all



of the residential and commercial zoning districts of the city. Vacation rentals promote economic development by allowing an owner to purchase a home, potentially a second/vacation home, in Dundee and use it for economic purposes when it cannot be used by the primary owner. This in turn could promote local economic development as users of local vacation rentals spend their time and money in local establishments. Therefore, the proposed amendments would further economic development efforts at the local level.