CITY OF DUNDEE
PLANNING COMMISSION AGENDA
City Hall Meeting Chambers
620 SW 5th Street
Dundee, OR 97115
P.O. Box 220

MEETING DATE: February 19, 2020

Meeting Time: 7:00pm

I. Call Meeting to Order.

II. Election of 2020 Chairman and Vice-Chairman

III. Public Comment

IV. Approval of Minutes
- September 18, 2019

V. Public Hearing(s)
- S19-15/CA19-16/V19-17, Olivia Beach Construction (Sitton Subdivision)

VI. Issues from Planning Commissioners

VII. Adjournment

The city hall meeting chambers are accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Melody Osborne, Administrative Assistant at 503-538-3922.

CITY OF DUNDEE

Meeting: Planning Commission Meeting

Location: Dundee City Hall
620 SW 5th Street
Dundee, Oregon 97115

Date: September 18, 2019

Time: 5:30 p.m.

I. Meeting called to order.

Members present, which consisted of quorum, were Chairman Shannon Howland, Vice-Chairman Dustin Swenson, Char Ormonde, Maria Hinoveanu, Rebecca Minifie, Edward Carlisle, and Eugene Gilden. Planner Caines was also in attendance.

II. Public Comment

There were no members of the public present.

III. Approval of Minutes

It was moved and seconded to approve the minutes August 21, 2019. The motion was passed unanimously.

IV. Code Update Work Session #2

(A copy of the Staff memo is attached to these minutes as reference.)

Planner Caines explained that rather than come back with answers to questions asked in the last meeting it would be more productive to continue with the remaining items that were not able to be discussed at the last meeting. Once the list of code issues had been completed, examples and answers would be brought back at a future meeting.

Lot Size for Sloped Sites
Planner Caines explained that the land in the sloped area of Dundee was, for the most part, built out. Therefore, the question was whether it was necessary to keep this regulation in the code. If the Commission chose to keep it, she suggested adding language clarifying that it was after grading and not prior to. There was some discussion regarding whether the area along the river, which is very sloped, could be built. It was noted that the area next to the river was in the floodplain and therefore unbuildable. The conclusion of the discussion was a consensus to eliminate the code requirement.

Setbacks for Flag Lots or Lots without Frontage
Planner Caines handed out a visual aid for reference. There was discussion regarding making the lot have the same setback requirements as a home with frontage, as well as what the purpose

would be of making any of the setbacks larger. The conclusion of the discussion was general agreement to add language to make the setback the minimum side yard setback for the zone.

Parking Standards for Single Family Residences
The discussion was regarding requiring driveways in residential zones to be paved. It was noted that any changes to the regulation would be for new development, or new driveways, and all existing gravel driveways would be grandfathered in. It was also discussed whether the applicability standard should be removed or changed. The conclusion of the discussion was a consensus to review the entire section in detail and possibly make a new section specifically for single family homes.

Outdoor Storage for Residential Uses
Planner Caines recommended that this regulation be reviewed at the same time Parking Standards was discussed in depth since it was covered by the same chapter. There was discussion regarding flag lots and applicability of the code to lots with no frontage, screening, and fence height. It was also talked about how big an issue violations of this code provision were—was it a solution looking for a problem? The conclusion of the discussion was a consensus that the code did not need to be changed.

Code Adjustments
There was a question about whether this code standard was a problem or inconsistently applied. It was answered no. There was a question about whether staff had the option to kick the application up to the Planning Commission if there was a question or issue with the application. The answer was no. It was clarified that the question before the Commission was whether the standard should remain flexible or want to be more linear and controlled. Planner Caines affirmed.

There was a question about whether the adjacent property owners had the ability to comment. Planner Caines stated that the adjacent property owner would be noticed but if the applicant met the criteria then it would be approved. However, the neighbor could come forward with reasons they didn't feel the applicant met the criteria and it could be denied if staff agreed. There was discussion about how many code adjustments an individual could request at one time. General agreement was to leave the regulations as is, but also find a way to control the flexibility perhaps by limiting the quantity or lowering the percentage.

Temporary Uses / Temporary Structures in Commercial or Other Zones
It was suggested that yes, temporary uses for commercial activities be allowed in the light industrial zone with a permit; also, yes to exempt the permit requirement for a use that is less than three days, but that perhaps we require notification of some sort. There was discussion regarding enforcement and the possible reworking of the municipal code to provide a fine.

Planner Caines explained that part of the issue staff discussed had to do with the fact that the code was just amended to allow commercial uses in the industrial zone with specific limitations, so why would we allow a temporary commercial use if it did not meet the requirements that were just adopted. There was a conversation regarding outdoor seating and whether the square footage should be reviewed to see if there was a need to require additional parking.

It was decided that the issue should be brought back at a future meeting for more discussion.

Private Streets
It was questioned whether this section would apply to the Riverside District. Planner Caines responded that if they were only allowed in PUDs then it would not be allowed in the Riverside District since development would be required to go through the Master Plan process. The code

language was consulted and there was conversation about the confusion of the language. There was some suggestion to change the order of the regulations (switch item 1 with item 2).

Comments were made regarding whether there was enough land left to necessitate the regulation; also, whether private streets should be prohibited. There was a consensus that private streets should not be allowed. Planner Caines gave an example of a development that could only be developed with a private street for access. It was questioned whether an easement could be used for access. Planner Caines responded that an easement could only serve three properties. It was questioned whether there was a limit to how many easements could be issued, and whether they could be granted serially. Planner Caines stated that you couldn't because the easement would have to be out to the street.

The conclusion of the discussion was that there should be no private streets allowed. It was noted, however, that the attorney would be consulted to make sure this was not an unlawful restriction on use of property.

V. Planning Issues from Commission Members.

Commissioner Ormond questioned the building on 9th Street. It was noted this property was going through enforcement.

Commissioner Ormonde stated that one of her neighbors was renting their property as an Air B & B and she knew this person did not have a permit. She wondered if the City checked the sites to look for non-compliance. This was answered affirmatively but requested that she contact CA Daykin to make him aware of the home in the event it was missed during routine review.

VI. Adjournment

Meeting was adjourned.

_____

Shannon Howland, Chairman

ATTEST:

_____

Melody Osborne, Planning Secretary

Attachment: 091819 PC Memo

Memorandum

TO: Dundee Planning Commission
FROM: Cheryl Caines, Planner
CC: Rob Daykin, City Administrator
DATE: September 18, 2019
SUBJECT: Code Update Workshop #1

Staff has been tracking issues with the Dundee Development Code. These issues include unclear language, contradictory or outdated standards, or lack of standards for a development situation. Some of these issues are simple with straightforward and quick solutions, while others are complex and require policy direction from Commissioners and Councilors and coordination with other City staff.

Over a series of workshops, staff will ask the Planning Commission for feedback on the code issues in order to do research and begin drafting code amendments. There are a number of various issues to address, and the code update will occur in phases. The Commission's input will also help staff prioritize and group the issues together in these phases.

A complete list of issues and potential code amendments is attached (Attachment 1). The items included in this memo are those on which staff needs initial direction to begin the research and drafting process. Issues that have clear or simple solutions are not included for discussion at this point. However, it should be noted that future workshops will be held with Planning Commission prior to any code amendments being brought forward for adoption. Issues addressed at the August 21, 2019 are not included in this memo since the focus will be on having an initial discussion on each topic and then additional workshops with solutions and potential code.

Issues for discussion:

Lot Size for Sloped Sites
The minimum lot area in the R-1 zone is 9,000 square feet for single-family development. A footnote (exception b) in Table 17.202.030 requires that 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 increase accordingly:

Slope	Lot Area Increase
11-15%	Minimum plus 20%
16-20%	Minimum plus 50%
21-25%	Minimum plus 100%
26-30%	Minimum plus 200%
31+%	Specified by City Engineer

The code does not state existing or developed slope; however, the minimum lot size is applied to the developed lot and therefore, it is interpreted that the slope applies to the developed lot as well. This

interpretation is consistent with previous subdivision approvals related to slope and minimum lot area. One of the most recent approvals that included sloped lots was appealed to the City Council. A split vote (4 to 3) upheld the subdivision approval, but Council directed staff to amend the code to address this issue. We'll discuss the best approach to provide clarity on lot size related to lot slope. The code as currently written is difficult to measure. The language "as specified by the City Engineer" is vague and not clear and objective. The intent of larger lots on a slope is not clear.

Setbacks for Flag Lots or Lots Without Frontage
It is unclear how yard and setback standards apply to lots without frontage on a street. The access chapter of the code states that a private access easement is permitted to serve as the required frontage for a lot created through a land division. However there is no street frontage, so how are yard and setbacks determined. Should there be different setbacks for these type of lots?

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 line, front means a property line separating the lot from the street, other than an alley.

Parking Standards for Single Family Residences
Single family dwellings are exempt from the parking development standards. For example, surfacing may be gravel and not paved. Portions of a driveway in the public right-of-way must be paved per the Public Works Design and Construction Standards. Gravel is carried into the street by vehicles and causes damage to public street surfaces. Should parking and driveways be required to be paved for single family dwellings?

Outdoor Storage for Residential Uses
The current regulations for outdoor storage prohibit it in required front yards (20 foot setback) and require screening. No standards exist for this type of screening. There are code standards prohibiting parking within the front yard (20 foot setback) except on driveways. There are also standards related to parking of certain types of vehicles found in the parking code:

17.304.030.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.

However, the applicability section of the parking and loading section of the code does states that the standards only apply to new development, additions, changes of use that require additional parking, or as a condition of a land use approval. What, if any, restrictions should be in place regarding storage in residential areas, and should the code be modified to apply the standards on parking to single family residences?

Code Adjustments
The code allows any quantifiable standard to be adjusted by 20% or less if the criteria can be satisfied. This allows for flexibility. Is this the right amount of flexibility? Should it be more or less flexible? Some codes have a generic adjustment like Dundee, while other codes have allowances and criteria for more

specific adjustments. For example, adjustments to minimum setback, lot width/depth or minimum parking requirements.

Temporary Uses
Temporary uses are for commercial activities that are limited in duration or take place outside or take place within a non-permanent structure such as a food cart. A temporary use permit is required for such uses. Limited duration activities are permitted for 90 days within a calendar year. Mobile food carts do not have a time limitation but permits must be renewed every year.

Should temporary uses for commercial activities be allowed in industrial zones? Should permits be required? Some jurisdictions exempt the permit requirement if the activity is less than a certain time frame e.g. three days.

Temporary Structures in Commercial or Other Zones
Limited outdoor or unenclosed uses are permitted as special uses. The standards include allowances for outdoor cooking and dining associated with a permitted eating and drinking establishment. Seating capacity is not to exceed 75 percent of the indoor seating capacity of the business. A minimum of 12 outdoor seats is allowed regardless of the indoor seating capacity. Sometimes these seating areas are uncovered and are only used during good weather. Because these areas are not considered floor area, they are not subject to other standards such as parking.

However, some outdoor seating areas have been covered and enclosed with temporary patio covers or tents. These areas can be heated with portable heaters and can be used year-round. Based on the definition of floor area, these areas are subject to parking standards. Due to the "temporary" nature of the building, there is a gray area about the use inside the building also being "temporary." Should the code be modified to clarify such use of temporary structures is considered a permanent part of the use? Should they be allowed as permanent structures?

Private Streets
Private streets are allowed in Dundee under certain circumstances, including local internal streets in Planned Unit Developments (see code below from Access chapter). However, there is conflicting language in the Planned Unit Development (PUD) code section that states all streets within a PUD must be public. Where and when should private streets be allowed? Private streets are owned and maintained by the property owners that utilize them.

17.301.020.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.

DocuSign Envelope ID: 331A0F06-71D8-4681-A200-DCCE5F4875CA

CITY of DUNDEE Oregon

Type III Review

Subdivision | Planned Unit Development

Fee: $480.00 + $4500.00 deposit | File No. S 19-15

Applicability

- A **subdivision** application is used to provide rules, regulations and standards to carry out the city's development pattern as envisioned by the city's comprehensive plan; encourage efficient use of land resources and public services, and provide transportation options; to promote the public health, safety and general welfare through orderly and efficient urbanization; and 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.
- A **planned unit development** application is used to provide flexibility in code regulations in order to encourage creative land development. Note: The flexibility granted from code regulations must result in a development that has more amenities, incorporate sustainable design elements or other special features, and generally be better planned than a similar development built to regular code standards.

Applicant: Walker John, Olivia Beach Sales and Construction	
Address: 3329 SW HWY 101, Lincoln City, Oregon 97367	
Email Address: walker@oliviabeach.com	
Phone(s): 541-921-1247	
Owner (if different from above):	
Owner Address: 380 SW 3rd Street, Dundee, Oregon	
Engineer/Surveyor: Reece & Associates, Inc.	
Phone: 541-926-2428	
Engineer/Surveyor Address: 321 1st Ave. E, Suite 3a, Albany, Oregon 97321	
Project Name: 3rd Street Subdivision	
Project Location: 380 SW 3rd Street	
Map/Tax Lot No.: 3325BC02600	**Zone:** R-3
Comp Plan Designation: Medium Density Residential	
Project Description: Subdivide two acres of land into eight lots for detached, single-family homes.	

DocuSign Envelope ID: 331A0F06-71D8-4681-A200-DCCE5F4875CA

Submittal Requirements (10 copies + one electronic copy of all information)

☑ Preliminary Plat Information. 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 Yamhill 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.
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.
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;

DocuSign Envelope ID: 331A0F06-71D8-4681-A200-DCCE5F4875CA

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.

☑ A written statement explaining how the application satisfies all of the relevant criteria and standards of DMC 17.403.

A. The land division application shall conform to the requirements of this chapter;
B. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of DMC Division 17.200, Zoning and Land Use Requirements;
C. 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;
D. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
E. 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;
F. 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;
G. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and
H. 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.

☐ Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable.

☐ Traffic impact analysis, as may be required by the city or other roadway authority.

☑ Current title report (within 6 months)

☑ Application Fees

<u>IN ADDITION TO THE ABOVE, FOR PLANNED UNIT DEVELOPMENTS ALSO PROVIDE THE FOLLOWING</u>:

☐ A written statement explaining how the application satisfies all of the relevant criteria and standards of DMC 17.407.

DocuSign Envelope ID: 331A0F06-71D8-4681-A200-DCCE5F4875CA

☐ A written statement addressing the following items. Maps and other visual representations may be used to convey the 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.

I attest that to the best of my knowledge the information provided herein and attached is accurate; and, certify that approval of the subdivision or PUD does not create a violation of any other code standard or previous land use approval.

All owners must sign the application or submit letters of consent.

DocuSigned by:
Walker John
6F103C0E6D26448...

Applicant Signature Date

Walker John

Print Name

DocuSigned by:
87766029911A49C...
DocuSigned by:
Wayne Youngberg 10/24/2019 | 7:59 AM PDT
8142FF824D82469...

Owner Signature Date

Wayne Youngberg and Joe Hager

Print Name

Process

Subdivisions and a planned unit developments are a Type III application, which involves a public hearing and provides an opportunity for those who appear to appeal the Planning Commission decision to the City Council. The process also requires public notice to all properties within 100 feet of the project site. This application will go through the following process:

1. Applicant submits application form and all required materials for review.
2. City staff will do a completeness check and inform the applicant whether more information is needed (within 30 days of application).
3. City staff will send the application materials for review and comments to internal and external departments and agencies. This is a two-week long comment period.
4. Twenty (20) days prior to the hearing date, city staff will mail written notice to all owners of property located within a minimum of 100-feet of the subject site and post notice on the subject site.
5. One week prior to the planning commission hearing, city staff will prepare a staff report on the application and make it available for review.
6. Planning Commission will hold a hearing and make a decision on the application.

DocuSign Envelope ID: 331A0F06-71D8-4681-A200-DCCE5F4875CA

CITY of DUNDEE Oregon

Type II Review

Code Adjustments

Fee: $360.00 | File No. CA 19-16

Applicability: A Code adjustment application is used when the request would result in less than a 20 percent change to a quantifiable Code standard.

Applicant: Walker John, Olivia Beach Sales and Construction	
Address: 3329 SW HWY 101, Lincoln City, Oregon 97367	
Email Address: walker@oliviabeach.com	
Phone(s): 541-921-1247	
Owner (if different from above):	
Owner Address: 380 SW 3rd Street, Dundee, Oregon	
Engineer/Surveyor: Reece & Associates, Inc.	
Phone: 541-926-2428	
Engineer/Surveyor Address: 321 1st Ave. E, Suite 3a, Albany, Oregon 97321	
Project Name: 3rd Street Subdivision	
Project Location: 380 SW 3rd Street	
Map/Tax Lot No.: 3325BC02600	**Zone:** R-3
Comp Plan Designation: Medium Density Residential	
Explanation of Adjustment Request: An adjustment is requested for lots five, six, and seven. These three lots are located on a cul-de-sac and have less opportunity to meet the minimum lot frontage requirement. Each of these lots still complies with all other R-3 standards.	

*Application must be accompanied by required submittals as noted in Dundee Municipal Code Chapter 17.406.030.

Submit the following information for review:

- ☐ Site plan showing:
  - Existing features of the site
  - Proposed new site features
  - The proposed adjustment details (where on the site, dimensions, etc)

☐ Written response to how the proposed code adjustment meets these criteria:
- The adjustment is consistent with the purpose and intent of the code standard(s) to be adjusted
- The adjustment would not create a conflict with or unreasonably impact adjacent uses
- Approval of the adjustment does not create a violation of any other code standard or previous land use action

I attest that to the best of my knowledge the information provided herein and attached is accurate; and, certify that approval of the adjustment does not create a violation of any other code standard or previous land use approval.

All owners must sign the application or submit letters of consent.

DocuSigned by:
Walker John
6F103C0E6D26446...

Applicant Signature Date

Walker John

Print Name

DocuSigned by:
87766029911A49C...

DocuSigned by:
Wayne Youngberg 10/24/2019 | 7:59 AM PDT
8D3A9D8A4B9...

Owner Signature Date

Wayne Youngberg and Joe Hager

Print Name

Process

A Code adjustment is a Type II application, which is an administrative decision and requires public notice to all properties within 100 feet of the project site. This application will go through the following process:

1. Applicant submits application form and all required materials for review.
2. City staff will do a completeness check and let you know whether more information is needed.
3. City staff will prepare and mail notice to all property owners within 100 feet of the project site, and will send the application materials for review and comments to internal and external departments and agencies. This is a two-week long comment period.
4. Once all comments are received, city staff will prepare a staff report and decision on the application.

Note: A Code adjustment application may be submitted concurrently with other applications for review on the same project (i.e. partition, site design review, etc.).

3rd Street Subdivision

Subdivision Tentative Plat Application
Adjustment Application

Prepared for:

OLIVIA BEACH

Prepared For:

Olivia Beach Sales and Construction

Reece & Associates, inc.

Reece & Associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
541/926-2428
www.r-aengineering.com

October 24, 2019

Proposal Summary

Request:	This application is for approval of the Subdivision Tentative Plat for 3rd Street Subdivision, a new eight-lot residential development. An adjustment is requested to reduce the lot frontage requirement by three feet on lots five, six, and seven. Detached, single-family homes are planned for 3rd Street Subdivision.
Location:	380 SW 3rd Street Dundee, OR 97115 Yamhill County Tax Map R3325BC, Lot 02600
Owner/Applicant:	Walker John Olivia Beach Sales and Construction 3329 SW Highway 101 Lincoln City, Oregon 97367
Engineer/Planner:	**Reece & associates, Inc.** 321 1st Avenue Suite 3A Albany OR 97321 Planner: Hayden Wooton (541) 926-2428 haydenw@r-aengineering.com Engineer: David J Reece, PE 11749 (541) 926-2428 dave@r-aengineering.com

Exhibits:
A – Yamhill County Tax Map R3325BC
B – Aerial Map
C – City of Dundee Zoning Map

Table of Contents

3rd Street Subdivision 1

I. Project Description 3

II. Existing Conditions 3

III. 17.403.050 Preliminary Plat Approval Criteria 3

IV. 17.200 Zoning and Land Use Requirements 5

V. 17.300 Development Requirements 6

VII. 17.406.030 Adjustment – Lot Frontage 8

VIII. Conclusion 9

I. Project Description

Yamhill County Tax Map R3325BC, Lot 02600, is a two-acre parcel of land located in the City of Dundee (Exhibit A) and zoned Medium Density Residential (R-3). This application is proposing an eight-lot subdivision for detached, single-family homes. The proposed development has an average lot size of 10,891 square feet.

With the exception of an adjustment to reduce the frontages of lots five, six, and seven, the proposed subdivision conforms to all applicable articles of the Dundee Municipal Code (DMC). Findings of fact demonstrate conformance with all applicable sections of the DMC are provided in the following sections of this land use application narrative.

II. Existing Conditions

SW 3rd Street is a paved road, one lane in each direction, constructed prior to adoption of current City of Dundee local street standards. City of Dundee is the road authority for SW 3rd Street.

The site is an open grassy field fenced along the property lines. There is a detached, single-family home in the northwest corner of the property, which will remain with development. The site has gentle to moderate east facing slopes. Elevations range from 270 feet near the northwest property boundary to 232 feet along the northeast boundary.

The subject property does not contain any significant natural features as defined in the DMC.

Adjoining zones and land uses (Exhibit B for aerial photograph and Exhibit C for City of Dundee Zoning):

North: Nine homes, each on individual lots with frontage on SW Oliver Court, zoned by the City of Dundee as R-3.

South: Two homes, each on individual lots with frontage on SW 3rd Street, zoned by the City of Dundee as R-3.

East: Four homes, each on individual lots with frontage on SW Namitz Court, zoned by the City of Dundee as R-3.

West: One home on a large, individual lot with frontage on SW 3rd Street, zoned by the City of Dundee as R-3.

III. 17.403.050 Preliminary Plat Approval Criteria

1. *The land division application shall conform to the requirements of this chapter.*

   Response: The proposed land division conforms with all requirements of this chapter, as demonstrated by this application narrative, exhibits, and site plan.

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.*

   Response: The ability of proposed lots, block, and land uses to conform to the applicable provisions of DMC Division 17.200, Zoning and Land Use Requirements are discussed later

in Section IV of this application narrative and those findings and conclusions are incorporated herein by reference.

3. *Access to individual lots, 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.*

Response: Findings regarding access and public improvements are discussed later in Section V of this application narrative and those findings and conclusions are incorporated herein by reference.

4. *The proposed plat name is not already recorded for another subdivision and satisfies the provisions of ORS Chapter 92.*

Response: The proposed plat name is "3rd Street Subdivision," there was no record of a previous, already recorded subdivision with that plat name in Yamhill County. The proposed subdivision will conform with the provisions of ORS Chapter 92 by complying with City of Dundee tentative plat and Yamhill County final plat processes.

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.*

Response: Findings regarding access and public improvements are discussed later in Section V of this application narrative and those findings and conclusions are incorporated herein by reference.

The preliminary plat identifies all proposed public improvements and dedications and all adjacent lands have been developed.

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.*

Response: The proposed street will be a considered a private common area and identified as such on the preliminary plat. The street will be maintained by a Homeowner's Association once constructed. However, utilities located in the street will be public and a public utility easement will be granted to the City of Dundee for maintenance of storm, water, and sewer infrastructure.

7. *Evidence that any required state or federal permits, as applicable, have been obtained or can reasonably be obtained prior to development.*

Response: At this time, the applicant is not aware of any required state or federal permits that would apply to the proposed development. The proposed development will comply with any future, required state or federal permits.

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.*

Response: The applicant is aware that conditions of approval may be required prior to completion of the final plat to enforce code requirements.

IV. 17.200 Zoning and Land Use Requirements

Standards of the Medium Density Residential Zone

The proposed 3rd Street Subdivision project would create an eight-lot, single-family subdivision on a property zoned Medium Density Residential (R-3). As required by DMC 17.403.050.A.2, a preliminary subdivision plat must conform to the applicable provisions in DMC Chapter 17.200. The following DMC Chapter 17.200 sections are relevant to the proposed subdivision.

1. Purpose.[1]

The subject property is zoned R-3 by the City of Dundee and is intended to provide a mixture of attached and detached housing at target densities of up to 10 units per acre. The proposed subdivision will create eight lots for detached housing on approximately two acres of land.

2. Allowed Uses.[2]

The proposed development would create eight lots primarily for single-family, detached homes. Single-family dwellings are a permitted use in the R-3 zone, as listed by DMC Table 17.02.020.

3. Lot and Development Standards.[3]

Table 1 "Proposed Lot and Development Standards"

Development Standard	R-3 Requirement	Proposed
Minimum Lot Size	5,000 square feet.	1. Average lot size is 9,781 square feet. 2. Smallest lot is 5,017 square feet.
Minimum Lot Width	50 feet.	An adjustment is requested to reduce minimum lot frontage on lots with Cul-de-Sac frontage.
Minimum Lot Depth	80 feet.	Average lot depth is 131 feet.

Additional lot and development standards will be enforced at the time a building permit is applied for; these additional standards include primary front setback, side and rear setbacks, dwelling height, and maximum lot combined lot coverage.

[1] DMC 17.202.010.E
[2] DMC 17.202.020.A
[3] DMC 17.202.030

4. Yard Standards.[4]

This section of code is not applicable to the proposed development because the proposed subdivision is not proposing any exceptions to setback or building height standards.

5. Fence Standards.[5]

As requested by neighbors, a fence, six feet tall, will be constructed between the subject property and their property (Tax Lot 2700). The proposed fence will be constructed in a rear setback.

V. 17.300 Development Requirements

Improvements Required with Development

As required by DMC 17.403.050.A.3, a preliminary subdivision plat must conform to the applicable provisions in DMC Chapter 17.300. The following DMC Chapter 17.300 sections are relevant to the proposed subdivision.

1. Private Streets.[6]

A private street will be constructed from SW 3rd Street to provide access to the proposed eight lots. This private street will be placed in a 30-foot wide access easement, providing space for a paved 20-foot wide road with curb and gutters and five-foot-wide sidewalks on both sides for the street.

> *"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 future development of adjacent properties."*

Street access is infeasible due to lot shape, location of existing structures and is not necessary for future development of adjacent properties.

The subject property is a two-acre flag lot with an unusually shaped access strip. This access strip is not a consistent width throughout its entire length, starting with 25 feet of frontage on SW 3rd Street and widens as it nears the bulk of the property. This narrow frontage would greatly restrict the development's ability to construct a full public street. When the access strip eventually widens enough to construct a full public street, an existing home and accompanying setback prevent full buildout of a local street. All adjacent properties are already developed, so there is not possibility of future development needed to access the proposed street.

---

[4] DMC 17.202.040
[5] DMC 17.202.050
[6] DMC 17.301.020.K

2. Automobile Parking Space Standards.[7]

The proposed subdivision will create lots for single-family dwellings, each dwelling will require two spaces per unit. Adequate parking will be accomplished by constructing a two-car driveway for each proposed lot.

3. Intersection Angles.[8]

City of Dundee Improvement Design Standards, Division 4 – Streets, requires that "the interior angle at the intersecting streets shall not be less than seventy-five degrees." The intersection of the proposed private street and SW 3rd Street has an interior angle of 102 degrees.

4. Improvements to Existing Streets.[9]

The proposed subdivision will construct a private street to serve eight lots. This private street will intersect with SW 3rd Street, which the subject property has frontage on. The proposed subdivision will construct three-quarters street improvements to SW 3rd Street for its 25 feet of frontage.

5. Cul-de-Sacs.[10]

The proposed private street will terminate with a cul-de-sac. This street has a centerline length of 400 feet and will serve eight lots total; five lots will take access from the cul-de-sac.

An access way is required to connect new cul-de-sacs to existing streets or other cul-de-sacs. However, the subject property is an infill lot and all adjacent properties have been developed. This development prevents the construction of a new connection between the proposed and existing cul-de-sac.

6. Private Streets.[11]

A private street will provide access to the proposed lots. The proposed private street will have an easement width of 30 feet, a paved surface width of 20 feet, centerline length of 400 feet, and terminate in a cul-de-sac.

7. Standards for Water Improvements.[12]

The existing public water infrastructure is located in SW 3rd Street, south of the proposed subdivision. An 8-inch line will be extended from the existing system, contained within the proposed private street. A fire hydrant will be located in Proposed Lot 8's frontage. A public utility easement will be granted, as necessary to provide maintenance to the proposed public system.

---

[7] DMC 17.304.040
[8] DMC 17.305.030.G
[9] DMC 17.305.030.H
[10] DMC 17.305.030.J
[11] DMC 17.305.030.Q
[12] DMC 17.305.040.D

8. Standards for Sewer Improvements.[13]

The existing sanitary sewer infrastructure is located in SW Namitz Court and extends through Yamhill County Tax Lot 933 to the perimeter of the subject property. An 8-inch line will extend from the existing system, crossing through Proposed Lot 6, in a 20-foot storm drain and sanitary sewer easement.

9. Private Utilities.[14]

Private utilities will be installed pursuant to the requirements of the district or company serving the proposed subdivision. All private utilities included in the proposed subdivision including electricity, gas, communication, and television will be placed underground.

10. Plan for Storm Drainage and Erosion Control.[15]

Stormwater will be managed by a Contech® Engineered Solutions, 42-inch diameter corrugated metal pipe (CMP) detention facility with a custom outlet control orifice assembly located in a stormwater manhole that will release runoff from the 2-year, 5-year, 10-year, and 50-year storm events at or below the pre-development runoff rates. The proposed system will be connected to the existing public stormwater systems by a 12-inch diameter pipe in the northeast corner of the subject property.

Water quality will be provided for the proposed improvements by utilizing a Stormwater Management Catchbasin Stormfilter® manufactured by Contech® Engineered Solutions, LLC. Runoff from the road and lots will be directed through the Catchbasin Stormfilter® prior to entering into the underground detention system.

VII. 17.406.030 Adjustment – Lot Frontage

1. *The adjustment is consistent with the purpose and intent of the code standard(s) to be adjusted.*

   Response: The purpose and intent of the minimum lot frontage standard is to ensure each lot has adequate access to a roadway and regulate lot size in the R-3 zoning district. Lots five, six, and seven each have a lot size greater than the 5,000 square foot minimum requirement in the R-3 zone. With the adjustment in place, each of these lots still has enough frontage for a driveway approach. The proposed adjustment continues to support the purpose and intent of the minimum frontage requirement.

2. *The adjustment would not create a conflict with or unreasonably impact adjacent uses.*

   Response: The adjacent properties are entirely residential development zoned R-3 by the City of Dundee. A minor adjustment to the minimum lot frontage width will not create lots smaller than the minimum lot size or prevent dwellings from complying with applicable setbacks. The adjustment will not create a conflict or unreasonable impact on adjacent uses.

---

[13] DMC 17.305.040.E
[14] DMC 17.305.040.G
[15] DMC 17.305.050

3. Approval of the adjustment does not create a violation of any other code standard or previous land use action.

Response: The proposed adjustment only modifies minimum lot frontage by a negligible amount. The decrease of minimum lot frontage does not create a violation of any other code standards or previous land use action.

VIII. Conclusion

This application narrative and attached plans demonstrate that all applicable provisions of the Dundee Municipal Code are satisfied by the design for the 3rd Street Subdivision. We therefore respectfully request approval of this subdivision tentative plat application.

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SW 1/4 NW 1/4 SEC 25 T3S R3W W.M.
YAMHILL COUNTY

3 3 25BC
DUNDEE

SEE MAP 3 3 25BB

1" = 100'

CANCELLED
903
917
918
1100
1200
1300
1400
1500
1600
1700
1800
1900
2000
2601
2702
3400
3402
3405
3490
4107
4108

SEE MAP 3 3 26AD

SEE MAP 3 3 25CB

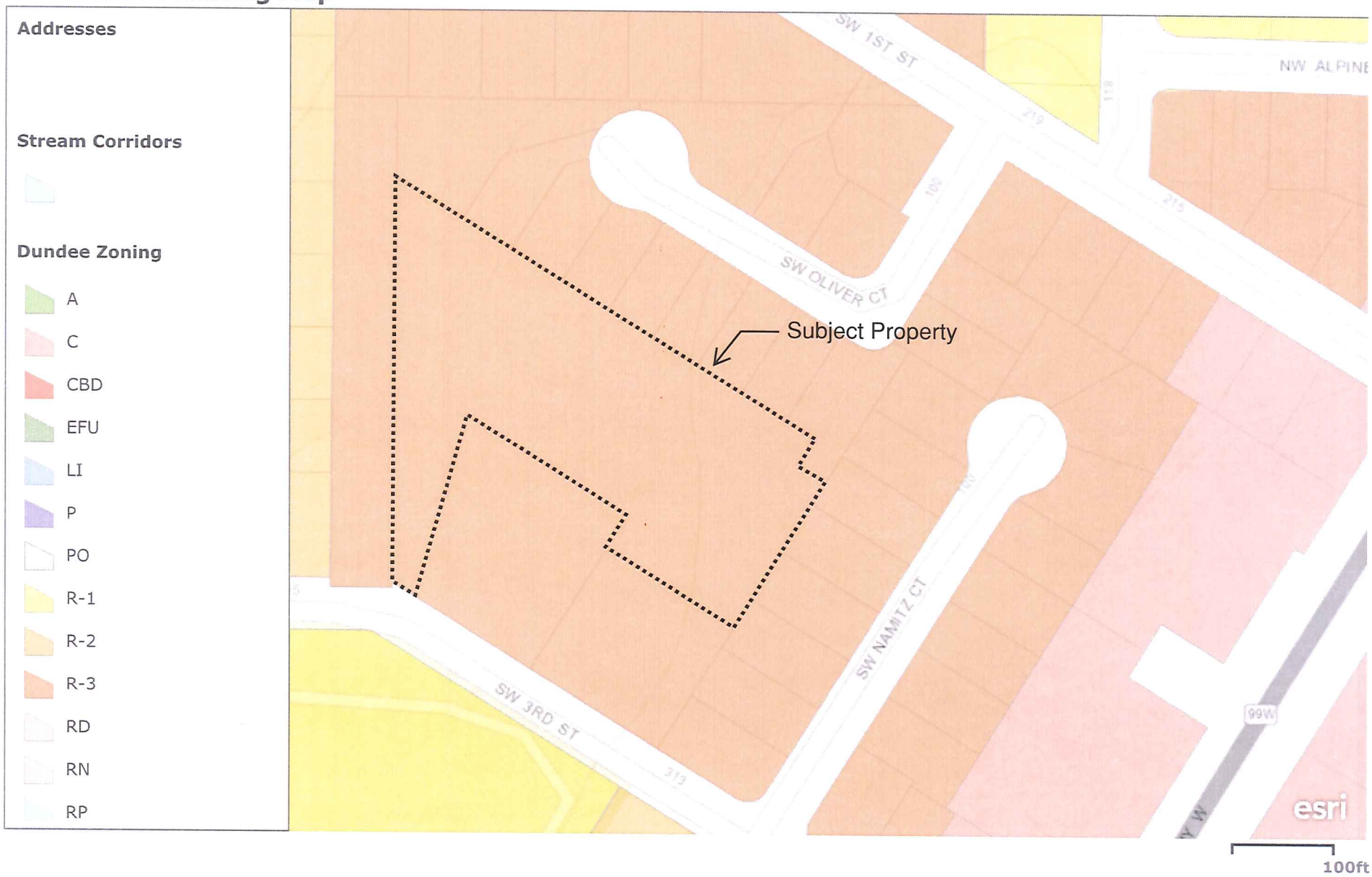
REVISED 5-12-08 SB

3 3 25BC

Interactive Planning Map

Oregon Metro, Bureau of Land Management, State of Oregon, State of Oregon O , State of Oregon O, ri Canada, ri, H R , armin, INCR M N P, US S, PA, US A | Pictometry | Oregon eo patial nterpri e Office, Hazard FI | Jan Wolf | Originally created by Jan Wolf 2007-pre ent | City of Newberg Planning epartment

Interactive Planning Map



Oregon Metro, Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Pictometry | Oregon Geospatial Enterprise Office, Hazards FIT | Jan Wolf | Originally created by Jan Wolf 2007-present | City of Newberg Planning Department

November 22, 2019

Reece & associates, inc.

RECEIVED
NOV 25 2019
CITY OF DUNDEE

Cheryl Caines
City of Dundee
P.O. Box 220
Dundee, Oregon 97115

Subject: Incompleteness Response Letter
Reference: OBC1902 - Subdivision
Location: 380 SW 3rd Street Dundee
Yamhill County Tax Map R3325BC, Lot 02600

Dear Cheryl,

In response to your conditions of approval dated November 15, 2019, we have made the following revisions to our site plan:

1. Lot Frontage. Dundee Municipal Code Table 17.202.030 a minimum lot frontage of 50 feet in the R-3 zone. Lot frontage is measured parallel to the front lot line, which is defined as the property line separating the lot from the street. The lot lines lie within the proposed private street and there is no frontage. Placing the street within a tract would create frontage but may create other issues. How will lot frontage requirements be satisfied?

> Response: As requested, plans have been revised to place the private street within a tract. This creates frontage but an adjustment has been applied for to satisfy City of Dundee frontage requirements.

2. Lot depth. Dundee Municipal Code Table 17.202.030 (footnote o) states that the lot depth shall not be more than three times the lot width. Please provide documentation as to how this standard is met. The narrative provides an average but does not state it is met for each lot.

> Response: As requested, the application narrative has been revised to include documentation as to how the proposed subdivision conforms with Dundee Municipal Code Table 17.202.030(Footnote O).

3. Minimum lot size. The site plan shows the square footages of the proposed lots, which appears to include the area within the private streets. Please document the correct lot area in the plans and narrative.

> Response: As requested, the application plans and narrative have been revised to document the correct lot area.

4. Plat Name. The subdivision name does not meet Yamhill County requirements. Please see attached email from Marty Glass, Yamhill County Surveyor.

321 1st avenue east, suite 3a
albany, oregon 97321
phone: 541-926-2428
fax: 541-926-2456

Response: As requested, the application narrative and plans have been revised to replace the subdivision's name. The new proposed name is "Sitton View," which has already been approved by the County Surveyor.

5. Narrative. Please provide findings to the following criteria and standards:

a. 17.301.020.F (approach spacing for the new street and I (pedestrian circulation for new street).

Response: As requested, the application narrative has been revised to address DMC 17.301.020.F and 17.301.020.I.

b. 17.305.030.E (street extension to adjoining properties like TL 901) and Q (private street maintenance).

Response: As requested, the application narrative has been revised to address DMC 17.305.030.E and 17.305.030.Q (private street maintenance).

c. 17.405.030 – proposed lot frontage and how much of an adjustment is requested for each lot.

Response: As requested, the application narrative has been revised to include the proposed lot frontages and how much of an adjustment is necessary for each lot.

6. Plans. Please revise the plans to show the following:

Site Plan

a. Easements on adjacent properties for proposed private street (TL 901) and existing utilities to which you will be connecting (TL 940, 932, and 933). The current plans show improvements on adjoining properties.

Response: As requested, the plans have been revised to clearly demonstrate that no improvements will be made on adjoining properties.

b. Radius in cul-de-sac labeled as ROW. Does the mean right-of-way or something else?

Response:

c. Show all driveways and structures on adjoining properties along SW 3rd Street.

Response: As requested, the site plan has been revised to show all driveways and structures on adjoining properties along SW 3rd Street.

d. Show 34 feet wide street improvements along SW 3rd Street (not 28 feet) including ADA ramps on both sides of the proposed driveway.

Response: The applicant will provide a waiver of remonstrance for improvements to SW 3rd Street. The continuous length of frontage that would be improved is only 25 feet, significantly less than the 250-foot maximum for a waiver of remonstrance.

The proposed subdivision will create a minimal number of trips; so, the existing conditions will be able to manage projected traffic loads. The waterline located in SW 3rd Street is adequate to serve development. The connection will not be made under the pavement.

e. Show how water quality/detention will be provided for new impervious draining to SW 3rd Street.

Response: Additional 2,200 square feet of additional impervious surface draining to SW 3rd Street.

f. Show all existing improvements to remain and setbacks for lot 1.

Response: As requested, the plans have been revised to show existing improvements to remain and setbacks for lot 1.

g. Show how lot frontage is measured.

Response: As requested, the plans have been revised to show how lot frontage is measured.

Preliminary Plat

a. Provide a preliminary plat that does not include contours or utility details but does include easement information.

Response: As requested, the plans have been revised to provide a preliminary plat that does not have contours or utility details but does include easement information.

b. Subdivision name per Yamhill County requirements.

Response: As requested, the subdivision name has been changed on the plan set.

c. Reservations and restrictions related to private tracts.

Response: As requests, the plans have been revised to include reservations and restriction information for private tracts. Formal CC&Rs will be provided at final plat.

d. Notes regarding maintenance of private facilities.

Response: As requested, notes regarding maintenance have been added to the plans.

7. Title Report. Title report for the property, including a legal description and map, and referencing any easements on the property.

Response: As requested, a title report has been included in the resubmission package.

DocuSign Envelope ID: DFBEB3B6-3B9E-4B21-8FB2-D1F31C040568

CITY of DUNDEE Oregon

RECEIVED
NOV 25 2019
CITY OF DUNDEE

Type III Review

Variance

Fee: $720.00 | File No. V19-17

Applicability: A variance application is used when the request would result in more than a 20 percent change to a quantifiable Code standard; or, for any deviation from a standard of this code. Note: A variance application may be submitted concurrently with other applications for review on the same project (i.e. partition, site design review, etc.).

Applicant: Walker John, Olivia Beach Sales and Construction	
Address: 3329 SW Highway 101, Lincoln City, Oregon 97367	
Email Address: walker@oliviabeach.com	
Phone(s): 541-921-1247	
Owner (if different from above): Wayne Youngberg and Joe Hager	
Owner Address: 380 SW 3rd Street, Dundee, Oregon	
Engineer/Surveyor: Reece & Associates, Inc.	
Phone: 541-926-2428	
Engineer/Surveyor Address: 321 1st Ave. E, Suite 3a, Albany, Oregon 97321	
Project Name: Sitton View	
Project Location: 380 SW 3rd Street	
Map/Tax Lot No.: 3325BCo2600	**Zone:** R-3
Comp Plan Designation: Medium Density Residential	
Explanation of Variance Request: A variance is requested to modify the depth of lot eight. The proposed subdivision is an infill development and is required to constructed a cul-de-sac. The surrounding development and cul-de-sac requirement prevent the subject lot from complying with this standard. This lot complies with all other R-3 standards.	

***Application must be accompanied by required submittals as noted in Dundee Municipal Code Chapter 17.406.040.**

Submit the following information for review (10 copies + one electronic copy):

- ☑ Site plan showing:
  - Existing features of the site;
  - Proposed new site features;
  - The proposed variance details (where on the site, dimensions, etc);
  - A written statement 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; and,

- Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable.

☑ Written response to how the proposed code adjustment meets these criteria (17.406.040(B)):

1. The variance is necessary because the subject code provision down 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 a 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.

I attest that to the best of my knowledge the information provided herein and attached is accurate; and, certify that approval of the adjustment does not create a violation of any other code standard or previous land use approval.

All owners must sign the application or submit letters of consent.

DocuSigned by:
Wayne Youngberg
8112FF824D82469...
11/21/2019 | 1:54 PM PST

DocuSigned by:
Walker John
6F103C0E6D26446...

Applicant Signature Date

DocuSigned by:
877660299C1A49C...
11/21/2019 | 9:28 AM PST

Owner Signature Date

Walker John

Print Name

Wayne Youngberg & Joe Hager

Print Name

Process

A variance is a Type III application, which involves a public hearing and provides an opportunity for those who appear to appeal the Planning Commission decision to the City Council. The process also requires public notice to all properties within 100 feet of the project site. This application will go through the following process:

1. Applicant submits application form and all required materials for review.
2. City staff will do a completeness check and let you know whether more information is needed (within 30 days of application).
3. City staff will prepare and mail notice to all property owners within 100 feet of the project site, and will send the application materials for review and comments to internal and external departments and agencies. This is a two-week long comment period.
4. Once all comments are received, city staff will prepare a staff report on the application.
5. Planning Commission will hold a hearing and make a decision on the application.

Sitton View Subdivision

Subdivision Tentative Plat Application
Adjustment Application
Variance Application

Prepared for:

OLIVIA BEACH

Prepared For:

Olivia Beach Sales and Construction

Reece & Associates, inc.

Reece & Associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
541/926-2428
www.r-aengineering.com

November 22, 2019

Proposal Summary

Request:	This application is for approval of the Subdivision Tentative Plat for 3rd Street Subdivision, a new eight-lot residential development. An adjustment is requested to reduce the lot frontage requirement by three feet on lots five, six, and seven. Detached, single-family homes are planned for 3rd Street Subdivision.
Location:	380 SW 3rd Street Dundee, OR 97115 Yamhill County Tax Map R3325BC, Lot 02600
Owner/Applicant:	Walker John Olivia Beach Sales and Construction 3329 SW Highway 101 Lincoln City, Oregon 97367
Engineer/Planner:	**Reece & associates, Inc.** 321 1st Avenue Suite 3A Albany OR 97321 Planner: Hayden Wooton (541) 926-2428 haydenw@r-aengineering.com Engineer: David J Reece, PE 11749 (541) 926-2428 dave@r-aengineering.com

Exhibits:
A – Yamhill County Tax Map R3325BC
B – Aerial Map
C – City of Dundee Zoning Map
D – Email from County Surveyor

Table of Contents

Sitton View Subdivision 1
I. Project Description 3
II. Existing Conditions 3
III. 17.403.050 Preliminary Plat Approval Criteria 3
IV. 17.200 Zoning and Land Use Requirements 5
V. 17.300 Development Requirements 6
VI. 17.406.030 Adjustment – Lot Frontage and Depth 9
VII. 17.406.040 Variance – Lot Depth 10
VIII. Conclusion 11

I. Project Description

Yamhill County Tax Map R3325BC, Lot 02600, will be subdivided into eight lots to facilitate construction of detached, single-family homes. Lot one will be 39,511 square feet adjacent to the northwestern boundary and will be dedicated to an existing single-family residence. Lots 2-8 will be undeveloped parcels. The subject property is a two-acre parcel of land located in the City of Dundee and zoned Medium Density Residential (R-3).

II. Existing Conditions

SW 3rd Street is a paved road, one lane in each direction, constructed prior to adoption of current City of Dundee local street standards. City of Dundee is the road authority for SW 3rd Street.

The site is an open grassy field fenced along the property lines. There is a detached, single-family home in the northwest corner of the property, which will remain with development. The site has gentle to moderate east facing slopes. Elevations range from 270 feet near the northwest property boundary to 232 feet along the northeast boundary.

The subject property does not contain any significant natural features as defined in the DMC.

Adjoining zones and land uses (Exhibit B for aerial photograph and Exhibit C for City of Dundee Zoning):

North: Nine homes, each on individual lots with frontage on SW Oliver Court, zoned by the City of Dundee as R-3.

South: Two homes, each on individual lots with frontage on SW 3rd Street, zoned by the City of Dundee as R-3.

East: Four homes, each on individual lots with frontage on SW Namitz Court, zoned by the City of Dundee as R-3.

West: One home on a large, individual lot with frontage on SW 3rd Street, zoned by the City of Dundee as R-3.

III. 17.403.050 Preliminary Plat Approval Criteria

1. *The land division application shall conform to the requirements of this chapter.*

   The proposed subdivision confirms with all applicable requirements of DMC 17.403 as demonstrated by this application narrative, exhibits, and tentative subdivision plans.

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.*

   The ability of the proposed subdivision to conform to the applicable provisions of DMC Division 17.200, Zoning and Land Use Requirements, are discussed later in Section IV of this application narrative. Those findings and conclusions are incorporated herein by reference.

3. *Access to individual lots, 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.*

The ability of the proposed subdivision to confirm to the applicable provisions of DMC Division 17.300, Development Requirements, are discussed later in Section V of this application narrative. Those findings and conclusions are incorporated herein by reference.

4. *The proposed plat name is not already recorded for another subdivision and satisfies the provisions of ORS Chapter 92.*

The proposed subdivision plat name is "Sitton View." There was no record of any other subdivision with this name, and the County Surveyor has confirmed this plat name complies with applicable County Naming Policy (Exhibit D).

In the State of Oregon, subdivisions are regulated by Oregon Revised Statutes Chapter 92. The City of Dundee has adopted a tentative plat application process that confirms with policies and procedures outlined by ORS Chapter 92. Yamhill County has done that same for their final plat application process. By completing and gaining approval through these processes the proposed subdivision is complying with standards set forth in 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.*

The ability of the proposed streets, utilities, and surface water drainage facilities to confirm to City of Dundee adopted master plans and engineering standards is discussed later in Section V of this application narrative. Those findings and conclusions are incorporated herein by reference.

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.*

The proposed street will be a private improvement and identified as such on the preliminary plat. Once constructed, the street will be maintained by a Homeowner's Association. However, utilities located in the street will be public and a public utility easement will be granted to the City of Dundee for maintenance of storm drainage, water, and sewer infrastructure.

7. *Evidence that any required state or federal permits, as applicable, have been obtained or can reasonably be obtained prior to development.*

At this time, the applicant has not applied for any state or federal permits that may apply to the proposed development. The proposed development will comply with any future, required state or federal permits.

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.*

The applicant is aware that conditions of approval may be required prior to completion of the final plat to enforce code requirements.

IV. 17.200 Zoning and Land Use Requirements

The proposed subdivision will create eight-lot, single-family lots on a property zoned Medium Density Residential (R-3). As required by DMC Division 17.403.050.A.2, a preliminary subdivision plat must conform to the applicable provisions of in DMC Division 17.200, Zoning and Land Use Regulations. The following sections are relevant to the proposed subdivision:

17.202.010 *Purpose*

The subject property is zoned R-3 by the City of Dundee and is intended to provide a mixture of attached and detached housing at target densities of up to 10 units per acre. The proposed subdivision will create eight lots for detached housing on approximately two acres of land.

17.202.020 *Allowed Uses*

The proposed development will create eight lots for detached, single-family homes. Single-family dwellings are a permitted use in the R-3 zone, as listed in DMC Table 17.202.020.

17.202.030 *Lot and Development Standards by Zoning District*

Table 1: Lot and Development Standards in the R-3 Zoning District

	Minimum Lot Size (5,000 sf)	**Lot Width and Frontage (50 ft)**	**Lot Depth (80 ft)**
Lot One	32,194	204	156
Lot Two	6,475	50	130
Lot Three	6,458	51	129
Lot Four	5,097	89	80
Lot Five	5,080	45	75
Lot Six	5,046	43	78
Lot Seven	5,396	43	83
Lot Eight	5,037	80	52

Additional lot and development standards will be enforced at the time a building permit is applied for; these additional standards include primary front setback, side and rear setbacks, dwelling height, and maximum lot combined lot coverage.

17.202.050 *Fence Standards*

As requested by neighbors, a fence, six feet tall, will be constructed between the subject property and their property (Tax Lot 2700). The proposed fence will be constructed in a rear setback.

V. 17.300 Development Requirements

As required by DMC Division 17.403.050.A.3, a preliminary subdivision plat must confirm to the applicable provisions in DMC Division 17.300, Development Requirements. The following sections are relevant to the proposed subdivision:

The following standards from 17.301.020 Vehicular Access and Circulation are relevant to the proposed subdivision:

17.301.020.F *Approach Spacing*

City of Dundee Transportation Systems Plan (TSP), "Table 1: Access Spacing Standards," requires a minimum access spacing distance of 15 feet on local streets. The proposed subdivision will construct a private street. This new private street will intersect with SW 3rd Street 20 feet southeast of the driveway located on Tax Lot 901 and 68 feet northwest of the driveway located on Tax Lot 2700. Inside the subdivision, each proposed lot will have an individual driveway access, except for lots five and six which will have a shared driveway. Each of these driveways are separated by more than 15 feet.

17.301.020.I *Circulation and Connectivity*

The proposed subdivision is unable to provide vehicular or pedestrian access ways to other developments. Each lot surrounding the subject property has experienced residential development, preventing connectivity. To mitigate these unique physical limits the proposed development will increase connectivity by providing sidewalks along the northeastern side of the private street and around the cul-de-sac. A 30-foot-wide access easement will connect the proposed private street to the only adjoining lot large enough to be divided: tax lot 901.

17.301.020.K *Private Streets*

A private street will be constructed to provide access to the proposed subdivision. The private street will be placed in a 30-foot wide access easement, providing space of a paved 20-foot wide road with curb and gutter and five-foot-wide sidewalk on both sides of the street.

> *"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 future development of adjacent properties."*

Street access is infeasible due to lot shape, location of existing structures and is not necessary for future development of adjacent properties.

The subject property is a two-acre flag lot with an unusually shaped access strip. This access strip is not a consistent width throughout its entire length, starting with 25 feet of frontage on SW 3rd Street and widens as it nears the bulk of the

property. This narrow frontage would greatly restrict the development's ability to construct a full public street. When the access strip eventually widens enough to construct a full public street, an existing home and accompanying setback prevent full buildout of a local street. All adjacent properties are already developed, so there is not possibility of future development needed to access the proposed street.

17.304.040.C *Off-Street Automobile Parking Space Standards*

The proposed subdivision will create lots for single-family dwellings, each dwelling will require two spaces per unit. Adequate parking will be accomplished by constructing a two-car driveway for each proposed lot.

The following standards from DMC 17.305.030 Street Standards are relevant to the proposed subdivision:

17.305.030.E *Future Extension of Streets*

As necessary to provide access to possible future development of Yamhill County Tax Map R3325BC, Lot 901, an access easement has been provided. This easement will connect the boundary of lot 901 and the edge of the proposed private street.

17.305.030.G *Intersection Angles*

City of Dundee Improvement Design Standards, Division 4 – Streets, requires that "the interior angle at the intersecting streets shall not be less than seventy-five degrees." The intersection of the proposed private street and SW 3rd Street has an interior angle of 102 degrees.

17.305.030.H *Improvements to Existing Streets*

The proposed subdivision will construct a private street to serve eight lots. This private street will intersect with SW 3rd Street, which the subject property has frontage on. The proposed subdivision will construct three-quarters street improvements to SW 3rd Street for its 25 feet of frontage.

17.305.030.J *Cul-de-Sacs*

The proposed private street will terminate with a cul-de-sac. This street has a centerline length of 400 feet and will serve eight lots total, five lots will take access from the cul-de-sac.

An access way is required to connect new cul-de-sacs to existing streets or other cul-de-sacs. However, the subject property is an infill lot and all adjacent properties have been developed. This development prevents the construction of a new connection between the proposed and existing cul-de-sac.

17.305.030.Q *Private Streets*

The existing public water infrastructure is located in SW 3rd Street, south of the proposed subdivision. An 8-inch line will be extended from the existing system, contained within the proposed private street. A fire hydrant will be located in Proposed Lot 8's frontage. A public utility easement will be granted, as necessary to provide maintenance to the proposed public system.

The proposed private street will be maintained by a homeowner's association. Draft convents, conditions, and restrictions will be provided when the final plat is submitted.

The following standards from DMC 17.305.040 Utility Lines and Facilities are relevant to the proposed subdivision:

17.305.040.D *Standards for Water Improvements*

The existing public water infrastructure is located in SW 3rd Street, south of the proposed subdivision. An 8-inch line will be extended from the existing system, contained within the proposed private street. A fire hydrant will be located in Proposed Lot 8's frontage. A public utility easement will be granted, as necessary to provide maintenance to the proposed public system.

17.305.040.E *Standards for Sanitary Sewer Improvements*

The existing sanitary sewer infrastructure is located in SW Namitz Court and extends through Yamhill County Tax Lot 933 to the perimeter of the subject property. An 8-inch line will extend from the existing system, crossing through Proposed Lot 6, in a 20-foot storm drain and sanitary sewer easement.

17.305.040.E *Private Utilities*

Private utilities will be installed pursuant to the requirements of the district or company serving the proposed subdivision. All private utilities included in the proposed subdivision including electricity, gas, communication, and television will be placed underground.

17.305.050 *Storm Drainage*

Stormwater will be managed by a Contech® Engineered Solutions, 42-inch diameter corrugated metal pipe (CMP) detention facility with a custom outlet control orifice assembly located in a stormwater manhole that will release runoff from the 2-year, 5-year, 10-year, and 50-year storm events at or below the pre-development runoff rates. The proposed system will be connected to the existing public stormwater systems by a 12-inch diameter pipe in the northeast corner of the subject property.

Water quality will be provided for the proposed improvements by utilizing a Stormwater Management Catchbasin Stormfilter® manufactured by Contech® Engineered Solutions,

LLC. Runoff from the road and lots will be directed through the Catchbasin Stormfilter® prior to entering into the underground detention system.

VI. 17.406.030 Adjustment – Lot Frontage and Depth

The proposed adjustment will decrease the amount of frontage lot five, six, and seven have on the cul-de-sac. It will also decrease the lot depth of lots five and six. Existing lot constraints prevent these proposed lots from complying with this standard. "Table 2: Lot Frontage Adjustment" and "Table 3: Lot Depth Adjustment" outlines the proposed adjustment for each lot and how much of an adjustment is being requested.

Table 2: Lot Frontage Adjustment

	Proposed Lot Frontage	Percent Adjusted
Lot Five	45 feet	Decreased 10%
Lot Six	43 feet	Decreased 14%
Lot Seven	43 feet	Decreased 14%

Table 3: Lot Depth Adjustment

	Proposed Lot Frontage	Percent Adjusted
Lot Five	75 feet	Decreased 6.25%
Lot Six	78 feet	Decreased 1.25%

1. The adjustment is consistent with the purpose and intent of the code standard(s) to be adjusted.

The purpose and intent of the minimum lot frontage standard is to ensure each lot has adequate access to a roadway and to regulate lot size. The minimum lot size is 5,000 square feet in the R-3 zone. Regardless of the proposed adjustment, the subject lots still comply with the minimum lot size: lot five, 5,080 square feet; lot six, 5,046 square feet; and lot seven, 5,396 square feet. Each lot will be provided with appropriate driveway access that will conform with access spacing standards as required by the transportation systems plan.

The purpose and intent of the minimum lot depth standard is to regulate lot size. As demonstrated by the previous paragraph both of the lots with adjustments to depth meet the minimum lot size standard. The method of measuring depth impacts the outcome of these two lots. If depth was measured by taking the longest side and shortest side and finding the average, there would not be a need for an adjustment to lot depth. Using this method lot five would have a depth of 82 feet and lot six would have a depth of 85 feet.

2. The adjustment would not create a conflict with or unreasonably impact adjacent uses.

The adjacent properties are entirely residential development zoned R-3 by the City of Dundee. A minor adjustment to frontage and depth will not create lots smaller than the minimum lot size or prevent dwellings from complying with applicable setbacks. The adjustment will not create a conflict or unreasonable impact on adjacent uses.

3. Approval of the adjustment does not create a violation of any other code standard or previous land use action.

The proposed adjustments only modify minimum lot frontage and depth by a negligible amount. The decreases do not create any violations of other code standards or previous land use actions.

VII. 17.406.040 Variance – Lot Depth

The proposed subdivision includes a variance to decrease the depth of lot eight by 40 percent. Lot eight will have a depth of 48 feet. Existing conditions and turn-a-round requirements prevent this lot from complying with this standard.

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.*

The variance is necessary because minimum lot depth does not account existing development patterns and unique physical circumstances of the site. The subject property is surrounding by existing residential development, limiting the dimensions of land to be divided. When measured from the center of lot eight, the parent parcel is only 197 feet wide. Although this dimension allows for two lots that comply with the depth standards, the required cul-de-sac prevents lot eight from having the standard depth. This cul-de-sac consumes much of the land necessary for lot eight to meet the minimum depth standard.

2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.

The variance requested is the minimum amount needed for the property to contain the cul-de-sac and other residential lots. The applicant has determined there are no design alternatives that would be permitted under City of Dundee Development Code that would allow lot eight to comply with lot depth standards.

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 a result of a property line adjustment or land division approval previously granted to the application).

Prior to this subdivision application, the applicant has not filed a property line adjustment or land division for the subject property. As demonstrated by the response to criterion one, the need for variance was created by surrounding development patterns and turn-a-round standards.

4. The variance does not conflict with other applicable city policies or other applicable regulations.

The variance does not prevent lot eight from complying with other applicable city policies or regulations.

5. The variance will not result in no foreseeable harm to adjacent property owners or the public.

The adjacent properties are entirely residential development zoned R-3 by the City of Dundee. A variance to the minimum lot depth will not create a lot smaller than the

minimum lot size or prevent dwellings from complying with applicable setbacks. The variance will not create a conflict or unreasonable impact on adjacent uses.

6. All applicable building requirements shall be met.

The variance does not prevent lot eight from complying with building requirements. All applicable building requirements shall be reviewed when a building permit is pulled for the lot.

VIII. Conclusion

This application narrative and attached plans demonstrate that all applicable provisions of the Dundee Municipal Code have been satisfied by the design for Sitton View. We therefore respectfully request approval of this subdivision tentative plat application.

TICOR TITLE™
Company of Oregon

PRELIMINARY REPORT

In response to the application for a policy of title insurance referenced herein Ticor Title Company of Oregon hereby reports that it is prepared to issue, or cause to be issued, as of the specified date, a policy or policies of title insurance describing the land and the estate or interest hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage of said policy or policies are set forth in Exhibit One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Chicago Title Insurance Company, a/an Florida corporation.

Please read the exceptions shown or referred to herein and the Exceptions and Exclusions set forth in Exhibit One of this report carefully. The Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

This preliminary report is for the exclusive use of the parties to the contemplated transaction, and the Company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the Company reserves the right to amend or supplement this preliminary report.

Countersigned

TICOR TITLE™
Company of Oregon

115 N College St., Ste 2, Newberg, OR 97132
(503)542-1400 FAX (866)454-4637

PRELIMINARY REPORT

ESCROW OFFICER: Nicole Milstead
nicole.milstead@ticortitle.com
503-542-1400

ORDER NO.: 471819080275

TITLE OFFICER: Deborah Clark

TO: Ticor Title Company of Oregon
115 N College St., Ste 2
Newberg, OR 97132

ESCROW LICENSE NO.: 201208074
OWNER/SELLER: Joseph Hager and Wayne Youngberg
BUYER/BORROWER: Olivia Beach, LLC, an Oregon limited liability company or Assigns
PROPERTY ADDRESS: 380 SW 3rd Street, Dundee, OR 97115

EFFECTIVE DATE: April 10, 2019, 08:00 AM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

		AMOUNT		PREMIUM
ALTA Owner's Policy 2006 **Owner's Standard (Short Term Rate)**	$	275,000.00	$	666.00
ALTA Loan Policy 2006 **Extended Lender's**	$	265,000.00	$	359.00
OTIRO 209.10-06 - Restrictions, Encroachments, Minerals - Current Violations (ALTA 9.10-06)			$	100.00
OTIRO 222-06 - Location (ALTA 22-06)			$	0.00
OTIRO 208.1-06 - Environmental Protection Lien (ALTA 8.1-06)			$	0.00
Government Lien Search			$	20.00

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

   A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

   Joseph M. Hager and Wayne E. Youngberg, not as tenants in common, but with rights of survivorship

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF DUNDEE, COUNTY OF YAMHILL, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

   SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

EXHIBIT "A"

Legal Description

That portion of Lots 9 and 106, DUNDEE ORCHARD HOMES NO. 1, in the City of Dundee, Yamhill County, Oregon and being more particularly described as follows:

Parcel 1:

Situated in the City of Dundee, County of Yamhill and State of Oregon, and being a portion of Lots 9 and 106 of DUNDEE ORCHARD HOMES NO. 1, and the portion hereby conveyed being more particularly described as beginning at the intersection of the centerline of 3rd St., a street in said City of Dundee, with the centerline of Oregon State Highway #99W in said City of Dundee, Yamhill County, Oregon and running thence North 58°58' West 476.05 feet and North 31°02' East 167 feet to the true point of beginning of the description of the property hereby conveyed; said true point of beginning being also the Northeasterly corner of a tract of land conveyed by Earl Namitz, a single man, to Carl R. Miller and Linda A. Miller, husband and wife, by deed dated 4/8/68 and recorded 4/10/68 in Film Volume 68, page 218, Yamhill County Deed and Mortgage Records; thence North 31°02' East 167 feet to a point marked by an iron rod; thence North 58°58' West, 30 feet to a point marked with an iron rod; thence North 31°02' East 30 feet to a point marked with an iron rod; thence North 58°58' West 477.34 feet to a point marked with an iron rod; thence South 0°32' East 231.2 feet to the Northwesterly corner of said tract of land conveyed, Namitz to Miller, thence South 58°58' East 386.3 feet along the North line of said tract of land conveyed, Namitz to Miller, to the place of beginning.

Parcel 2:

Situated in Lot 9 of DUNDEE ORCHARD HOMES NO.1 in the Jacob Shuck Donation Land Claim, Section 25, Township 3 South, Range 3 West, Willamette Meridian, Yamhill County, Oregon, and further described as follows: Commencing at an iron pipe set at a point being North 58°58' West 476.05 feet and North 31°02' East 20.00 feet from the point of intersection of the centerline of Third Street with the centerline of State Highway 99W in the City of Dundee; thence North 58°58' West 295.95 feet to an iron pipe; thence North 00°32' West 11.74 feet to an iron pipe marking the Point of Beginning; thence North 00°32' West 160.76 feet to an iron pipe; thence South 58°58' East 70 feet to an iron pipe; thence South 15°04'47" West 142.46 feet to the Northerly line of Third Street; thence North 58°58' West 25.00 feet to said point of beginning.

EXCEPTING THEREFROM THE FOLLOWING PARCEL:

Situated in Lot 9 of DUNDEE ORCHARD HOMES NO. 1 in the Jacob Shuck Donation Land Claim, Section 25, Township 3 South, Range 3 West, Willamette Meridian, Yamhill County, Oregon, and further described as follows: Commencing at an iron pipe set at a point being North 58°58' West 476.05 feet and North 31°02' East 20.00 feet from the point of intersection of the centerline of Third Street with the centerline of State Highway 99W in the City of Dundee; thence North 58°58' West 295.95 feet to an iron pipe; thence North 00°32' West 172.50 feet to an iron pipe; thence South 58°58' East 70 feet to an iron pipe marking the Point of Beginning; thence South 58°58' East 169.3 feet, thence North 31°02' East 37.25 feet; thence North 58°58' West 179.95 feet, thence South 15°04'47" West 38.74 feet to said point of beginning.

AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.

2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.

3. Easements, or claims of easement, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

4. Any encroachment (of existing improvements located on the Land onto adjoining land or of existing improvements located on adjoining land onto the subject Land), encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.

5. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

SPECIFIC ITEMS AND EXCEPTIONS:

6. City Liens, if any, in favor of the City of Dundee. None found as of April 12, 2019.

7. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and highways.

8. A deed of trust to secure an indebtedness in the amount shown below,

Amount:	$316,000.00
Dated:	September 26, 2016
Trustor/Grantor:	Joseph M. Hager and Wayne E. Youngberg, not as tenants in common, but with rights of survivorship
Trustee:	David C. Haugeberg
Beneficiary:	First Federal Savings and Loan of McMinnville
Loan No.:	0106007950
Recording Date:	September 26, 2016
Recording No.:	201615006

9. The proposed transaction may be subject to statutory requirements for the partitioning or subdivision of land pursuant to Chapter 92 of Oregon Revised Statutes. Violation may subject parties to both civil and criminal penalties. Furthermore, title insurance policies do not provide coverage against violation of these statutes.

10. Any claim based on the failure to comply with the provisions of Governmental Laws and Regulations regarding the division of land.

11. Note: We find no Notice of Completion recorded on said Land.

12. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.

    To remove this item, the Company will require an affidavit and indemnity on a form supplied by the Company.

13. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

    To remove this item, the Company will require an affidavit and indemnity on a form supplied by the Company.

14. Any encroachment (of existing improvements located on the subject Land onto adjoining land or of existing improvements located on adjoining land onto the subject Land), encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject Land.

    The Company will require an inspection of the premises, and this exception may be eliminated or limited as a result thereof.

ADDITIONAL REQUIREMENTS/NOTES:

A. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year:	2018-2019
Amount:	$4,457.05
Levy Code:	29.1
Account No.:	76296
Map No.:	R3325BC 02600

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

B. In addition to the standard policy exceptions, the exceptions enumerated above shall appear on the final 2006 ALTA Policy unless removed prior to issuance.

C. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below.

Limited Liability Company: Olivia Beach, LLC, an Oregon limited liability company

a. A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.

b. If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendment thereto with the appropriate filing stamps.

c. If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.

d. A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created

e. If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

The Oregon Corporation Commission records show that as of April 12, 2019, Olivia Beach, LLC is an active Oregon limited liability company and is currently in good standing.

D. Note: There are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties: Olivia Beach, LLC, an Oregon limited liability company or Assigns

E. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.

F. Note: No utility search has been made or will be made for water, sewer or storm drainage charges unless the City/Service District claims them as liens (i.e. foreclosable) and reflects them on its lien docket as of the date of closing. Buyers should check with the appropriate city bureau or water service district and obtain a billing cutoff. Such charges must be adjusted outside of escrow.

G. Note: Effective January 1, 2008, Oregon law (ORS 314.258) mandates withholding of Oregon income taxes from sellers who do not continue to be Oregon residents or qualify for an exemption. Please contact your Escrow Closer for further information.

H. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.

I. Recording Charge (Per Document) is the following:

County	First Page	Each Additional Page
Yamhill	$81.00	$5.00

Note: When possible the company will record electronically. An additional charge of $5.00 applies to each document that is recorded electronically.

Note: Please send any documents for recording to the following address:
Portland Title Group
Attn: Recorder
1433 SW 6th Ave.
Portland, OR. 97201

Please email your release to the following email address: or-ttc-yamhillrecording@ticortitle.com

J. Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

K. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

EXHIBIT ONE

2006 AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions or location of any improvement erected on the land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed or agreed to by the Insured Claimant;
   (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with the applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
   (a) a fraudulent conveyance or fraudulent transfer, or
   (b) a preferential transfer for any reason not stated in the Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (06-17-06)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses that arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning) restricting, regulating, prohibiting or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions or location of any improvement erected on the land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed or agreed to by the Insured Claimant;
   (b) not known to the Company, not recorded in the Public Records at Date of Policy, but known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
   (a) a fraudulent conveyance or fraudulent transfer, or
   (b) a preferential transfer for any reason not stated in the Covered Risk 9 of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The above policy form may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
5. Any lien for services, labor or material heretofore or hereafter furnished, or for contributions due to the State of Oregon for unemployment compensation or worker's compensation, imposed by law and not shown by the Public Records.

WIRE SAFE™ | Inquire before you wire!

WIRE FRAUD ALERT

This Notice is not intended to provide legal or professional advice.
If you have any questions, please consult with a lawyer.

All parties to a real estate transaction are targets for wire fraud and many have lost hundreds of thousands of dollars because they simply relied on the wire instructions received via email, without further verification. **If funds are to be wired in conjunction with this real estate transaction, we strongly recommend verbal verification of wire instructions through a known, trusted phone number prior to sending funds.**

In addition, the following non-exclusive self-protection strategies are recommended to minimize exposure to possible wire fraud.

- **NEVER RELY** on emails purporting to change wire instructions. Parties to a transaction rarely change wire instructions in the course of a transaction.
- **ALWAYS VERIFY** wire instructions, specifically the ABA routing number and account number, by calling the party who sent the instructions to you. DO NOT use the phone number provided in the email containing the instructions, use phone numbers you have called before or can otherwise verify. **Obtain the number of relevant parties to the transaction as soon as an escrow account is opened.** DO NOT send an email to verify as the email address may be incorrect or the email may be intercepted by the fraudster.
- **USE COMPLEX EMAIL PASSWORDS** that employ a combination of mixed case, numbers, and symbols. Make your passwords greater than eight (8) characters. Also, change your password often and do NOT reuse the same password for other online accounts.
- **USE MULTI-FACTOR AUTHENTICATION** for email accounts. Your email provider or IT staff may have specific instructions on how to implement this feature.

For more information on wire-fraud scams or to report an incident, please refer to the following links:

Federal Bureau of Investigation:
http://www.fbi.gov

Internet Crime Complaint Center:
http://www.ic3.gov

TM and © Fidelity National Financial, Inc. and/or an affiliate. All rights reserved

FIDELITY NATIONAL FINANCIAL
PRIVACY NOTICE
Revised May 1, 2018

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF", "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

Types of Information Collected

We may collect two types of information from you: Personal Information and Browsing Information.

Personal Information. FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

Browsing Information. FNF may automatically collect the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or mobile device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

How Personal Information is Collected

We may collect Personal Information about you from:

- information we receive from you on applications or other forms;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

How Browsing Information is Collected

If you visit or use an FNF Website, Browsing Information may be collected during your visit. Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to other websites. FNF is not responsible for the privacy practices or the content of any of those other websites. We advise you to read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and third parties' products and services, jointly or independently.

When Information Is Disclosed

We may make disclosures of your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Please see **"Choices With Your Information"** to learn the disclosures you can restrict.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to guard your Personal Information. We limit access to nonpublic personal information about you to employees who need to know that information to do their job. When we provide Personal Information to others as discussed in this Privacy Notice, we expect that they process such information in compliance with our Privacy Notice and in compliance with applicable privacy laws.

Choices With Your Information

If you do not want FNF to share your information with our affiliates to directly market to you, you may send an "opt out" request by email, phone, or physical mail as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about you creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are meant for adults and are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence for any of the purposes described in this Privacy Notice. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except (1) as required or authorized by contract with the mortgage loan servicer or lender, or (2) as required by law or in the good-faith belief that such disclosure is necessary to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The revised Privacy Notice, showing the new revision date, will be posted on the FNF Website. Each time you provide information to us following any amendment of this Privacy Notice, your provision of information to us will signify your assent to and acceptance of the terms of the revised Privacy Notice for all previously collected information and information collected from you in the future. We may use comments, information or feedback that you submit to us in any manner that we may choose without notice or compensation to you.

Accessing and Correcting Information; Contact Us

If you have questions, would like to access or correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, send your requests via email to privacy@fnf.com, by phone to (888) 934-3354, or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

Melody Osborne

From: City Engineer
Sent: Thursday, December 05, 2019 3:01 PM
To: Cheryl Caines
Cc: Rob Daykin; Melody Osborne
Subject: Sitton View - 380 SW 3rd Street

Cheryl,
The following are the engineering related items that were not addressed in the re-submittal.
1. Although the 3rd Street improvements will likely be allowed to be deferred, the developer needs to show how their driveway will work with the future/improved street section. The street improvements to be designed/shown include curbs on both sides, a ODOT standard driveway with sidewalk crossing to serve the new driveway (driveway shown on the revised plans is not acceptable) and an ADA sidewalk ramp at the connection of the new sidewalk along the private street.

2. The easement for the proposed private street does not meet the required 25' width at the connection to 3rs Street. Suggest obtaining access easements from adjoining property(ies), possibly by coordinating joint access easements with TL 901 to allow them access to their lot behind the existing residence.

3. Show how pedestrian sidewalk along private street will be extended to 3rd Street. Suggest obtaining access easements from adjoining property(ies), possibly by coordinating joint access easements with TL 901 to allow them access to their lot behind the existing residence.

4. No approach to providing water quality or detention for the portion of the private street draining to 3rd Street was shown.

Thank you,

Greg Reid

City Engineer
City of Dundee
503-577-0493

December 13, 2019

Reece & associates, inc.

Jim Jacks
City of Dundee
620 SW Fifth Street
PO Box 220
Dundee, Oregon 97115

Subject: Incompleteness Response Letter
Reference: OBC1902
Location: 380 SW 3rd Street Dundee, Oregon 97115
Yamhill County Tax Map R3325BC, Lot 2600

Dear Jim,

In response to your comments letter dated December 9, 2019, we have made the following revisions to our site plan:

- The easement for the proposed private street does not meet the required 25' width at the connection to 3rd Street. Suggest obtaining access easements from adjoining property(ies), possibly by coordinating joint access easements with TL 901 to allow them access to their lot behind the existing residence.

  As suggested, the applicant is attempting to coordinate with the owner of Tax Lot 901, including offering access to northern portion of their lot from the proposed private street. However, the proposed easement maintains the requires 25-foot width and conforms with the standard. The applicant will inform the City when a decision has been made.

- Show how pedestrian sidewalk along private street will be extended to 3rd Street. Suggest obtaining access easements from adjoining property(ies), possibly by coordinate joint access easements with TL 901 to allow them access to their lot behind the existing residence. Show all driveways and structures on adjoining properties along SW 3rd Street. Streets (public and private) provide ingress and egress for vehicular and pedestrian traffic and placement of utilities.

  As suggested, the applicant is attempting to coordinate with the owner of Tax Lot 901. The site plan has been revised to extend the proposed sidewalk to SW 3rd Street. City of Dundee Development Code and Engineering Standards relevant to the construction of sidewalks along private streets have been examined and findings detailed in the attached document: City of Dundee Sidewalk Examination.

- Although the 3rd Street improvements will likely be allowed to be deferred, the developer needs to show to how their driveway will work with the future/improved street section. The

321 1st avenue east, suite 3a
albany, oregon 97321
phone: 541-926-2428
fax: 541-926-2456

street improvements to be designed/shown include curbs on both sides, an ODOT standard driveway with sidewalk crossing to serve the new driveway (driveway shown on the revised plans is not acceptable) and an ADA sidewalk ramp at the connection of the new sidewalk along the private street.

As requested by this comment, future street improvements to SW 3rd Street have been designed. Improvements shown on the revised site plan include curbs on both sides, an ODOT standard driveway, a sidewalk crossing to serve the new driveway, and an ADA sidewalk ramp at the connection of the new sidewalk along the private street.

- No approach to provided water quality or detention for the portion of the private street draining to 3rd Street was shown.

  As requested by this comment, the site plan has been revised to provide the beginnings of a water quality and detention facility for the portion of the private street draining to SW 3rd Street. Please refer to Sheet Five of the Preliminary Plan.

- A private street is proposed but are only permitted per 17.301.020.K – Private streets shall be developed in accordance with DMC 17.305.030, and are only permitted under the following circumstances:
  - 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 <u>is not</u> necessary to provide for the future development of adjacent properties. How is it not necessary? What about the future development of tax lot 901?

    In response to this comment, the application narrative has been revised to strengthen the case for approval of a private street in this location. For reasons why it is not necessary to provide access to future development of Tax Lot 901 please see page five of the application narrative.

- Show that fire truck turning movements can be made into and along the proposed private street.

  As requested by this comment, the site plan has been revised to include fire truck turning movements. Sheet Four of the Preliminary Plat demonstrates that a fire truck can maneuver into and along the proposed private street.

Sitton View Subdivision

Subdivision Tentative Plat Application
Adjustment Application
Variance Application

Prepared for:

Prepared For:

Olivia Beach Sales and Construction

Reece & Associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
541/926-2428
www.r-aengineering.com

December 13, 2019

Proposal Summary

Request:	This application is for approval of the Subdivision Tentative Plat for 3rd Street Subdivision, a new eight-lot residential development. An adjustment is requested to reduce the lot frontage requirement by three feet on lots five, six, and seven. Detached, single-family homes are planned for 3rd Street Subdivision.
Location:	380 SW 3rd Street Dundee, OR 97115 Yamhill County Tax Map R3325BC, Lot 02600
Owner/Applicant:	Walker John Olivia Beach Sales and Construction 3329 SW Highway 101 Lincoln City, Oregon 97367
Engineer/Planner:	**Reece & associates, Inc.** 321 1st Avenue Suite 3A Albany OR 97321 Planner: Hayden Wooton (541) 926-2428 haydenw@r-aengineering.com Engineer: David J Reece, PE 11749 (541) 926-2428 dave@r-aengineering.com

Exhibits:
A – Yamhill County Tax Map R3325BC
B – Aerial Map
C – City of Dundee Zoning Map
D – Email from County Surveyor

Table of Contents

Sitton View Subdivision 0
I. Project Description 2
II. Existing Conditions 2
III. 17.403.050 Preliminary Plat Approval Criteria 2
IV. 17.200 Zoning and Land Use Requirements 4
V. 17.300 Development Requirements 5
VI. 17.406.030 Adjustment – Lot Frontage and Depth 8
VII. 17.406.040 Variance – Lot Depth 9
VIII. Conclusion 10

I. Project Description

Yamhill County Tax Map R3325BC, Lot 02600, will be subdivided into eight lots to facilitate construction of detached, single-family homes. Lot one will be 39,511 square feet adjacent to the northwestern boundary and will be dedicated to an existing single-family residence. Lots 2-8 will be undeveloped parcels. The subject property is a two-acre parcel of land located in the City of Dundee and zoned Medium Density Residential (R-3).

II. Existing Conditions

SW 3rd Street is a paved road, one lane in each direction, constructed prior to adoption of current City of Dundee local street standards. City of Dundee is the road authority for SW 3rd Street.

The site is an open grassy field fenced along the property lines. There is a detached, single-family home in the northwest corner of the property, which will remain with development. The site has gentle to moderate east facing slopes. Elevations range from 270 feet near the northwest property boundary to 232 feet along the northeast boundary.

The subject property does not contain any significant natural features as defined in the DMC.

Adjoining zones and land uses (Exhibit B for aerial photograph and Exhibit C for City of Dundee Zoning):

North: Nine homes, each on individual lots with frontage on SW Oliver Court, zoned by the City of Dundee as R-3.

South: Two homes, each on individual lots with frontage on SW 3rd Street, zoned by the City of Dundee as R-3.

East: Four homes, each on individual lots with frontage on SW Namitz Court, zoned by the City of Dundee as R-3.

West: One home on a large, individual lot with frontage on SW 3rd Street, zoned by the City of Dundee as R-3.

III. 17.403.050 Preliminary Plat Approval Criteria

1. *The land division application shall conform to the requirements of this chapter.*

The proposed subdivision confirms with all applicable requirements of DMC 17.403 as demonstrated by this application narrative, exhibits, and tentative subdivision plans.

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.*

The ability of the proposed subdivision to conform to the applicable provisions of DMC Division 17.200, Zoning and Land Use Requirements, are discussed later in Section IV of this application narrative. Those findings and conclusions are incorporated herein by reference.

3. *Access to individual lots, 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.*

The ability of the proposed subdivision to confirm to the applicable provisions of DMC Division 17.300, Development Requirements, are discussed later in Section V of this application narrative. Those findings and conclusions are incorporated herein by reference.

4. *The proposed plat name is not already recorded for another subdivision and satisfies the provisions of ORS Chapter 92.*

The proposed subdivision plat name is "Sitton View." There was no record of any other subdivision with this name, and the County Surveyor has confirmed this plat name complies with applicable County Naming Policy (Exhibit D).

In the State of Oregon, subdivisions are regulated by Oregon Revised Statutes Chapter 92. The City of Dundee has adopted a tentative plat application process that confirms with policies and procedures outlined by ORS Chapter 92. Yamhill County has done that same for their final plat application process. By completing and gaining approval through these processes the proposed subdivision is complying with standards set forth in 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.*

The ability of the proposed streets, utilities, and surface water drainage facilities to confirm to City of Dundee adopted master plans and engineering standards is discussed later in Section V of this application narrative. Those findings and conclusions are incorporated herein by reference.

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.*

The proposed street will be a private improvement and identified as such on the preliminary plat. Once constructed, the street will be maintained by a Homeowner's Association. However, utilities located in the street will be public and a public utility easement will be granted to the City of Dundee for maintenance of storm drainage, water, and sewer infrastructure.

7. *Evidence that any required state or federal permits, as applicable, have been obtained or can reasonably be obtained prior to development.*

At this time, the applicant has not applied for any state or federal permits that may apply to the proposed development. The proposed development will comply with any future, required state or federal permits.

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.*

The applicant is aware that conditions of approval may be required prior to completion of the final plat to enforce code requirements.

IV. 17.200 Zoning and Land Use Requirements

The proposed subdivision will create eight-lot, single-family lots on a property zoned Medium Density Residential (R-3). As required by DMC Division 17.403.050.A.2, a preliminary subdivision plat must conform to the applicable provisions of in DMC Division 17.200, Zoning and Land Use Regulations. The following sections are relevant to the proposed subdivision:

17.202.010 *Purpose*

The subject property is zoned R-3 by the City of Dundee and is intended to provide a mixture of attached and detached housing at target densities of up to 10 units per acre. The proposed subdivision will create eight lots for detached housing on approximately two acres of land.

17.202.020 *Allowed Uses*

The proposed development will create eight lots for detached, single-family homes. Single-family dwellings are a permitted use in the R-3 zone, as listed in DMC Table 17.202.020.

17.202.030 *Lot and Development Standards by Zoning District*

Table 1: Lot and Development Standards in the R-3 Zoning District

	Minimum Lot Size (5,000 sf)	**Lot Width and Frontage (50 ft)**	**Lot Depth (80 ft)**
Lot One	32,194	204	156
Lot Two	6,475	50	130
Lot Three	6,458	51	129
Lot Four	5,097	89	80
Lot Five	5,080	45	75
Lot Six	5,046	43	78
Lot Seven	5,396	43	83
Lot Eight	5,037	80	52

Additional lot and development standards will be enforced at the time a building permit is applied for; these additional standards include primary front setback, side and rear setbacks, dwelling height, and maximum lot combined lot coverage.

17.202.050 *Fence Standards*

As requested by neighbors, a fence, six feet tall, will be constructed between the subject property and their property (Tax Lot 2700). The proposed fence will be constructed in a rear setback.

V. 17.300 Development Requirements

As required by DMC Division 17.403.050.A.3, a preliminary subdivision plat must confirm to the applicable provisions in DMC Division 17.300, Development Requirements. The following sections are relevant to the proposed subdivision:

The following standards from 17.301.020 Vehicular Access and Circulation are relevant to the proposed subdivision:

17.301.020.F *Approach Spacing*

City of Dundee Transportation Systems Plan (TSP), "Table 1: Access Spacing Standards," requires a minimum access spacing distance of 15 feet on local streets. The proposed subdivision will construct a private street. This new private street will intersect with SW 3rd Street 20 feet southeast of the driveway located on Tax Lot 901, and 68 feet northwest of the driveway located on Tax Lot 2700. Inside the subdivision, each proposed lot will have an individual driveway access, except for lots five and six which will have a shared driveway. Each of these driveways are separated by more than 15 feet.

17.301.020.I *Circulation and Connectivity*

A private street will be constructed creating an intersection with SW 3rd Street. The proposed private street will provide vehicle and bicycle connectivity. Pedestrian circulation will be accomplished by constructing a sidewalk along the north side of the private street. These pedestrian facilities have been designed to intersect and connect to future SW 3rd Street improvements. The proposed intersection is within 600 feet of SW Namitz Ct and SW Birch Street.

17.301.020.K *Private Streets*

A private street will be constructed to provide access to the proposed subdivision. The private street will be placed in a 30-foot wide access easement, providing space of a paved 20-foot wide road with curb and gutter and five-foot-wide sidewalk on both sides of the street.

> "*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 future development of adjacent properties.*"

Street access is infeasible due to lot shape, location of existing structures and is not necessary for future development of adjacent properties. The subject property is a two-acre flag lot with an unusually shaped access strip. This access strip is not a consistent width throughout its entire length, starting with 25 feet of frontage on SW 3rd Street and widens as it nears the bulk of the property. This narrow frontage would greatly restrict the development's ability to construct a full public street. When the access strip eventually widens enough to construct a

full public street, an existing home and accompanying setback prevent full buildout of a local street.

City of Dundee Staff have indicated Tax Lot 901 could be partitioned in the future and it could be necessary to provide for future development. The proposed private street does not need to provide access to Tax Lot 901. This tax lot has already been developed including fencing, a detached single-family home, and driveway access. Because the property has already developed access no additional access is necessary to serve the existing or future development.

17.304.040.C *Off-Street Automobile Parking Space Standards*

The proposed subdivision will create lots for single-family dwellings, each dwelling will require two spaces per unit. Adequate parking will be accomplished by constructing a two-car driveway for each proposed lot.

The following standards from DMC 17.305.030 Street Standards are relevant to the proposed subdivision:

17.305.030.E *Future Extension of Streets*

As necessary to provide access to possible future development of Yamhill County Tax Map R3325BC, Lot 901, an access easement has been provided. This easement will connect the boundary of lot 901 and the edge of the proposed private street.

17.305.030.G *Intersection Angles*

City of Dundee Improvement Design Standards, Division 4 – Streets, requires that "the interior angle at the intersecting streets shall not be less than seventy-five degrees." The intersection of the proposed private street and SW 3rd Street has an interior angle of 102 degrees.

17.305.030.H *Improvements to Existing Streets*

The proposed subdivision will construct a private street to serve eight lots. This private street will intersect with SW 3rd Street, which the subject property has frontage on. The proposed subdivision will construct three-quarters street improvements to SW 3rd Street for its 25 feet of frontage.

17.305.030.J *Cul-de-Sacs*

The proposed private street will terminate with a cul-de-sac. This street has a centerline length of 400 feet and will serve eight lots total, five lots will take access from the cul-de-sac.

An access way is required to connect new cul-de-sacs to existing streets or other cul-de-sacs. However, the subject property is an infill lot and all adjacent properties have been developed. This development prevents the construction of a new connection between the proposed and existing cul-de-sac.

17.305.030.Q *Private Streets*

The existing public water infrastructure is located in SW 3rd Street, south of the proposed subdivision. An 8-inch line will be extended from the existing system, contained within the proposed private street. A fire hydrant will be located in Proposed Lot 8's frontage. A public utility easement will be granted, as necessary to provide maintenance to the proposed public system.

The proposed private street will be maintained by a homeowner's association. Draft convents, conditions, and restrictions will be provided when the final plat is submitted.

The following standards from DMC 17.305.040 Utility Lines and Facilities are relevant to the proposed subdivision:

17.305.040.D *Standards for Water Improvements*

The existing public water infrastructure is located in SW 3rd Street, south of the proposed subdivision. An 8-inch line will be extended from the existing system, contained within the proposed private street. A fire hydrant will be located in Proposed Lot 8's frontage. A public utility easement will be granted, as necessary to provide maintenance to the proposed public system.

17.305.040.E *Standards for Sanitary Sewer Improvements*

The existing sanitary sewer infrastructure is located in SW Namitz Court and extends through Yamhill County Tax Lot 933 to the perimeter of the subject property. An 8-inch line will extend from the existing system, crossing through Proposed Lot 6, in a 20-foot storm drain and sanitary sewer easement.

17.305.040.E *Private Utilities*

Private utilities will be installed pursuant to the requirements of the district or company serving the proposed subdivision. All private utilities included in the proposed subdivision including electricity, gas, communication, and television will be placed underground.

17.305.050 *Storm Drainage*

Stormwater will be managed by a Contech® Engineered Solutions, 42-inch diameter corrugated metal pipe (CMP) detention facility with a custom outlet control orifice assembly located in a stormwater manhole that will release runoff from the 2-year, 5-year, 10-year, and 50-year storm events at or below the pre-development runoff rates. The proposed system will be connected to the existing public stormwater systems by a 12-inch diameter pipe in the northeast corner of the subject property.

Water quality will be provided for the proposed improvements by utilizing a Stormwater Management Catchbasin Stormfilter® manufactured by Contech® Engineered Solutions,

LLC. Runoff from the road and lots will be directed through the Catchbasin Stormfilter® prior to entering into the underground detention system.

VI. 17.406.030 Adjustment – Lot Frontage and Depth

The proposed adjustment will decrease the amount of frontage lot five, six, and seven have on the cul-de-sac. It will also decrease the lot depth of lots five and six. Existing lot constraints prevent these proposed lots from complying with this standard. "Table 2: Lot Frontage Adjustment" and "Table 3: Lot Depth Adjustment" outlines the proposed adjustment for each lot and how much of an adjustment is being requested.

Table 2: Lot Frontage Adjustment

	Proposed Lot Frontage	Percent Adjusted
Lot Five	45 feet	Decreased 10%
Lot Six	43 feet	Decreased 14%
Lot Seven	43 feet	Decreased 14%

Table 3: Lot Depth Adjustment

	Proposed Lot Frontage	Percent Adjusted
Lot Five	75 feet	Decreased 6.25%
Lot Six	78 feet	Decreased 1.25%

1. The adjustment is consistent with the purpose and intent of the code standard(s) to be adjusted.

The purpose and intent of the minimum lot frontage standard is to ensure each lot has adequate access to a roadway and to regulate lot size. The minimum lot size is 5,000 square feet in the R-3 zone. Regardless of the proposed adjustment, the subject lots still comply with the minimum lot size: lot five, 5,080 square feet; lot six, 5,046 square feet; and lot seven, 5,396 square feet. Each lot will be provided with appropriate driveway access that will conform with access spacing standards as required by the transportation systems plan.

The purpose and intent of the minimum lot depth standard is to regulate lot size. As demonstrated by the previous paragraph both of the lots with adjustments to depth meet the minimum lot size standard. The method of measuring depth impacts the outcome of these two lots. If depth was measured by taking the longest side and shortest side and finding the average, there would not be a need for an adjustment to lot depth. Using this method lot five would have a depth of 82 feet and lot six would have a depth of 85 feet.

2. The adjustment would not create a conflict with or unreasonably impact adjacent uses.

The adjacent properties are entirely residential development zoned R-3 by the City of Dundee. A minor adjustment to frontage and depth will not create lots smaller than the minimum lot size or prevent dwellings from complying with applicable setbacks. The adjustment will not create a conflict or unreasonable impact on adjacent uses.

3. Approval of the adjustment does not create a violation of any other code standard or previous land use action.

The proposed adjustments only modify minimum lot frontage and depth by a negligible amount. The decreases do not create any violations of other code standards or previous land use actions.

VII. 17.406.040 Variance – Lot Depth

The proposed subdivision includes a variance to decrease the depth of lot eight by 40 percent. Lot eight will have a depth of 48 feet. Existing conditions and turn-a-round requirements prevent this lot from complying with this standard.

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.*

The variance is necessary because minimum lot depth does not account existing development patterns and unique physical circumstances of the site. The subject property is surrounding by existing residential development, limiting the dimensions of land to be divided. When measured from the center of lot eight, the parent parcel is only 197 feet wide. Although this dimension allows for two lots that comply with the depth standards, the required cul-de-sac prevents lot eight from having the standard depth. This cul-de-sac consumes much of the land necessary for lot eight to meet the minimum depth standard.

2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.

The variance requested is the minimum amount needed for the property to contain the cul-de-sac and other residential lots. The applicant has determined there are no design alternatives that would be permitted under City of Dundee Development Code that would allow lot eight to comply with lot depth standards.

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 a result of a property line adjustment or land division approval previously granted to the application).

Prior to this subdivision application, the applicant has not filed a property line adjustment or land division for the subject property. As demonstrated by the response to criterion one, the need for variance was created by surrounding development patterns and turn-a-round standards.

4. The variance does not conflict with other applicable city policies or other applicable regulations.

The variance does not prevent lot eight from complying with other applicable city policies or regulations.

5. The variance will not result in no foreseeable harm to adjacent property owners or the public.

The adjacent properties are entirely residential development zoned R-3 by the City of Dundee. A variance to the minimum lot depth will not create a lot smaller than the

minimum lot size or prevent dwellings from complying with applicable setbacks. The variance will not create a conflict or unreasonable impact on adjacent uses.

6. All applicable building requirements shall be met.

The variance does not prevent lot eight from complying with building requirements. All applicable building requirements shall be reviewed when a building permit is pulled for the lot.

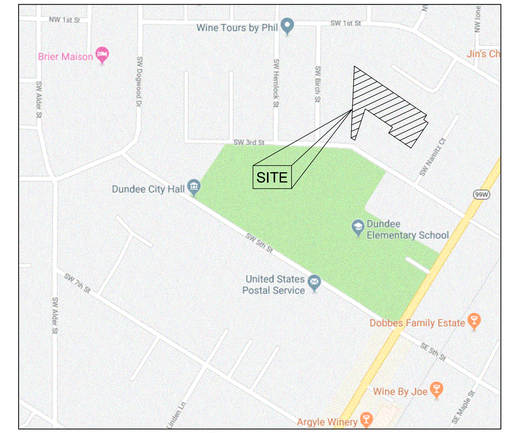
VIII. Conclusion

This application narrative and attached plans demonstrate that all applicable provisions of the Dundee Municipal Code have been satisfied by the design for Sitton View. We therefore respectfully request approval of this subdivision tentative plat application.

SITTON VIEW SUBDIVISION
PRELIMINARY PLAT

DUNDEE, OREGON

SITE PLAN
SCALE: 1" = 30'



VICINITY MAP
NOT TO SCALE

OWNER/DEVELOPER:

OLIVIA BEACH SALES & CONSTRUCTION
3329 SW HWY 101
LINCOLN CITY, OR 97367
PHONE: 541-921-1247
EMAIL: info@oliviabeach.com

CIVIL ENGINEERING:

REECE & ASSOCIATES, INC
C/O DAVID J. REECE, PE
321 FIRST AVENUE EAST, SUITE 3A
ALBANY, OR 97321
PHONE: 541-926-2428
EMAIL: dave@r-aengineering.com

SURVEYING:

COLE SURVEYING
245 NE CONIFER BLVD
P.O. BOX 1211
CORVALLIS, OR 97339
PHONE: 541-257-1019
EMAIL: matt@colesurveying.com

TAX LOT INFORMATION:

TAX LOT 2600
S.W. ¼ N.W. ¼ SECTION 25
T. 03 S. - R. 03 W., W.M.

WATER SYSTEM:

WATER DISTRIBUTION IS BY THE CITY OF DUNDEE

SANITARY SEWER:

SANITARY SEWER IS BY THE CITY OF DUNDEE

ZONING:

R-3 - MEDIUM DENSITY RESIDENTIAL
OVERLAY ZONES: NONE

UTILITY DATA:

EXISTING UTILITIES SHOWN HEREON ARE FROM THE CITY OF DUNDEE GEOGRAPHIC INFORMATIONAL SYSTEMS. THEY DO NOT REPRESENT PHYSICAL LOCATIONS BY A SURVEYOR.

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

SHEET INDEX:

SHEET 1 COVER SHEET
SHEET 2 EXISTING SITE CONDITIONS
SHEET 3 PRELIMINARY PLAT
SHEET 4 PROPOSED SITE PLAN
SHEET 5 PROPOSED UTILITIES PLAN
SHEET 6 LOT DEPTH & FRONTAGE

PRELIMINARY - NOT FOR CONSTRUCTION

Reece & associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
phone: 541-926-2428
fax: 541-926-2456
PLANNING SERVICES
ENGINEERING SURVEYING

REGISTERED PROFESSIONAL ENGINEER
11,749
Digital Signature
OREGON
DAVID J. REECE
RENEWS 12/31/20
PRELIMINARY

SITTON VIEW SUBDIVISION
COVER SHEET

OLIVIA BEACH, LLC
DUNDEE, OR

PLAN REVISIONS		
No.	DATE	BY

R&A PROJECT NO.
OBC1902

DATE	12-13-19
DESIGNED	A. VASQUEZ
ENGINEER	D. REECE
CHECKED	H. WOOTON
SCALE	AS INDICATED

SHEET NUMBER
1

SITE PLAN
SCALE: 1" = 30'

NOTES:

1.) THE SITE BENCHMARK IS A 5/8" IRON ROD WITH YELLOW PLASTIC CAP LOCATED AT THE ANGLE POINT IN THE NORTH RIGHT OF WAY LINE OF SW 3RD STREET. (ELEVATION = 252.37 NAVD 1988). THIS BENCHMARK WAS ESTABLISHED USING OREGON DEPARTMENT OF TRANSPORTATION BENCH MARK C 286 LOCATED AT THE INTERSECTION OF SW 12TH STREET AND HWY 99W IN DUNDEE, OREGON, A BRASS CAP IN CONCRETE BASE (NAVD ELEVATION - 189.5).

2.) EXISTING UTILITIES ARE FROM UTILITY LOCATES PERFORMED BY THE VARIOUS UTILITY AUTHORITIES.

3.) THE PROPERTY LINES WERE DETERMINED BY EXAMINING THE SURVEYS OF RECORD RECORDED AT THE YAMHILL COUNTY SURVEYORS OFFICE. THIS IS NOT A BOUNDARY SURVEY. BOUNDARIES SHOWN ON THIS SURVEY ARE A GRAPHIC REPRESENTATION TO SHOW THE APPROXIMATE LOCATION OF BOUNDARIES TO EXISTING IMPROVEMENTS.

4.) THE EASEMENT SHOWN IS REFERENCED IN A TITLE OWNERSHIP AND ENCUMBRANCES REPORT FROM TICOR TITLE INSURANCE COMPANY OF OREGON DATED OCTOBER 30, 2019. HARRIS HEIGHTS & HARRIS HEIGHTS NO.2 SUBDIVISIONS ARE RECORDED IN THE YAMHILL COUNTY CLERKS OFFICE.

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

PRELIMINARY - NOT FOR CONSTRUCTION

Reece & associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
phone: 541-926-4028
fax: 541-926-2456
PLANNING SERVICES
ENGINEERING SERVICES

REGISTERED PROFESSIONAL ENGINEER 11,749 Digital Signature OREGON JULY 16, 1987 DAVID J. REECE
RENEWS 12/31/20
PRELIMINARY

SITTON VIEW SUBDIVISION
EXISTING SITE CONDITIONS

OLIVIA BEACH, LLC
DUNDEE, OR

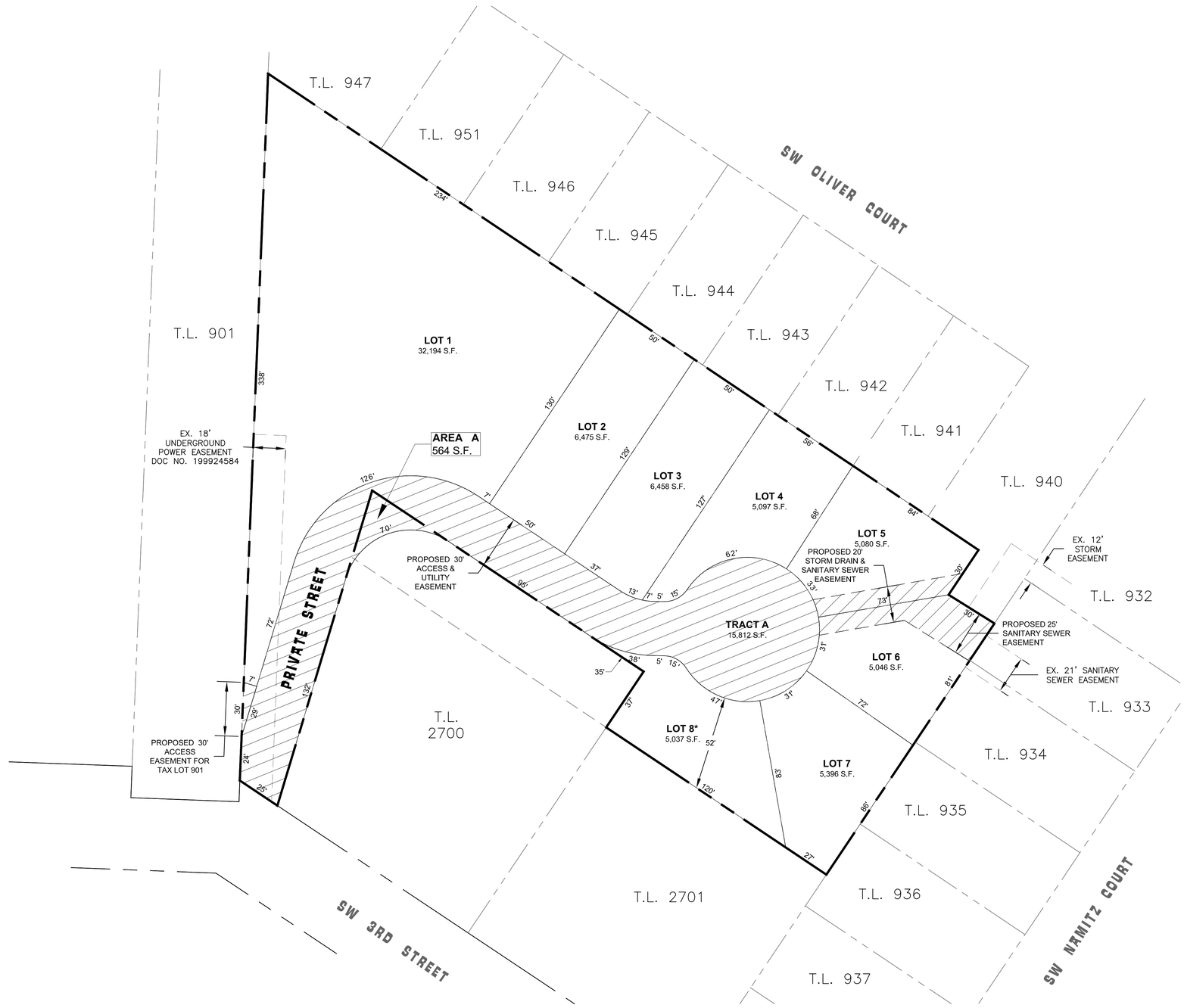
PLAN REVISIONS

No.	DATE	BY

R&A PROJECT NO.
OBC1902

DATE	12-13-19
DESIGNED	A. VASQUEZ
ENGINEER	D. REECE
CHECKED	H. WOOTON
SCALE	AS INDICATED

SHEET NUMBER
2



SITE PLAN
SCALE: 1" = 30'

NOTES:
1. THE DEPTH OF LOT 8 WILL BE DECREASED BY 35%, RESULTING IN A LOT DEPTH OF 52'.
2. THE PRIVATE STREET WILL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION.
3. ALL PROPOSED UTILITY EXTENSIONS WILL BE PUBLIC AND A UTILITY ACCESS EASEMENT WILL BE GRANTED TO THE CITY OF DUNDEE.

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

PRELIMINARY - NOT FOR CONSTRUCTION

Reece & associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
phone: 541-928-4228
fax: 541-926-2456
PLANNING SERVICES
ENGINEERING SERVICES

REGISTERED PROFESSIONAL ENGINEER 11,749 Digital Signature OREGON JULY 16, 1982 DAVID J. REECE
RENEWS 12/31/20
PRELIMINARY

SITTON VIEW SUBDIVISION
PRELIMINARY PLAT

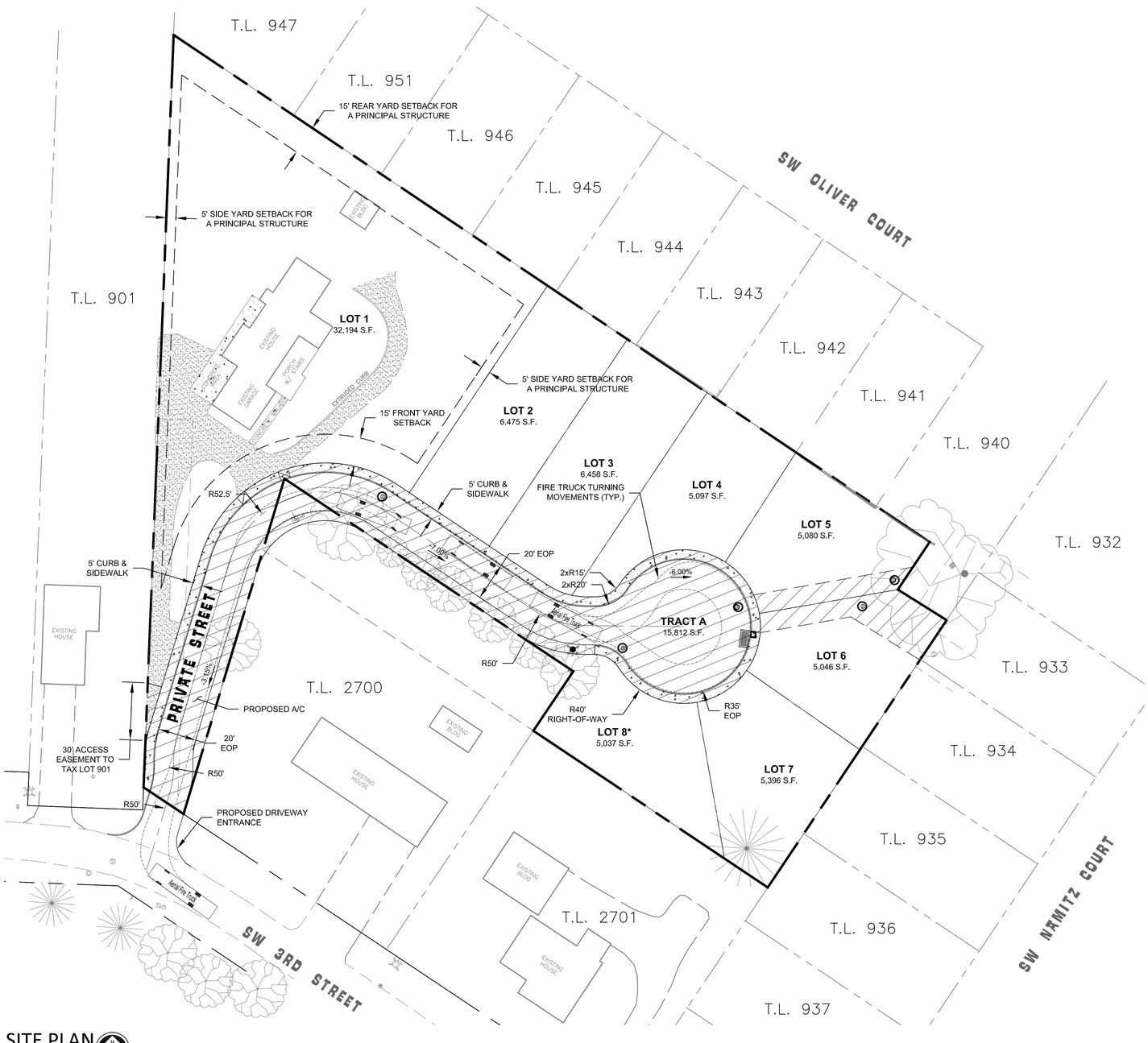
OLIVIA BEACH, LLC
DUNDEE, OR

PLAN REVISIONS		
No.	DATE	BY

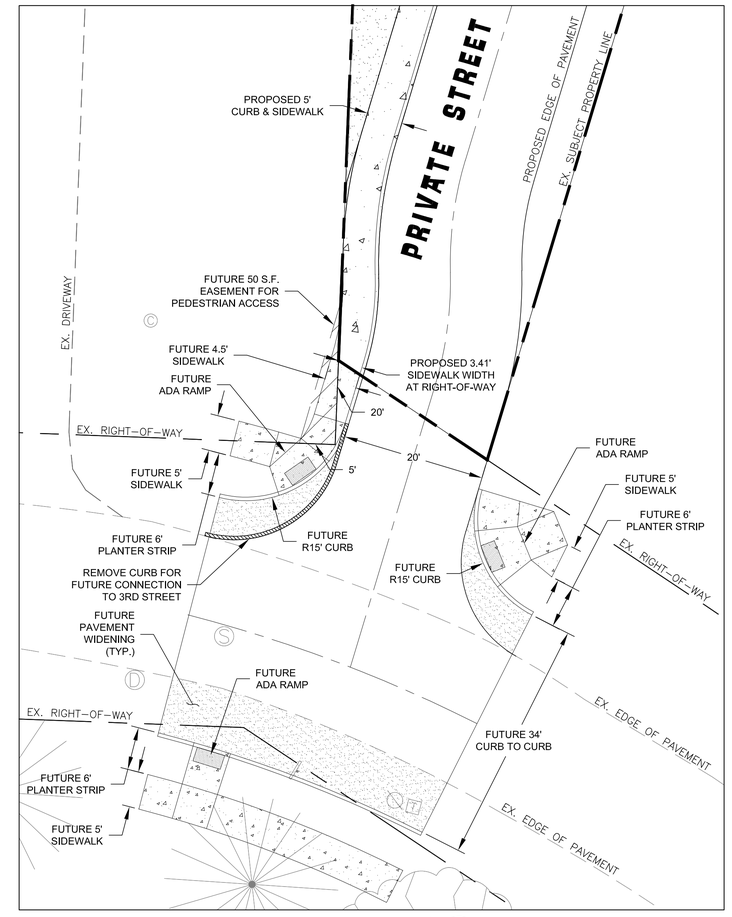
R&a PROJECT NO.
OBC1902

DATE	12-13-19
DESIGNED	A. VASQUEZ
ENGINEER	D. REECE
CHECKED	H. WOOTON
SCALE	AS INDICATED

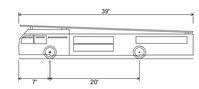
SHEET NUMBER
3



SITE PLAN
SCALE: 1" = 30'



FUTURE 3RD STREET IMPROVEMENTS
SCALE: 1" = 10'



Aerial Fire Truck	
Overall Length	39.00ft
Overall Width	8.167ft
Overall Body Height	7.500ft
Min Body Ground Clearance	0.750ft
Track Width	8.167ft
Lock-to-lock time	5.00s
Max Wheel Angle	45.00°

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

PRELIMINARY - NOT FOR CONSTRUCTION

Reece & associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
phone: 541-928-7321
fax: 541-926-2456
PLANNING SERVICES
ENGINEERING SERVICES

REGISTERED PROFESSIONAL ENGINEER 11,749 Digital Signature OREGON JULY 16, 1987 DAVID J. REECE
RENEWS 12/31/20
PRELIMINARY

SITTON VIEW SUBDIVISION
PROPOSED SITE PLAN

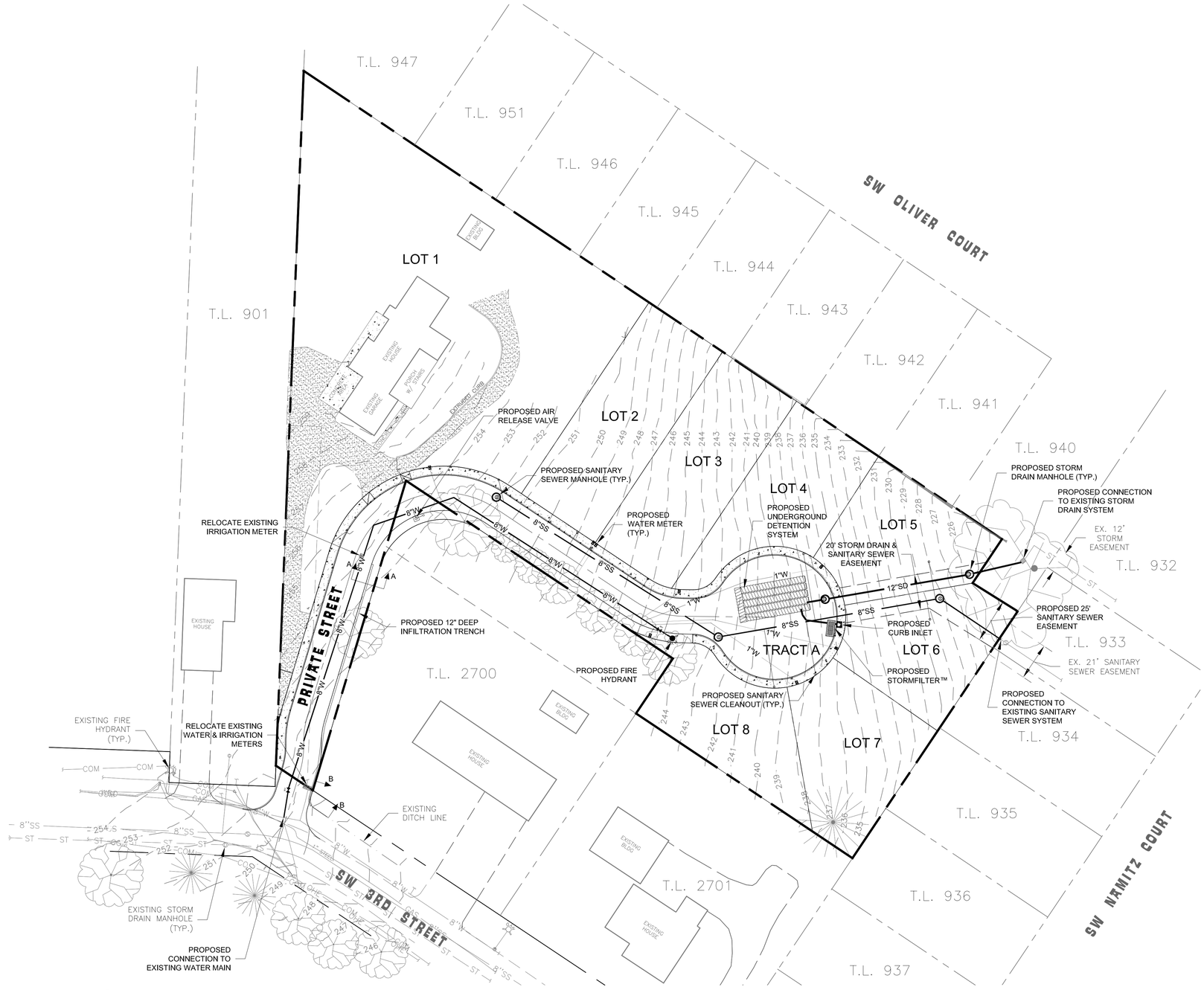
OLIVIA BEACH, LLC
DUNDEE, OR

PLAN REVISIONS		
No.	DATE	BY

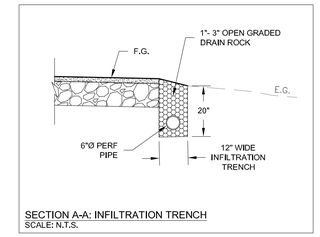
R&a PROJECT NO.
OBC1902

DATE	12-13-19
DESIGNED	A. VASQUEZ
ENGINEER	D. REECE
CHECKED	H. WOOTON
SCALE	AS INDICATED

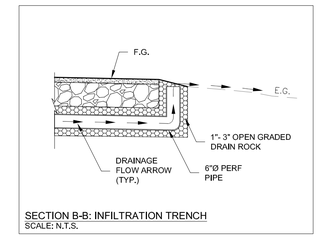
SHEET NUMBER
4



SITE PLAN
SCALE: 1" = 30'



SECTION A-A: INFILTRATION TRENCH
SCALE: N.T.S.



SECTION B-B: INFILTRATION TRENCH
SCALE: N.T.S.

DRAINAGE:
STORMWATER ALONG THE FIRST ±150 L.F. OF THE NEW PRIVATE STREET WILL SHEET FLOW FROM WEST TO EAST AND ENTER THE INFILTRATION TRENCH. THIS RUNOFF WILL FLOW SOUTH THROUGH THE DRAIN ROCK AND THEN PERCOLATE UP TO THE EXISTING DITCH ALONG THE NORTH SIDE OF 3RD STREET.

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

PRELIMINARY - NOT FOR CONSTRUCTION

Reece & associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
phone: 541-928-2228
fax: 541-926-2456
PLANNING SERVICES
ENGINEERING SURVEYING

REGISTERED PROFESSIONAL ENGINEER 11,749 Digital Signature OREGON DAVID J. REECE
PRELIMINARY
RENEWS 12/31/20

SITTON VIEW SUBDIVISION PROPOSED UTILITIES PLAN

OLIVIA BEACH, LLC
DUNDEE, OR

PLAN REVISIONS		
No.	DATE	BY

R&a PROJECT NO. OBC1902

DATE	12-13-19
DESIGNED	A. VASQUEZ
ENGINEER	D. REECE
CHECKED	H. WOOTON
SCALE	AS INDICATED

SHEET NUMBER
5

SITE PLAN
SCALE: 1" = 30'

NOTES:
1. LOT FRONTAGE IS MEASURED USING THE 15' FRONT SETBACK LINE.
2. LOT DEPTH IS MEASURED USING THE MIDDLE OF EACH LOT.

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

PRELIMINARY - NOT FOR CONSTRUCTION

Reece & associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
phone: 541-928-4228
fax: 541-926-2456
PLANNING SERVICES
ENGINEERING SERVICES

REGISTERED PROFESSIONAL ENGINEER 11,749 Digital Signature OREGON JULY 16, 1987 DAVID J. REECE
RENEWS 12/31/20
PRELIMINARY

SITTON VIEW SUBDIVISION
LOT DEPTH & FRONTAGE

OLIVIA BEACH, LLC
DUNDEE, OR

PLAN REVISIONS		
No.	DATE	BY

R&a PROJECT NO.
OBC1902

DATE	12-13-19
DESIGNED	A. VASQUEZ
ENGINEER	D. REECE
CHECKED	H. WOOTON
SCALE	AS INDICATED

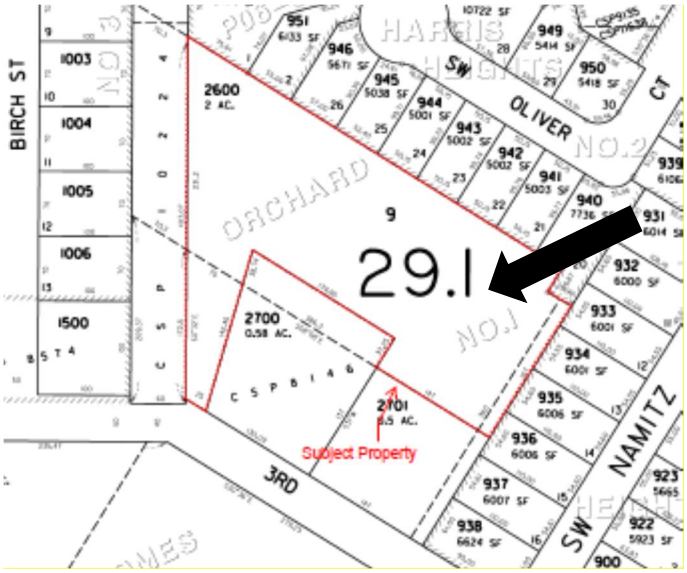
SHEET NUMBER
6

CITY OF DUNDEE
Type III Subdivision Preliminary Plat – Sitton View Subdivision
File No. : S 19-15, V 19-17, CA 19-16
Planning Commission Staff Report
February 19, 2020 Public Hearing

Request: The proposed infill project is to divide one 2-acre parcel into 8 lots to be known as Sitton View Subdivision. A concurrent Variance is requested for lot depth for Lot 8. A concurrent Code Adjustment is requested for lot depth for Lots 6 and 7. A concurrent Code Adjustment is requested for lot frontage for Lots 5, 6 and 7. There is an existing home which will be on Lot 1 in the northwest portion of the property. This staff report is based on revised materials submitted by the applicant December 13, 2019.

Project Information	
Applicant/Owner	John Walker, Olivia Beach Sales and Construction
Location	380 SW 3rd Street
Tax Lot	3325BC-02600
Zoning	R-3
Applicable Criteria	Dundee Municipal Code: Subdivision, Section 17.403.050. Private Streets – 17.301.030, K. Code Adjustment - 17.406.030. Variance - 17.406.040.
Public Hearing Dates	February 19, 2020

Location Map



Application History and Public Notice:

Public notice for the 8-lot subdivision, variance and code adjustments was mailed to owners of properties within 100 feet of the subject property on January 29, 2020, posted on January 30, 2020, and published in the Newberg Graphic on January 29, 2018.

Discussion:

The proposed infill subdivision would divide one 2-acre lot in the R-3 Zone into 8 lots ranging from 5,037 square feet (Lot 8) to 32,194 square feet (Lot 1). The existing home on the site will be on Lot 1. All 8 lots will be accessed from SW 3rd Street via a proposed private street.

As is often the case with infill developments, the subject property's size, shape, location, etc., may not be conducive to compliance with all the applicable requirements. In this application a private street is requested instead of a public street. A concurrent Variance is requested for lot depth for Lot 8. A concurrent Code Adjustment is requested for lot depth for Lots 5 and 6. A Code Adjustment is requested for the frontage for Lots 5, 6 and 7.

Regarding private streets, the Dundee Development Code (DDC) Section 17.301.020, K, allows private streets instead of public streets provided the approval criteria in 17.301.020, K, 1 – 3, are met.

The configuration of the lot and proposed private street and the location of the existing home on the proposed Lot 1 necessitates the applicant obtain an easement or ownership of about 564 square feet of the northwest corner of the property abutting to the south (Tax Lot 2700) to allow the private street to curve to the right (east) to serve Lots 2 - 8. The applicant's materials, Sheet 3, Preliminary Plat, shows the proposed private street with diagonal lines and they go over the northwest corner of Tax Lot 2700.

The subject property is a "flag lot" with the flag-pole portion extending to SW 3rd Street. The flag portion provides the area for the existing house and the proposed lots. The applicant's materials, Sheet 4, Proposed Site Plan, Insert labeled "Future 3rd Street Improvements," shows the proposed intersection of the private drive and SW 3rd Street. The insert shows the sidewalk on the west side of the private street extending onto the property abutting to the west (Tax Lot 901). In the event the Planning Commission allows the private street, it would necessitate the applicant acquiring land or an easement for the sidewalk over the southeast corner of Tax Lot 901.

The 8 Lots will be served by public water and sewer lines within a public access and utility easement over the private street, and a sewer line will extend across Lot 6 in an easement.

The findings in the proposed Dundee Planning Commission Order (attached) discuss the proposed subdivision, variance and code adjustments, and suggests options and conditions of approval.

Staff Recommendation

At the February 19, 2020 public hearing, the Planning Commission should:

1. Consider the staff report, the Schmidt letter, and any public testimony.
2. Deliberate and make findings. Tentative findings are shown in Exhibit A of the Planning Commission Order.
3. Make a motion adopting the Planning Commission Order.

Attachments

Planning Commission Order with:

Exhibit A: Findings

Exhibit B: Conditions of Approval

1. Preliminary Plat
2. Revised Applicant Materials – submitted December 13, 2019
3. Schmidt February 11, 2020 letter in opposition

DUNDEE PLANNING COMMISSION ORDER

FILE NO. S 19-15, V 19-17, CA 19-16

AN ORDER APPROVING AN 8-LOT SUBDIVISION WITH CONCURRENT VARIANCES AND CODE ADJUSTMENTS FOR PROPERTY LOCATED AT 380 SW 3RD STREET, TAX LOT 3325BC, 02600, KNOWN AS THE SITTON VIEW SUBDIVISION.

RECITALS:

1. John Walker, Olivia Beach Sales and Construction (applicant) submitted an application to divide Tax Lot 2600 (Assessor's Map 3325BC), into 8 lots for a subdivision known as Sitton View Subdivision. A concurrent Variance is requested for lot depth for Lot 8. A concurrent Code Adjustment is requested for lot depth for Lots 5 and 6. A Code Adjustment is requested for the frontage for Lots 5, 6 and 7. The property is zoned R-3, Medium Density Residential.

2. The proposed subdivision contains lots that range in size from 5,037 square feet (Lot 8) to 32,194 square feet (Lot 1). All lots take access from the proposed private street. There are adequate public utilities available to serve the proposed development.

3. The Dundee Planning Commission held a hearing to consider the proposal on February 19, 2020.

4. At the February 19, 2020 public hearing the Planning Commission heard public testimony.

5. At the February 19, 2020 public hearing, the Planning Commission heard a summary of the staff report, considered the applicant's testimony and the public testimony, closed the public hearing and deliberated. The Planning Commission finds the proposed subdivision meets the applicable Development Code criteria for approval of the subdivision, the variance and the code adjustments with conditions of approval.

The Dundee Planning Commission orders the following:

The proposed 8-lot subdivision known as Sitton View Subdivision and the concurrent variance and code adjustments are hereby approved, subject to conditions of approval. This Order is based on the staff report, findings shown in Exhibit "A", conditions of approval shown in Exhibit "B", and public testimony. Exhibits "A" and "B" are hereby attached and by this reference incorporated herein.

ADOPTED BY THE DUNDEE PLANNING COMMISSION THIS 19th DAY OF FEBRUARY_____, 2020:

AYE: NAY: ABSTAIN: ABSENT:

SIGNED: _____

Shannon Howland, Planning Commission Chair Date

ATTEST: _____

Robert Daykin, City Administrator Date

Note: The Dundee Municipal Code criteria are written in *italic* font and the findings are written in regular font. Items related to conditions of approval are <u>underlined</u>. The applicant's responses to the criteria are in Times New Roman. The Development Code criteria will be presented first followed by the findings of fact.

Applicable Dundee Municipal Code Criteria

The private street criteria are addressed first because whether the proposed street is allowed to be private could affect the viability of the proposed subdivision. If a public street is required, the minimum public right-of-way width is greater than 25-feet and the private street at its intersection with SW 3rd Street would not comply with the minimum right-of-way width.

The subject property's 25-foot frontage at its intersection with SW 3rd Street is skewed at an angle such that the southeast corner of the property abutting to the west (Tax Lot 901) blocks straight-ahead pedestrian travel on the proposed sidewalk. The proposed private street at SW 3rd Street includes two 10-foot travel lanes and a 5-foot sidewalk on the west side for a total of 25-feet. At the southwest corner of the subject property (the southeast corner of TL 901) the sidewalk is in a proposed easement over the southeast corner of TL 901. As proposed, the developer will need to coordinate with the owner of TL 901 to obtain an easement or ownership of additional property to accommodate the proposed sidewalk on the west side of the private street at SW 3rd Street. The private street is to be in a Tract and where the Tract is not at least 25-feet wide, the minimum width for a private street would not be meet. An option would be to dedicate land to the public for right-of-way purposes.

Private Street Criteria

17.301.020 Vehicular access and circulation

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.*

On February 11, 2020, the City received a letter (see Attachment 3) with comments objecting to the proposed subdivision from Alec Schmidt and Abigail Irwin-Schmidt who own a house on SW Oliver Court abutting the subdivision to the north behind proposed Lot 5. They state, in part, "The proposed private street violates code 17.301.020, K in that it would prevent the future development of tax lot 901."

The applicant was emailed a copy of the letter on February 11 and emailed back that they would address the letter at the hearing. The burden of showing the approval criteria have been met is a responsibility of the applicant and without a response from the applicant at this time, the findings cannot address the letter's concerns in light of the applicant's response. Weighing the letter's concerns and the applicant's response must await the public hearing.

Finding: The application materials address K, 1, but not 2 and 3 because 2 and 3 are not applicable. The applicant's response to 1 follows. It begins with a descriptive introduction (December 13 Narrative, p. 5), then K, 1, is quoted and then the applicant's response is quoted.

ñA private street will be constructed to provide access to the proposed subdivision. The private street will be placed in a 30-foot wide access easement, providing Space of a paved 20-foot wide road with curb and gutter and five-foot-wide sidewalk on both sides of the street.ò

Finding: The City's November 15, 2019 letter of incompleteness advised that a private street in an easement was not workable as it left the lots with no frontage, i.e., the lots ran to the middle of the easement. The applicant's November 22 and December 13 revised submittals, Preliminary Plat, Sheets 1, 3, 4, 5 and 6, showed the private street as a Tract. The Narrative was not changed to refer to a tract. It should describe the private street as being in a tract, not an easement. The private street is in a 30-foot wide Tract with a 40-foot radius at the cul-de-sac. Within the 30-foot width is a 5-foot sidewalk along one side of the street (the west and north sides) and around most of the cul-de-sac bulb.

The December 13 Narrative, pages 5 and 6, quotes 17.301.020, 1:

"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 future development of adjacent properties.*"

The December 13 Narrative, pages 5 and 6, addresses Criterion .020, 1, as follows:

ñStreet access is infeasible due to lot shape, location of existing structures and is not necessary for future development of adjacent properties. The subject property is a two-acre flag lot with an unusually shaped access strip. This access strip is not a consistent width throughout its entire length, starting with 25 feet of frontage on SW 3rd Street and widens as it nears the bulk of the property. This narrow frontage would greatly restrict the developmentôs ability to construct a full public street. When the access strip eventually widens enough to construct a full public street, an existing home and accompanying setback prevent full buildout of a local street.ò

ñCity of Dundee Staff have indicated Tax Lot 901 could be partitioned in the future and it could be necessary to provide for future development. *The proposed private street does not need to provide access to Tax Lot 901.* This tax lot has already been developed including fencing, a detached single-family home, and driveway access. *Because the property has already developed access no additional access is necessary to serve the existing or future development."* (emphasis added.)

Finding: The subject property's lot shape is a flag lot with a variable width "flag-pole" that is narrower at SW 3rd Street and wider to the north where the house is located. The terrain is not a factor. The location

of the existing house with the need to provide a minimum 15-foot front yard setback is a factor. A public street with the standard 60-foot wide right-of-way (ROW) would be significantly wider than the subject property's width at SW 3rd Street and it would encroach into the minimum 15-foot setback at the existing house. Where space is constrained, a 50-foot wide ROW may be permissible with a curb-to-curb improvement of 28-feet with sidewalks on both sides and street trees installed, but the 50-foot width would encroach into the 15-foot setback. The proposed private street does not encroach into the 15-foot setback of the existing house.

The remining element of Criterion .020, 1, is that a public street "is not necessary to provide for future development of adjacent properties." The applicant's December 13 Narrative, p. 5 (first full paragraph), states that City staff have indicated the lot abutting to the west, TL 901, "…could be partitioned in the future and it could be necessary to provide for future development." The applicant's response is that the private street is not needed to provide access to Tax Lot 901 because it "…has already been developed including fencing [on the common property line between the subject property and Tax Lot 901], a detached single-family home, and driveway access. Because the property has already developed access no additional access is necessary to serve the existing or future development."

The applicant's response does not address the City staff's indication that TL 901 "…could be partitioned in the future and it could be necessary to provide for future development." Instead, the applicant's response states the development on TL 901 to date (a house with fencing and a driveway). It does not address the possibility that TL 901 will be partitioned in the future and the new parcel(s) would need an access to SW 3rd Street that complies with the DDC's access standards. The new driveway would need to be at least 25-feet from the private street and there is insufficient space for the driveway to be 25-feet from the private street, therefore, access would be needed via the private street.

The December 13 Narrative is not consistent with the November 22 and December 13 Proposed Site Plans, Sheet 4, which show a 30-foot easement on the west side of the private street ("30-foot access easement to Tax Lot 901") to allow access from Tax Lot 901 onto the private drive. The easement area is about 25-feet north of the south property line of the "flag-pole." The 25-foot distance places the access point at a location where the turning movements of vehicles exiting Tax Lot 901 onto the private street and vehicles leaving the private street and entering Tax Lot 901 cannot meet the minimum turning radius. It appears the 30-foot easement should be farther north where the turning radius can be met.

It is not clear if the Narrative stating "The proposed private street does not need to provide access to Tax Lot 901" describes the proposal, or if the November 22 and December 13 Proposed Site Plans, Sheet 4, showing a 30-foot easement on the west side of the private street describes the proposal.

Tax Lot 901 is developed with a detached single-family dwelling with its garage and driveway on the west side of the property. Although TL 901 is developed, it could be further divided with one or more new lots in the back yard which would be similar to the applicant's proposed development. The driveway for the new lot(s) on TL 901 would be on the east side of the house in the east side yard setback and it would abut and approximately parallel the proposed subdivision private street running southerly to SW 3rd Street. At SW 3rd Street the abutting driveway and private street would not meet the City's minimum 15-foot access separation standard.

A solution is for the developer to allow access by any new lot(s) behind the house on TL 901 onto the private street at a location further north.

The applicant's narrative does not adequately explain why a public street "…is not necessary to provide for future development of adjacent properties." The private street, as now proposed, will not provide for the potential, future development of adjacent properties.

A condition of approval requires the access easement to be shown on the Final Plat and that it be worded to clarify it is for Tax Lot 901 and any new parcels or lots created out of Tax Lot 901 to access the private street and that it be located far enough to the north that it meets turning radius standards as determined by the City Engineer.

Land Division

17.403.050 Approval criteria (preliminary plat)

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;

Finding: The application was found substantially complete for review.

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;

17.202.030.A. Minimum Lot Area.

Finding: The minimum lot area in the R-3 Zone is 5,000 square feet for single-family development. The proposed lots range in size from 5,037 square feet (Lot 8) to 32,194 square feet (Lot 1). The application materials show the minimum lot requirements are met.

A footnote (exception b) in Table 17.202.030 requires that 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 increase accordingly:

Slope	Lot Area Increase
11-15%	Minimum plus 20%
16-20%	Minimum plus 50%
21-25%	Minimum plus 100%
26-30%	Minimum plus 200%
31+%	Specified by City Engineer

The applicant's December 13 Narrative, p. 2, Section II, states the elevations are 232 feet on the east and 270 feet on the west (38-foot difference) in a distance of about 430 feet. The applicant's "Existing Site Conditions," Sheet 2, shows contour lines from 226 on the east to 259 on the west near the SW corner of the existing house (33-foot difference) in a distance of about 430 feet. The application materials do not calculate the slope percent to show the subject property is less than 11% slope. A condition of approval requires the applicant to submit the necessary calculations to show compliance with the footnote (exception b) in Table 17.202.030 regarding slope, prior to submitting the Final Plat to the City for review and signing.

17.202.030.B. Yard Setback Requirements.

Finding: Future construction on the vacant lots will be reviewed through the building permit process, and proposed buildings must meet the applicable setbacks at the time of development. The application materials, Proposed Site Plan, Sheet 4, shows the house meets the required 15-foot and 5-foot minimum front and east side yard setbacks. This criterion is met.

17.202.030.D. Minimum Lot Dimensions.

Finding: The minimum lot width and frontage in the R-3 Zone is 50 feet, and the minimum depth is 80 feet. In addition, the lot depth shall not be more than three times the lot width.

Lot width and frontage (50-foot minimum): The October 24 Preliminary Plat, Sheet 3, showed the private street within an easement, not a Tract, thus the lots did not have frontages. The October 24 Narrative did not state the lot frontage distances.

In response to the City's November 15, 2019 letter indicating the October 24 submittal was incomplete, the November 22 re-submittal's Preliminary Plat, Sheet 3, was changed to show the private street in a Tract, thus giving Lots 1-8 front lot lines. The lot widths of Lots 1-4 and 8 meet or exceed the 50-foot minimum. The lot widths of Lots 5, 6 and 7 along the private street cul-de-sac are shown as 33-feet, 31-feet and 31-feet, respectively which are less than the required 50-feet.

The November 22 re-submittal's Narrative, however, stated the widths of Lots 5, 6 and 7 on the cul-de-sac were 45-feet, 43-feet and 43-feet, respectively (Narrative, Section IV, page unnumbered, Table 1, and Section VI, page unnumbered, Table 2).

Similarly, the December 13 re-submittal's Preliminary Plat, Sheet 3, in response to the City's December 9 letter indicating the application was not complete, continued to show Lots 5, 6, and 7 along the private street cul-de-sac were 33-feet, 31-feet and 31-feet, respectively, and the Narrative continued to state the widths of Lots 5, 6 and 7 on the cul-de-sac were 45-feet, 43-feet and 43-feet, respectively (Narrative, Section IV, page 4, Table 1, and Section VI, page 8, Table 2).

For purposes of this report, it is assumed the correct lot frontages are 45-feet, 43-feet and 43-feet for Lots 5, 6, and7, respectively, and the numbers of 33-feet, 31-feet and 31-feet on the Preliminary Plat, Sheet 3, are numbers which have not yet been updated.

The applicant has requested a concurrent Code Adjustment to allow the frontages for Lots 5, 6 and 7 to be 45-feet, 43-feet and 43-feet, respectively. The Code Adjustment request is addressed below in the Code Adjustment Section. Assuming the lot width Code Adjustments are approved, a condition of approval requires the Final Plat to show the lot frontage widths of Lots 5, 6 and 7 are as approved in the Code Adjustments.

Where the above assumption that the widths are 45-feet, 43-feet and 43-feet is incorrect, and the December 13 Preliminary Plat, Sheet 3's widths of 33-feet, 31-feet and 31-feet are correct, the 33, 31 and 31 widths would be approximately 34%, 38% and 38% reductions and the proper land use application would be a Variance. The applicant would need to submit a Variance application for lot width and provide the required justification for a variance.

Lot depth (80-foot minimum): The lot depth of Lots 5 and 6 is not at least 80 feet using the measurement method in the definition of "lot depth" (17.501.020). The December 13 Preliminary Plat, Sheet 3, shows the dimensions of Lots 5 and 6. The December 13 Narrative, Section VI, page 8, #1, 2nd paragraph states, in part:

> ñThe method of measuring depth impacts the outcome of these two lots. If depth was measured by taking the longest side and shortest side and finding the average, there would not be a need for an adjustment to lot depth. Using this method lot five would have a depth of 82 feet and lot six would have a depth of 85 feet.ò

The applicant did not show their method. It appears using their method would provide the following results based on the dimensions in the December 13 Preliminary Plat, Sheet 3.

Lot 5: West side property line: One segment of 68-feet. The east side property line is in two segments of 73-feet and 30-feet for a total of 103-feet. Averaging the west and east side property lines gives an average of 85.5-feet for the depth of Lot 5 (68 + 103 = 171 / 2 = 85.5-feet). It is not clear how the applicant concluded the depth of Lot 5 would be 82-feet using the applicant's method.

Regardless of the result of the applicant's method, it is not consistent with the DDC definition of lot depth and, therefore, is irrelevant. The DDC definition is (17.501.020):

> "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."

The proposed subdivision does not include any "secondary front lot lines." The December 13 Narrative, Section VI, page 8, Table 3, Lot Depth Adjustment, lists the proposed depth of Lots 5 and 6 as 75-feet and 78-feet, respectively, which are less than 80-feet. The applicant has requested a concurrent Code Adjustment to allow the depth of Lots 5 and 6 to be 75-feet and 78-feet, respectively. The Code Adjustment request is addressed below in the Code Adjustment Section. A condition of approval requires the Final Plat to show the lot depths of Lots 5, 6 and 7 are as approved in the Code Adjustments.

The December 13 Narrative, Section VII, page 9, Lot Depth Variance, says the proposed depth of Lot 8 is 48-feet, which is less than 80-feet and is a 40% reduction. The applicant has requested a concurrent Variance to allow the depth to be 48-feet. The December 13 Preliminary Plat, Sheet 3, shows the depth of Lot 8 is 52-feet. It is not clear if the proposed depth of Lot 8 is 48-feet or 52-feet. The Variance request is addressed below in the Code Adjustment Section. A condition of approval requires the Final Plat to show the depth of Lot 8 as approved in the Variance.

Lot width to depth ratio (3X): The December 13 Narrative, Section IV, page 4, Table 1, Lot and Development Standards in the R-3 Zoning District, assumes the requested code adjustments and variance are granted. It lists the lots in the first column, the lot width/frontage in the 3rd column and the lot depth in the 4th column. The applicant did not calculate the lot width to depth ratio to show that the depths are not greater than 3 times the widths.

A review of the dimensions shows the depths are not greater than 3 times the widths. The lot width to depth ratio is met.

Overall Finding, 17.202: The proposed development satisfies the applicable provisions of 17.200 as proposed or conditioned or as adjusted and varied.

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;

17.301.020 Vehicular Access & Circulation

F. Approach Spacing. Distances that shall separate driveway, intersection, and alley access to streets are established according to street classification in the Dundee transportation system plan.

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 and guidelines.

Finding: The December 13 Narrative, Section V, page 5, 17.301.020, F, Approach Spacing. SW 3rd Street is a local street. SW Birch Street, a local street, is 160-feet west of the subject property and the proposed private street. SW Namitz Court, a local street, is 367-feet east if the subject property and the proposed private street.

The Narrative, Section V, page 5, 17.301.020, F, Approach Spacing, indicates the driveway for the single family dwelling abutting to the west on Tax Lot 901 is 20-feet from the proposed private street and the driveway for the single family dwelling abutting to the east on Tax Lot 2700 is 68-feet from the private street, and concludes the 15-foot spacing requirement is met.

The subject property's 25-foot frontage at its intersection with SW 3rd Street is skewed at an angle such that its actual perpendicular width at the SW 3rd Street right-of-way is less than 25-feet. The private street will extend beyond the width of the "flagpole" of the subject property at its intersection with SW 3rd Street. The proposed private street tract as submitted will widen to 30-feet as it extends onto the wider portion "flag-pole". The property abutting to the west is 60 feet wide and about 470-feet deep, thus it could be partitioned with new lots behind the existing house. Any new lots behind the house would likely share a private driveway on the east side of the house which would place it abutting the subdivision's west property line and the private street and the access spacing standard would not be met. According to the City's Improvement Design Standards (City Design Standards) Division 4 - Streets, driveways are to be 25 feet from a local road intersection. The 15 foot minimum referenced by the applicant, which also would not be met, is the spacing between residential driveways, not a private street serving 8 lots.

The December 13 Proposed Site Plan, Sheet 4, shows a 30-foot easement on the west side of the private street ("30-foot access easement to Tax Lot 901") to, presumably, allow access from Tax Lot 901 onto the private drive. The easement area is about 25-feet north of the south property line of the "flagpole." Consistent with p. 7, above, <u>a condition of approval requires the access easement to be shown on the Final Plat and that it be worded to clarify it is for Tax Lot 901 and any new parcels or lots created out of Tax Lot 901 and that it be located far enough to the north that it meets turning radius standards as determined by the City Engineer</u>.

17.301.020 Vehicular Access & Circulation

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 practical to provide a street connection at least every 600 feet, due to topography, existing development patterns, or similar constraints (e.g., railroad, slopes greater than 10 percent, wetland), the city shall 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.

Finding: SW Birch Street is 160-feet west of the subject property and the proposed private street. SW Namitz Court is 367-feet east if the subject property and the proposed private street. The proposed private street will provide pedestrian and vehicular access and circulation to the proposed 8 lots. The proposed subdivision meets the requirement for multi-modal connectivity and circulation with access spacing being less than 600 feet.

17.305.020 Public Improvements and Utilities.

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***
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 Expansion, 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.

Finding: The proposed 8-lot subdivision requires public improvements. An existing water line is in SW 3rd Street that can serve the subdivision. Pressure in the SW 3rd Street water line meets standards. The December 13 Proposed Utility Plan, Sheet 5, shows a public water line extending from the existing line in SW 3rd Street northerly in the private street and into the cul-de-sac. <u>A condition of approval requires the Final Plat to show a 30 feet wide public access and utility easement along the private street and a water line extending to the fire hydrant. Water service trenching across SW 3rd Street shall be minimized as determined by the City Engineer. The applicant shall obtain approval from the City Engineer and Public Works Department for the design and construction of the new public water line that will extend into the private street</u>.

A fire hydrant is proposed within the south portion of the private street just west of the cul-de-sac bulb. <u>A condition of approval requires the applicant to provide calculations and/or system improvements to</u>

ensure adequate fire flows. Looping of the line may be required to meet fire flows. Submit calculations for City approval.

The December 13 Proposed Utility Plan, Sheet 5, shows a public sewer line extending from the northeast corner of the subdivision in a 20-foot wide storm and sanitary sewer easement over Lots 5 and 6 and into the cul-de-sac and westerly in the private street. Sheet 5 also shows a 25-foot wide sewer easement in the northeast corner of Lot 6 which connects to an existing 21-foot sewer easement on the property abutting to the east. The storm system serving the private street is to be a private system and will need a private easement extending to the public system to the NE of the property while the proposed 8" sewer pipe (main) will be a public system in a public easement. A condition of approval requires the Final Plat to show a public sewer easement over Lots 5 and 6 of a width to be determined by the proposed pipe depth according to the City Design Standards.

The December 13 Proposed Utility Plan, Sheet 5, shows a public storm drainage system serving the lots and the private street. A condition of approval requires the Final Plat to show a private access and storm drainage system easement of a width to be determined by the City Engineer over the private street (Tract A) and over Lots 5 and 6.

A condition of approval requires the applicant to confirm adequate conveyance capacity for existing, upstream and proposed flows for all existing to remain and proposed storm improvements according to the City's Design Standards. Water quality and detention improvements will be required for the private street and the SW 3rd Street intersection improvements per the City's design standards. Detention is required for the new impervious areas created by the new residences, including but not limited to roof, driveway, walks, and patios, upon development of the lots.

The December 13 Proposed Site Plan, Sheet 4, shows street Improvements along the frontage of SW 3rd Street at the private street intersection. A condition of approval requires the applicant to revise, gain City Engineer approval of and construct the street improvements in accordance with the City Design Standards.

The December 13 Proposed Site Plan, Sheet 4, shows a 30-foot wide Tract for a private street with a 20-foot wide paved surface from edge-of-pavement to edge-of-pavement and curb and gutter. Sheet 4 also shows a 5-foot sidewalk starting at SW 3rd Street and extending northerly in an easement over Tax Lot 901 and then onto the west side of the subject property, then along the north side of the private street and along the north, east and south portions of the cul-de-sac where it ends. An approximately 5-foot strip extends from the south side of the cul-de-sac, westerly along the south side of the private street and then southerly on the east side of the subject property's "flagpole" to within about 20-feet of SW 3rd Street where it tapers away.

The cul-de-sac radius is 35-feet to the edge-of-pavement and 40-feet to the outside edge of the sidewalk around the majority of the cul-de-sac.

The Oregon Fire Code (OFC) requires a minimum of 20-feet of unobstructed width for emergency apparatus with an additional 6-feet where a fire hydrant is located and minimum cul-de-sac radii. It requires other distances, but Oregon Revised Statute (ORS) indicates local road standards supersede the OFC. ORS 368.039 states, in part:

ORS 368.039 Road standards adopted by local government supersede standards in fire codes; consultation with fire agencies.

(1) When the governing body of a county or city adopts specifications and standards, including standards for width, for roads and streets under the jurisdiction of the governing body, such specifications and standards shall supersede and prevail over any specifications and standards for roads and streets that are set forth in a uniform fire code adopted by the State Fire Marshal, a municipal fire department or a county firefighting agency.

17.305.030 Private Street Standards

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.

Finding: The proposed 30-foot wide Tract for the private street and the 20-foot wide paved width and the curb and gutter on both sides and 5-foot sidewalk on one side comply with the minimum requirement. Section 17.305.030, Q, 1, is met.

The 25-foot easement and 20-foot paved width indicated in the code are the minimums allowed. Since the applicant proposes 8 lots which requires a fire hydrant and increased paved access width to provide adequate fire access to the proposed residential lots, a condition of approval requires the developer to construct mountable curbs and a sidewalk capable of withstanding traffic loadings in order to obtain a 26' paved width as determined by the City Engineer. In accordance with the City Design Standard, the private street easement (Tract) width is to be an additional 10 feet wider than the paved width to allow for 5 feet on both sides. Due to site constraints, the Tract width is acceptable at 30 feet with the paved width centered in the Tract. The proposed jog in the alignment of the private street as it approaches SW 3rd Street does not meet design standards for a street. A condition of approval requires the Final Plat to show the 30-foot wide tract extending all the way to SW 3rd Street. To ensure no vehicles park on the private street which would block or reduce the minimal 26-foot width, a condition of approval requires the developer to install "No Parking - Fire Lane" signs on the private street as determined by the City Engineer.

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.

Finding: The pavement depth specifications for public streets will be addressed by the City Engineer when the construction plans are submitted to the City Engineer for review and approval. A condition of approval requires, except as otherwise set forth in the subdivision decision, the standards for public streets shall be met. Street lighting is required along the private street and is required to be underground. A condition of approval requires the applicant to provide a detailed street lighting plan that includes a photometric study for the City Engineer's review and approval.

A condition of approval requires that provision for the maintenance of the private street shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the city attorney. Section 17.305.030, Q, 2, is met.

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.

Finding: The proposed private street is more than 150-feet in length. A cul-de-sac is proposed at the eastern end of the private street with a 35-foot radius to the edge of pavement and a 40-foot radius to the outside edge of the sidewalk. The proposed cul-de-sac meets the minimum 35-foot radius for a turnaround. Section 17.305.030, Q, 3, is met. However, the City Design Standards require a 38-foot radius for a cul-de-sac and its associated street serving no more than 5 residences. The cul-de-sac and its associated street serves 8 residential lots, therefore, a condition of approval requires a 38-foot minimum radius be provided. A condition of approval requires a mountable curb and 5-foot sidewalk design for vehicular access around the cul-de-sac to achieve the 40-foot paved width. A condition of approval requires the developer to install "No Parking - Fire Lane" signs on the cul-de-sac as determined by the City Engineer.

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.

Finding: There is no need for the City to require conversion of the private street to a public street at this time. Section 17.305.030, Q, 4, is met.

17.305.040 Utility lines and facilities

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.

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.

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:

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.

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).

Finding: Adequate public utilities are available, or can be made available, through developer improvements to serve the development including water, sanitary sewer, and stormwater. There is an existing public water line in SW 3rd Street. The applicant proposes a sanitary sewer line in the private street and it connects to the City's system in the northeast corner of the subdivision via an easement over Lots 5 and 6. The applicant proposes a storm drainage system in the private street and it connects to the City's system to the northeast of the subdivision via an easement over Lots 5 and 6.

A condition of approval requires the Final Plat to show PUE's of the required width along the frontage of Lots 1 – 8 for private sector utilities, including but not limited to natural gas, power, cable and telecommunications. A condition of approval requires the Final Plat to show a private storm easement to extend to the public storm system to the northeast of the property and a public access and utility easement to extend over Tract A and over the public sewer system across the site per the City Design Standards.

17.305.050 Storm drainage

C. General Requirement. All stormwater 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.

Finding: The applicant submitted a storm drainage plan for the subdivision. The plan shows an on-site piped system that discharges to the existing facility to the northeast of the subdivision. The applicant shall provide detention for new impervious surfaces associated with the residences and provide water quality and detention designs for the proposed street improvements per the City Design Standards.

Overall Finding, 17.300: The proposed development conforms to the applicable provisions of 17.200 or can meet the requirements as conditioned.

4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

Finding: The proposed subdivision name is not already used for another subdivision, and will meet 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;

Finding: All utilities and stormwater facilities will conform to city standards as proposed or conditioned.

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 instruments;

Finding: The proposal includes a private street in a Tract to serve Lots 1 – 8 which would be responsible to maintain the private street. A condition of approval requires the applicant to prepare and submit to the City for review and acceptance a legal instrument(s) acceptable to the City Attorney and City Engineer which, at a minimum, creates a Home Owners Association (HOA) and requires the HOA to be responsible for maintenance of the private street, sidewalk and associated storm system. The legal instrument(s) shall be recorded with Yamhill County at the developer's expense.

7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and

Finding: The applicant is required to comply with Oregon Department of Environmental Quality NPDES Stormwater Discharge Permit (1200-C) requirements as well as any other applicable state or federal permits and a condition of approval requires such.

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.

Finding: The conditions of approval for this project are reasonable. It is anticipated they would be able to be met. The applicant can provide further information for review and approval prior to final plat approval in accordance with the conditions of approval.

Conclusion

Until the applicant's response to the Schmidt letter is known, and the Commission is able to weight the letter and the response, it is not possible to determine whether the proposed subdivision meets the criteria for approval, subject to the completion of the conditions of approval as stated in Exhibit B. To fully complete the subdivision review process, the conditions of approval as stated in Exhibit B must be met and the Final Plat must be recorded within 18 months. If the 18-month expiration date is approaching and the conditions of approval have not been met or the Final Plat has not been recorded, please contact the Planning Division regarding extension opportunities.

Adjustments

17.406.030

A. Applicability. The planning official may authorize an adjustment when the request would result in a 20 percent change or less 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.*

Finding: The minimum lot frontage is 50-feet. The applicant has requested adjustments for lot frontage to Lots 5, 6 and 7 around the cul-de-sac which are proposed to be 45-feet, 43-feet and 43-feet, respectively. The minimum lot depth is 80-feet. The December 13, Preliminary Plat, Sheet 3, shows the frontages are 33-feet, 31-feet and 31-feet, respectively. These findings assume the correct dimensions are 45-feet, 43-feet and 43-feet. The December 13 Narrative, p. 8, Table 2, shows the requested lot frontages are less than 20% of the requirement. Adjustments are also requested to the lot depth of Lots 5 and 6 which are proposed to be 75-feet and 78-feet, respectively. The December 13 Narrative, p. 8, Table 3, shows the requested lot frontages are less than 20% of the requirement. The December 13 Narrative, pp. 8, 9, address the approval criteria as follows. Each of the above noted criteria are repeated here.

1. The adjustment is consistent with the purpose and intent of the code standard(s) to be adjusted;

> Lot Frontage:
>
> The purpose and intent of the minimum lot frontage standard is to ensure each lot has adequate access to a roadway and to regulate lot size. The minimum lot size is 5,000 square feet in the R-3 zone.

Regardless of the proposed adjustment, the subject lots still comply with the minimum lot size: lot five, 5,080 square feet; lot six, 5,046 square feet; and lot seven, 5,396 square feet. Each lot will be provided with appropriate driveway access that will conform with access spacing standards as required by the transportation systems plan.

Finding: The lot frontage standard works to ensure adequate lot size and that sufficient area is provided for the side yard setbacks to be met for a reasonably sized house. It also works to ensure adequate access. The private street standards that allow a cul-de-sac radius to be 35-feet to the edge of pavement will, inherently, create lot frontage issues, especially for infill land divisions in the R-3 Zone where the minimum lot size is 5,000 square feet, and where, often, the property is not large enough to allow flexibility in laying out the lots. Lot access will not be negatively affected. Criterion 1 for lot frontage for Lots 5, 6 and 7 is met.

Lot Depth:

The purpose and intent of the minimum lot depth standard is to regulate lot size. As demonstrated by the previous paragraph both of the lots with adjustments to depth meet the minimum lot size standard. The method of measuring depth impacts the outcome of these two lots. If depth was measured by taking the longest side and shortest side and finding the average, there would not be a need for an adjustment to lot depth. Using this method lot five would have a depth of 82 feet and lot six would have a depth of 85 feet.

Finding: The applicant did not show their measurement method. Regardless of the result of the applicant's method, it is irrelevant because it is not consistent with the DDC definition of lot depth. The DDC definition is (17.501.020):

> "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." (emphasis added)

The depth of proposed Lots 5 and 6 is less than 80 feet using the measurement method in the definition of "lot depth." The subject property is 2-acres and some of the acreage is in the long "flagpole" that extends southerly to SW 3rd Street. The lot depth standard works to ensure adequate lot size and that sufficient area is provided for the front and rear yard setbacks to be met for a reasonably sized house. The project is a small infill development which can create lot depth issues, especially in the R-3 Zone where the minimum lot size is 5,000 square feet, and where, often, the property is not large enough to allow flexibility in laying out the lots. Criterion 1 for lot depth for Lots 5 and 6 is met.

2. The adjustment would not create a conflict with or unreasonably impact adjacent uses; and

Lot Frontage and Depth:

The adjacent properties are entirely residential development zoned R-3 by the City of Dundee. A minor adjustment to frontage and depth will not create lots smaller than the minimum lot size or prevent dwellings from complying with applicable setbacks. The adjustment will not create a conflict or unreasonable impact on adjacent uses.

Finding: The lot frontages for Lots 5, 6 and 7 on the cul-de-sac are on the far side from the single family dwellings that abut Lots 5, 6 and 7. The adjustments will not negatively affect nearby uses. Criterion 2 for lot frontage and depth is met.

3. Approval of the adjustment does not create a violation of any other code standard or previous land use action.

Lot Frontage and Depth:

The proposed adjustments only modify minimum lot frontage and depth by a negligible amount. The decreases do not create any violations of other code standards or previous land use actions.

Finding: The requested adjustments have not been found to create violations of DDC standards or previous land use actions. Criterion 3 for lot frontage and depth is met.

Conclusion: Until the applicant's response to the Schmidt letter is known, and the Commission is able to weight the letter and the response, it is not possible to determine whether the proposed adjustments meet the criteria for approval, subject to the completion of the conditions of approval as stated in Exhibit B.

Variance

17.406.040

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.

Finding: The minimum required lot depth is 80-feet. The applicant has requested a variance for lot depth for Lot 8 on the south side of the cul-de-sac. The proposed depth is 48-feet as stated in the December 13 Narrative. The December 13 Preliminary Plat, Sheet 3, shows the proposed depth is 52-feet. These findings assume the correct depth is 48-feet which is a 40% variance.

On February 11, 2020, the City received a letter (see Attachment 3) with comments objecting to the proposed subdivision from Alec Schmidt and Abigail Irwin-Schmidt who own a house on SW Oliver Court abutting the subdivision to the north behind proposed Lot 5. They state, in part, "The proposed variance does not meet the required approval criteria under 17.406.040.B," and that there are no special or unique circumstances that require a variance and that the variance is self-imposed by the applicant's desire to maximize the number of lots.

The applicant was emailed a copy of the letter on February 11 and emailed back that they would address the letter at the hearing. The burden of showing the approval criteria have been met is a responsibility of the applicant and without a response from the applicant at this time, the findings cannot address the letter's

concerns in light of the applicant's response. Weighing the letter's concerns and the applicant's response must await the public hearing.

The December 13 Narrative, pp. 9 and 10 address the approval criteria as follows. Each of the above noted criteria are repeated here.

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;

The applicant states:

> ñThe variance is necessary because minimum lot depth does not account existing development patterns and unique physical circumstances of the site. The subject property is surrounding by existing residential development, limiting the dimensions of land to be divided. When measured from the center of lot eight, the parent parcel is only 197 feet wide. Although this dimension allows for two lots that comply with the depth standards, the required cul-de-sac prevents lot eight from having the standard depth. This cul-de-sac consumes much of the land necessary for lot eight to meet the minimum depth standard.ò

Finding: The subject property is 2-acres and about 7,000 square feet of the acreage is in the long "flag-pole" that extends southerly to SW 3rd Street. The lot depth standard works to ensure adequate lot size and that sufficient area is provided for the front and rear yard setbacks to be met for a reasonably sized house. The project is a small infill development which can create lot depth and other issues, especially in the R-3 Zone where the minimum lot size is 5,000 square feet, and where, often, the subject property is not large enough to allow flexibility in laying out the lots.

The requested minimum depth is 48 feet. The minimum front yard setback in the R-3 Zone is 15-feet (Table 17.202.030) and 20-feet to the garage. The minimum rear yard setback is 15-feet (Table 17.202.030). The depth remaining for a house would be 18-feet (48 – 15 – 15 = 18) or possibly more if the house were designed around the curving front lot line along the cul-de-sac and if the garage is on the eastern portion of the lot where the lot depth is greatest. Typically, a garage is about 20 or more feet deep.

2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site;

The applicant states:

> ñThe variance requested is the minimum amount needed for the property to contain the cul-de-sac and other residential lots. The applicant has determined there are no design alternatives that would be permitted under City of Dundee Development Code that would allow lot eight to comply with lot depth standards.ò

Finding: Assuming a house with a depth of 18-feet is acceptable to the marketplace, the 48-foot depth could be workable. The Narrative says other lot layout design alternative have been investigated, but none are shown to prove they have been investigated. Lot 1 with the existing house is 32,194 square feet (0.74 acres)(Preliminary Plat, Sheet 3). The Proposed Site Plan, Sheet 4, shows the house on Lot 1 is more than 50-feet, as much as 75-feet, from its east side property line where Lot 2 is located. The required east side yard setback is 5-feet. Potentially, Lots 2, 3, 4, etc., could be moved westerly to provide additional area and depth for the lots around the cul-de-sac. It is not clear if a 7-lot subdivision was considered. All of the proposed 8 lots meet the minimum lot size, but for infill developments with their inherent issues, it is not always possible to achieve the maximum number of lots based only on lot size.

The private street standards require the turn around to be “circular” (17.305.030, Q, 3), but to achieve a subdivision that meets lot depth standards, a variance could be requested to allow a hammerhead or “Y” turnaround. Section 17.406.040, A, regarding variances does not restrict variances to only quantifiable standards as do the adjustment regulations. It is not clear that a hammerhead or “Y” turnaround was considered.

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);

The applicant states:

> ñPrior to this subdivision application, the applicant has not filed a property line adjustment or land division for the subject property. As demonstrated by the response to criterion one, the need for variance was created by surrounding development patterns and turn-a-round standards. ñ

Finding: Based on the applicant’s response, Criterion 3 could be met, however, a determination must await the weighing of the applicant’s response to the Schmidt’s letter.

4. The variance does not conflict with other applicable city policies or other applicable regulations;

The applicant states:

> ñThe variance does not prevent lot eight from complying with other applicable city policies or regulations.ò

Finding: Based on the applicant’s response, Criterion 4 could be met, however, a determination must await the weighing of the applicant’s response to the Schmidt’s letter.

5. The variance will result in no foreseeable harm to adjacent property owners or the public; and

The applicant states:

> ñThe adjacent properties are entirely residential development zoned R-3 by the City of Dundee. A variance to the minimum lot depth will not create a lot smaller than the minimum lot size or prevent dwellings from complying with applicable setbacks. The variance will not create a conflict or unreasonable impact on adjacent uses.ò

Finding: Based on the applicant’s response, Criterion 5 could be met, however, a determination must await the weighing of the applicant’s response to the Schmidt’s letter.

6. All applicable building code requirements shall be met.

The applicant states:

> ñThe variance does not prevent lot eight from complying with building requirements. All applicable building requirements shall be reviewed when a building permit is pulled for the lot.ò

Finding: As noted above for Criterion 2, the requested minimum depth is 48 feet. The minimum front yard setback in the R-3 Zone is 15-feet (Table 17.202.030) and 20-feet to the garage. The minimum rear yard setback is 15-feet (Table 17.202.030). The depth remaining for a house would be 18-feet (48 – 15 – 15 = 18) or possibly more if the house were designed around the curving front lot line along the cul-de-sac and the garage is on the eastern portion of the lot where the lot depth is greatest. Typically, a garage is about 20 or more feet deep.

As noted above for Criterion 2, assuming a house with a depth of 18-feet is acceptable to the marketplace, the 48-foot depth could be workable.

Conclusion: Until the applicant's response to the Schmidt letter is known, and the Commission is able to weight the letter and the response, it is not possible to determine whether the proposed variance meets the criteria for approval, subject to the completion of the conditions of approval as stated in Exhibit B.

EXHIBIT B
CONDITIONS OF APPROVAL
[S 19-15, V 19-17, CA 19-16 Sitton View Subdivision]

Based on the findings in Attachment 1, the proposed development meets the required criteria contained in the Dundee Municipal Code and is **approved**, subject to completion of the conditions of approval:

Conditions of Approval for the Subdivision

1. The access easement for Tax Lot 901, and any new parcels or lots created out of Tax Lot 901, to access the private street shall be shown on the Final Plat, and its location shall be far enough to the north to meet turning radius standards as determined by the City Engineer. (p. 8)

2. The applicant shall submit the necessary calculations to show compliance with the footnote (exception b) in Table 17.202.030, A, regarding slope prior to submitting the Final Plat to the City for review and signing. Where the area of slope is 11% or greater, prior to any site work, the applicant shall submit grading plans demonstrating the requirements of Table 17.202.030, A, exception b, are satisfied. (p. 9)

3. The Final Plat shall show the lot frontage widths of Lots 5, 6 and 7 as approved in the Code Adjustment application. (p. 10)

4. The Final Plat shall show the depth of Lot 8 as approved in the Variance application. (p. 10)

5. The Final Plat shall show the access easement and that it be worded to clarify it is for Tax Lot 901 and any new parcels or lots created out of Tax Lot 901 and that it be located far enough to the north that it meets turning radius standards as determined by the City Engineer. (p. 11)

6. The Final Plat shall show a 30-foot wide public access and utility easement along the private street and water pipe extending to the fire hydrant. Water service trenching across SW 3rd Street shall be minimized as determined by the City Engineer. The applicant shall obtain approval from the City Engineer and Public Works Department for the design and construction of the new public water line that will extend into the private street. (p. 12)

7. The applicant shall provide calculations and/or water system improvements to ensure adequate fire flows. Looping of the line may be required as determined by the City Engineer to meet fire flows. Calculations shall be submitted to the City. (p. 12)

8. The Final Plat shall show a public sewer easement over Lots 5 and 6 of a width to be determined by the proposed pipe depth according to the City Design Standards. (p. 13 and 16)

9. The Final Plat shall show a private access and storm drainage system easement of a width to be determined by the City Engineer over the private street (Tract A) and over Lots 5 and 6. (p. 12 and 16)
10. The applicant shall confirm that adequate conveyance capacity for existing, upstream and proposed storm flows for the existing development that is to remain and the proposed storm improvements according to the City Design Standards. Water quality and detention

improvements shall be required for the private street and the SW 3rd Street intersection improvements per the City's design standards. Detention is required for the new impervious areas created by the new residences, including but not limited to roof, driveway, walks, and patios, upon development of the lots. (p. 13)

11. The applicant shall revise, gain City Engineer approval of and construct the street improvements in accordance with the City Design Standards. (p. 13)

12. The developer shall construct mountable curbs and sidewalk capable of withstanding traffic loadings in order to obtain a 26' paved width as determined by the City Engineer. (p. 14)

13. The Final Plat will show the 30-foot tract extending all the way to SW 3rd Street. (p. 14)
14. The developer shall install "Fire Lane – No Parking" signs on the private street as determined by the City Engineer. (p. 14)
15. Except as otherwise set forth in this decision, and except as set forth in the Dundee Development Code, Section 17.305.030, Q, the standards for public streets shall be met. Street lighting is required along the private street and is required to be underground. The applicant shall provide a detailed street lighting plan that includes a photometric study for City Engineer's review and approval. (p. 14)
16. Provision for the maintenance of the private street shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the city attorney. (p. 15)
17. The applicant shall provide a mountable curb and 5 foot sidewalk design for vehicular access around the cul-de-sac to achieve the 40-foot paved width and shall install "No Parking – Fire Lane" signs on the cul-de-sac as determined by the City Engineer. (p. 15)
18. The Final Plat shall show a 10-foot PUE for private sector utilities along the frontage of Lots 1 – 8 including, but not limited to natural gas, power, cable and telecommunications. Where the companies provide information to the City Engineer stating a PUE less than 10-feet is sufficient, the City Engineer may allow a PUE less than 10-feet. (p. 16)
19. The applicant shall provide detention for new impervious surfaces associated with the residences and provide water quality and detention designs for the proposed street improvements per the City design Standards for City approval. (p. 17)
20. The applicant shall prepare and submit to the City for review and acceptance a legal instrument(s) acceptable to the City Attorney and City Engineer which, at a minimum, creates a Home Owners Association (HOA) and requires the HOA to be responsible for maintenance of the private street, sidewalk and associated private storm system. The legal instrument(s) shall be recorded with Yamhill County at the developer's expense. (p. 17)
21. The applicant shall comply with the Oregon Department of Environmental Quality NPDES Stormwater Discharge Permit (1200-C) requirements as well as any other applicable state or federal permits. (p. 17)
22. Prior to applying for final plat approval, the applicant shall submit engineered plans for the City Engineer to review and approve showing the proposed construction set forth in the applicant's submittal Sheets 1 – 6 including the necessary revisions as conditioned herein.
23. Prior to applying for Final Plat approval the following shall be completed as determined by the City Engineer.

    a. The public utilities shall be installed as required by the approved utility plans and the necessary City permits shall be obtained prior to construction.

b. The public and private improvements shall be constructed according to the approved construction plans.

c. A final sight distance certificate shall be submitted to the City Engineer for the private street with final construction plans for the private street.

d. The final access locations shall be coordinated with and approved with the City Engineer.

e. Undergrounding of the overhead utilities along SW 3rd Street may be deferred. The applicant shall execute and record a deferral agreement that clearly identifies the lots responsible for the costs of the deferred improvements.

f. The applicant shall obtain a city grading permit prior to grading as necessary.

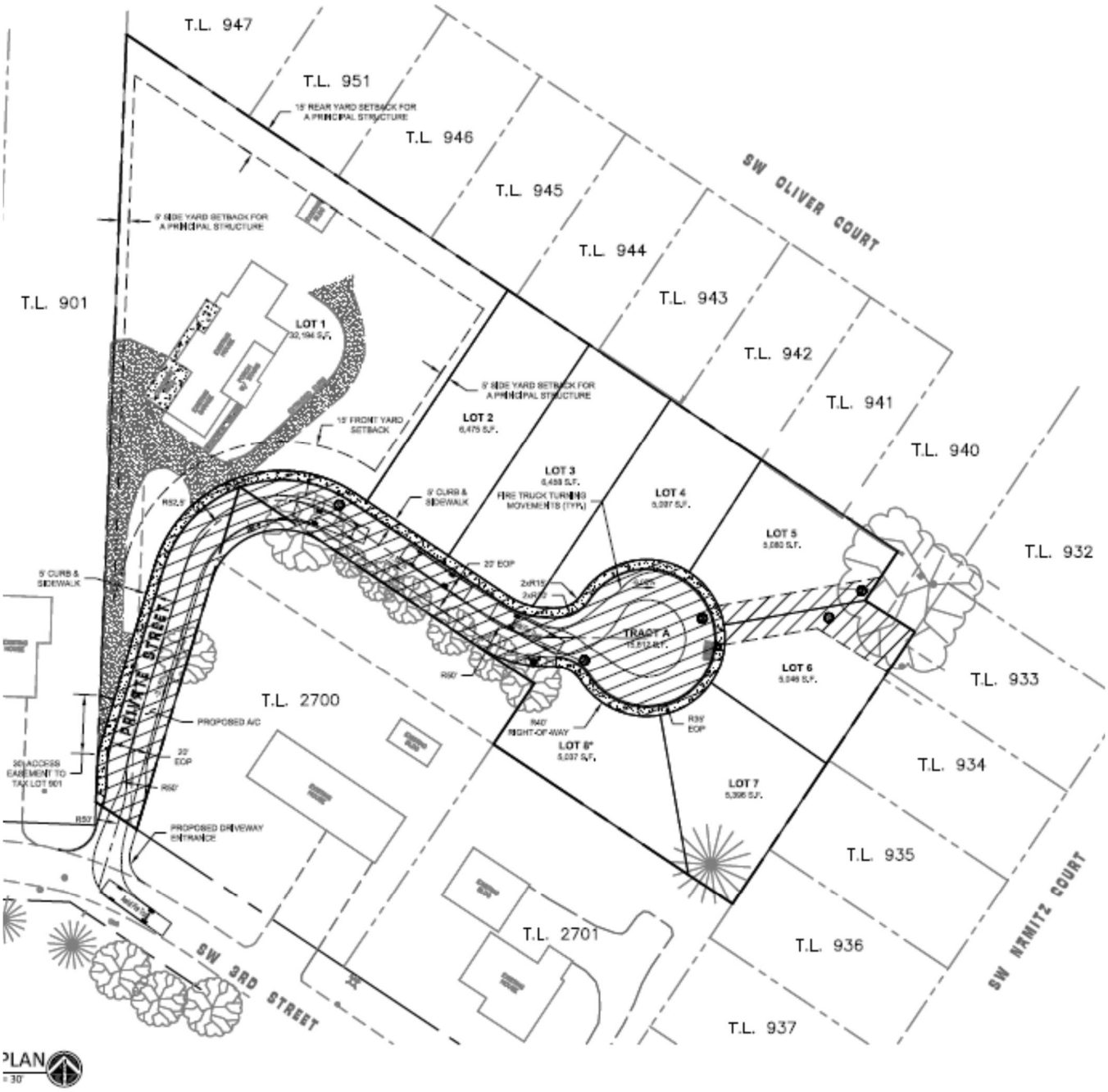
Final Plat Application and Approval: Submit an application for final plat approval after all conditions of approval have been met.

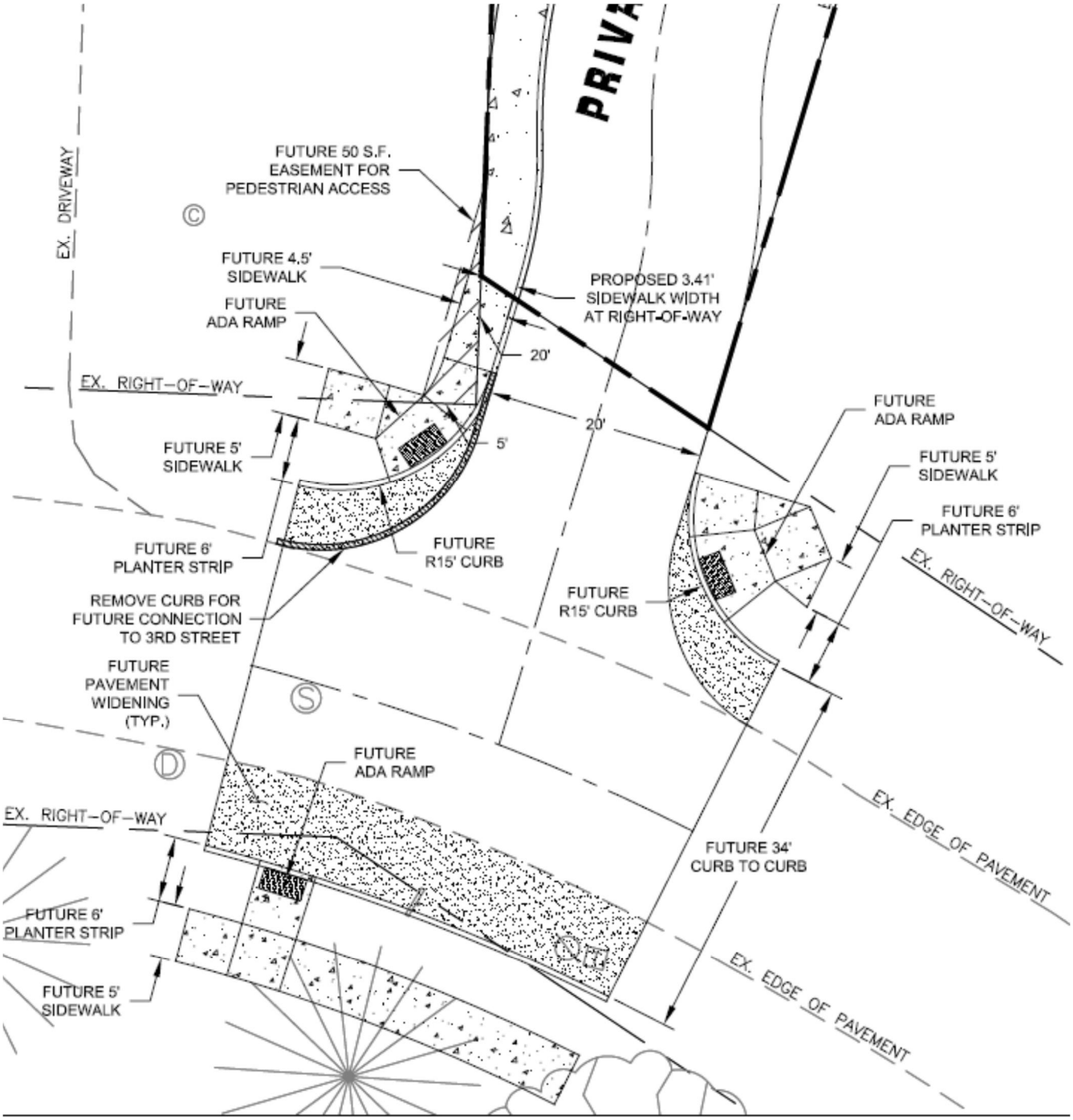
1. **Final plat application:** In accordance with DMC 17.403.070, submit a Type I application along with the following items for City review of the final plat application within 18 months of the date on the Planning Commission Order.
   - One original and one identical copy of the final plat for signature. The plat copies shall be printed on mylar, and must meet the requirements of the County Clerk 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.
   - Written response to conditions of approval assigned to the land division.
   - A title report for the property, current within six months of the final plat application date.
   - Copies of any required dedications, easements, maintenance agreements, or other documents.
   - Copies of any homeowner's agreements, codes, covenants, and restrictions, or other bylaws, as applicable.

2. **Recording:** After the City has signed the subdivision final plat, deliver it to the Surveyor's Office where it will be sent through the County process to the County Clerk for recording. The County Surveyor's Office is at 525 NE 4th St, McMinnville, OR 97128.

Development Notes

- **Public Works Requirements:** This project is subject to compliance with all Dundee Public Works Design Standards.
- **Addresses:** Addresses for the subdivision will be assigned by the Dundee Fire Chief.
- **Mailboxes:** Coordinate with the Post Office on mailbox locations.


T.L. 947
T.L. 951
15' REAR YARD SETBACK FOR A PRINCIPAL STRUCTURE
T.L. 946
T.L. 945
T.L. 944
T.L. 943
T.L. 942
T.L. 941
T.L. 940
T.L. 932
T.L. 933
T.L. 934
T.L. 935
T.L. 936
T.L. 937
T.L. 901
T.L. 2700
T.L. 2701
SW OLIVER COURT
SW NAMITZ COURT
SW 3RD STREET
PRIVATE STREET
9' SIDE YARD SETBACK FOR A PRINCIPAL STRUCTURE
LOT 1
LOT 2
LOT 3
LOT 4
LOT 5
LOT 6
LOT 7
LOT 8
15' FRONT YARD SETBACK
5' CURB & SIDEWALK
FIRE TRUCK TURNING MOVEMENTS (TYP.)
22' EOP
TRACT A
PROPOSED A/C
PROPOSED DRIVEWAY ENTRANCE
RIGHT-OF-WAY
PLAN



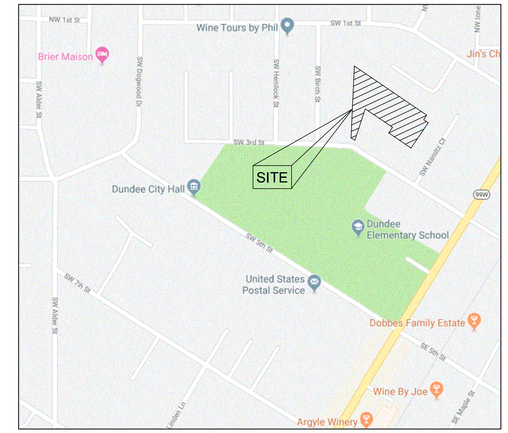
FUTURE 3RD STREET IMPROVEMENTS

SCALE: 1" = 10'

SITTON VIEW SUBDIVISION
PRELIMINARY PLAT

DUNDEE, OREGON

SITE PLAN
SCALE: 1" = 30'



VICINITY MAP
NOT TO SCALE

OWNER/DEVELOPER:

OLIVIA BEACH SALES & CONSTRUCTION
3329 SW HWY 101
LINCOLN CITY, OR 97367
PHONE: 541-921-1247
EMAIL: info@oliviabeach.com

CIVIL ENGINEERING:

REECE & ASSOCIATES, INC
C/O DAVID J. REECE, PE
321 FIRST AVENUE EAST, SUITE 3A
ALBANY, OR 97321
PHONE: 541-926-2428
EMAIL: dave@r-aengineering.com

SURVEYING:

COLE SURVEYING
245 NE CONIFER BLVD
P.O. BOX 1211
CORVALLIS, OR 97339
PHONE: 541-257-1019
EMAIL: matt@colesurveying.com

TAX LOT INFORMATION:

TAX LOT 2600
S.W. ¼ N.W. ¼ SECTION 25
T. 03 S. - R. 03 W., W.M.

WATER SYSTEM:

WATER DISTRIBUTION IS BY THE CITY OF DUNDEE

SANITARY SEWER:

SANITARY SEWER IS BY THE CITY OF DUNDEE

ZONING:

R-3 - MEDIUM DENSITY RESIDENTIAL
OVERLAY ZONES: NONE

UTILITY DATA:

EXISTING UTILITIES SHOWN HEREON ARE FROM THE CITY OF DUNDEE GEOGRAPHIC INFORMATIONAL SYSTEMS. THEY DO NOT REPRESENT PHYSICAL LOCATIONS BY A SURVEYOR.

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

SHEET INDEX:

SHEET 1 COVER SHEET
SHEET 2 EXISTING SITE CONDITIONS
SHEET 3 PRELIMINARY PLAT
SHEET 4 PROPOSED SITE PLAN
SHEET 5 PROPOSED UTILITIES PLAN
SHEET 6 LOT DEPTH & FRONTAGE

PRELIMINARY - NOT FOR CONSTRUCTION

Reece & associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
phone: 541-926-2428
fax: 541-926-2456
PLANNING SERVICES
ENGINEERING SURVEYING

REGISTERED PROFESSIONAL ENGINEER
11,749
Digital Signature
OREGON
DAVID J. REECE
RENEWS 12/31/20
PRELIMINARY

SITTON VIEW SUBDIVISION
COVER SHEET

OLIVIA BEACH, LLC
DUNDEE, OR

PLAN REVISIONS		
No.	DATE	BY

R&A PROJECT NO.
OBC1902

DATE	12-13-19
DESIGNED	A. VASQUEZ
ENGINEER	D. REECE
CHECKED	H. WOOTON
SCALE	AS INDICATED

SHEET NUMBER
1

SITE PLAN
SCALE: 1" = 30'

NOTES:

1.) THE SITE BENCHMARK IS A 5/8" IRON ROD WITH YELLOW PLASTIC CAP LOCATED AT THE ANGLE POINT IN THE NORTH RIGHT OF WAY LINE OF SW 3RD STREET. (ELEVATION = 252.37 NAVD 1988). THIS BENCHMARK WAS ESTABLISHED USING OREGON DEPARTMENT OF TRANSPORTATION BENCH MARK C 286 LOCATED AT THE INTERSECTION OF SW 12TH STREET AND HWY 99W IN DUNDEE, OREGON, A BRASS CAP IN CONCRETE BASE (NAVD ELEVATION - 189.5).

2.) EXISTING UTILITIES ARE FROM UTILITY LOCATES PERFORMED BY THE VARIOUS UTILITY AUTHORITIES.

3.) THE PROPERTY LINES WERE DETERMINED BY EXAMINING THE SURVEYS OF RECORD RECORDED AT THE YAMHILL COUNTY SURVEYORS OFFICE. THIS IS NOT A BOUNDARY SURVEY. BOUNDARIES SHOWN ON THIS SURVEY ARE A GRAPHIC REPRESENTATION TO SHOW THE APPROXIMATE LOCATION OF BOUNDARIES TO EXISTING IMPROVEMENTS.

4.) THE EASEMENT SHOWN IS REFERENCED IN A TITLE OWNERSHIP AND ENCUMBRANCES REPORT FROM TICOR TITLE INSURANCE COMPANY OF OREGON DATED OCTOBER 30, 2019. HARRIS HEIGHTS & HARRIS HEIGHTS NO.2 SUBDIVISIONS ARE RECORDED IN THE YAMHILL COUNTY CLERKS OFFICE.

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

PRELIMINARY - NOT FOR CONSTRUCTION

Reece & associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
phone: 541-926-4028
fax: 541-926-2456
PLANNING SERVICES
ENGINEERING SERVICES

REGISTERED PROFESSIONAL ENGINEER 11,749 Digital Signature OREGON JULY 16, 1987 DAVID J. REECE
RENEWS 12/31/20
PRELIMINARY

SITTON VIEW SUBDIVISION
EXISTING SITE CONDITIONS

OLIVIA BEACH, LLC
DUNDEE, OR

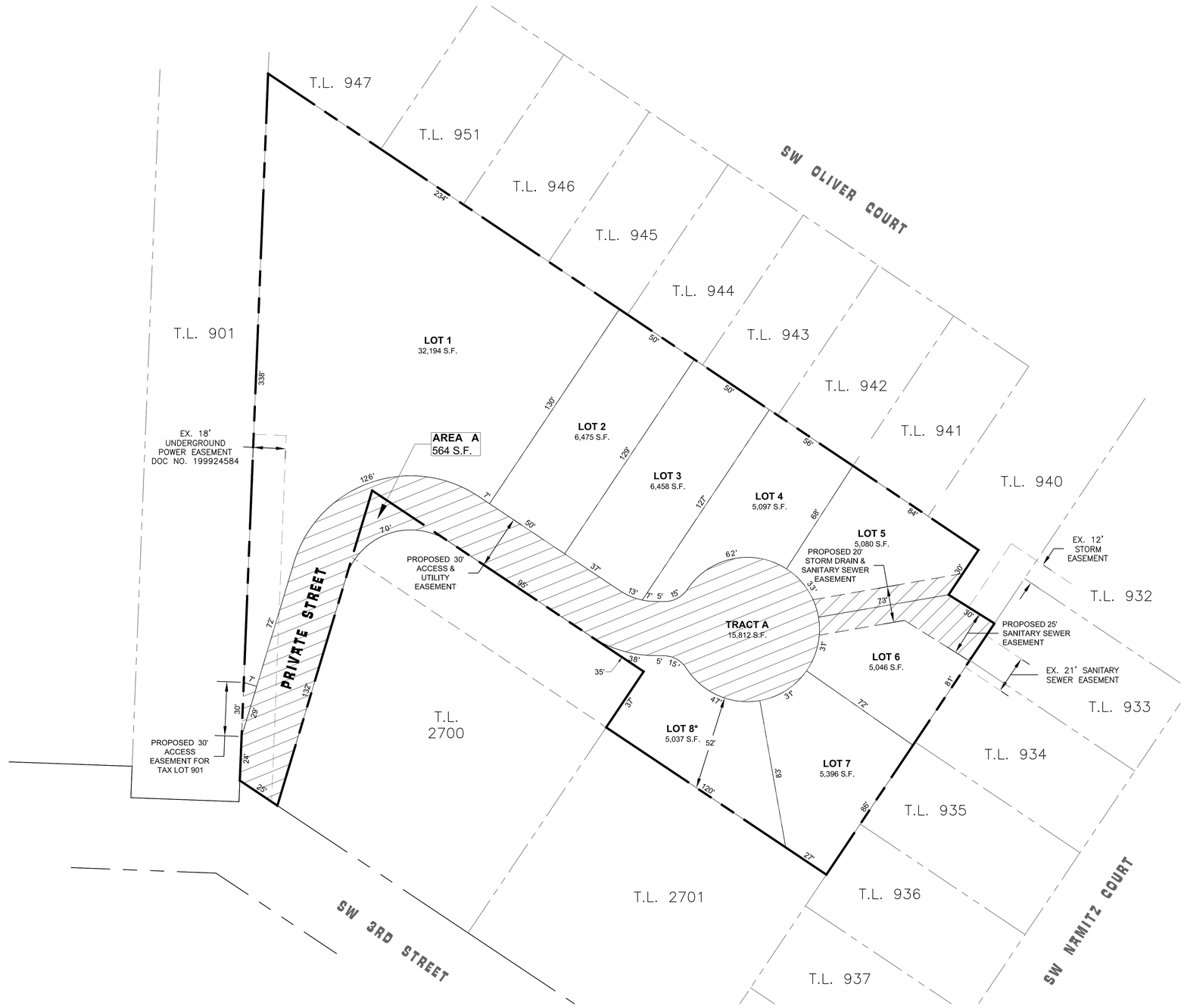
PLAN REVISIONS

No.	DATE	BY

R&A PROJECT NO.
OBC1902

DATE	12-13-19
DESIGNED	A. VASQUEZ
ENGINEER	D. REECE
CHECKED	H. WOOTON
SCALE	AS INDICATED

SHEET NUMBER
2



SITE PLAN
SCALE: 1" = 30'

NOTES:
1. THE DEPTH OF LOT 8 WILL BE DECREASED BY 35%, RESULTING IN A LOT DEPTH OF 52'.
2. THE PRIVATE STREET WILL BE MAINTAINED BY A HOMEOWNERS ASSOCIATION.
3. ALL PROPOSED UTILITY EXTENSIONS WILL BE PUBLIC AND A UTILITY ACCESS EASEMENT WILL BE GRANTED TO THE CITY OF DUNDEE.

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

PRELIMINARY - NOT FOR CONSTRUCTION

Reece & associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
phone: 541-928-4228
fax: 541-926-2456
PLANNING SERVICES
ENGINEERING SERVICES

REGISTERED PROFESSIONAL ENGINEER 11,749 Digital Signature OREGON JULY 16, 1982 DAVID J. REECE
RENEWS 12/31/20
PRELIMINARY

SITTON VIEW SUBDIVISION
PRELIMINARY PLAT

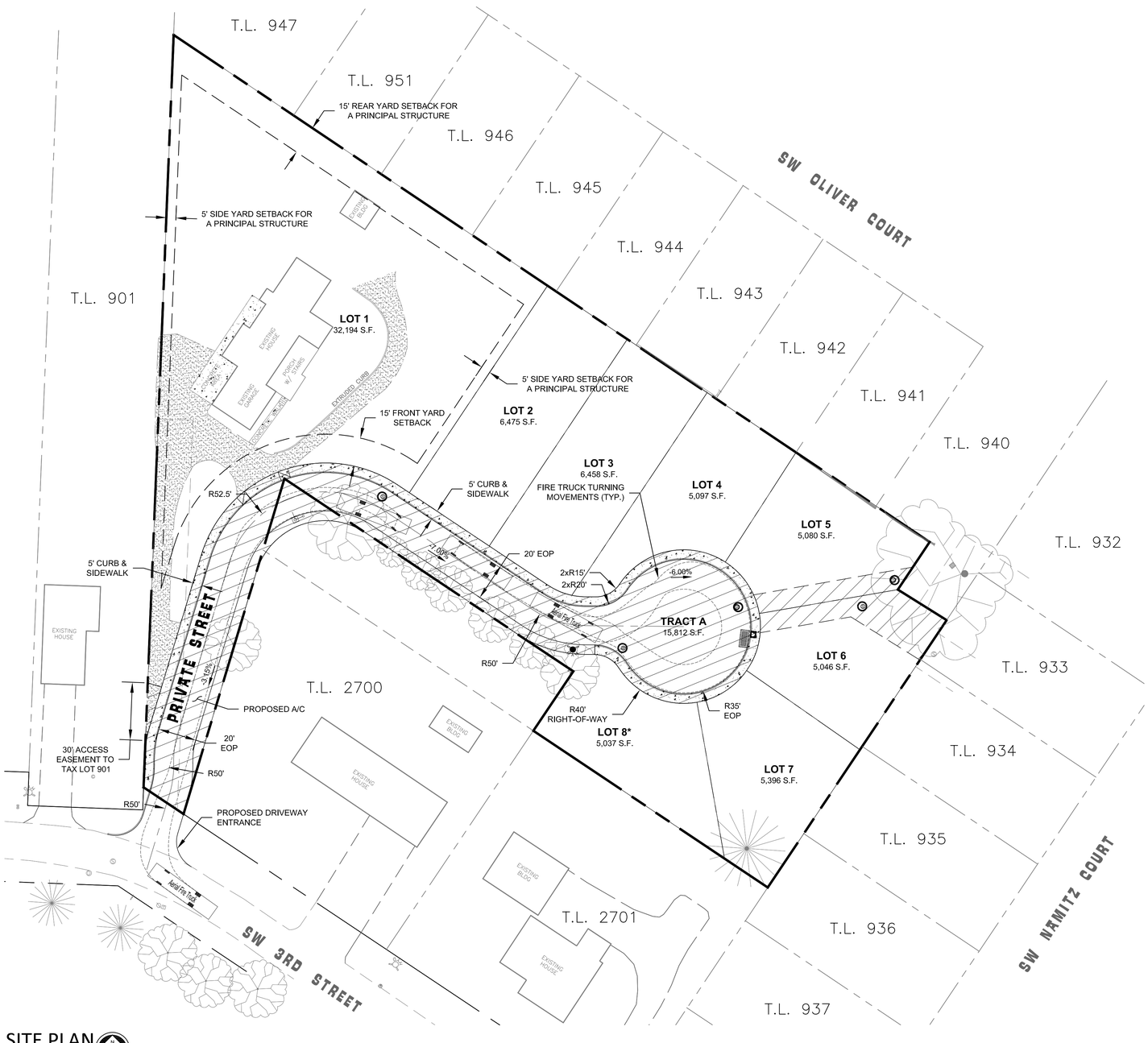
OLIVIA BEACH, LLC
DUNDEE, OR

PLAN REVISIONS		
No.	DATE	BY

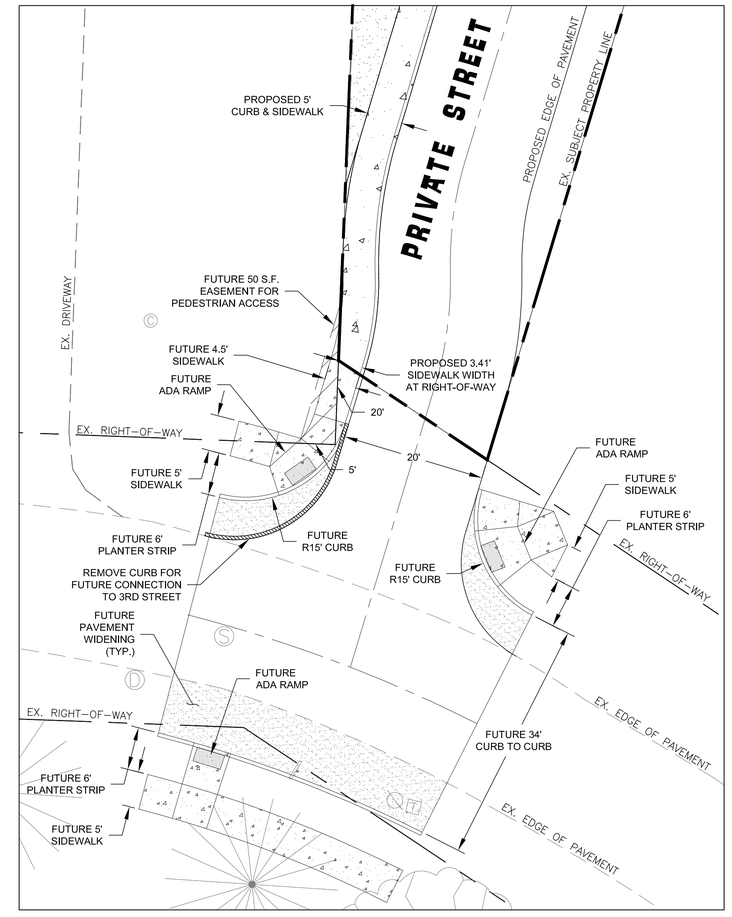
R&a PROJECT NO.
OBC1902

DATE	12-13-19
DESIGNED	A. VASQUEZ
ENGINEER	D. REECE
CHECKED	H. WOOTON
SCALE	AS INDICATED

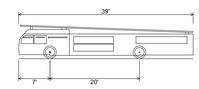
SHEET NUMBER
3



SITE PLAN
SCALE: 1" = 30'



FUTURE 3RD STREET IMPROVEMENTS
SCALE: 1" = 10'



Aerial Fire Truck	
Overall Length	39.00ft
Overall Width	8.167ft
Overall Body Height	7.500ft
Min Body Ground Clearance	0.750ft
Track Width	8.167ft
Lock-to-lock time	5.00s
Max Wheel Angle	45.00°

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

PRELIMINARY - NOT FOR CONSTRUCTION

Reece & associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
phone: 541-928-7321
fax: 541-926-2456
PLANNING SERVICES
ENGINEERING SERVICES

REGISTERED PROFESSIONAL ENGINEER 11,749 Digital Signature OREGON JULY 16, 1987 DAVID J. REECE
RENEWS 12/31/20
PRELIMINARY

SITTON VIEW SUBDIVISION
PROPOSED SITE PLAN

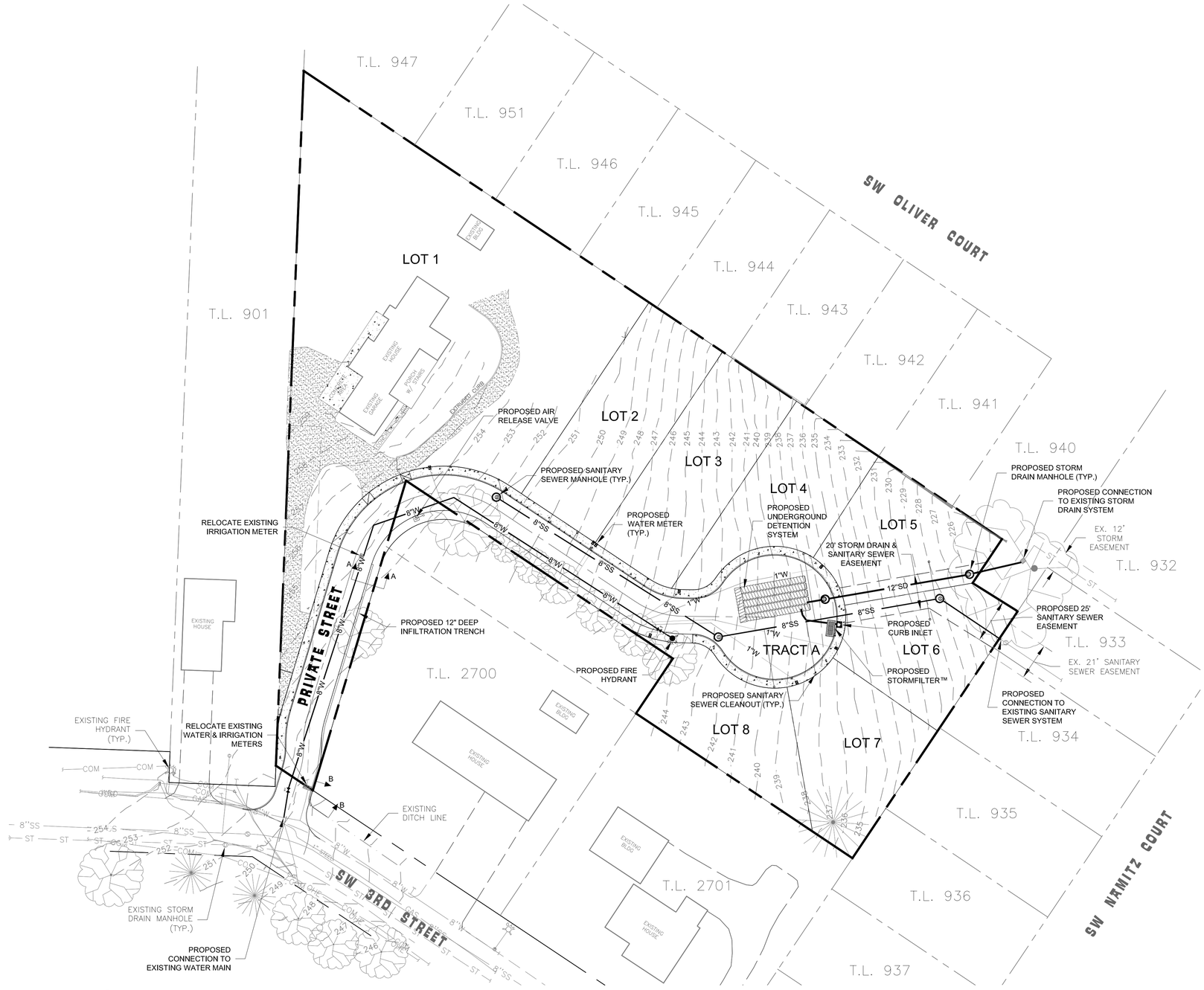
OLIVIA BEACH, LLC
DUNDEE, OR

PLAN REVISIONS		
No.	DATE	BY

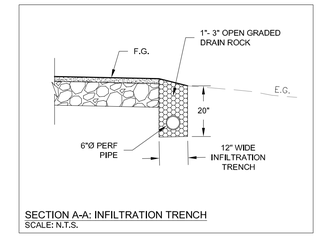
R&a PROJECT NO.
OBC1902

DATE	12-13-19
DESIGNED	A. VASQUEZ
ENGINEER	D. REECE
CHECKED	H. WOOTON
SCALE	AS INDICATED

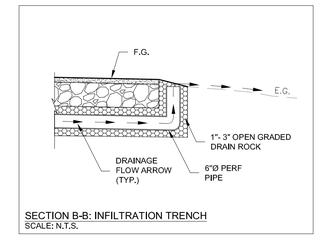
SHEET NUMBER
4



SITE PLAN
SCALE: 1" = 30'



SECTION A-A: INFILTRATION TRENCH
SCALE: N.T.S.



SECTION B-B: INFILTRATION TRENCH
SCALE: N.T.S.

DRAINAGE:
STORMWATER ALONG THE FIRST ±150 L.F. OF THE NEW PRIVATE STREET WILL SHEET FLOW FROM WEST TO EAST AND ENTER THE INFILTRATION TRENCH. THIS RUNOFF WILL FLOW SOUTH THROUGH THE DRAIN ROCK AND THEN PERCOLATE UP TO THE EXISTING DITCH ALONG THE NORTH SIDE OF 3RD STREET.

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

PRELIMINARY - NOT FOR CONSTRUCTION

Reece & associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
phone: 541-928-2228
fax: 541-926-2456
PLANNING SERVICES
ENGINEERING SURVEYING

REGISTERED PROFESSIONAL ENGINEER 11,749 Digital Signature OREGON DAVID J. REECE
PRELIMINARY
RENEWS 12/31/20

SITTON VIEW SUBDIVISION PROPOSED UTILITIES PLAN

OLIVIA BEACH, LLC
DUNDEE, OR

PLAN REVISIONS		
No.	DATE	BY

R&a PROJECT NO. OBC1902

DATE	12-13-19
DESIGNED	A. VASQUEZ
ENGINEER	D. REECE
CHECKED	H. WOOTON
SCALE	AS INDICATED

SHEET NUMBER
5

SITE PLAN
SCALE: 1" = 30'

NOTES:
1. LOT FRONTAGE IS MEASURED USING THE 15' FRONT SETBACK LINE.
2. LOT DEPTH IS MEASURED USING THE MIDDLE OF EACH LOT.

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

PRELIMINARY - NOT FOR CONSTRUCTION

Reece & associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
phone: 541-928-4228
fax: 541-926-2456
PLANNING SERVICES
ENGINEERING SERVICES

REGISTERED PROFESSIONAL ENGINEER 11,749 Digital Signature OREGON JULY 16, 1987 DAVID J. REECE
RENEWS 12/31/20
PRELIMINARY

SITTON VIEW SUBDIVISION
LOT DEPTH & FRONTAGE

OLIVIA BEACH, LLC
DUNDEE, OR

PLAN REVISIONS		
No.	DATE	BY

R&a PROJECT NO.
OBC1902

DATE	12-13-19
DESIGNED	A. VASQUEZ
ENGINEER	D. REECE
CHECKED	H. WOOTON
SCALE	AS INDICATED

SHEET NUMBER
6

Sitton View Subdivision

Subdivision Tentative Plat Application
Adjustment Application
Variance Application

Prepared for:

Prepared For:

Olivia Beach Sales and Construction

Reece & Associates, inc.
321 first avenue east, suite 3a
albany, oregon 97321
541/926-2428
www.r-aengineering.com

December 13, 2019

Proposal Summary

Request:	This application is for approval of the Subdivision Tentative Plat for 3rd Street Subdivision, a new eight-lot residential development. An adjustment is requested to reduce the lot frontage requirement by three feet on lots five, six, and seven. Detached, single-family homes are planned for 3rd Street Subdivision.
Location:	380 SW 3rd Street Dundee, OR 97115 Yamhill County Tax Map R3325BC, Lot 02600
Owner/Applicant:	Walker John Olivia Beach Sales and Construction 3329 SW Highway 101 Lincoln City, Oregon 97367
Engineer/Planner:	**Reece & associates, Inc.** 321 1st Avenue Suite 3A Albany OR 97321 Planner: Hayden Wooton (541) 926-2428 haydenw@r-aengineering.com Engineer: David J Reece, PE 11749 (541) 926-2428 dave@r-aengineering.com

Exhibits:
A – Yamhill County Tax Map R3325BC
B – Aerial Map
C – City of Dundee Zoning Map
D – Email from County Surveyor

Table of Contents

Sitton View Subdivision 0
I. Project Description 2
II. Existing Conditions 2
III. 17.403.050 Preliminary Plat Approval Criteria 2
IV. 17.200 Zoning and Land Use Requirements 4
V. 17.300 Development Requirements 5
VI. 17.406.030 Adjustment – Lot Frontage and Depth 8
VII. 17.406.040 Variance – Lot Depth 9
VIII. Conclusion 10

I. Project Description

Yamhill County Tax Map R3325BC, Lot 02600, will be subdivided into eight lots to facilitate construction of detached, single-family homes. Lot one will be 39,511 square feet adjacent to the northwestern boundary and will be dedicated to an existing single-family residence. Lots 2-8 will be undeveloped parcels. The subject property is a two-acre parcel of land located in the City of Dundee and zoned Medium Density Residential (R-3).

II. Existing Conditions

SW 3rd Street is a paved road, one lane in each direction, constructed prior to adoption of current City of Dundee local street standards. City of Dundee is the road authority for SW 3rd Street.

The site is an open grassy field fenced along the property lines. There is a detached, single-family home in the northwest corner of the property, which will remain with development. The site has gentle to moderate east facing slopes. Elevations range from 270 feet near the northwest property boundary to 232 feet along the northeast boundary.

The subject property does not contain any significant natural features as defined in the DMC.

Adjoining zones and land uses (Exhibit B for aerial photograph and Exhibit C for City of Dundee Zoning):

North: Nine homes, each on individual lots with frontage on SW Oliver Court, zoned by the City of Dundee as R-3.

South: Two homes, each on individual lots with frontage on SW 3rd Street, zoned by the City of Dundee as R-3.

East: Four homes, each on individual lots with frontage on SW Namitz Court, zoned by the City of Dundee as R-3.

West: One home on a large, individual lot with frontage on SW 3rd Street, zoned by the City of Dundee as R-3.

III. 17.403.050 Preliminary Plat Approval Criteria

1. *The land division application shall conform to the requirements of this chapter.*

The proposed subdivision confirms with all applicable requirements of DMC 17.403 as demonstrated by this application narrative, exhibits, and tentative subdivision plans.

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.*

The ability of the proposed subdivision to conform to the applicable provisions of DMC Division 17.200, Zoning and Land Use Requirements, are discussed later in Section IV of this application narrative. Those findings and conclusions are incorporated herein by reference.

3. *Access to individual lots, 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.*

The ability of the proposed subdivision to confirm to the applicable provisions of DMC Division 17.300, Development Requirements, are discussed later in Section V of this application narrative. Those findings and conclusions are incorporated herein by reference.

4. *The proposed plat name is not already recorded for another subdivision and satisfies the provisions of ORS Chapter 92.*

The proposed subdivision plat name is "Sitton View." There was no record of any other subdivision with this name, and the County Surveyor has confirmed this plat name complies with applicable County Naming Policy (Exhibit D).

In the State of Oregon, subdivisions are regulated by Oregon Revised Statutes Chapter 92. The City of Dundee has adopted a tentative plat application process that confirms with policies and procedures outlined by ORS Chapter 92. Yamhill County has done that same for their final plat application process. By completing and gaining approval through these processes the proposed subdivision is complying with standards set forth in 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.*

The ability of the proposed streets, utilities, and surface water drainage facilities to confirm to City of Dundee adopted master plans and engineering standards is discussed later in Section V of this application narrative. Those findings and conclusions are incorporated herein by reference.

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.*

The proposed street will be a private improvement and identified as such on the preliminary plat. Once constructed, the street will be maintained by a Homeowner's Association. However, utilities located in the street will be public and a public utility easement will be granted to the City of Dundee for maintenance of storm drainage, water, and sewer infrastructure.

7. *Evidence that any required state or federal permits, as applicable, have been obtained or can reasonably be obtained prior to development.*

At this time, the applicant has not applied for any state or federal permits that may apply to the proposed development. The proposed development will comply with any future, required state or federal permits.

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.*

The applicant is aware that conditions of approval may be required prior to completion of the final plat to enforce code requirements.

IV. 17.200 Zoning and Land Use Requirements

The proposed subdivision will create eight-lot, single-family lots on a property zoned Medium Density Residential (R-3). As required by DMC Division 17.403.050.A.2, a preliminary subdivision plat must conform to the applicable provisions of in DMC Division 17.200, Zoning and Land Use Regulations. The following sections are relevant to the proposed subdivision:

17.202.010 *Purpose*

The subject property is zoned R-3 by the City of Dundee and is intended to provide a mixture of attached and detached housing at target densities of up to 10 units per acre. The proposed subdivision will create eight lots for detached housing on approximately two acres of land.

17.202.020 *Allowed Uses*

The proposed development will create eight lots for detached, single-family homes. Single-family dwellings are a permitted use in the R-3 zone, as listed in DMC Table 17.202.020.

17.202.030 *Lot and Development Standards by Zoning District*

Table 1: Lot and Development Standards in the R-3 Zoning District

	Minimum Lot Size (5,000 sf)	**Lot Width and Frontage (50 ft)**	**Lot Depth (80 ft)**
Lot One	32,194	204	156
Lot Two	6,475	50	130
Lot Three	6,458	51	129
Lot Four	5,097	89	80
Lot Five	5,080	45	75
Lot Six	5,046	43	78
Lot Seven	5,396	43	83
Lot Eight	5,037	80	52

Additional lot and development standards will be enforced at the time a building permit is applied for; these additional standards include primary front setback, side and rear setbacks, dwelling height, and maximum lot combined lot coverage.

17.202.050 *Fence Standards*

As requested by neighbors, a fence, six feet tall, will be constructed between the subject property and their property (Tax Lot 2700). The proposed fence will be constructed in a rear setback.

V. 17.300 Development Requirements

As required by DMC Division 17.403.050.A.3, a preliminary subdivision plat must confirm to the applicable provisions in DMC Division 17.300, Development Requirements. The following sections are relevant to the proposed subdivision:

The following standards from 17.301.020 Vehicular Access and Circulation are relevant to the proposed subdivision:

17.301.020.F *Approach Spacing*

City of Dundee Transportation Systems Plan (TSP), "Table 1: Access Spacing Standards," requires a minimum access spacing distance of 15 feet on local streets. The proposed subdivision will construct a private street. This new private street will intersect with SW 3rd Street 20 feet southeast of the driveway located on Tax Lot 901, and 68 feet northwest of the driveway located on Tax Lot 2700. Inside the subdivision, each proposed lot will have an individual driveway access, except for lots five and six which will have a shared driveway. Each of these driveways are separated by more than 15 feet.

17.301.020.I *Circulation and Connectivity*

A private street will be constructed creating an intersection with SW 3rd Street. The proposed private street will provide vehicle and bicycle connectivity. Pedestrian circulation will be accomplished by constructing a sidewalk along the north side of the private street. These pedestrian facilities have been designed to intersect and connect to future SW 3rd Street improvements. The proposed intersection is within 600 feet of SW Namitz Ct and SW Birch Street.

17.301.020.K *Private Streets*

A private street will be constructed to provide access to the proposed subdivision. The private street will be placed in a 30-foot wide access easement, providing space of a paved 20-foot wide road with curb and gutter and five-foot-wide sidewalk on both sides of the street.

> "*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 future development of adjacent properties.*"

Street access is infeasible due to lot shape, location of existing structures and is not necessary for future development of adjacent properties. The subject property is a two-acre flag lot with an unusually shaped access strip. This access strip is not a consistent width throughout its entire length, starting with 25 feet of frontage on SW 3rd Street and widens as it nears the bulk of the property. This narrow frontage would greatly restrict the development's ability to construct a full public street. When the access strip eventually widens enough to construct a

full public street, an existing home and accompanying setback prevent full buildout of a local street.

City of Dundee Staff have indicated Tax Lot 901 could be partitioned in the future and it could be necessary to provide for future development. The proposed private street does not need to provide access to Tax Lot 901. This tax lot has already been developed including fencing, a detached single-family home, and driveway access. Because the property has already developed access no additional access is necessary to serve the existing or future development.

17.304.040.C *Off-Street Automobile Parking Space Standards*

The proposed subdivision will create lots for single-family dwellings, each dwelling will require two spaces per unit. Adequate parking will be accomplished by constructing a two-car driveway for each proposed lot.

The following standards from DMC 17.305.030 Street Standards are relevant to the proposed subdivision:

17.305.030.E *Future Extension of Streets*

As necessary to provide access to possible future development of Yamhill County Tax Map R3325BC, Lot 901, an access easement has been provided. This easement will connect the boundary of lot 901 and the edge of the proposed private street.

17.305.030.G *Intersection Angles*

City of Dundee Improvement Design Standards, Division 4 – Streets, requires that "the interior angle at the intersecting streets shall not be less than seventy-five degrees." The intersection of the proposed private street and SW 3rd Street has an interior angle of 102 degrees.

17.305.030.H *Improvements to Existing Streets*

The proposed subdivision will construct a private street to serve eight lots. This private street will intersect with SW 3rd Street, which the subject property has frontage on. The proposed subdivision will construct three-quarters street improvements to SW 3rd Street for its 25 feet of frontage.

17.305.030.J *Cul-de-Sacs*

The proposed private street will terminate with a cul-de-sac. This street has a centerline length of 400 feet and will serve eight lots total, five lots will take access from the cul-de-sac.

An access way is required to connect new cul-de-sacs to existing streets or other cul-de-sacs. However, the subject property is an infill lot and all adjacent properties have been developed. This development prevents the construction of a new connection between the proposed and existing cul-de-sac.

17.305.030.Q *Private Streets*

The existing public water infrastructure is located in SW 3rd Street, south of the proposed subdivision. An 8-inch line will be extended from the existing system, contained within the proposed private street. A fire hydrant will be located in Proposed Lot 8's frontage. A public utility easement will be granted, as necessary to provide maintenance to the proposed public system.

The proposed private street will be maintained by a homeowner's association. Draft convents, conditions, and restrictions will be provided when the final plat is submitted.

The following standards from DMC 17.305.040 Utility Lines and Facilities are relevant to the proposed subdivision:

17.305.040.D *Standards for Water Improvements*

The existing public water infrastructure is located in SW 3rd Street, south of the proposed subdivision. An 8-inch line will be extended from the existing system, contained within the proposed private street. A fire hydrant will be located in Proposed Lot 8's frontage. A public utility easement will be granted, as necessary to provide maintenance to the proposed public system.

17.305.040.E *Standards for Sanitary Sewer Improvements*

The existing sanitary sewer infrastructure is located in SW Namitz Court and extends through Yamhill County Tax Lot 933 to the perimeter of the subject property. An 8-inch line will extend from the existing system, crossing through Proposed Lot 6, in a 20-foot storm drain and sanitary sewer easement.

17.305.040.E *Private Utilities*

Private utilities will be installed pursuant to the requirements of the district or company serving the proposed subdivision. All private utilities included in the proposed subdivision including electricity, gas, communication, and television will be placed underground.

17.305.050 *Storm Drainage*

Stormwater will be managed by a Contech® Engineered Solutions, 42-inch diameter corrugated metal pipe (CMP) detention facility with a custom outlet control orifice assembly located in a stormwater manhole that will release runoff from the 2-year, 5-year, 10-year, and 50-year storm events at or below the pre-development runoff rates. The proposed system will be connected to the existing public stormwater systems by a 12-inch diameter pipe in the northeast corner of the subject property.

Water quality will be provided for the proposed improvements by utilizing a Stormwater Management Catchbasin Stormfilter® manufactured by Contech® Engineered Solutions,

LLC. Runoff from the road and lots will be directed through the Catchbasin Stormfilter® prior to entering into the underground detention system.

VI. 17.406.030 Adjustment – Lot Frontage and Depth

The proposed adjustment will decrease the amount of frontage lot five, six, and seven have on the cul-de-sac. It will also decrease the lot depth of lots five and six. Existing lot constraints prevent these proposed lots from complying with this standard. "Table 2: Lot Frontage Adjustment" and "Table 3: Lot Depth Adjustment" outlines the proposed adjustment for each lot and how much of an adjustment is being requested.

Table 2: Lot Frontage Adjustment

	Proposed Lot Frontage	Percent Adjusted
Lot Five	45 feet	Decreased 10%
Lot Six	43 feet	Decreased 14%
Lot Seven	43 feet	Decreased 14%

Table 3: Lot Depth Adjustment

	Proposed Lot Frontage	Percent Adjusted
Lot Five	75 feet	Decreased 6.25%
Lot Six	78 feet	Decreased 1.25%

1. The adjustment is consistent with the purpose and intent of the code standard(s) to be adjusted.

The purpose and intent of the minimum lot frontage standard is to ensure each lot has adequate access to a roadway and to regulate lot size. The minimum lot size is 5,000 square feet in the R-3 zone. Regardless of the proposed adjustment, the subject lots still comply with the minimum lot size: lot five, 5,080 square feet; lot six, 5,046 square feet; and lot seven, 5,396 square feet. Each lot will be provided with appropriate driveway access that will conform with access spacing standards as required by the transportation systems plan.

The purpose and intent of the minimum lot depth standard is to regulate lot size. As demonstrated by the previous paragraph both of the lots with adjustments to depth meet the minimum lot size standard. The method of measuring depth impacts the outcome of these two lots. If depth was measured by taking the longest side and shortest side and finding the average, there would not be a need for an adjustment to lot depth. Using this method lot five would have a depth of 82 feet and lot six would have a depth of 85 feet.

2. The adjustment would not create a conflict with or unreasonably impact adjacent uses.

The adjacent properties are entirely residential development zoned R-3 by the City of Dundee. A minor adjustment to frontage and depth will not create lots smaller than the minimum lot size or prevent dwellings from complying with applicable setbacks. The adjustment will not create a conflict or unreasonable impact on adjacent uses.

3. Approval of the adjustment does not create a violation of any other code standard or previous land use action.

The proposed adjustments only modify minimum lot frontage and depth by a negligible amount. The decreases do not create any violations of other code standards or previous land use actions.

VII. 17.406.040 Variance – Lot Depth

The proposed subdivision includes a variance to decrease the depth of lot eight by 40 percent. Lot eight will have a depth of 48 feet. Existing conditions and turn-a-round requirements prevent this lot from complying with this standard.

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.*

The variance is necessary because minimum lot depth does not account existing development patterns and unique physical circumstances of the site. The subject property is surrounding by existing residential development, limiting the dimensions of land to be divided. When measured from the center of lot eight, the parent parcel is only 197 feet wide. Although this dimension allows for two lots that comply with the depth standards, the required cul-de-sac prevents lot eight from having the standard depth. This cul-de-sac consumes much of the land necessary for lot eight to meet the minimum depth standard.

2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.

The variance requested is the minimum amount needed for the property to contain the cul-de-sac and other residential lots. The applicant has determined there are no design alternatives that would be permitted under City of Dundee Development Code that would allow lot eight to comply with lot depth standards.

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 a result of a property line adjustment or land division approval previously granted to the application).

Prior to this subdivision application, the applicant has not filed a property line adjustment or land division for the subject property. As demonstrated by the response to criterion one, the need for variance was created by surrounding development patterns and turn-a-round standards.

4. The variance does not conflict with other applicable city policies or other applicable regulations.

The variance does not prevent lot eight from complying with other applicable city policies or regulations.

5. The variance will not result in no foreseeable harm to adjacent property owners or the public.

The adjacent properties are entirely residential development zoned R-3 by the City of Dundee. A variance to the minimum lot depth will not create a lot smaller than the

minimum lot size or prevent dwellings from complying with applicable setbacks. The variance will not create a conflict or unreasonable impact on adjacent uses.

6. All applicable building requirements shall be met.

The variance does not prevent lot eight from complying with building requirements. All applicable building requirements shall be reviewed when a building permit is pulled for the lot.

VIII. Conclusion

This application narrative and attached plans demonstrate that all applicable provisions of the Dundee Municipal Code have been satisfied by the design for Sitton View. We therefore respectfully request approval of this subdivision tentative plat application.

RECEIVED
FEB 11 2020
CITY OF DUNDEE

Comments on Subdivision, Adjustments & Variances

Submitted by: Alec Schmidt and Abigail Irwin-Schmidt, 237 SW Oliver Ct, Dundee, OR 97115
Date: *2/11/2020*

In response to: Notice of Planning Commission Hearing on a Subdivision, Code Adjustment, and Variance for 380 SW 3rd Street
Applicant/Owner: John Walker, Olivia Beach Sales and Construction
Tax Lots: 3325BC-02600 and the northwest corner of 02700
File Numbers: S 19-15/ V 19-17/ CA 19-16

1. The proposed variance does not meet the required approval criteria under 17.406.40.B. There are no *special or unique circumstances of the subject site* that require the variance; the need for a cul-de-sac at the end of the proposed private street does not qualify as a special or unique circumstance. The need for the variance is *self-imposed* by the applicants desire to try to maximize the amount of buildable lots. If fewer lots were proposed, the property could support a cul-de-sac and therefore not require a variance.

2. The additional lots created by the proposed code adjustments for lots 5, 6, and 7, would be located at an elevation that would lead to the loss of privacy and enjoyment of use for no less than 9 existing neighboring properties. This violates code 17.406.030 B.2., as adjustments of lot frontage would create a conflict with or *unreasonably* impact adjacent uses by creating a neighborhood that would appear over-developed and not consistent with existing city code.

3. Existing homes facing SW Oliver Ct will suffer a great loss of privacy and enjoyment of use, as the proposed subdivision will be located at a raised elevation from all of these homes. Creating natural screening to these homes using newly planted mature trees is of utmost importance to protect the rights of privacy and enjoyment of use of the existing neighbors.

4. We fully understand and support the development of this property with 2-5

homes with the above suggestions. This would not *unreasonably* impact surrounding neighbors and would not require any adjustments or variances to existing code.

5. The proposed private street violates code 17.301.020.K in that it would prevent the future development of tax lot 901.

Regards, Alec Schmidt

Abigail Irwin-Schmidt

February 11, 2020