



**CITY OF DUNDEE
CITY COUNCIL MEETING
Fire Hall Community Room**

801 N. Highway 99W, Dundee, OR 97115
City Hall Phone: (503) 538-3922 Website: www.DundeeCity.org

The Mission of City Government is to provide essential, quality public services in support of the livability, safety and viability of the Dundee community.

AUGUST 20, 2019 7 - 9 PM.

Times printed are estimates. Actual time may vary.

1. Open Regular City Council Meeting
2. Pledge of Allegiance
3. Amendments to the Agenda, if any
4. Public Hearing:
 - 4.1 LURA 18-01, Riverside Zone Code and Map Amendment Pages 1-6
 - 4.2 Resolution No. 2019-09, Accept Development Code Amendments Pages 7-86
5. Public Comment: Each speaker will be allowed up to 5 minutes to speak after being recognized by the Mayor. Councilors will generally not respond to comments except to ask clarifying questions. Council may direct concerns raised by the speaker to the City Administrator or place the issue of concern on the agenda for Council discussion.
6. Consent Agenda: The following items are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member (or a citizen through a Council member) so requests, in which case the item will be removed from the Consent Agenda and considered separately. If any item involves a potential conflict of interest, Council members should so note before adoption of the Consent Agenda.
 - 6.1 City Council Minutes, August 6, 2019 Pages 87-102
Action Required: Motion to Accept the Consent Agenda
7. Old Business:
 - 7.1 Ordinance No. 570-2019, Dog Running at Large Pages 103-104
Action Requested
 - 7.2 Resolution No. 2019-10, Intent to Initiate Street Vacation Pages 105-110
Action Requested
8. New Business:
 - 8.1 Transportation System Development Charge Study Pages 111-116
Action Requested
 - 8.2 2019 SCA Grant Agreement Amendment Pages 117-122
Action Requested
 - 8.3 Parks Advisory Committee Appointments Pages 123-128
Action Requested
9. Council Concerns & Committee Reports

- 10. Mayor's Report
- 11. City Administrator Report
- 12. Public Comment: Each speaker will be allowed up to 5 minutes to speak after being recognized by the Mayor. Out of courtesy for the speaker, please refrain from talking.
- 13. Adjourn

Pending Business:

- 1. Public Works
 - 1.1 Highway 99W Street Lighting
 - 1.2 ODOT Phase B Highway 99W Improvements
- 2. Planning/Land Use
 - 2.1 Dundee Riverside District Code Amendment
 - 2.2 Exterior Lighting – Code Update/Street Light Standards
 - 2.3 Helipad Standards
 - 2.4 Pending Type II or Type III Land Use Applications:
 - 2.4.1 (none)
- 3. City Council
 - 3.1 Update SDC Methodologies
 - 3.2 LID 2013-01 Final Assessment Ordinance
 - 3.3 Storm Drain Master Plan Update
- 4. Parks & Trails
 - 4.1 Harvey Creek Trail Property Rehabilitation
 - 4.2 WWTP Nature Park
- 5. Next Available Ordinance & Resolution No's.
 - 5.1 Ordinance No. 571-2020
 - 5.2 Resolution No. 2019-11

The meeting location is 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 the Administrative Assistant at City Hall (503) 538-3922.



CITY OF DUNDEE
City Council Staff Report
File No. LURA 18-01 – Riverside Zone Amendments

HEARING DATE:	August 20, 2019
APPLICANT:	City of Dundee
REQUEST:	Adopt the proposed Order recommending that Dundee City Council accept the amendments to the Dundee Development Code and Dundee Zoning Map to implement the Riverside Master Plan but postpone adoption of the proposed amendments until an infrastructure finance plan is adopted for the Riverside District.
RESOLUTION NO.:	2019-09

Executive Summary:

The Riverside District Master Plan area is comprised of about 360 acres in the City of Dundee, Oregon. The planning area is located on the eastern edge of Dundee and fronts the Willamette River for over 6,000 linear feet. The area is primarily undeveloped with the exception of a few single family dwellings and the wastewater treatment plant. The majority of the city’s buildable land inventory is located within the Riverside District. The City of Dundee initiated the master planning process in 2010 to provide a more detailed land use and transportation plan to guide coordinated development of this special area. The project was funded by a grant from the Oregon Transportation and Growth Management (TGM) Program consistent with Statewide Planning Goals that require cities to plan for future growth, including providing adequate land and facilities to meet long term (20-year) growth projections.

Dundee City Council adopted the Riverside District Master Plan (RDMP – Attachment 1) in 2011. Adoption of the RDMP included a Comprehensive Plan text amendment for a new Riverside District designation and a Comprehensive Plan map amendment to apply the new Riverside District designation to all of the properties within the identified Plan area. The RDMP indicates that creation of the Riverside District Zone would be the joint responsibility of the property owners and the city. Dundee City Council initiated the Riverside Zone Development Code amendments in January 2016 and a consultant planner was retained by one of the property owners. At some point, the effort ceased and City Council authorized staff to seek grant funding to complete the Riverside Zone project. City staff applied for and received a grant from the Oregon Transportation and Growth Management (TGM) Program to draft code to implement the Riverside District Master Plan in 2017. These amendments are the product of that grant project.

The proposed changes amend the Dundee Development Code and zoning map to allow property owners to apply for development approval through a master plan review process. These master plan applications will be reviewed and decided by the Dundee Planning Commission. The proposed amendments do not modify any elements of the adopted Riverside District Master Plan because the project scope only included drafting a Riverside zone to implement the RDMP. Changes to the RDMP require an amendment to the Comprehensive

Plan since the Riverside District Master Plan was adopted as a supporting document into the Dundee Comprehensive Plan.

Following the February 20, 2019 Planning Commission public hearing, the City Attorney pointed to issues that could arise if all of the proposed changes in zoning were adopted. The city has significant public facility challenges to resolve before fully serving the entire Riverside District. These relate primarily to water and transportation, but also includes the equitable development of parks. Applying the zoning to the entire Riverside District and adopting the code as proposed would lead to development approval in the short term, but at a point long before buildout of the area there would be public facilities deficiencies.

The proposed amendments do not adequately address these deficiencies and the City Attorney is recommending acceptance of the proposed code and zoning amendments but postponing adoption of the amendments until infrastructure and finance plans are adopted for the Riverside District. This approach will allow final drafts of the proposed code and zoning amendments to be developed in accordance with the TGM grant contract without adding to Dundee's public facility deficiencies. Long term infrastructure and finance issues cannot be fully addressed by the limited scope of the TGM grant work. Staff has discussed the issues and potential solutions with the property owners and the City Attorney but a timeline is unknown. Once a plan is in place, the amendments will be taken through a new public hearing process with the Dundee Planning Commission and Dundee City Council for adoption. The attached draft resolution is for acceptance of the proposed amendments and the Dundee Zoning Map and Development Code will not be amended with the acceptance of these changes.

Summary of Proposed Changes (Development Code & Zoning Map):

Dundee Development Code amendments:

Chapter 17.202 – Zoning Regulations

- add descriptions of the new Riverside zoning districts
- modify existing use, development, and design standard related tables and codes to include the Riverside zones
- add a new section (17.202.080) for design standards within the Riverside Residential zone

Chapter 17.203 – Special Use Standards

- modify existing special use standards to also apply to the Riverside zones
- add a new section (17.203.260) that will apply to residential development within the Riverside mixed use zones

Chapter 17.204 – Overlay Zones

- add a new section for the Riverside District overlay (17.204.060)
- add purpose of the Riverside District overlay
- add master plan application submittal requirements and review (Planning Commission review)
- add density and housing mix requirements
- add parks standards
- address modifications to an approved master plan

Chapter 17.501 – Definitions – add definitions for new terms or to add clarity to existing terms.

Dundee Zoning Map Amendments

All land zoned A – Agricultural will be rezoned to one of the following Riverside zoning districts:

- Riverside Residential (RR)
- Riverside Destination Mixed Use (RD)
- Riverside Production (RP)
- Riverside Neighborhood Mixed Use (RN)

Applicable Criteria:

Dundee Municipal Code 17.405.030(A & C)

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

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

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

The findings for the applicable code criteria, Comprehensive Plan goals and policies, and statewide planning goals are found in Exhibit “A”. These are provided to support acceptance of the proposed changes.

Public Hearing Process:

The proposed development code amendment and zoning map amendments are Type V applications and follow the procedures in Dundee Development Code 17.401.060. Important dates related to this application are as follows:

- December 19, 2018 – after proper notice the Dundee Planning Commission held a legislative hearing for the proposed Riverside code and map amendments, heard the staff report and public testimony, and continued the hearing to January 16, 2019 to consider amendments recommended by staff.
- January 16, 2019 – the Dundee Planning Commission continued the public hearing, heard the staff report and public testimony. The hearing was continued to February 20, 2019 in order for staff to provide additional information on discussion items and other issues raised in public testimony.

- February 20, 2019 - the Dundee Planning Commission continued the public hearing, heard the staff report and public testimony. The hearing was continued to April 3, 2019 to incorporate revisions recommended by the City Attorney.
- April 3, 2019 – the Dundee Planning Commission heard the staff report and public testimony. The hearing was continued to May 15, 2019.
- May 15, 2019 – the Dundee Planning Commission heard the staff report and adopted an order with a recommendation to City Council (Attachment 2).
- May 21, 2019 – the Dundee City Council held a workshop to discuss issues raised by the City Attorney regarding public facilities and the adoption of zoning in the Riverside District.
- July 2, 2019 – after proper notice the City Council held a legislative hearing to consider the item. The City Council heard the staff report and public testimony and continued the hearing to August 20, 2019.
- August 20, 2019 – After hearing the staff report and public testimony, the City Council deliberated.

Comments Received:

Public notice of the project was advertised in the Newberg Graphic newspaper. In addition, the hearing was also listed under upcoming events on the City of Dundee website. Property owners within the Riverside District were mailed notice of the proposed code and zoning amendments in accordance with Measure 56 requirements at the beginning of the public hearing process. The city received no written public comments for this proposal as of the writing of this report.

Public testimony was provided at the July 2, 2019 public hearing. Rod Grinberg representing Riverside property owner Stu Lindquist testified that the allowance for 75% residential only development in the mixed use zones was a change in the Riverside District Master Plan. He does not like the allowance to average densities over subdistricts and prefers that the number of units be identified per area. Allowing averaging is too flexible. He understands that parks need to be provided but feels that open space along the Willamette River should be considered for meeting neighborhood park requirements. He noted that the recent water study determined the City can serve approximately 500 more residential units and presented the idea of focusing on financing and developing the public infrastructure of a portion of the Riverside, specifically the areas west of the Bypass. This would allow some development to begin.

Kay Edwards, Riverside property owner, stated that in order to address the infrastructure problem, the owners need to know the costs and details for the infrastructure. Her consulting engineer said that the public sewer line in the area east of the Bypass was noted to be 20 feet deep in order to serve property to the north that is currently outside the Dundee Urban Growth Boundary. She expressed that she does not want to incur the additional cost to provide services to land that may or may not be part of the City of Dundee.

Analysis:

Zoning

The proposed zoning includes residential zoning (RR – Riverside Residential), two mixed-use commercial zones (RN – Riverside Neighborhood Mixed Use and RD – Riverside Destination Mixed Use), and an industrial zone (RP – Riverside Production). These four zones were developed to implement the mix and type of uses and densities envisioned by the Riverside District Master Plan (RDMP). Based on descriptions in the RDMP a list of potential uses in each zone was developed and reviewed by the public, Riverside Code Committee, and Dundee Planning Commission. The list of uses allowed in each zone reflects input given by each of these groups. At the July 2,

2019 public hearing, the City Council modified the proposed uses to allow Marijuana Dispensaries and Retail Facilities as a permitted use in the Riverside Neighborhood Mixed Use Zone and Riverside Destination Mixed Use Zone. The proposed code was modified to

Residential-only Development in Mixed Use Zones

The Riverside District Master Plan (RDMP) speaks to flexibility for vertical and horizontal mixed uses and allowance of up to approximately 147,000 square feet of non-residential floor area in Subarea A commercial and mixed use areas (proposed RN zoning). The RDMP envisioned this area to be smaller-scale neighborhood commercial uses. Similarly the RDMP discusses a mix of uses with an allowance of up to about 91,500 square feet of non-residential floor area in Subarea D (proposed RD zoning) for larger scale destination uses. The RDMP states that the scale and amount of commercial/mixed use development in both subareas may be lower based on market demand. The RN zoning consists of approximately 14 net acres and RD zoning approximately 8 net acres after deduction for the Newberg-Dundee Bypass right-of-way and future streets.

The original proposal was to allow up to 75% of the net area in the RN and RD zones to be developed with residential only uses. Allowing residential development would provide flexibility to respond to market demands but ensure for a commercial component in the mixed use zones. The Riverside District Master Plan (RDMP) market analysis (Johnson Economics) showed that 1,000 households (the approximate number projected in the RMP area) would support about 2.5 to 3.0 acres of the types of uses typically found in neighborhood retail: food and beverage stores, health and personal services, misc. retailers, and dining/bars. If 75% of the RN area is ultimately used for housing, approximately 3.5 acres would still be reserved for commercial and retail use in that area, more than the amount identified by Johnson Economics as needed.

The Dundee City Council discussed the residential only development allowance in the RN and RD zones at the July 2, 2019 public hearing. Councilors did not agree that allowing up to 75% of the mixed use area to be residential only development was not consistent with the vision of the Riverside District Master Plan. In addition, these mixed use areas will provide services for the nearby residential areas but could also be utilized to meet the future commercial and industrial land needs for the City of Dundee. It is unknown if/when the Urban Growth Boundary (UGB) could be expanded, so it is best to use land within the UGB wisely. The Council modified the proposed code by reducing the percentage to 50% of the net area for residential only development. In addition, a minimum density of 14 units per acre was added to requirements. The purpose is to ensure that this land is being used efficiently and to endure for higher density development.

There was some question on whether or not the minimum 14 units per acre would have impacts on transportation infrastructure. Matt Hastie, Land Use Planner with Angelo Planning and consultant on both the RDMP and Riverside Zone projects, noted at the July 2, 2019 hearing that the proposed increase would not have a significant impact on infrastructure within the area. He also noted that the dwelling unit numbers outlined in the RDMP per subarea were target densities and not a minimum/maximum. He said he would provide some high level analysis to show the additional number of units and the potential impacts.

Assuming a density range of 14-24 units per acre and averaging the high and low estimates, the 50% conversion of commercial to residential results in approximately an addition 210 dwellings. It also reduces the commercial square footage by about 50%. The change results in about 400 peak hour trips (assuming a 25% increase in housing units over the assumed units in the original traffic study). The reduction in commercial space and change in internal trips reduces the trips by about 250. Overall the net increase is about 150 trips, which represents a total increase of about 6% at full buildout. This is not a significant impact and is a reasonable change to allow moving forward with the proposed change.

Other Minor Code Modifications

Staff made minor changes to standards for residential development in subsection 17.204.060.M. These include condensing two regulations into one and adding a cross reference to the standards related to residential only development in the mixed use commercial zones.

Planning Commission Recommendation

At the August 20, 2019 hearing, the City Council should:

1. Consider the staff report and public testimony.
2. Adopt the attached resolution with the Dundee Planning Commission's recommendation that the Dundee City Council accept amendments to the Dundee Development Code and Dundee Zoning Map to implement the Riverside Master Plan but postpone adoption of the proposed amendments until an infrastructure finance plan is adopted for the Riverside District.

Attachments

City Council Resolution with:

Exhibit A: Proposed Development Code Amendments

Exhibit B: Proposed Zoning Map Amendments

Exhibit C: Findings

1. Riverside District Master Plan
2. Signed Planning Commission Order of Recommendation (attachments by reference)

CITY OF DUNDEE
RESOLUTION NO. 2019-09

A Resolution accepting the proposed amendments to the Dundee Development Code and Dundee Zoning Map to Implement the Riverside District Master Plan and Directing Staff to Initiate an Infrastructure Finance Plan for the Riverside District and any necessary updates to the Comprehensive Plan, Infrastructure Plans, Transportation System Plan, and Public Works and Design and Construction Standards.

RECITALS:

1. On September 6, 2016 the Dundee City Council adopted a resolution supporting an application to the Transportation Growth Management Program for a code assistance grant to develop a new Riverside Zone to implement the Riverside District Master Plan adopted in 2011.
2. The City began the Riverside Zone process in September 2017, when the City received the grant from the Oregon Department of Transportation and the Department of Land Conservation and Development Transportation and Growth Management (TGM) program.
3. The Riverside Zone was developed through a public involvement process that included a code committee, stakeholder interviews, in-person and on-line public workshops, and other public outreach.
4. The Riverside Zone includes amendments to the Dundee Development Code and Dundee Zoning Map to implement the Riverside Master Plan.
5. After proper notice, the Dundee Planning Commission held public hearings on December 12, 2018, January 16, 2019, February 20, 2019, April 3, 2019, and May 15, 2019.
6. At the May 15, 2019 public hearing Dundee Planning Commission considered the proposed amendments, heard public testimony, and passed an order recommending the Dundee City Council accept the proposed Development Code and Zoning Map amendments but postpone adoption until after adoption of an Infrastructure Finance Plan for the Riverside District.

7. The Dundee City Council held a public hearing on July 2, 2019 to consider acceptance of the proposed Development Code and Zoning Map amendments to implement the Riverside Master Plan.
8. The City Council heard the staff report, heard public testimony, discussed the proposed Development Code and Zoning Map amendments, directed staff to modify the proposed amendments, and continued the hearing to August 20, 2019.
9. At the August 20, 2019 hearing the City Council heard the staff report and deliberated.

THE CITY OF DUNDEE RESOLVES AS FOLLOWS:

1. The Dundee City Council accepts the proposed Development Code and Zoning Map amendments as shown in Exhibit "A" and Exhibit "B" and the supporting Findings shown in Exhibit "C".
2. The City Council directs that the proposed amendments be employed as the basis for development of our infrastructure plan and a finance plan adequate to support implementation of the proposed amendments.
3. The policy objective of the City Council is the future simultaneous adoption of the proposed amendments and the supporting infrastructure and finance plans. The Council may consider adoption of code and map amendments, and supporting infrastructure and finance plans, for a subarea of the Riverside Master Plan area, subject to compliance with all applicable criteria.

ADOPTED by the Dundee City Council this 20th day of August, 2019

Approved:

David Russ, *Mayor*

Attest:

Rob Daykin, *City Administrator*

ATTACHMENTS:

- Exhibit "A": Development Code Amendments
- Exhibit "B": Zoning Map Amendments
- Exhibit "C": Findings LURA 18-01



EXHIBIT A

Riverside District Code Amendments

August 20, 2019 – Public Hearing Version

INTRODUCTION

This document includes amendments to existing development code and new code provisions to implement the Riverside District Master Plan (RDMP). The proposed amendments that reflect the results of discussions with the Project Management Team (City and state agency staff), the City's Code Committee, and other community members. The language also reflects modifications made by the Dundee Planning Commission and City Council during the public hearing process. Proposed amendments to code provisions are shown in underline (new language) and ~~striketrough~~ (deleted text) format. Excerpts of the existing code are included where needed for context.

CHAPTER 17.202 ZONING REGULATIONS

17.202.010 Purpose.

J. Parks and Open Space Zone (PO).

K. Riverside Residential Zone (RR). The RR zone implements the Riverside District Master Plan by: providing opportunities for a range of housing types, using residential land in the Riverside District efficiently by establishing a higher average density for the Riverside District than has developed in other parts of the City, and creating walkable neighborhoods.

L. Riverside Neighborhood Mixed Use Zone (RN). The RN zone implements the Riverside District Master Plan by: accommodating a variety of retail, service and office uses (excluding drive-through facilities), and allowing residential development through vertical and horizontal mixed use development – a mix of residential and commercial or retail development on the same site, either side by side or with housing on the top floors above ground-floor businesses. The area is intended to be neighborhood-serving with a pedestrian-oriented scale and buildings ranging from one to four stories in height.

M. Riverside Destination Mixed Use Zone (RD). The RD zone implements the Riverside District Master Plan by allowing for lodging, restaurants, and recreation related uses that take advantage of the riverside location.

N. Riverside Production Zone (RP). The RP zone implements the Riverside District Master Plan by providing opportunities for a range of production, sales, and recreation uses that support tourism and take advantage of nearby open space.

17.202.020 Allowed uses.

Legend for Table 17.202.020:

P: Permitted use

CU: Conditional use

S: Special use requirements apply

N: Use is not permitted

[Note: Selected zones in the following tables are not shown for readability purposes. Those zones will remain in the tables with no changes.]

Uses	Table 17.202.020: Zoning Use Table													Special Use Requirements		
	Residential				Commercial & Employment				Riverside District Zones							
	R-1	R-2	R-3	C	CBD	LI	RR	RN	RD	RP						
A. Residential Uses																
Single-Family Dwelling, including manufactured homes subject to DMC 17.203.100	P	P	P	S	S	N	P	N	N							DMC 17.203.190 in commercial zones DMC 17.203.280 in Riverside mixed use zones
Two-Family (Duplex) Dwelling, Single-Family Attached Dwelling	N	S	S	S	S	N	P	N	N							DMC 17.203.080, DMC 17.202.040(G) for single-family attached DMC 17.203.190 in commercial zones DMC 17.203.280 in Riverside mixed use zones
Zero Side Yard Dwellings (Townhouse or Single-Family Detached)	N	N	S	N	N	N	P	S	S							DMC 17.202.040(G) DMC 17.203.280 in Riverside mixed use zones
Compact Detached Dwelling	N	N	N	N	N	N	P	S	S							DMC 17.203.280 in Riverside mixed use zones

Uses		P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted													Special Use Requirements
		Residential			Commercial & Employment				Riverside District Zones						
		R-1	R-2	R-3	C	CBD	LI	RR	RN	RD	RP				
Manufactured Dwelling Park or Mobile Home Park		N	N	S	N	N	N	S	N	N	N				DMC 17.203.110 DMC 17.203.280 in Riverside mixed use zones
Multifamily Dwelling		N	N	P	S	S	N	P	S	S	N				DMC 17.203.120 in residential zones; DMC 17.203.200 for ground floor multifamily in commercial zones; DMC 17.203.190 for existing residential uses in commercial zones DMC 17.203.280 in Riverside mixed use zones
<u>Live/Work Dwellings</u>		N	N	N	N	N	N	N	S	S	P				DMC 17.203.280 in Riverside mixed use zones
Dwelling(s), above permitted ground floor commercial		N	N	N	P	P	N	N	P	P	S				
Boarding, Lodging, or Rooming House		N	N	P	N	N	N	N	P	P	N				
Accessory Dwelling Unit		S	S	S	S	S	N	S	S	S	N				DMC 17.203.260
Home Occupation		S	S	S	S	S	N	S	S	S	S				DMC 17.203.090 , DMC 17.203.180 in EFU
Family Child Care Home		P	P	P	P	P	N	P	S	S	N				DMC 17.203.280 in Riverside mixed use zones
Residential Care Home		P	P	P	S	S	N	P	S	S	N				DMC 17.203.190 for existing residential uses in commercial zones DMC 17.203.280 in Riverside mixed use zones
Residential Care Facility		N	N	P	S	S	N	P	S	S	N				DMC 17.203.200 for ground floor multifamily and residential care facilities in commercial zones DMC 17.203.280 in Riverside mixed use zones

Table 17.202.020: Zoning Use Table		P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted										Special Use Requirements
Uses	Residential			Commercial & Employment				Riverside District Zones				
	R-1	R-2	R-3	C	CBD	LI	RR	RN	RD	RP		
B. Public and Institutional Uses												
Cemetery	CU	CU	CU	N	N	N	CU	CU	CU	CU		
Church	CU	CU	CU	P	P	N	CU	P	P	P	CU	DMC 17.203.180, see limits in OAR 660-33 in EFU
Community Building	CU	CU	CU	P	P	N	CU	P	P	P	CU	DMC 17.203.180, see limits in OAR 660-33 in EFU
Club, Lodge, or Fraternal Organization	CU	CU	CU	P	P	N	CU	P	P	P	CU	
Day Care Facility, Preschool	CU	CU	CU	P	P	N	CU	P	P	P	N	
Emergency Service Facility	N	N	N	P	CU	N	N	P	CU	CU	CU	DMC 17.203.180, see limits in OAR 660-33 in EFU
Hospital	N	N	CU	P	N	N	N	N	N	N	N	
Mortuary	N	N	N	P	N	N	N	N	N	N	N	
Nursing Home	N	N	CU	N	N	N	CU	P	P	P	N	DMC 17.203.280 in Riverside mixed use zones
Parking Facility	N	N	N	P	P	P	N	CU	CU	CU	CU	
Parks Not to Exceed One-Half Acre, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, including Accessory Buildings and Structures	P	P	P	P	P	N	P	P	P	P	P	DMC 17.203.130, DMC 17.203.180 in EFU, see limits in OAR 660-33 in EFU
Parks Greater Than One-Half Acre, including Playgrounds, Trails, Nature Preserves, Athletic Fields, Courts, Swim Pools, including Accessory Buildings and Structures	S	S	S	S	S	N	S	S	S	S	S	DMC 17.203.130, DMC 17.203.180 in EFU, see limits in OAR 660-33 in EFU
School, College or Vocational	CU	CU	CU	CU	CU	N	N	CU	CU	CU	CU	

Table <u>17.202.020</u> : Zoning Use Table		P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted												Special Use Requirements
Uses	Residential			Commercial & Employment			Riverside District Zones						Special Use Requirements	
	R-1	R-2	R-3	C	CBD	LI	RR	RN	RD	RP	CU	N		
School, Commercial	N	N	N	P	P	N	N	P	P	P	CU	CU		
School, Elementary or Secondary	CU	CU	CU	N	N	N	CU	P	P	P	N	N		
Solid Waste Disposal and Recycling Sites and Facilities, except as accessory to a permitted use	N	N	N	N	N	CU	N	N	N	N	N	N		
Utility, Area	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	P			
Wireless Communication Facilities	CU+S	CU+S	CU+S	S	CU+S	S	CU+S	CU+S	CU+S	CU+S	CU+S	CU+S	DMC <u>17.203.170</u> , DMC <u>17.203.180</u> in EFU, see limits in OAR 660-33 in EFU	
Transportation Facilities, per DMC <u>17.501.020</u>	P	P	P	P	P	P	P	P	P	P	P	P	See limits in OAR 660-033 in EFU	
Transit Centers and Park-and-Ride Lots	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU		

Table <u>17.202.020</u> : Zoning Use Table		P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted												Special Use Requirements
Uses	Residential			Commercial & Employment			Riverside District Zones						Special Use Requirements	
	R-1	R-2	R-3	C	CBD	LI	RR	RN	RD	RP	CU	N		
C. Commercial Uses														
Amusement and Recreation Facilities, including Theaters, Bowling Alleys, Concert Venues	N	N	N	CU/S	CU/S	N	N	CU/S	CU/S	CU/S	CU/S	CU/S	DMC <u>17.203.220</u> in commercial zones and Riverside mixed use and Riverside Production zones; see DMC <u>17.203.140</u> , Outdoor/unenclosed uses, DMC <u>17.203.070</u> if drive-through or walk-up service	

Table 17.202.020: Zoning Use Table		P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted													Special Use Requirements
Uses	Residential			Commercial & Employment				Riverside District Zones							
	R-1	R-2	R-3	C	CBD	LI	RR	RN	RD	RP					
Art Gallery, Artisan or Craftsman Studio, Photographic Studio, Picture Framing, similar uses	N	N	N	P	P	N	N	P	P						
Automobile Service Station	N	N	N	CU+S	N	S	N	N	N	N			DMC 17.203.040		
Automotive Repair and Service, including Car Wash, Tire Sales and Repair/Replacement, Painting, Auto Body Shop; includes Automobiles, Motorcycles, Aircraft, Boats, RVs, Trucks	N	N	N	CU+S	N	S	N	N	N	N			DMC 17.203.140 if outdoors/unenclosed		
Automotive Sales and Rental, including Automobiles, Motorcycles, Aircraft, Boats, RVs, and Trucks	N	N	N	CU+S	N	N	N	N	N	N			DMC 17.203.140 if outdoors/unenclosed		
Automotive Parts and Accessory Sales	N	N	N	S	N	N	N	P/S	N	N	P/S		DMC 17.203.140 if outdoors/unenclosed		
Bakery, Butcher Shop, Candy Manufacturing, and similar uses, when retail sales provided on premises	N	N	N	P/S	P/S	N	N	P/S	P/S	P/S			See DMC 17.203.070 if drive-through or walk-up service		
Banks and Other Financial Institutions	N	N	N	P/S	P/S	N	N	P/S	P/S	N			See DMC 17.203.070 if drive-through or walk-up service		
Barber or Beauty Shop	N	N	N	P	P	N	N	P	P	N					
Bed and Breakfast Inn, with three or fewer guest sleeping rooms	P	P	P	P	P	N	P	S	S	N			DMC 17.203.050 DMC 17.203.280 in Riverside mixed use zones		
Bed and Breakfast Inn, with four or more guest sleeping rooms	CU	CU	CU	P	P	N	CU	P	P	N			DMC 17.203.050		
Bicycle Rental Shop	N	N	N	P	P	N	N	P	P	P					

Uses	P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted															Special Use Requirements	
	Residential			Commercial & Employment					Riverside District Zones								
	R-1	R-2	R-3	C	CBD	LI	RR	RN	RD	RP	CU	CU+S	CU	CU	CU		CU
Boat Landing, not a marina	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	DMC 17.203.130, DMC 17.203.180 in EFU, see limits in OAR 660-33 in EFU
Business and Professional Offices	N	N	N	P	P	N	N	N	N	N	N	N	N	N	N	N	
Garden Supply, including Commercial Greenhouses	N	N	N	P/S	CU+S	CU+S	N	CU+S	N	N	CU+S	N	N	N	N	N	DMC 17.203.140 if outdoors/unenclosed, DMC 17.203.180 in EFU, see limits in OAR 660-33 in EFU
Golf Course	CU	CU	CU	N	N	N	N	N	N	N	N	N	N	CU	CU	CU	DMC 17.203.180, see limits in OAR 660-33 in EFU
Golf Driving Range, Miniature Golf	N	N	N	CU	N	N	N	N	N	N	CU	N	N	CU	CU	CU	See DMC 17.203.140
Golf Pro Shop	N	N	N	P	P	N	N	N	N	N	P	N	N	P	P	P	
Hotels and Motels	N	N	N	P	P	N	N	N	N	N	P	N	N	P	P	CU	
Kennel	N	N	N	CU	N	CU	N	N	N	CU	N	N	N	N	N	CU	See DMC 17.203.140
Lumber Yard and Similar Outdoor Sales of Building or Contracting Supplies	N	N	N	N	N	N	N	N	N	S	N	N	N	N	N	S	DMC 17.203.140
Marijuana Uses																	
Marijuana Dispensary or Retail Facility	N	N	N	P/S	P/S	N	N	N	N	N	P	N	N	P	N	N	DMC 17.203.250
Marijuana Producer or Grow Site	N	N	N	CU + S	CU	P/S	N	N	N	N	N	N	N	N	N	N	DMC 17.203.250
Marijuana Processor	N	N	N	CU + S	CU	P/S	N	N	N	N	N	N	N	N	N	N	DMC 17.203.250
Marijuana Wholesaler	N	N	N	CU + S	CU	P/S	N	N	N	N	N	N	N	N	N	N	DMC 17.203.250
Marijuana Testing Laboratory or Research Certificate	N	N	N	P/S	N	P/S	N	N	N	N	N	N	N	N	N	N	DMC 17.203.250
Marina, with no boat repair	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	DMC 17.203.140

Table 17.202.020: Zoning Use Table		P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted											Special Use Requirements
Uses	Residential			Commercial & Employment				Riverside District Zones					
	R-1	R-2	R-3	C	CBD	LI	RR	RN	RD	RP			
Medical/Dental Clinic	N	N	N	P	P	N	N	P	P	P			
Paint and Painting Supplies Sales or Rental	N	N	N	P	P	P	N	P	N	P			
Restaurants, and Other Eating and Drinking Establishments	N	N	N	P/S	P/S	N	N	P/S	P/S	P/S			DMC 17.203.140 if outdoors/unenclosed, DMC 17.203.070 if drive-through or walk-up service
Retail Sales, including Accessory Services and Repair, except as specified elsewhere in this table	N	N	N	P/S	P/S	N	N	P/S	P/S	P/S			DMC 17.203.140 if outdoors/unenclosed, DMC 17.203.070 if drive-through or walk-up service
Retail Small-Scale Winery, Brewery or Distillery	N	N	N	S	S	N	N	S	S	S			DMC 17.203.060
Service-Related Businesses, except as specified elsewhere in this table	N	N	N	P/S	P/S	N	N	P/S	P/S	P/S			DMC 17.203.140 if outdoors/unenclosed, DMC 17.203.070 if drive-through or walk-up service
Tractor and Farm Equipment, or Logging Equipment, Sales and Service	N	N	N	CU+S	N	S	N	N	N	N			DMC 17.203.140 if outdoors/unenclosed
Vacation Rental, with Three or Fewer Bedrooms	P	P	P	P	P	N	P	S	S	N			DMC 17.203.240 DMC 17.203.280 in Riverside mixed use zones
Vacation Rental, with Four or More Bedrooms	CU	CU	CU	CU	CU	N	CU	S	S	N			DMC 17.203.240 DMC 17.203.280 in Riverside mixed use zones

Uses	Table 17.202.020: Zoning Use Table																Special Use Requirements
	P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted																
	Residential			Commercial & Employment				Riverside District Zones					Special Use Requirements				
R-1	R-2	R-3	C	CBD	LI	RR	RN	RD	RP								
D. Industrial and Mixed Employment Uses																	
Airports, and Heliport Facilities	N	N	N	N	N	CU	N	N	N	N	N	N	N	N	N		
Auction Yards	N	N	N	N	N	CU+S	N	N	N	N	N	N	N	N	N		DMC 17.203.140
Beverage and Bottling Facility, Winery, Brewery, or Distillery, including Warehousing and Distribution; see also Retail Small-Scale Winery, Brewery, or Distillery	N	N	N	N	N	P	N	N	N	N	N	N	N	N	P		
Bulk Storage of Flammable-Liquids or Gases; Petroleum Products Storage and Distribution; Wood or Biomass Fuel Dealers	N	N	N	N	N	CU	N	N	N	N	N	N	N	N	N		DMC 17.203.140 if outdoors/unenclosed
Call Centers and Data Centers	N	N	N	CU	CU	CU	N	N	N	N	N	N	N	N	N		
Cement, Glass, Clay, and Stone Products Manufacture	N	N	N	N	N	P	N	N	N	N	N	N	N	N	CU		DMC 17.203.140 if outdoors/unenclosed
Chemical, Fertilizer, Insecticide, Paint Product Manufacture, or Similar Uses	N	N	N	N	N	CU	N	N	N	N	N	N	N	N	N		DMC 17.203.140 if outdoors/unenclosed
Concrete or Asphalt Batch Plants	N	N	N	N	N	CU+S	N	N	N	N	N	N	N	N	N		DMC 17.203.140
Dairy Products Manufacture, e.g., butter, milk, cheese, ice cream	N	N	N	N	N	P	N	N	N	N	N	N	N	N	CU		DMC 17.203.140 if outdoors/unenclosed
Dwelling for a Caretaker or Watchperson	N	N	N	N	N	P	N	N	N	N	N	N	N	N	S		Permitted as an accessory use to an industrial use only.
Feed and Seed Facilities, including Grain Elevators and Storage	N	N	N	N	N	P	N	N	N	N	N	N	N	N	N		DMC 17.203.140 if outdoors/unenclosed, DMC 17.203.180 in EFU, see limits in OAR 660-33 in EFU

Table <u>17.202.020</u> : Zoning Use Table		P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted											Special Use Requirements	
Uses	Residential			Commercial & Employment				Riverside District Zones						Special Use Requirements
	R-1	R-2	R-3	C	CBD	LI	RR	RN	RD	RP	CU	CU+S	CU+S	
Finished Textile and Leather Products Manufacture	N	N	N	N	N	P	N	N	N	N	N	N	N	DMC <u>17.203.140</u> if outdoors/unenclosed
Food Processing, including Canning, Freezing, Drying and Similar Food Processing and Preserving	N	N	N	N	N	P	N	N	N	N	N	N	N	DMC <u>17.203.140</u> if outdoors/unenclosed, DMC <u>17.203.180</u> in EFU, see limits in OAR 660-33 in EFU
Freight Terminals, including Loading Docks, Storage, Warehousing, Wholesale Distribution, Cold Storage; except personal storage such as mini-storage warehouses	N	N	N	N	N	P	N	N	N	N	N	N	N	DMC <u>17.203.140</u> if outdoors/unenclosed
Machine Shop, and Sales, Service and Repair of Machinery	N	N	N	N	N	P	N	N	N	N	N	N	CU	DMC <u>17.203.140</u> if outdoors/unenclosed
Metal Plating	N	N	N	N	N	CU	N	N	N	N	N	N	N	DMC <u>17.203.140</u> if outdoors/unenclosed
Metal Products Manufacture	N	N	N	N	N	P	N	N	N	N	N	CU	CU	DMC <u>17.203.140</u> if outdoors/unenclosed
Newspaper, Periodical, Publishing and Printing	N	N	N	CU	CU	P	N	N	N	N	N	N	P	
Outdoor Storage of Materials of an Industrial Character	N	N	N	N	N	CU+S	N	N	N	N	N	N	CU+S	DMC <u>17.203.140</u>
Personal Storage, such as Mini-Storage Warehouses	N	N	N	CU+S	N	P	N	CU+S	N	N	N	N	CU+S	DMC <u>17.203.140</u> if outdoors/unenclosed; DMC <u>17.203.230</u> in the community commercial zone, <u>Riverside Neighborhood mixed-use and Riverside Production.</u>
Rendering Plants	N	N	N	N	N	N	N	N	N	N	N	N	N	
Small-Scale Manufacturing in the community commercial zone, as defined in DMC <u>17.203.150</u> .	N	N	N	S	N	N	N	S	N	N	N	N	N	DMC <u>17.203.150</u>
Specialty Trade Contracting Facilities, conducted wholly within a building	N	N	N	CU	N	P	N	N	N	N	N	N	P	

Table 17.202.020: Zoning Use Table

P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted

Uses	Riverside District Zones													Special Use Requirements
	Residential			Commercial & Employment			Riverside District Zones							
	R-1	R-2	R-3	CBD	LI	RR	RR	RN	RD	RP	CU	P		
Specialty Trade Contractor Facilities, conducted all or partially outdoors	N	N	N	N	S	N	N	N	N	N	N	N	CU	DMC 17.203.140
Welding Shop and Blacksmith, conducted wholly within a building	N	N	N	CU	N	P	N	N	N	N	N	N	P	
Welding Shop and Blacksmith, conducted all or partially outdoors	N	N	N	N	S	N	N	N	N	N	N	N	CU	DMC 17.203.140
Wood Products Manufacture, including sawmills, paper and allied products, and secondary wood products	N	N	N	N	P	N	N	N	N	N	N	N	CU	DMC 17.203.140 if outdoors/unenclosed
Wrecking, Demolition, Junk Yards, including Recycling Firms	N	N	N	N	CU+	S	N	N	N	N	N	N	N	DMC 17.203.140

Table 17.202.020: Zoning Use Table

P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted

Uses	Riverside District Zones													Special Use Requirements
	Residential			Commercial & Employment			Riverside District Zones							
	R-1	R-2	R-3	CBD	LI	RR	RR	RN	RD	RP	CU	P		
E. Agricultural and Natural Resource Uses														
Gardening	P	P	P	P	P	P	P	P	P	P	P	P	P	
Farm Use	N	N	N	N	N	N	N	N	N	N	N	N	N	See DMC Title 6 and DMC 8.16.020. Livestock not allowed in A
Dwelling, Primary, Customarily Provided in Conjunction with Farm Use	N	N	N	N	N	N	N	N	N	N	N	N	N	DMC 17.203.180
Additional Dwellings in Conjunction with Farm Use	N	N	N	N	N	N	N	N	N	N	N	N	N	DMC 17.203.180, see OAR 660-33 for limits in EFU

Uses	P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted													Special Use Requirements	
	Residential			Commercial & Employment				Riverside District Zones							
	R-1	R-2	R-3	C	CBD	LI	RR	RN	RD	RP					
Any other dwelling listed as an allowed use under OAR Chapter 660 , Division 33	N	N	N	N	N	N	N	N	N	N	N	N	N	N	DMC 17.203.180 , see OAR 660-33 for limits
Any other dwelling that may be allowed after required review under OAR Chapter 660 , Division 33	N	N	N	N	N	N	N	N	N	N	N	N	N	N	DMC 17.203.180 , see OAR 660-33 for limits
Commercial Activities in Conjunction with Farm Use, except Farm Stands	N	N	N	N	N	N	N	N	N	N	N	N	N	N	DMC 17.203.180 , see OAR 660-33 for limits in EFU
Farm Stand per ORS 215.283(o)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	DMC 17.203.180 , see OAR 660-33 for limits in EFU
Operations for the Exploration for and Production of Geothermal Resources as defined by ORS 522.005 and Oil and Gas as defined by ORS 520.005 , including the Placement and Operation of Compressors, Separators and Other Customary Production Equipment for an Individual Well Adjacent to the Wellhead; Operations for the Exploration for Minerals as defined by ORS 517.750 .	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Operations Conducted for Mining and Processing of Geothermal Resources as defined by ORS 522.005 not otherwise permitted; Operations Conducted for Mining, Crushing or Stockpiling of Aggregate and Other Mineral and Other Subsurface Resources; Processing of Other Mineral Resources and Other Subsurface Resources	N	N	N	N	N	N	N	N	N	N	N	N	N	N	DMC 17.203.180 , see OAR 660-33 for limits
Veterinary Clinic with On-Site Service of Farm Animals	N	N	N	N	N	N	N	N	N	N	N	N	N	N	DMC 17.203.180 , see OAR 660-33 for limits

Uses	P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted														Special Use Requirements	
	Residential			Commercial & Employment				Riverside District Zones								
	R-1	R-2	R-3	C	CBD	LI	RR	RN	RD	RP						
Any other use specifically listed in OAR Chapter <u>660</u> , Division <u>33</u> that must be an allowed use in EFU zones	N	N	N	N	N	N	N	N	N	N						DMC <u>17.203.180</u> , see OAR 660-33 for limits
F. Accessory Uses	P/C U	P/C U	P/C U	P/C U	P/C U	P/C U	P/C U	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU	P/CU		P or CU per primary use, DMC <u>17.203.180</u> in EFU; DMC 17.203.270 in LI
G. Temporary Uses	S	S	S	S	S	S	S	S	S	S	S	S	S	S		DMC <u>17.203.160</u> , plus DMC <u>17.203.180</u> in EFU, see OAR 660-33 for limits in EFU

17.202.030 Lot and development standards by zoning district

Uses	Residential			Commercial and Employment			Riverside District			Exceptions	
	R-1	R-2	R-3	C	CBD	LI	RR	RN	RD		RP
A. Minimum Lot Area (Square Feet) – (b) applies to all zones											
Single-Family Dwelling (1 unit)	9,000	7,000	5,000 (a)				4,000 (p), (s) (w)	NA	NA	NA	(a) 3,000 per dwelling unit if more than one dwelling on a lot. (b) Where the slope of the ground exceeds 11 percent in any direction over more than 60 percent of the lot, the area of the lot shall be increased as follows: 11 – 15% slope = min. lot area + 20% 16 – 20% slope = min. lot area + 50% 21 – 25% slope = min. lot area + 100% 26 – 30% slope = min. lot area + 200% 31%+ slope = specified by city engineer (p) Except Compact Detached Dwellings. (s) See 17.204.060 for maximum lot area standards for subdivisions in the RR zone. (t) For single family attached dwellings, 5,000 square feet required in total for both lots.
Duplex Dwelling (2 units)	NA	10,000	6,000 (a)				5,000 (w)	5,000	5,000	NA	
Townhouse Dwelling Units, Compact Detached Dwellings, and Live/Work Dwellings	NA	NA	3,000 per unit	5,000 (all uses)	5,000 (all uses)	5,000 (all uses)	1,800 per unit (w)	1,800 per unit	1,800 per unit	1,800 per unit	
Multifamily Dwellings (3 or more units)	NA	NA	3,000 per unit	5,000 (all uses)	5,000 (all uses)	5,000 (all uses)	1,200 per unit (w)	1,200 per unit	1,200 per unit	NA	
Nonresidential Uses and dwellings above ground floor commercial (where permitted)	Adequate to contain all structures within required yard setbacks						None	5,000	5,000	5,000	

Uses	Residential			Commercial and Employment			Riverside District			Exceptions
	R-1	R-2	R-3	C	CBD	LI	RR	RN	RD	
B. Yard Setback Requirements (Feet)										
See also DMC 17.202.040										

Uses	Residential			Commercial and Employment			Riverside District				Exceptions
	R-1	R-2	R-3	C	CBD	LI	RR	RN	RD	RP	
Primary Front Yard – Minimum	20(d)	20(d)	15	10(j)	5(j)	10*	10 (u) (w)	0 (a)	0 (a)	10	(d) Minimum front yard for unenclosed, single story porch or deck is 15. (e) Minimum side or rear setback adjoining residential zone is 20 feet. (f) Minimum rear setback is 50 feet for nonresidential uses. (g) Minimum side setback is 30 feet for nonresidential uses. (h) Minimum side or rear setback adjoining residential zone is 10 feet. (i) Limited to six common wall dwellings on individual lots. (j) Minimum front yard setbacks apply only abutting Highway 99W right-of-way. (k) Compliance with the maximum front yard standards is determined as specified in DMC 17.202.060(A) . (l) Residential buildings without ground floor commercial are subject to the standards of the RR zone. (u) Garage entrances must be set back a minimum of 20 feet from the front lot line. (w) Proposed housing units and lots adjacent to a lower density, Dundee residential zone must meet the development standards of the lower density zone.
Secondary Front Yard – Minimum	20(d)	15	15	10(j)	5(j)	10*	10 (w)	0 (a)	0 (a)	10	(d) Minimum front yard for unenclosed, single story porch or deck is 15. (e) Minimum side or rear setback adjoining residential zone is 20 feet. (f) Minimum rear setback is 50 feet for nonresidential uses. (g) Minimum side setback is 30 feet for nonresidential uses. (h) Minimum side or rear setback adjoining residential zone is 10 feet. (i) Limited to six common wall dwellings on individual lots. (j) Minimum front yard setbacks apply only abutting Highway 99W right-of-way. (k) Compliance with the maximum front yard standards is determined as specified in DMC 17.202.060(A) . (l) Residential buildings without ground floor commercial are subject to the standards of the RR zone. (u) Garage entrances must be set back a minimum of 20 feet from the front lot line. (w) Proposed housing units and lots adjacent to a lower density, Dundee residential zone must meet the development standards of the lower density zone.
Primary Front Yard – Maximum				20(k)	15(k)		-	20(k) (a)	15(k) (a)	-	(d) Minimum front yard for unenclosed, single story porch or deck is 15. (e) Minimum side or rear setback adjoining residential zone is 20 feet. (f) Minimum rear setback is 50 feet for nonresidential uses. (g) Minimum side setback is 30 feet for nonresidential uses. (h) Minimum side or rear setback adjoining residential zone is 10 feet. (i) Limited to six common wall dwellings on individual lots. (j) Minimum front yard setbacks apply only abutting Highway 99W right-of-way. (k) Compliance with the maximum front yard standards is determined as specified in DMC 17.202.060(A) . (l) Residential buildings without ground floor commercial are subject to the standards of the RR zone. (u) Garage entrances must be set back a minimum of 20 feet from the front lot line. (w) Proposed housing units and lots adjacent to a lower density, Dundee residential zone must meet the development standards of the lower density zone.
Secondary Front Yard – Maximum				40(k)	30(k)		-	40(k) (a)	30(k) (a)	-	(d) Minimum front yard for unenclosed, single story porch or deck is 15. (e) Minimum side or rear setback adjoining residential zone is 20 feet. (f) Minimum rear setback is 50 feet for nonresidential uses. (g) Minimum side setback is 30 feet for nonresidential uses. (h) Minimum side or rear setback adjoining residential zone is 10 feet. (i) Limited to six common wall dwellings on individual lots. (j) Minimum front yard setbacks apply only abutting Highway 99W right-of-way. (k) Compliance with the maximum front yard standards is determined as specified in DMC 17.202.060(A) . (l) Residential buildings without ground floor commercial are subject to the standards of the RR zone. (u) Garage entrances must be set back a minimum of 20 feet from the front lot line. (w) Proposed housing units and lots adjacent to a lower density, Dundee residential zone must meet the development standards of the lower density zone.
Side Yard for a Principal Structure	10	7.5	5	None (e)	None (e)	None (e)	5 (w)	None (e) (a)	None (e) (a)	None (e)	(d) Minimum front yard for unenclosed, single story porch or deck is 15. (e) Minimum side or rear setback adjoining residential zone is 20 feet. (f) Minimum rear setback is 50 feet for nonresidential uses. (g) Minimum side setback is 30 feet for nonresidential uses. (h) Minimum side or rear setback adjoining residential zone is 10 feet. (i) Limited to six common wall dwellings on individual lots. (j) Minimum front yard setbacks apply only abutting Highway 99W right-of-way. (k) Compliance with the maximum front yard standards is determined as specified in DMC 17.202.060(A) . (l) Residential buildings without ground floor commercial are subject to the standards of the RR zone. (u) Garage entrances must be set back a minimum of 20 feet from the front lot line. (w) Proposed housing units and lots adjacent to a lower density, Dundee residential zone must meet the development standards of the lower density zone.
Rear Yard for a Principal Structure	20	15	15	None (e)	None (e)	None (e)	10 (w)	None (e) (a)	None (e) (a)	None (e)	(d) Minimum front yard for unenclosed, single story porch or deck is 15. (e) Minimum side or rear setback adjoining residential zone is 20 feet. (f) Minimum rear setback is 50 feet for nonresidential uses. (g) Minimum side setback is 30 feet for nonresidential uses. (h) Minimum side or rear setback adjoining residential zone is 10 feet. (i) Limited to six common wall dwellings on individual lots. (j) Minimum front yard setbacks apply only abutting Highway 99W right-of-way. (k) Compliance with the maximum front yard standards is determined as specified in DMC 17.202.060(A) . (l) Residential buildings without ground floor commercial are subject to the standards of the RR zone. (u) Garage entrances must be set back a minimum of 20 feet from the front lot line. (w) Proposed housing units and lots adjacent to a lower density, Dundee residential zone must meet the development standards of the lower density zone.
Rear Yard or Side Yard for an Accessory Structure	1/3 of building height, none if 6 feet high or less			None (e)	None (e)	None (e)	1/3 of building height, none if 6 feet high or less	None (e) (a)	None (e) (a)	None (e)	(d) Minimum front yard for unenclosed, single story porch or deck is 15. (e) Minimum side or rear setback adjoining residential zone is 20 feet. (f) Minimum rear setback is 50 feet for nonresidential uses. (g) Minimum side setback is 30 feet for nonresidential uses. (h) Minimum side or rear setback adjoining residential zone is 10 feet. (i) Limited to six common wall dwellings on individual lots. (j) Minimum front yard setbacks apply only abutting Highway 99W right-of-way. (k) Compliance with the maximum front yard standards is determined as specified in DMC 17.202.060(A) . (l) Residential buildings without ground floor commercial are subject to the standards of the RR zone. (u) Garage entrances must be set back a minimum of 20 feet from the front lot line. (w) Proposed housing units and lots adjacent to a lower density, Dundee residential zone must meet the development standards of the lower density zone.
Side Yards for Zero Side Yard Dwelling Units	NA	NA	10, except zero yard (i)	NA	NA	NA	10, except zero yard (i)	NA (a)	NA (a)	NA	(d) Minimum front yard for unenclosed, single story porch or deck is 15. (e) Minimum side or rear setback adjoining residential zone is 20 feet. (f) Minimum rear setback is 50 feet for nonresidential uses. (g) Minimum side setback is 30 feet for nonresidential uses. (h) Minimum side or rear setback adjoining residential zone is 10 feet. (i) Limited to six common wall dwellings on individual lots. (j) Minimum front yard setbacks apply only abutting Highway 99W right-of-way. (k) Compliance with the maximum front yard standards is determined as specified in DMC 17.202.060(A) . (l) Residential buildings without ground floor commercial are subject to the standards of the RR zone. (u) Garage entrances must be set back a minimum of 20 feet from the front lot line. (w) Proposed housing units and lots adjacent to a lower density, Dundee residential zone must meet the development standards of the lower density zone.
Setback from Partial Street	New structures or structure additions on lots abutting an existing public street that does not meet the minimum standards of DMC 17.305.030 for right-of-way width shall provide setbacks sufficient to allow for the future widening of the right-of-way, plus the minimum required yard setback. Building permits shall not be issued for new structures or additions that do not meet this standard.										

Uses	Residential			Commercial and Employment			Riverside District				Exceptions
	R-1	R-2	R-3	C	CBD	LI	RR	RN	RD	RP	
C. Maximum Structure Height (Feet)											
Dwellings	30	30	30	45(l)	45(l)	45	35(v) (w)	45	45	35	(l) New structures shall be limited to three stories. (m) Telecommunication structures in excess of 45 feet in height allowed with conditional use permit. (v) Additional 10' bonus (total of 45') is available to residential buildings in RR zone which follow additional provisions in 17.202.080.G
Non-Dwelling Structures	30	30	30	45(l)	45(l)	45	35(v) (w)	45	45	45	

Uses	Residential			Commercial and Employment			Riverside District				Exceptions
	R-1	R-2	R-3	C	CBD	LI	RR	RN	RD	RP	
D. Minimum Lot Dimensions (Feet)											
Lot Width and Frontage	60	60	50(n)	None	None	None	30 (n) (w)	None (a)	None (a)	None (a)	(n) Minimum lot width for lots containing townhouse dwelling units built the full width of the lot is 20 feet.
Lot Depth	90(o)	90(o)	80(o)	None	None	None	50 (o) (w)	None (a)	None (a)	None (a)	(o) Lot depth shall not be more than three times the lot width, except townhouses (no limit, but must provide 300 sq. ft. of semi-private outdoor living space for each unit), single-family attached (three and one-half times max.) and public utility uses (no limit).

Uses	Residential			Commercial and Employment			Riverside District				Exceptions	
	R-1	R-2	R-3	C	CBD	LI	RR	RN	RD	RP		
E. Maximum Lot Coverage (% of Lot)												
Lot Coverage	35	40	45	None			45 (r) (w)	None (a)	None (a)	None	None	(g) Residential buildings without ground floor commercial are subject to the standards of the RR zone.
Parking Area Coverage	30	30	30	None			30 (w)	None (a)	None (a)	None	None	(r) Townhouse dwellings, Compact Detached dwellings, and multifamily dwellings have a maximum lot coverage of 60% and a maximum combined lot and parking area coverage of 90%.
Combined Lot and Parking Area Coverage	65	70	75	None			75 (r) (w)	None (a)	None (a)	None	None	

17.202.050 Fence standards.

A. General Standards.

1. Fences and walls shall not be constructed of nor contain any material that could cause bodily harm, such as barbed wire, broken glass, spikes, electric or any other hazardous or dangerous materials; this includes link fencing with barbed ends at the top or sides; except that fences topped with barbed wire are allowed in agricultural and public zones.
2. Electric fences and barbed wire fences in agricultural zones intended to contain or restrict cattle, sheep, horses or other livestock, and lawfully existing prior to annexation to the city, may remain.
3. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing sections, broken supports, nonuniform height, and uncontrolled growth of vegetation.
4. Fences shall comply with requirements of the clear vision area for streets and driveways.
5. In no instance shall a fence extend beyond the property line.
6. In the RN, RD, C and CBD zones, chain link fencing may not be used between a public street and a maximum setback line, with the following exceptions:
 - a. In the RN and C zone, black fused and bonded vinyl coated chain link fencing may be used, subject to subsection (B) of this section. In the CBD, RN and RD zones, black fused and bonded vinyl coated chain link fencing may be used if screened from view from the street by a sight-obscuring hedge of equal height, subject to subsection (B) of this section.
7. In the LI and RP zones, fences taller than six feet in height shall not be chain link. Fences over six feet in height shall be screened by a sight obscuring hedge.

B. Fence Heights.

1. Fences in residential zones shall not exceed four feet in height in the required primary front yard setback, and six feet in height within secondary front, side or rear yard setback.
2. Fences and walls in the RN, RD, C and CBD zones shall not exceed four feet in height between a public street and the maximum front yard setback line (per DMC [17.202.030\(B\)](#)) and six feet in height within a side or rear yard setback.
3. Fences in interior yards more than six feet in height shall meet the setback requirements in Table 17.202.030 for an accessory structure.
4. The fence height limits above include the height of soil berms under the fence or acting as a fence.

- 5. Vertical structural members such as posts or columns that are not wider than two feet and that are spaced not closer than eight feet (other than when located on either side of a gate or portal) and ornamental features on top of the posts or columns shall not be used in determining height.
- 6. If a variance has been granted to the fence height restriction, a building permit may be required prior to construction.
- 7. In the LI and RP zones, fences shall not exceed eight feet, except where used for outdoor storage areas that are not adjacent to a public right-of-way.
- 8. In the RN and RD zones, fences shall have a 18 inch buffer of maintained landscaping between the sidewalk and fence if the fence is taller than 42 inches. Landscaping must meet landscaping standards in Section 17.302 and must not exceed a height of 42 inches at maturity.
- 9. In the RP zone, fences and walls shall not exceed four feet in height within a front yard setback abutting a Parkway Collector, as designated in the TSP. In the RP zone, chain link fencing may not be used in a front yard setback abutting a Parkway collector except for black fused and bonded vinyl coated chain link fencing that is screened from view from the street by a sight-obscuring hedge of equal height.

17.202.060 Site and building design standards in commercial and mixed use zones.

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

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

...

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

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

b. In the RD and CBD zones, 80 percent of the length of the ground level street-facing facade of the building must be within the maximum setback.

...

4. Sites with Multiple Frontages.

a. Sites on corner lots shall meet the applicable standard above for the primary street frontage of their choosing. On the secondary street frontage, the maximum setback is

adjusted to 30 feet for the RD and CBD zones and 40 feet for the RN and C zones. Building frontages used to meet the setback requirements on either the primary or secondary street frontage are considered "street walls" for purposes of this code (see Figure 4).

...

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

1. Applicability. ...

2. Standards.

...

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

3. Sites with Multiple Frontages. ...

4. Exceptions.

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

...

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

1. Applicability. ...

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

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

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

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

3. Sites with Multiple Frontages.

[...]

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

1. Applicability. ...

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

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

b. In the RD and CBD zones, all buildings shall provide an entrance facing the street, and the primary building entrance for all buildings on site shall be either facing the street or be oriented towards an internal pedestrian plaza with a direct walkway to the street. Buildings less than 1,000 square feet in floor area and that were constructed prior to January 1, 2015, shall comply with the standards in the RN and C zones above provided windows are at least 50 percent of the ground level area of the street wall.

3. Sites with Multiple Frontages. ...

4. Exceptions. ...

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

1. Applicability. ...

2. Standards. There are two standards, as specified below. In the RD and CBD zones, all street walls shall meet standard 1, except as specified in subsection (E)(3) of this section. In the RN and C zones, all street walls shall meet standard 2.

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

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

3. Exceptions.

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

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

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

b. Sites in the RD with more than one frontage shall meet the standards as follows:

i. Standard 1 shall be met on the street wall with the street entrance.

ii. Standard 2 shall be met on all other street walls.

...

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

1. Applicability. The standards of this subsection (F) shall apply to all new street walls. Exterior remodels of existing nonconforming buildings shall improve compliance with these standards where possible, and at a minimum shall not increase nonconformance.

2. Standards. There are two standards, as specified below. In the RD and CBD zones, all street walls shall meet standard 1, except as specified in subsection (F)(3) of this section. In the RN and C zones, all street walls shall meet standard 2.

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

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

...

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

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

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

a. In the RD and CBD zones, the minimum total number of points is 14.

b. In the RN and C zones, the minimum total number of points is eight.

Table 17.202.060 – Architectural Features Design Matrix

Design Criteria	Possible Points		
	0	1	2
Building Design Features (minimum points: <u>RD and CBD</u> = 6, <u>RN and C</u> = 2; possible points = 10)			
<u>1.</u> Weather protection (may include awnings, covered porches, building overhangs, or other weather protection; must extend at least 4 feet in horizontal distance from the building wall and be constructed of durable	No weather protection at entrances or windows	Weather protection provided over the primary building entrance	Weather protection provided over all building entrances and required ground floor window areas

Table 17.202.060 – Architectural Features Design Matrix

Design Criteria	Possible Points		
	0	1	2
materials in order to qualify; see examples in Figure 13 and Figure 14)			
<u>2.</u> Use of natural siding materials (may include natural stone, wood and/or brick; materials designed to imitate natural materials do not qualify)	Little to no use of natural materials (less than 5 percent of street wall area, excluding area dedicated to glazing)	5 to 50 percent of both total building facade area and street wall area covered with natural siding materials (excluding area dedicated to glazing)	Over 50 percent of both total building facade area and street wall area covered with natural siding materials (excluding area dedicated to glazing)
<u>3.</u> Detailed window treatments (may include windows recessed at least 4 inches from facade, trim or moldings at least 3 inches in width, or projecting sills extending at least 2 inches from the window pane; see examples in Figure 15)	No use of detailed window treatments	Use of detailed window treatments on all street wall windows	Use of detailed window treatments on all exterior windows
<u>4.</u> Windows or doors that open onto a pedestrian area (may include “roll-up” doors or windows as shown in Figure 16 or other styles of doors or windows; must open onto a sidewalk, front setback area, or pedestrian plaza; does not include regular building entrances)	No windows/doors that open onto a pedestrian area	One or more windows/doors not located on the street wall that open onto a pedestrian area (such as a pedestrian plaza)	One or more windows/doors located on the street wall that open onto the sidewalk or front setback area
<u>5.</u> Pedestrian-oriented signs (see examples in Figure 17)	Site includes pole signs, roof signs, and/or monument signs that are more than 6 feet tall	Site includes monument signs that are no more than 6 feet tall and/or awning signs, wall	Site uses exclusively awning signs, wall signs, and/or projecting wall signs

Table 17.202.060 – Architectural Features Design Matrix

Design Criteria	Possible Points		
	0	1	2
		signs, or projecting wall signs	
Site Design Features (minimum points: <u>RD and CBD</u> = 5, <u>RN and C</u> = 2; possible points = 12 in <u>RD and CBD</u> zone, 14 in <u>RN and C</u> zone)			
<u>1.</u> Parking location (see also DMC 17.202.060(B))	Some parking located between a street-facing building facade and a public street	All parking located to the side of the building	All parking located behind the building
<u>2.</u> Protected bicycle parking (includes bicycle parking covered by an awning, indoor bicycle storage, and bike lockers; see also DMC 17.304.050)	No protection provided for required bicycle parking	Protection provided for 5% to 25% of required bicycle parking spaces	Protection provided for over 25% of required bicycle parking spaces
<u>3.</u> Benches (must be made from wood, metal, or stone; located within a front setback area; and accessible to the public in order to qualify; see examples in Figure 18)	No benches provided	At least one bench provided per 50 linear feet of street frontage	2 or more benches provided for each 50 linear feet of street frontage
<u>4.</u> Trees	No trees provided on site beyond those required under other sections of this code	Additional trees provided on site beyond those required under other sections of this code	All trees in front yard landscaping identified as preferred trees for downtown Dundee by the city council.
<u>5.</u> Additional landscaped area in the <u>RN and C</u> zones (subject to DMC 17.302.040 ; not applicable in the <u>RD and CBD</u> zones)	Little or no additional landscaped area provided (less than 5% of gross lot area beyond base requirement)	5% to 10% additional gross lot area landscaped beyond base requirement in DMC 17.302.050 .	More than 10% additional gross lot area landscaped beyond base requirement in DMC 17.302.050 .

Table 17.202.060 – Architectural Features Design Matrix

Design Criteria	Possible Points		
	0	1	2
6. Plant selection	2 or fewer distinct plant species included in landscaping	3 or more distinct plant species included in landscaping	5 or more distinct plant species included in landscaping
7. Installation of public art, including decorative bike racks, in primary front yard (approved by city council or designee)	No public art on site	1 point may be assigned for public art that makes a minor contribution to the public realm, as determined by the city council or designee	2 points may be assigned for public art that makes a significant contribution to the public realm, as determined by the city council or designee
Sustainability Features (minimum points: RD and CBD = 1, RN and C = 1; possible points = 14, 18 in RD and RN zones)			
1. Shared parking with adjacent uses (must meet standards of DMC 17.304.040(B))	No shared parking	More than one space but less than half of required parking spaces shared with adjacent uses	More than half of required parking spaces shared with adjacent uses
2. Use of native plants (native species listed in Metro’s “Native Plants for Willamette Valley Yards” or a similar resource)	Little or no use of native plants (less than 5% of landscaped area)	5% to 25% of landscaped area covered by native plant species	More than 25% of landscaped area covered by native plant species
3. Stormwater management integrated into site and landscaping (can include rain gardens, bioswales, and similar low impact development techniques; does not include detention)	No low impact development measures used on site	Site includes low impact stormwater management measures	

Table 17.202.060 – Architectural Features Design Matrix

Design Criteria	Possible Points		
	0	1	2
ponds; see examples in Figure 19)			
<u>4. Low water irrigation systems</u>	Any permanently installed irrigation systems using potable water do not use drip irrigation or a rain sensor	Any permanently installed irrigation systems using potable water use drip irrigation or a rain sensor	Site uses reclaimed water or rainwater for irrigation
<u>5. Electric vehicle charging station</u>	Site does not include electric vehicle charging station	Site includes at least one electric vehicle charging station	
<u>6. Permeable paving (may include porous concrete, permeable pavers, or other pervious materials as approved by the city engineer)</u>	Little or no use of permeable paving (less than 10% of all paved surfaces)	Permeable paving used on 10% to 50% of all paved surfaces	Permeable paving used on over 50% of all paved surfaces
<u>7. Green roofs for stormwater management (designed in accordance with best practices and approved by the building official; see examples in Figure 20)</u>	Little or no green roof (less than 25% of total roof area)	Green roof covering 25% to 50% of the total roof area	Green roof covering more than 50% of the total roof area
<u>8. LEED certification by the U.S. Green Building Council</u>	Building not LEED certified		Building LEED certified at any level
<u>Additional Sustainability features available for Multifamily Dwellings in RN and RD Zones</u>			
<u>9. Building energy efficiency measures that will reduce energy consumption, including efficient lighting and appliances, efficient hot water systems, solar orientation or</u>	<u>Efficiency measures reduce energy consumption by less than 25 percent based on</u>	<u>Efficiency measures reduce energy consumption by 25-50 percent based on HERS rating for building.</u>	<u>Efficiency measures reduce energy consumption by more than 50 percent based on HERS rating for building.</u>

Table 17.202.060 – Architectural Features Design Matrix

Design Criteria	Possible Points		
	0	1	2
solar water heating, solar photovoltaic panels, geothermal, and offsetting energy consumption with alternative energy.	<u>HERS rating for building.</u>		
10. Forest Stewardship Council certified wood Reclaimed Wood	<u>Less than 25% of wood products are Reclaimed wood</u>	<u>25-50% of wood products are Reclaimed wood</u>	<u>More than 50% of wood products are Reclaimed wood</u>

Total possible points: 36 in CBD zone, 38 in C zone, 40 in RD zone, and 42 in RN zone.

...

17.202.070 Site and building design standards in industrial zones.

The following standards apply to all development in the LI and RP zones that is subject to site design review per Chapter 17.402 DMC, except that buildings within 50 feet of a Parkway Collector in the RP zone are subject to DMC 17.202.060 (A) through (F) and (H).

- A. Building Design. The intent of these standards is to create attractive employment areas within Dundee.
 - 1. Architectural variation shall be provided for any wall facing a public street in order to break up the building mass. All walls facing a public street must have at least two of the following features; each feature must comprise at least 10 percent of the wall area.
 - a. Contrasting building colors;
 - b. Contrasting wall textures;
 - c. Changes in building materials;
 - d. Any of the following architectural features: awnings; columns; windows; arches; decorative relief, at least one inch in depth; pitched roof; other, as approved by the planning official.
 - 2. Walls facing a public street must be constructed of one or more of the following building materials:
 - a. Brick or masonry;
 - b. Concrete or concrete block;

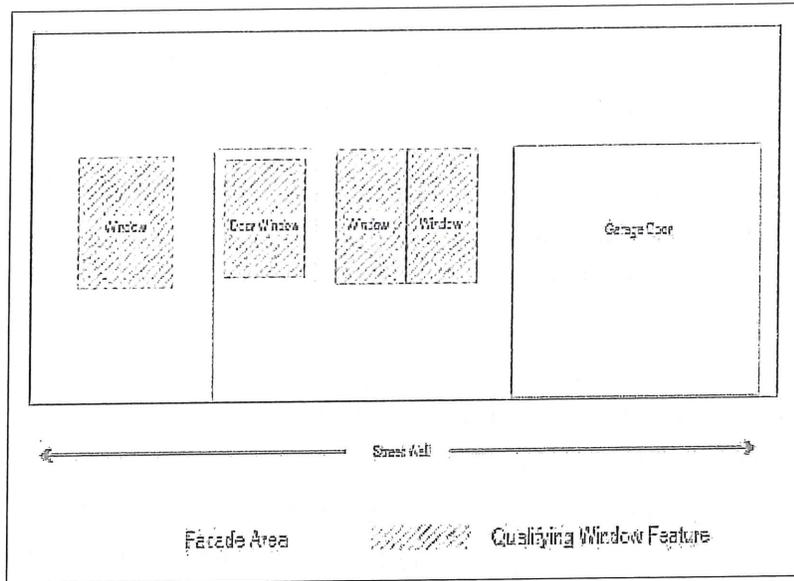
- c. Wood or wood composite;
 - d. Architectural metal, provided the metal does not comprise more than 70 percent of the building wall facing the public street;
 - e. Stucco;
 - f. Other, as approved by the planning official.
3. The main building entrance shall face a public street.
- B. Loading Areas, Outdoor Storage, and Trash Enclosures.
1. Areas used for trash collection or compaction, parking of trucks or trailers, and loading areas shall be located to the rear or side of the main building, to minimize the view of these areas from the public street. Where it is not possible to locate these facilities on a non-street building side, these facilities shall be screened from public view by landscaping or an opaque fence.
 - a. The planning official may approve a loading area adjacent to the public right-of-way where loading operations are:
 - i. Short in duration (i.e., less than one hour);
 - ii. Infrequent (i.e., less than three per day);
 - iii. Would not obstruct traffic during peak traffic hours (morning and evening);
 - iv. Would not interfere with emergency response services or pedestrian facilities.
 2. Areas used for outdoor storage shall not be located between a front building wall and a public street. Front building walls are defined as being where the main entrance to the building is located. Outdoor storage areas must be screened by an opaque fence or wall.
 3. Where a trash enclosure is required, the enclosure shall be composed of an opaque fence or freestanding masonry wall, with a gate. Gates need not be entirely opaque, but must include some elements to help screen the contents of the enclosure from view.
- C. Setbacks. Buildings within the industrial zone must be set back a minimum of 10 feet from property lines adjacent to a public street, and 20 feet from property lines adjacent to a residential zone. The area within the required setback adjacent to a public street must be entirely landscaped.
- D. Landscaping. Landscaping shall be used to create an attractive streetscape along property frontages. Landscaping within the front setback, between a building and the public street, shall include trees and a mix of shrubs, living groundcover, other appropriate plants, and grass, and may also include benches, sculptures, and stormwater management features such as rain gardens and bioswales. Landscaping used to meet the 10 percent requirement shall be visible from the public right-of-way.

- E. Walkway. A walkway shall be provided from the main building entrance to the nearest public sidewalk. The walkway shall be a minimum of five feet wide, and clearly delineated by the use of striping or contrasting paving materials, such as concrete or pavers. The walkway must be ADA compliant.

17.202.080 Residential design standards in the Riverside District Zones.

- A. Applicability. The following standards apply to all dwelling units and other residential development within the Riverside District Zones (RR, RN and RD). Nursing homes are considered a residential use for the purpose of this section.
- B. Purpose. The requirements are intended to create and maintain neighborhoods that are walkable and pedestrian-friendly; provide natural surveillance of public spaces (“eyes on the street”); ensure human-scale design; and prevent monotony in building design.
- C. Entrances. The following standards apply to primary entrances on residential buildings.
1. Single family detached and duplexes: the primary entrance to each dwelling must be located on a street facing façade.
 2. Single family attached dwellings, townhouses, compact detached dwellings and multifamily dwellings with individual ground-floor entries: each ground-floor entry must be located on a street-facing façade or face a shared courtyard with an accessway.
 3. Multifamily dwellings with no individual ground-floor entries: the primary entrance for each building must be located on a street-facing façade or, if more than one residential building is on the lot, may face a shared courtyard with an accessway.
- B. Windows. The following standards apply to all residential building facades which face a street (see Figure 17.202.080.1, below). The standards are not required for facades which only face alleys.

Figure 17.202.080.1. Residential Building Qualifying Window Features



1. Windows must be provided on each street-facing façade such that the area of street-facing windows represents a minimum of 15 percent of the total area of each street-facing façade.
2. Vehicle entrances to garages are excluded from the street-facing façade requirements and do not count as part of the façade variety.
3. Windows in garage doors are not counted towards the window requirement.

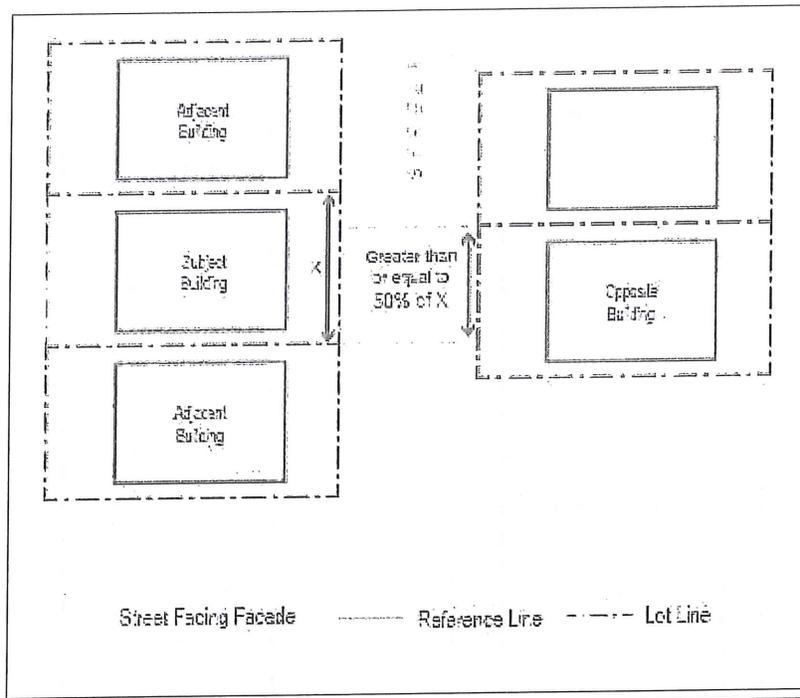
C. Articulation. The following standards apply to all residential building facades which face a street. The standards are not required for facades which only face alleys. All street-facing facades of such buildings must include at least one of the following features:

1. An offset or projection of at least 2 feet that extends horizontally for a minimum of four feet.
2. A covered porch not less than five feet in depth and six feet in width
3. A bay window that projects from the street-facing elevation by a minimum of 18 inches
4. A recessed entrance not less than three feet in depth.

D. Façade variety. The following standards apply to all single family detached residences and duplexes.

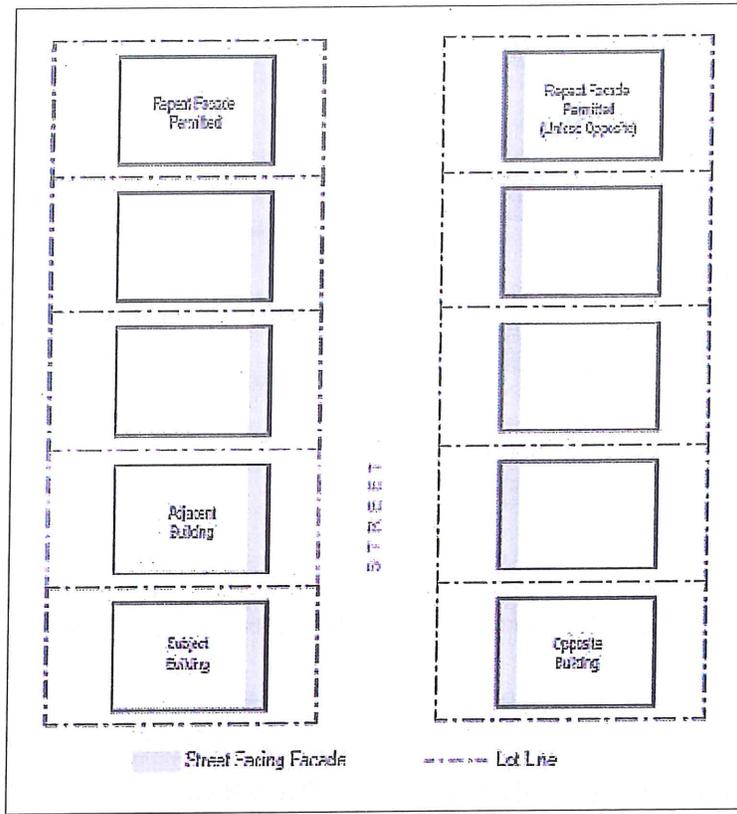
1. All buildings directly adjacent and opposite will be used for comparison in this standard. Opposite is defined as any two dwellings directly across the street from one another whose frontages overlap by 50 percent or more.

Figure 17.202.080.2. Buildings Which are Considered Adjacent or Opposite to a Subject Building



2. No two directly adjacent or opposite buildings may possess the same street-facing façade. This standard is met when buildings differ from one another based on at least two of the elements listed below. Where facades repeat on the same block face, they must have at least three intervening lots between them that meet the above standard.

Figure 17.202.080.3. Minimum Building Separation for Repeated Facades



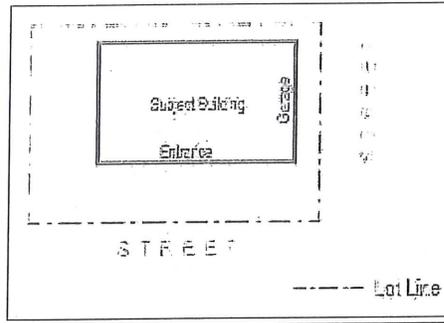
- a. Window and door locations. The street-facing façades have different placement of windows or doors.
- b. Articulation features. The type of feature(s) used to comply with DMC 17.202.080.C.3 are different (e.g. covered porch vs. bay window).
- c. Roof type. The buildings use different roof forms (e.g. gable, gambrel, or hip), different orientation (e.g., front-facing versus side-facing gable), or have different roof projections (e.g., with and without dormer or shed).

E. Parking Location. The following standards apply to individual and shared garages, parking areas, loading areas, drive aisles, driveways, and all other areas devoted to vehicle storage and circulation in residential buildings.

- 1. Entrances. The following entrance standards apply to all parking types, including shared parking areas and structures.
 - a. No garage entrance shall be located closer than 20 feet to a street (other than an alley) except where the City approves a reduced setback and parking in front of garages is restricted (for example, as part of an approval for a hillside development or development adjacent to a natural feature). This shall be approved through a variance process (17.406.040).

- b. A garage entrance facing a street (other than an alley) shall not be located closer to an adjacent street than the primary entrance to the building except on corner lots where the primary entrance and garage are located on different sides of the dwelling (see Figure 17.202.080.4).

Figure 17.202.080.4. Example of Corner Lot Garage and Entrance Exception



- c. Garage entrances which are located within a garage which is attached to the primary residential structure or in a detached structure which is located in front of the rear façade of the primary residential structure and which is facing towards or within 45 degrees of a street other than an alley must be no taller than the height of the primary structure.
- d. Garage entrances which are located within a detached garage which is located behind the rear façade of the primary residential structure may be taller than the height of the primary residential structure.
- e. Garage doors wider than 12 feet must have windows along the length of the entire door.
- f. The total width of all garage doors facing towards or within 45 degrees of a street other than an alley must not exceed 40 percent of the width of the total width of the street facing façade of the residential structure, including an attached or detached garage.
- g. Where a building abuts an alley the garage entrance(s) shall be oriented to the alley.
2. Shared Parking Areas and Structures. Parking garages, lots, and structures dedicated to the shared use of multiple dwellings shall meet all the following standards:
- a. Placement. Parking lots shall be located to the sides and/or back of buildings so that front yard areas can be used for landscaping and other "pedestrian-friendly" amenities.
- b. Circulation. Provisions shall be made to provide efficient and adequate on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.

F. Sustainable design. In order to limit the impact of larger developments on the natural environment, multifamily dwellings shall incorporate sustainable design features in Section 17.202.080, with a minimum combined score of 5 points.

Table 17.202.080. Sustainable Features Matrix

Sustainability Criteria	Possible Points		
	0	1	2
Sustainability Features (minimum points: 5; possible points = 18)			
1. Shared parking with adjacent uses (must meet standards of DMC 17.304.040(B))	No shared parking	More than one space but less than half of required parking spaces shared with adjacent uses	More than half of required parking spaces shared with adjacent uses
2. Use of native plants (native species listed in Metro’s “Native Plants for Willamette Valley Yards” or a similar resource)	Little or no use of native plants (less than 5% of landscaped area)	5% to 25% of landscaped area covered by native plant species	More than 25% of landscaped area covered by native plant species
3. Stormwater management integrated into site and landscaping (can include rain gardens, bioswales, and similar low impact development techniques)	No vegetated stormwater management facilities used on site	Site includes vegetated stormwater management facilities	-
4 Low water irrigation systems	Any permanently installed irrigation systems using potable water, do not use drip irrigation or a rain sensor	Any permanently installed irrigation systems using potable water, use drip irrigation or a rain sensor	Site uses reclaimed water or rainwater for irrigation
5 Electric vehicle charging station	Site does not include electric vehicle charging station	Site includes at least one electric vehicle charging station	-
6 Permeable paving (may include porous concrete, permeable pavers, or other pervious materials as approved by the city engineer)	Little or no use of permeable paving (less than 10% of all paved surfaces)	Permeable paving used on 10% to 50% of all paved surfaces	Permeable paving used on over 50% of all paved surfaces
7. Green roofs for stormwater management (designed in accordance with best practices and approved by the building official; see examples in Figure 20)	Little or no green roof (less than 25% of total roof area)	Green roof covering 25% to 50% of the total roof area	Green roof covering more than 50% of the total roof area
8. LEED certification by the U.S. Green Building Council	Building not LEED certified	-	Building LEED certified at any level
9. Building energy efficiency measures that will reduce energy consumption, including efficient lighting and	Efficiency measures reduce energy consumption by less	Efficiency measures reduce energy consumption by 25-	Efficiency measures reduce energy consumption by more than

Table 17.202.080. Sustainable Features Matrix

<u>Sustainability Criteria</u>	<u>Possible Points</u>		
	<u>0</u>	<u>1</u>	<u>2</u>
<u>appliances, efficient hot water systems, solar orientation or solar water heating, solar photovoltaic panels, geothermal, and offsetting energy consumption with alternative energy.</u>	<u>than 25 percent based on HERS rating for building.</u>	<u>50 percent based on HERS rating for building.</u>	<u>50 percent based on HERS rating for building.</u>
<u>10. Forest Stewardship Council certified wood Reclaimed Wood</u>	<u>Less than 25% of wood products are Reclaimed wood</u>	<u>25-50% of wood products are Reclaimed wood</u>	<u>More than 50% of wood products are Reclaimed wood</u>

G. Height bonus. To encourage improved amenities, affordable housing and green building, the maximum height of a multi-family development in this zone may be increased by 10 feet, provided that one of the following standards is met. In addition to meeting one of the listed standards, the building shall follow the setback standards of R-3.

1. The building is certified as meeting the LEED silver standard or equivalent
2. At least 25 percent of the total dwelling units within the subject development are affordable to households at 80 percent median family income for a period of at least 20 years.
3. Recreational Area in Multi-family Residential and Mixed Use Developments.
 - a. The Recreational Area requirement is intended to provide adequate recreational amenities for occupants of multiple family developments and mixed use developments where the majority of the developed square footage is to be in residential use.
 - b. Recreational Area is defined as the common area of all lawns, community gardens, play lots, plazas, court yards, interior and exterior swimming pools, ball courts, tennis courts, exercise rooms, health and exercise facilities, libraries, internet/electronic media rooms, pet play and wash areas, decks and other similar areas for common recreational uses. Recreational Area may include parks required under the Site Development Master Plan, and any usable park areas not shown in such plan. Private areas under this definition, defined as those areas that are accessible only by a single owner or tenant, or commercial or retail recreation facilities serving the general public, shall not constitute or contribute to the measurement of Recreational Area.
 - c. A variety of age appropriate facilities shall be included in the mix of Recreational Area facilities.
 - d. Recreational Area shall be at least 195 square feet per residential unit.

CHAPTER 17.203 SPECIAL USE STANDARDS

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

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

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

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

17.203.080 Two-family (duplex) dwellings.

Duplexes shall comply with all of the following requirements:

A. Applicability. Duplexes within the Riverside District shall follow the residential design standards under code 17.202.080.

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

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

~~C.~~ D. Materials. Duplexes shall have exterior materials (siding, roofing, windows and trim) that are the same as or similar to the materials used on adjacent single-family dwellings, except that the planning official may waive this standard where the materials used on adjacent single-family dwellings are of inferior quality to those the applicant proposes. [Ord. 521-2013 § 3 (Exh. A)].

17.203.150 Small-scale manufacturing in the community commercial zone.

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

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

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

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

17.203.230 Personal storage in the community commercial zone.

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

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

C. Standards.

1. Storage facilities shall be fully enclosed within a building.
2. Total ground floor building footprint shall be no greater than 20,000 square feet of gross floor area.
3. Access to individual storage units shall be provided from the interior of the building only.
4. Existing buildings containing exclusively personal storage units that are accessed from the exterior of the building shall not be subject to the standards of DMC [17.202.060](#); however, a site with existing buildings containing exclusively personal storage units that are accessed from the exterior of the building shall also include Pan office or administrative building that meets the standards of DMC [17.202.060](#). [Ord. 534-2014 § 1 (Exh. A)].

17.203.280 Residential Development in Riverside Mixed Use Zones.

A. Purpose. The following standards are intended to ensure that Riverside Mixed Use Zones are developed with a mix of uses, including commercial or other non-residential uses, consistent with the Riverside District Master Plan.

B. Applicability. These standards apply to all residential uses except dwellings above ground floor commercial. Nursing homes are considered a residential use for purposes of this section.

C. Standards.

1. Up to 50 percent of the net area designated as Riverside Mixed Use Zones (RN and RD) in a Site Development Master Plan, may be developed with residential-only uses, i.e., no commercial or industrial component.
2. Dwellings above ground floor commercial are not included in the residential-only uses in 17.203.280(C)(1).
3. No more than 50% of the floor area in a non-residential development area may be live/work dwellings.
4. The residential-only uses shall be developed at a minimum density of 14 units per net acre.
5. Net area for the purposes of this standard shall be calculated as the area of land after deducting for future streets, parks, and natural resource areas subject to local, state, or federal preservation requirements.

CHAPTER 17.204 OVERLAY ZONES

17.204.020 Applicability.

Unless specifically modified by the overlay district, development within the boundaries of an overlay zone must meet both the requirements of the base zoning and the overlay zone. Overlay zone boundaries are depicted on the official zoning map, in the comprehensive plan, or as otherwise described herein. The overlay is designated by showing the base zone, followed by a slash then a two-letter abbreviation for the overlay, such as R-2/FP. The Riverside District overlay is shown by the RD designation on the Dundee Comprehensive Plan. Overlay zone boundaries may follow natural features, contours, or specified buffer distances rather than lot lines, so that an overlay zone may apply only to part of a development site. Where boundaries of an overlay zone are unclear, the city planning official shall use the procedure in DMC 17.201.020 to determine the boundary. The city planning official may rely on field measurements, surveys, or similar information to determine the boundaries. Boundary locations that are determined by information from other official sources are modified automatically when those official sources modify the boundary, such as when a letter of map amendment modifies a flood plain boundary. [Ord. 521-2013 § 3 (Exh. A)].

17.204.060 Riverside District overlay (RD).

- A. Purpose. The purpose of this section is to ensure coordinated development within the Riverside District. The provisions of this section accommodate the needs of property owners to begin long range planning for their property and ensure that future development will be consistent with the Riverside District Master Plan and other City policies, requirements and needs. These regulations are necessary to:
1. Provide uniform procedures and standards for the future subdivision, partition and development of land,
 2. Provide the proper construction and arrangement of space,
 3. Assure adequate sanitation and water supply,
 4. Assure adequate transportation mobility, connectivity, safety and access for all travel modes,
 5. Provide flexibility in design and development in a manner that does not overwhelm public services,
 6. Provide for orderly development and conservation of land,
 7. Protect the general health, safety and welfare and
 8. Implement the Comprehensive Plan of the City of Dundee.
- B. Applicability. The following Site Development Master Plan (SDMP) provisions apply to all land within the Riverside District Overlay zone. Subdivisions and partitions of land and associated land use applications proposed after approval of a SDMP are subject to subsection G (Consistency) and H (Modifications), provided a SDMP has been previously approved for the subject site.
- C. Application Procedure. Prior to approval of any application for land division or development within a given subarea of the Riverside District Overlay, a Site Development Master Plan for the subject subarea must have been submitted and approved. Site Development Master Plans in the Riverside District Overlay are reviewed as a Type III (Planning Commission) decision. The City shall approve, approve with conditions, or deny a Site Development Master Plan.
1. Subarea Coverage. The Site Development Master Plan must cover, at a minimum, all lots within at least one subarea identified on Riverside District Master Plan Figure 2. Site Development Master Plans may cover multiple subareas.
 2. Owners of 90 percent of total acreage included in the Site Development Master Plan must sign the Site Development Master Plan application and thereby agree to all requirements associated with preparation, approval and implementation of the Site Development Master Plan. The Dundee City Council may approve submittal of a Site Development Master Plan that applies to less than 90 percent, but no less than 50 percent of the area within the subject Riverside District subarea.

3. A site development master plan may be submitted concurrently with an application for development or land division or with a concurrent quasi-judicial zoning map amendment.
- D. Site Development Master Plans Submittal Requirements. Applications must include the following information in addition to information required by DMC 17.401.040 for Type III applications. The Site Development Master Plan must include all of the following components:
1. General Information, including names, addresses, telephone numbers, and signatures from owners within the Site Development Master Plan area per subsection C2.
 2. Boundaries of areas within Site Development Master Plan.
 3. General description. An overall description of the plan, including both written and graphic elements, existing, proposed, and possible development and uses, height and massing of development, phasing of development, applicable review procedures for each development or phase, and what standards, guidelines, and approval criteria will be used to evaluate each development or phase.
 4. Preliminary layout and sizing of infrastructure and public facilities (see subsection F). Site plans, showing the location, size, and dimensions of existing and proposed structures, including the pedestrian, bicycle, and vehicle circulation system; rights-of-way proposed for dedication or vacation; water, wastewater and stormwater infrastructure improvements; stormwater management plan; and any proposed temporary uses during construction and phasing of development.
 5. Proposed location, size, boundaries and alignment of trails, open space and park land (if any), and areas subject to natural resource preservation requirements.
 6. Uses and activities. Proposed uses within areas, 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, residential and non-residential use. The description must include information as to the general amount and type of all uses.
 7. Phasing of development. The plan must include the proposed development phases, probable sequence for proposed infrastructure and development, and estimated dates. Phasing must be consistent with subsection D9 of this section.
 8. Housing Mix and Capacity Estimates: For all residential areas, the following estimates must be included in the Site Development Master Plan:
 - a. A graphic demonstration showing the different housing types for each residential area. Materials must include a detailed map of each area, including housing types proposed.
 - b. An estimate of gross and net developable acres within each area devoted to a specific mix of housing types, based on proposed local street layout; areas identified for non-residential uses, parks and trails; and areas subject to natural resource protections.

c. A calculation estimating the minimum and maximum number of units that are proposed to be built in each area based on allowed density ranges for each housing type and net developable acres identified for each housing type.

i. For single family detached housing, the density calculation shall be based on the minimum and maximum allowable density as defined in Section 17.204.060.F.

ii. For other housing types, the density calculation shall be based on the proposed number of units divided by the net developable area allocated to those units.

iii. For all units, the overall average density calculation will be based on the total number of all units divided by the net developable acres of land proposed for residential development.

9. Proposed phasing of development shall be specified. The phasing must be proposed for at least 5 years and up to 10 years. An approved Site Development Master Plan remains in effect for 10 years, unless the plan is modified.

E. Housing Mix Requirements. The Site Development Master Plan must identify at least two different housing types in each subarea where residential only development is proposed.

1. The following are considered distinct housing types for purposes of meeting this standard:

a. Single family detached dwellings (with or without an accessory dwelling units) or residential care home

b. Duplexes or single family attached dwellings in which both dwelling units are at least 800 square feet or are of equal size

c. Townhouse or Compact Detached dwellings

d. Multifamily dwellings or residential care facility

e. Manufactured dwelling park

2. If including townhouse dwellings, compact detached dwellings, multifamily dwellings or residential care facilities in subdivision: a minimum of 6 units of that housing type must be provided.

3. If including duplexes or single family attached dwellings in a subdivision, at least 25 percent of the corner lots within the subdivision that includes these housing types, or an equivalent number of lots, must be designated on the Site Development Master Plan for duplexes or single family attached dwellings and shall be recorded on a subdivision plat as such at the time of subdivision plan submittal.

4. The Site Development Master Plan must not identify areas abutting existing single family detached dwellings outside the Riverside District Overlay for housing types other than single family detached dwellings or residential care homes.

F. Density Requirements. Each Site Development Master Plan must demonstrate that the overall average density of proposed housing development within each subarea will be between 8 and 11 units per net acre, with the following exception.

1. A site development master plan may be submitted with a lower housing density within a subarea if the applicant simultaneously submits a Site Development Master Plan for another subarea within the Riverside District that exceeds a housing density of 11 units per net acre, provided the combined and averaged area density of the two subareas still averages between 8 and 11 units per net acre.

G. All standards of Chapters 17.301 and 17.305 apply, except that:

1. Private streets will be permitted only for alleys with public access. All other streets within the Riverside District Overlay must be public streets.¹
2. In commercial and mixed use areas, except as restricted on collector and 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 400 linear feet of street frontage, measured from street right-of-way line to street right-of-way line.

H. Each Site Development Master Plan that includes residential development must provide for land for neighborhood parks which meets the following requirements.

1. The amount of land in acres dedicated for a park shall equal at least the following calculation: $(2.9 \text{ persons per dwelling units}) \times (\text{total number of dwelling units proposed in the subarea}) \times (2.5 \text{ acres}) / (1,000 \text{ persons})$.
2. Prior to approval of the dedication of land for a neighborhood park, the developer must submit a Phase I Environmental Site Assessment to demonstrate that the land is free of any environmental contamination.
3. The entire acreage must be dedicated to the City of Dundee prior to approval of the final plat or development approval for the first phase of development.
4. Neighborhood park sites proposed for dedication must meet the following criteria.
 - a. At least two (2) acres in size with an average depth of not more than two times the average width.
 - b. Adjacent to at least two streets that will have residential or non-residential development on the other side.
 - c. Not within 200 feet of the right-of-way for the Newberg-Dundee Bypass.

¹ This supersedes the allowances for private streets in 17.301.020(K).

- d. Contain a contiguous area representing at least 80 percent of the required minimum size that is free of slopes in excess of 5 percent and no slopes in excess of 15 percent. Wetlands, stream corridors, or designated wildlife habitat areas or established buffers located within the proposed park site shall not count toward the required minimum size.
- e. Located within a one quarter-mile of all planned residential areas within the Site Development Master Plan area.
- f. Interconnected by a public shared use path system.

I. Shared Use Paths must meet the following criteria.

1. Provided in compliance with Figure 17.204.060.1 by the following:

- a. Connecting parks in the Riverside District Master Plan Subareas A and C underneath the Newberg-Dundee Bypass to the North South Parkway;
- b. Connecting SW 6th Street with the existing SW 8th Street (Dundee Landing Road) bicycle and pedestrian facilities that cross over the Dundee-Newberg Bypass.
- c. Connecting parks in the Riverside District Master Plan Subareas D, E, and F.
- d. Path alignments may vary from Figure 17.204.060.1 depending on the final location of parks; however a path must be provided along the Willamette River top of bluff and south of the Canyon Lake Natural Area connecting the North-South Parkway to the bluff.

2. Provide public access points at intervals no greater than 500 feet.

3. Located within land areas or public easements dedicated to the City of Dundee with a minimum width of 20 feet. Maximum cross-slope within the easement cannot exceed 12 percent.

4. Must meet all applicable federal and state accessibility standards.

5. Paths through protected natural resource areas must obtain all necessary approvals and meet all applicable development standards.

J. Prior to approval of a Site Development Master Plan for a District Subarea, the applicant must enter into a Development Agreement with the City of Dundee that specifies how all needed and required public facility improvements for water, wastewater, stormwater, transportation and parks will be constructed and funded.

K. Consistency Requirements. Once a Site Development Master Plan is approved, all future land divisions and development within its boundaries must be consistent with the approved Site Development Master Plan, unless a modification is approved. If the land division or development application is not consistent, a modification must be approved prior to the application being considered. Land division or Development applications may be submitted concurrently with the modification application.

1. Consistency shall be defined as:
 - a. A change of no more than ten (10) percent of any quantifiable matter, requirement, or performance measure, as specified in subsection E, or F, above, excluding park size, overall density requirements, and housing type and quantity, and
2. The following factors must be consistent with the Site Development Master Plan:
 - a. Housing type and quantity. Changes to planned housing type do not affect more than 20 percent of the total area designated for a certain housing type (e.g. if 3 acres of land are designated for multifamily housing, then 0.6 acres may be changed to a different housing type).
 - b. Residential density. Density is within the required range, as defined within section 17.204.060.F of the DMC.
 - c. Non-residential use. Proposed non-residential uses are located in the area(s) identified in the master plan for non-residential use.
 - d. Local street layout. The following must apply.
 - i. Local street alignments are within 150 feet of the alignments shown in the Master Plan.
 - ii. The number of local street connections is no less than 90 percent of the number of connections shown in the Master Plan.
 - e. Shared use path and trail alignment. Shared use path and trail alignments must be adjacent to the same lots or roadway shown in the Site Development Master Plan.
 - f. Infrastructure alignment and sizing. Alignments and connections of proposed facilities are adjacent to the same streets as shown in the Site Development Master Plan; and sizing of proposed water, sanitary sewer, and storm drainage must provide adequate capacity to serve proposed uses in the area as determined by the City Engineer.
 - g. Neighborhood park location. Neighborhood parks must be located within one-quarter mile of the locations shown in the Site Development Master Plan and must continue to meet the locational criteria established in subsection (H) of this section of the DMC.
 - h. Phasing. The sequence of each phase must be the same sequence as that which was listed in the Site Development Master Plan for each area; or the applicant can demonstrate that changes in phasing do not affect the timing of infrastructure improvements.
- L. Modifications of an Approved Site Development Master Plan. Modifications will be reviewed as a Type III Application.
 1. Modifications include the following.
 - a. Any changes which are not consistent with the Site Development Master Plan as described in Section (I) of this section of the DMC.

b. Changing an area from a non-residential use to residential use or vice-versa.

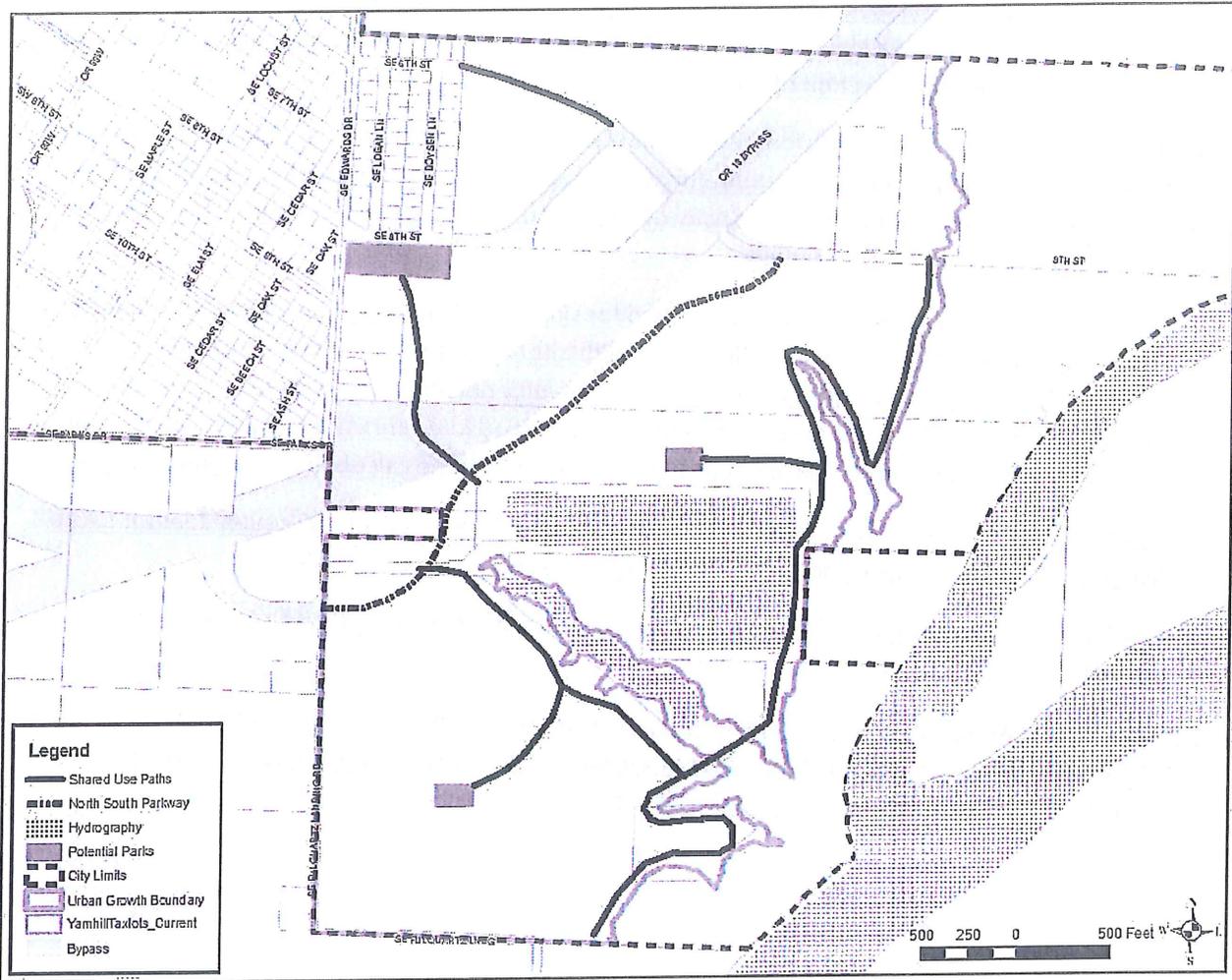
2. Proposed modifications shall address each of the submittal requirements described in Subsection (D) of this Section and shall be consistent with all review and approval requirements described in all other subsections of this Section of the Development Code.

M. Subdivision, land divisions, and development of land within the Riverside District Overlay zone must meet the following minimum density requirements to ensure that detached dwellings within a given subarea to achieve the minimum target density of eight (8) units per net acre or meet density and development goals in the RD or RN zones.

1. For subdivisions in the RR zone, areas identified for single family detached dwellings in an approved Site Development Master Plan, including those with lots designated for duplex or single family attached dwellings, the average lot size for all single family detached dwelling lots in the subdivision shall not exceed 6,000 square feet. Lots and tracts reserved for non-residential uses, parks, trails, natural resources, and other housing types are not included in the calculation of average lot size.
2. Individual lots may be as small as the minimum lot size in the RR zone (4,000 square feet for single family detached dwellings), and there is no maximum size for an individual lot.
3. Residential only development in the RD and RN zones must meet the Special Use Standards of Section 17.203.280.

N. Approval Period. Modification of the Plan may result in an extension of the approval of the Master Plan period for up to five years. Only one five-year extension will be granted for a Master Plan, regardless of the number of modifications requested and approved.

Figure 17.204.060.1 Shared Use Paths Map



CHAPTER 17.302 LANDSCAPING AND SCREENING

17.302.060 Screening and buffering.

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

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

a. Any parking area or drive aisle adjacent to an interior lot line shall be screened by a five-foot landscaped strip. Where the parking area is located adjacent to an R-1, R-2, or RR zoning district, the landscaped strip shall also include an opaque fence to block light trespass from headlights onto adjacent properties. Where additional screening is required between zones, the screening shall be incorporated into the required buffer strip, and shall not be an additional requirement.

b. Any parking area adjacent to a front lot line along a public right-of-way shall be screened by a 10-foot landscaped strip.

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

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

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

- b. The tree shall be planted in a landscaped area such that the tree bole is at least three feet from any curb or paved area.
- c. The landscaped area shall be planted with shrubs, grass, or living ground cover to assure 80 percent coverage within two years.
- d. That portion of a required landscaped yard, buffer strip or screening strip abutting parking stalls may be counted toward required parking lot landscaping as long as the tree species, living plant material coverage, placement and distribution criteria are also met.
- e. Landscaping should be evenly distributed throughout the parking area and perimeter.

CHAPTER 17.501 DEFINITIONS

“Street-facing façade” means all the walls or portions of walls of a building that face towards or within 45 degrees of a given street (excluding alleys) and are not separated from the street by another building wall.

“Dwelling, live/work” means a dwelling unit in which a portion of the unit is designed for a non-residential use. The space designed for non-residential use is internally connected to the dwelling unit without passing through a common area shared by other units or businesses and is generally located on the ground floor. The non-residential use is operated by the same household that occupies the dwelling unit, but need not meet the definition of a home business.

“Dwelling, Compact Detached” means a single family detached dwelling unit on a lot less than 4,000 square feet, subject to special standards in the Riverside Residential zone. Lots meeting this size definition will be allowed in other zones where single family residential dwellings are allowed if they can meet the base standards or criteria for adjustments or variances in those zones.

“Drive Aisles” means a vehicle passageway located within an area used for the parking or storage of 3 or more vehicles.

“Street Frontage” see “Lot Frontage”

“HERS” means Home Energy Rating System which is a home energy efficiency measurement index.

“LEED” means Leadership in Energy and Environmental Design.

“Low impact development” means a design approach to manage stormwater that mimics nature by using techniques that infiltrate, evapotranspire, and/or harvest/reuse the runoff generated from storm water to retain precipitation onsite.

Exhibit B: Riverside District Zoning Map Amendments

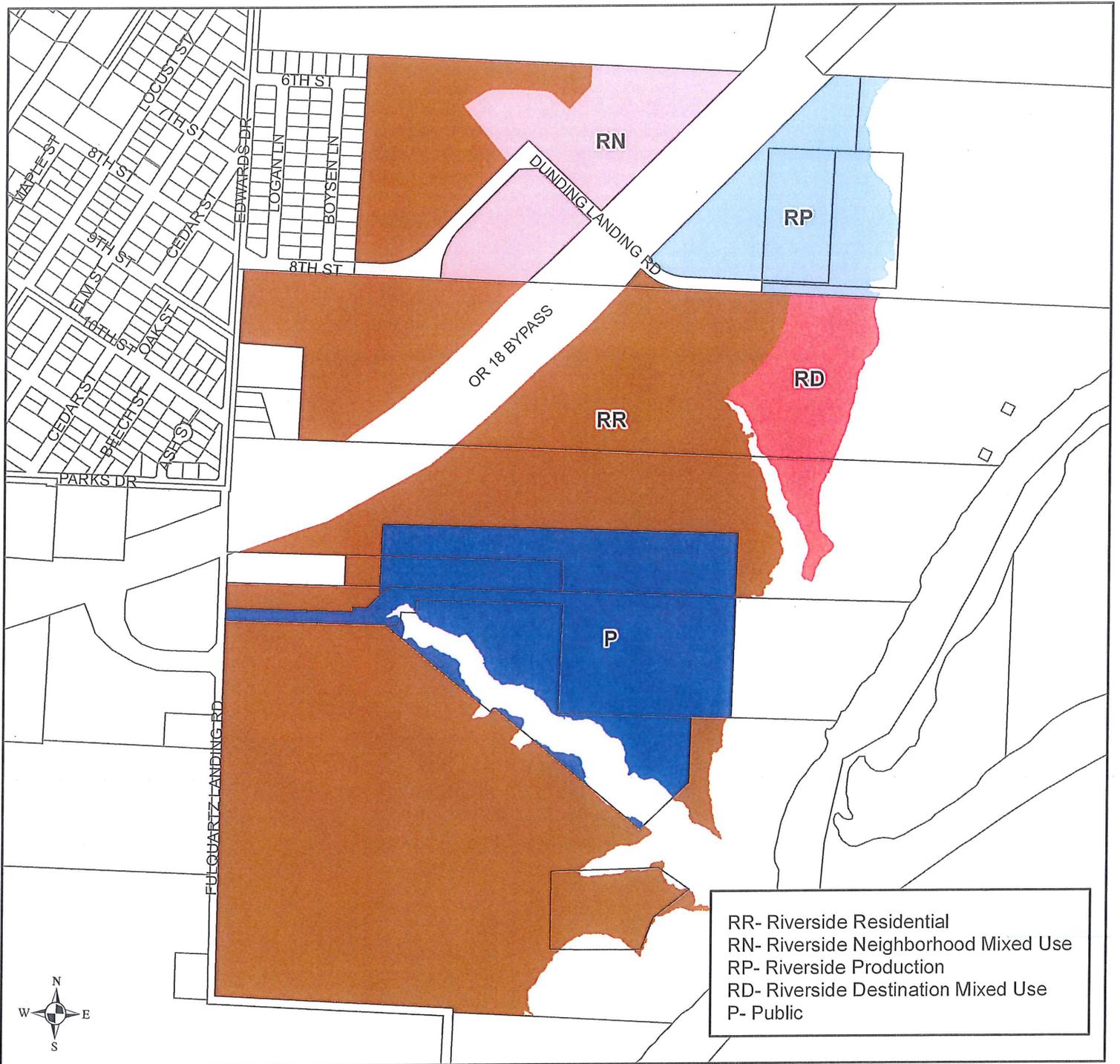


Exhibit C: Findings LURA 18-01

Riverside District Development Code and Zoning Map Amendments

Overview

Because a plan to finance public infrastructure improvements has not been drafted or approved, the Planning Commission recommendation is to accept the proposed zoning to implement the adopted Riverside District Master Plan. Additional public hearings to consider adoption of the amendments will happen in the future once financing is secured. No changes will be made to the Zoning Map or Dundee Municipal Code – Title 17 Development Code.

The proposed amendments to provide zoning and development standards to the Riverside District comply with the Dundee development code, Dundee Comprehensive Plan goals & policies, and Oregon Statewide Planning Goals, rules and statutes, as demonstrated by the findings below. The proposed code and map amendments are focused on implementing the policies and goals of the Riverside District Master Plan (RDMP), which was adopted as an amendment to the City of Dundee Comprehensive Plan in 2011.

Section I - Dundee Municipal Code, 17.405.030

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

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

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

Finding: The Planning Commission recommendation is to accept the proposed zoning to implement the adopted Riverside District Master Plan. The proposed zoning is consistent with the RDMP and the existing comprehensive plan designation of Riverfront District.

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

Finding:

- The proposed zoning includes two mixed use zones which allow for a mix of retail, commercial and residential development. These zones are located in the areas identified for retail and commercial development in the RDMP and are consistent with the acreages identified for those uses in that plan. Allowed uses in those zones correspond to the types of uses recommended in the RDMP.

- The proposed Development Code amendments include application of a Riverside Production Zone which will allow a mix of light industrial, retail and other commercial uses, including wine production and other uses specifically identified as desirable in the RDMP. The area designated for this zone is consistent with the acreage identified for these uses in the plan.
- The proposed zoning applies the Riverside Residential zone to the areas identified for residential development in the RDMP. The proposed new residential zone allows for a wide variety of housing types, requires densities consistent with housing targets established in the RDMP and includes design and development standards which will meet other specific goals and policies of the plan.

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

Finding: Because a plan to finance public infrastructure improvements has not been drafted or approved, the Planning Commission recommendation is to accept the proposed zoning to implement the adopted Riverside District Master Plan. Additional public hearings to consider adoption of the amendments will happen in the future once financing is secured.

The proposed code amendments build on work conducted early in the Riverside District Master Plan (RDMP), and the proposed uses are consistent with those anticipated by the RDMP. The proposed and existing code will ensure that public facilities will be provided as development occurs to adequately serve it. Each sub-area within the Riverside District will be required to have a Development Master Plan approved prior to any development being approved within that area.

The Master Plan will require the applicant demonstrate public facilities and services (including water, stormwater, wastewater transportation, and parks and pathways) to serve the subarea and development sites before development may start.

4. The amendment must conform to the transportation planning rule provisions under DMC 17.405.040.

Finding:

17.405.040 Transportation planning rule compliance.

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

The Oregon Transportation Planning Rule OAR 66-012-0060(1), states:

“Amendments to functional plan, acknowledged comprehensive plans and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified functions, capacity and performance standards (i.e. level of service, volume to capacity ratio, etc) of the facility.”

OAR Section 660-012-0060(2) states that to determine if a proposed use significantly affects a transportation facility the following must be found:

“(a) Changes the functional classification of an existing or planned transportation facility;

(b) Changes standards implementing a functional classification system;

(c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or

(d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.”

No changes to the Comprehensive Plan designations are proposed to be updated; therefore, significant provisions of the Transportation Planning Rules are not applicable.

The City of Dundee underwent a Transportation System Plan update in July 2015 to include changes related to the RDMP. During this time, the Transportation Planning Rules compliance were addressed. The proposed amendments and zoning designations within the new Riverside District are consistent with development assumptions and traffic analysis with the TSP and earlier Master Planning efforts. Modifications made since that time will allow for residential only development in commercial zones. The proposed code allows up to 50% of the net acreage in the RN and RD zones to be developed with residential only uses. Minimum density for this development is 14 units per acre. This change is still consistent with the RDMP and results in a net increase of approximately 150 trips (about 6% at full buildout of the Riverside District). This will not have a significant impact on the transportation system.

In this way, the new development code additions are consistent with Statewide Planning Goal 12 and the Transportation Planning Rule.

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

Finding: The new Riverside code will implement the policies and goals of the Riverside District Master Plan (RDMP), which was a supporting document to the Riverside District Comprehensive Plan chapter. Policy 1 states that this chapter will supersede any policies within the

Comprehensive Plan that relate to the area within the Riverside District. Findings in Section II show compliance with the Riverside District chapter's policies. Given this policy language, other Comprehensive Plan policies are not addressed explicitly in these findings. Consistency with many of the more general policies related to housing, economic development and transportation are addressed by consistency with the Oregon Statewide Planning Goals – Section III.

Section II - Dundee Comprehensive Plan, Chapter 5 Riverside District

Policies

Dundee Comprehensive Plan Chapter 5, Riverside District

The City of Dundee adopted Chapter 5 of its Comprehensive Plan to incorporate the Riverside District Master Plan (RDMP) into the existing planning document. Policy 1 of Chapter 5 states that this chapter will supersede any policies within the Comprehensive Plan that relate to the area within the Riverside District. As such, the Development Code has been created to meet the policies within Chapter 5 specifically of the Comprehensive Plan. The RDMP provides additional details as to the specifics of some of these policies as a supporting document.

1. The policies in this Riverside District chapter shall replace and supersede any policies in the Dundee Comprehensive Plan that relate to the area within the new Riverside District plan designation.

Finding: As stated above, the new Riverside code will implement the policies and goals of the Riverside District Master Plan (RDMP), which was a supporting document to the mentioned Riverside District chapter. Responses below will show compliance to the Riverside District chapter's policies. Given this policy language, other Comprehensive Plan policies are not addressed explicitly in these findings although consistency with many of the more general policies related to housing, economic development and transportation are addressed by consistency with the Oregon Statewide Planning Goals.

2. The City will identify the boundaries of the Riverside District plan designation on the Comprehensive Plan Map as shown in Figure 1.

Finding: The Comprehensive Plan Map was updated prior to preparation of the proposed development code amendments. The development code will align with the Comprehensive Plan Map, and future development within the Riverside District will correlate with the boundaries of the Riverside District shown in Figure 1 of the Riverside District Chapter of the Dundee Comprehensive Plan.

3. The City will retain existing zoning that applies within the Riverside District plan designation. Existing zoning shall be considered consistent with the Riverside District plan designation

because existing zones allow less intensive, lower density development than anticipated in the Riverside District Master Plan. Uses and development allowed under existing zoning regulations will be allowed, consistent with the provisions of the Dundee Development Code, statewide administrative rules and statutes, all of these policies, and any conditions of prior zoning and development approvals.

Finding: When the RDMP was adopted, existing zoning designations were retained, consistent with the policy and reasoning above. The current proposal is to amend those zoning designations to fully implement the goals and policies of the Riverside District Master Plan (RDMP). Proposed zoning designations are consistent with the land use pattern described in the RDMP. Proposed allowed land uses, densities, design and development standards all are consistent with the character and relative intensity of development described in the RDMP as follows.

- The proposed code amendments include two mixed use zones which allow for a mix of retail, commercial and residential development. These zones are located in the areas identified for retail and commercial development in the RDMP and are consistent with the acreages identified for those uses in that plan. Allowed uses in those zones correspond to the types of uses recommended in the RDMP.
- The proposed code amendments include application of a Riverside Production Zone which will allow a mix of light industrial, retail and other commercial uses, including wine production and other uses specifically identified as desirable in the RDMP. The area designated for this zone is consistent with the acreage identified for these uses in the plan.
- The proposed zoning applies the Riverside Residential zone to the areas identified for residential development in the RDMP. The proposed new residential zone allows for a wide variety of housing types, requires densities consistent with housing targets established in the RDMP and includes design and development standards which will meet other specific goals and policies of the plan.

Additional findings related to consistency of the RDMP with these goals are included in the response to Policy #6.

4. The waterfront uses are integral to and needed to support the overall development and open space vision of the Master Plan. The City will support the concept of expanding the UGB to coincide with the existing city limits and provide more appropriate zoning to accommodate the urban park, open space and recreational uses identified in the Riverside District Master Plan.

Finding: The proposed zoning districts and allowed uses do not apply to the waterfront area, which is outside Dundee's Urban Growth Boundary (UGB). Each sub-area of the Riverside District will be required to plan for parks, open space and recreational uses prior to any development applications. Expansions of the UGB does not apply to the proposed development code amendments.

5. *The City will adopt the Riverside District Master Plan (June 2011) by reference as a supporting document to the Dundee Comprehensive Plan. The Master Plan is intended to identify a coordinated mix of residential, commercial, tourism and open space and recreational uses that are cohesive and connected with Dundee's larger community vision. The Master Plan includes additional policies that will be applicable to review and approval of future zone changes, detailed master plans and subdivisions within the Riverside District.*

Finding: As the Riverside District Master Plan (RDMP) was adopted as a supporting document to the Comprehensive Plan, this policy does not affect the proposed development code or map changes. Policies within the RDMP were used as guidance when creating the proposed development code.

6. *Because the Master Plan is considered a concept document, the City will consider refinements to the location and arrangement of land uses and other aspects of the Master Plan prior to or in coordination with implementation of Riverside District zoning. Any changes to the concept Master Plan must include the following limitations and components:*

- *A maximum of 20 acres designated for Commercial uses.*
- *A maximum of 13 acres designated for Light Industrial uses.*
- *A mix of housing types and densities, with a target of 970 units in the Riverside District.*
- *In areas where the Riverside District is adjacent to developed, lower density residential areas, the development standards of the lower density zone (maximum heights and setbacks) shall apply to new housing on abutting lots in the Riverside District.*
- *Neighborhood park sites shall be required based on the target of 970 dwelling units according to the standards of the Dundee Parks and Open Space Plan.*
- *A connected trail system shall be required to accommodate the Willamette River Trail, the Chehalem Heritage Trail, and connecting local trails within the Riverside District that link to the larger community trail system.*
- *Cross-sections for trail improvements shall accommodate linear stormwater quality facilities, particularly along the top of the bluff.*
- *A connected local street system with cross-sections specified to encourage sidewalks, planter strips, and street trees. Blocks shall not exceed a maximum length of 400 feet in commercial areas or 600 feet in residential areas.*
- *A parkway collector shall be required to provide a north-south link of development subareas to the east of the Bypass and connections to the two Bypass overcrossings. The cross-section for the parkway collector shall be consistent with the standards in the Dundee TSP.*
- *Riparian corridors shall be protected with a minimum 50-foot setback from the top of bank elevation.*

Finding: The proposed development code promotes the land uses and aspects of the Master Plan as part of the development and use standards for the Riverside District in the following ways.

- Area designated for commercial use. The proposed code amendments include two mixed use zones which allow for a mix of retail, commercial and residential development. These zones are located in the areas identified for retail and commercial development in the Riverside District Master Plan (RDMP) and do not exceed 20 acres. The development code provisions allow for up to 50% of this area to be devoted to residential use to allow for flexibility associated with the development market and to further ensure that the area zoned for commercial use is consistent with relevant Comprehensive Plan policies. However, to ensure for higher densities in these areas, a minimum density of 14 units per acre is required.
- Area designed for industrial uses. The proposed code amendments include application of a Riverside Production Zone which will allow a mix of light industrial, retail and other commercial uses, including wine production and other uses specifically identified as desirable in the RDMP. The area designated for this zone is approximately 13 acres in size as prescribed in the plan.
- Mix and amount of housing types. The proposed zoning applies the Riverside Residential zone to the areas identified for residential development in the RDMP. The proposed new residential zone allows for a wide variety of housing types and requires that each sub-area within the District include at least two types of housing. The Master Planning requirements incorporated in the proposed code amendments require average densities of eight (8) to 11 net units per acre which will result in the number of dwelling units proposed for the Riverside District Plan.
- Development adjacent to developed, lower density areas. The proposed amendments require development within the Riverside District that abuts developed, lower density areas of Dundee to be developed according to the standards of the adjacent lower density zones. The purpose is to provide a transition from the existing developed areas to new development in the Riverside District.
- Neighborhood park sites. The Master Planning requirements incorporated in the proposed code amendments require development of neighborhood parks. They require dedication of land or other provision as allowed through a development agreement to ensure for parks. The land dedication is calculated to implement the City's standards for parks per 1,000 residents and result in a total acreage of parks consistent with the targeted 970 housing units assumed for the Riverside District.
- Connected trail system. The Master Planning requirements incorporated in the proposed code amendments require development of trails identified in the Riverside District Master Plan (RDMP), including the Chehalem Heritage Trail, and connecting local trails.

A list of future action items is listed in the RDMP for implantation of the plan. Action items 17 and 18 relate to development of trails in the Riverside District. These items include coordination with Chehalem Park and Recreation District to discuss parks/trail implementation and completion of a more detailed trail plan as parks and trail easements are dedicated/obtained. The estimated time frame is 1 – 2 years on meeting with CPRD and 5 – 20 years for developing detailed plans. The City of Dundee has begun discussions with CPRD on parks and trails in Dundee, which include the development, ownership, and maintenance of parks/trails in the Riverside District.

- Stormwater management facilities. The public facility provisions of the proposed code amendments require master plans and subsequent development applications to address the City's stormwater management requirements. These standards include provisions for linear stormwater management facilities.
- Connected local street system, including Parkway Collector. The Master Planning requirements incorporated in the proposed code amendments require development of public facilities needed to serve the area, including local streets, as well as the Parkway Collector road identified in the Riverside District Plan. These code provisions require public facilities to adhere to the City's design standards for street cross-sections, block lengths for residential development, and other street design standards.
- Riparian corridors. No new protections are proposed with the code amendments. Existing Dundee code regulations limit the type and scale of development within floodplains and the Willamette River Greenway. State and/or federal permits are required for development in/near wetlands and streams.

No changes to these elements have been made as part of the process of preparing and proposing Development Code requirements for the Riverside District. The Master Planning requirements incorporated in the proposed code amendments require that sub-area Master Plans be consistent with the Riverside District Master Plan (RDMP) and that any subsequent inconsistencies proposed in subsequent development applications must be approved by the Dundee Planning Commissions.

7. All development within the Riverside District shall be adequately supported by the required facilities and services, including parks, schools, transportation, water, stormwater and wastewater infrastructure. Implementing ordinances shall provide that:

- *Required facilities and services must be available concurrent with development; and*
- *No implementing zoning map amendment may be granted except upon a finding that all required facilities and services are available, or can be made available, concurrent with development.*

Finding: The proposed development code requires a sub-area master plan be approved prior to any development within the Riverside District. The master planning provisions of the proposed

code require that each sub-area master plan includes a plan for construction of public facilities, including park, transportation, water, sewer, and stormwater facilities.

Section III - Oregon Statewide Planning Goals

Statewide Planning Goal 1: Citizen Involvement (OAR 660-015-0000(1)) – To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: The City has created proper procedures to ensure citizens the opportunity to have input in any proposed text amendment. Opportunities for public input were available in the hearings process prior to action on this proposal. Notification of this proposal and hearing is detailed in the staff report prepared for the proposed map and code amendments.

Public outreach efforts of the Riverside Zone project included a community meeting held in Dundee for each draft of the code amendments (two meetings), including a virtual public workshop associated with each in-person meeting. The virtual public workshops remained open for approximately two weeks to allow community members an extended period of time to provide input if they were not able to attend the community meeting or had additional comments to make. In addition to these specific virtual public workshops, a webpage with updates on the code process and vision was created to provide ongoing information for the community. A Code Committee, consisting of a variety of representatives of key property owners, private citizens, and decision-makers, reviewed and convened to discuss each draft of the code (three meetings). Code Committee meetings were open to the general public and were conducted in accessible community venues, including the Dundee City Hall and Dundee Fire Station.

In addition to the public outreach held for the proposed code amendments, the proposed code is based on the Dundee Riverside District Master Plan adopted in 2011, which included an open house, advisory committee meetings and outreach, a project website, media announcements, public agency briefings and a four-day design charrette, which included multiple public meetings and opportunities for community members to “drop in”.

The proposed code also requires that any future development obtain approval through a Type III land use application process. This type of process requires a public hearing because the Dundee Planning Commission is the decision maker.

The City has therefore met its obligation of providing for Citizen Involvement under Statewide Planning Goal 1.

Statewide Planning Goal 2: Land Use Planning (OAR660-015-0000(2)) – To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: The City of Dundee has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The City of Dundee Comprehensive Plan was adopted by the City and acknowledged by the Land Conservation and Development Commission (LCDC) as being in compliance with the statewide goals, state statutes and state administrative rules, in 1977. The Dundee Riverside District Master Plan was found to be in compliance with the City's Comprehensive Plan and was adopted in 2011.

The proposed code will add language implementing the concepts for the Riverside District proposed and adopted in the Riverside District Master Plan. It will include four zones: residential, neighborhood mixed-use, destination mixed-use, and production (light industrial). Each zone will have allowed uses which align with the vision of the Master Plan and have development standards which reflect pedestrian-oriented development.

The proposed code has a specific section for the Site Development Master Plan process (17.204.060.C), which will require a sub-area approach to the entire Riverside District. This approach will require an entire sub-area to have a master plan in place before any development can occur, which will include a plan for infrastructure, public services, land uses, phasing, and housing density and mix.

The new code will allow for mixed use on the site and efficient use of planned extensions of public facilities and services for the site, including transportation, sewer, and water.

In these ways, the proposed application of the new Riverside District zoning and development code are consistent with existing City plan policies and are consistent with Statewide Planning Goal 2.

Statewide Planning Goal 3: Agricultural Lands (OAR660-015-0000(3)) – To preserve and maintain agricultural lands.

Finding: A majority of the land within the Riverside District is zoned Agriculture (A) but is not considered agricultural land as it relates to Goal 3, which is zoned EFU – Exclusive Farm Use. There is EFU land within the Riverside District, but these land are outside the Dundee Urban Growth Boundary (UGB). The proposed map and code amendments do not apply to the EFU zoned land in the Riverside District. In this way, the proposed amendments comply with Statewide Planning Goal 3.

Statewide Planning Goal 4: Forest Lands (OAR660-015-0000(4)) – To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of

forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: There are no forest lands within the Riverside District. Statewide Goal 4 does not apply to the proposed amendments.

Statewide Planning Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces (OAR660-015-0000(5)) -- To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: No Historic Areas are included within the Riverside District. The new code will include in all calculations for density and development land set aside for Natural Resources and Open Space. In the master plans required for development in any subarea within the Riverside District, open space and any area subject to natural resource preservations must be identified. In this way, the new development code additions are consistent with Statewide Planning Goal 5.

Statewide Planning Goal 6: Air, Water and Land Resources Quality (OAR660-015-0000(6)) -- To maintain and improve the quality of the air, water and land resources of the state.

Finding: The City's existing standards related to water quality resources will continue to apply. The proposed code amendments do not include any map changes or changes to the regulatory approach for water quality resources regulated by Development Code Chapter 17.204 related to the Flood Plain Overlay and Greenway management overlay (GM). No changes are proposed to the public facility requirements in DMC Division 17.300 related to water, sanitary sewer, and storm drainage improvements.

In this way, the new development code additions are consistent with Statewide Planning Goal 6.

Statewide Planning Goal 7: Areas Subject to Natural Hazards (OAR660-015-0000(7)) -- To protect people and property from natural hazards.

Finding: The proposed changes to the Municipal Code do not affect policies associated with Goal 7 within the Riverside District. Approvals for Master Plans or development within the Riverside District will not eliminate the requirement for future development to meet the conditions related to the Dundee Municipal Code (DMC) Chapter 17.204 related to the Flood Plain Overlay.

In this way, the new development code additions are consistent with Statewide Planning Goal 7.

Statewide Planning Goal 8: Recreational Needs (OAR660-015-0000(8)) -- To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: The proposed code amendments will require a Master Plan for each sub-area of the Riverside District. The proposed code requires land owners to plan for parks and recreation facilities within the area, including a detailed description of the size, location, and land provision.

The park requirements for the Riverside District largely align with existing City code and require neighborhood parks to be at least two (2) acres in size for each 1,000 persons, adjacent to residential or non-residential development on at least two streets, free of steep slopes, wetlands or habitat areas, and within at least a quarter mile of all planned residential areas within the area.

In this way, the new development code additions are consistent with Statewide Planning Goal 8.

Statewide Planning Goal 9: Economic Development (OAR660-015-0000(9)) -- To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: The proposed development code will provide a variety of opportunities for economic activities for citizens, including a Mixed-Use zoning designation, which shall be divided into two types of mixed-use zones: Neighborhood and Destination. The Neighborhood Mixed Use zone shall provide neighborhood commercial services, such as retail, service and office uses, and allowing residential development throughout the zone. This area will provide employment for the community, as well as potential customers within a close distance.

The Neighborhood Destination zone will provide potential commercial opportunities that take advantage of the riverside location, including restaurants, lodging and recreation, which will draw customers from a wide variety of places.

In addition to these two commercial mixed-use zones, a light industrial Riverside Production Zone will provide additional economic development by providing opportunities for a range of production, sales, and recreation uses that support tourism and take advantage of nearby open space. The allowed uses are focused on industries and production activities which may have retail on-site, although on-site retail is not required explicitly.

In this way, the new development code additions are consistent with Statewide Planning Goal 9.

Statewide Planning Goal 10: Housing (OAR660-015-0000(10)) -- To provide for the housing needs of citizens of the state.

Finding: The proposed code amendments will allow for a full range of housing types in the Riverside District, from single-family large lot housing to dense affordable housing, as well as independent and assisted living for seniors and group homes. Each sub-area Master Plan will require a minimum average housing density of 8 units per net acre, unless another sub-area already approved by the City has a housing density in excess of 11 units per acre, provided the combined average area density is between 8 and 11 units per net acre.

Each residentially zoned area within the Riverside District will be required to include at least two types of housing, assuring that a variety of housing is provided. The proposed code includes minimum thresholds for the number of housing units identified for each of the two types. The combination of density and housing mix requirements has been formulated to ensure that future residential development will include a mix of housing types and sizes that have the potential to meet the needs of residents with a variety of incomes and household sizes and structures.

In addition to the Master Plan requirements for housing density and variety, a housing bonus is allowed within the residentially zoned area if the developer meets additional requirements. The developer will be able to choose from affordable housing, additional amenities for residents, or meeting a LEED silver standard for sustainable building practices.

In this way, the new development code additions are consistent with Statewide Planning Goal 10.

Statewide Planning Goal 11: Public Facilities and Services (OAR660-015-0000(11)) -- To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: No Comprehensive Plan designations are proposed to be updated. The proposed code amendments build on work conducted early in the Riverside District Master Plan and ensure that public facilities will be provided as development occurs to adequately serve it. Each sub-area within the Riverside District will be required to have a Development Master Plan approved prior to any development being approved within that area.

The Master Plan will require public facilities and services to be planned for, including development agreements, phasing, housing and use planning, and water, stormwater and wastewater provisions. Transportation, parks and all other services must be planned for during this phase before development may start.

Because a plan to finance public infrastructure improvements has not been drafted or approved, the Planning Commission recommendation is to accept the proposed zoning to

implement the adopted Riverside District Master Plan. Additional public hearings to consider adoption of the amendments will happen in the future once financing is secured.

In this way, the new development code additions are consistent with Statewide Planning Goal 11.

Statewide Planning Goal 12: Transportation (OAR660-015-0000(12)) -- To provide and encourage a safe, convenient and economic transportation system.

Finding: Oregon Statewide Planning Goal 12 is implemented by OAR 66-012-0060(1), which states:

“Amendments to functional plan, acknowledged comprehensive plans and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified functions, capacity and performance standards (i.e. level of service, volume to capacity ratio, etc) of the facility.”

OAR Section 660-012-0060(2) states that to determine if a proposed use significantly affects a transportation facility the following must be found:

“(a) Changes the functional classification of an existing or planned transportation facility;

(b) Changes standards implementing a functional classification system;

(c) Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or

(d) Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.”

No changes to the Comprehensive Plan designations are proposed to be updated; therefore, significant provisions of the Transportation Planning Rules are not applicable.

The City of Dundee underwent a Transportation System Plan update in July 2015. During this time, the Transportation Planning Rules compliance were addressed. The proposed amendments and zoning designations within the new Riverside District are consistent with development assumptions and traffic analysis with the TSP and earlier Master Planning efforts.

In this way, the new development code additions are consistent with Statewide Planning Goal 12.

Statewide Planning Goal 13: Energy Conservation (OAR660-015-0000(13)) -- To conserve energy.

Finding: The proposed code amendments and zoning designations within the Riverside District will incentivize conservation of energy in multiple ways. Residential design standards will incentivize renewable energy and energy conservation by giving additional height bonuses to LEED silver building. All multifamily residential or buildings within the mixed use zones will be required to meet a wide variety of sustainability requirements, including energy conservation and renewable energy.

In this way, the new development code additions are consistent with Statewide Planning Goal 13.

Section IV- Consistency with Riverside District Master Plan Policies

Land Use

1. The Riverside District Master Plan identifies the approximate location and acres of general land use categories by subarea (See Figure 2 and Table 2). Through the detailed master plan and subdivision process, the applicant shall have the ability to propose minor changes between the boundaries of the use areas, consistent with the overall target housing units and non-residential floor area allocated to the subarea.

2. When a partition or subdivision application is submitted for a subarea, even if it only includes a smaller first phase of development, a detailed master plan shall be submitted for the entire subarea to show the layout of streets and more precise location of the neighborhood park (if a conceptual location is shown on the approved Master Plan for the Subarea). The detailed master plan will provide the tool to track the target housing units and maximum non-residential floor area consistent with the allocations by subarea in Table 2.

3. A mixture of different building types is encouraged within the residential areas (e.g. single family residential, duplex, attached single family residential, multi-family). Outside of the overall target number of housing units specific for each subarea, it is expected that the Riverside District Zone will provide broad flexibility for a mix of housing types and lot sizes. The detailed master plan shall identify lots intended for attached and multifamily housing. To ensure efficient use of land in the Riverside District, an average density of 10 units per acre is established. Lot sizes may be averaged and densities may be shifted between subareas to provide flexibility to meet changing housing and market needs.

4. Development within subareas designated for commercial, mixed use and light industrial uses in Subareas A, B and D shall be consistent with the standards included in the Riverside District

Zone (when adopted), including limitations on certain uses, maximum building size and basic design standards.

5. The approved Master Plan assumed certain categories of commercial and light industrial uses would be appropriate in the Riverside District. While the Riverside District Zone will provide some flexibility for the City to allow “similar uses” through a Type I-B review, a major change in the list of permitted and conditional uses will require Type II Planning Commission approval or a Type IV Development Code text amendment.

6. The Master Plan identifies a conceptual location for a potential golf course. While a golf course is considered an appropriate use in the Riverside District, conditional use approval is required to review the layout of the golf course relative to public trails and access to the riverfront. Additionally, conditional use approval is required for any portion of the golf course located within Dundee’s Exclusive Farm Use (EFU) zone. Through the conditional use review process, the City shall also encourage the use of recycled wastewater or on-site water sources for golf course irrigation to avoid pressure on the City’s domestic water supply sources. Based on input from the Department of Land Conservation and Development, development of a golf course on Dundee’s designated EFU land may require a goal exception or UGB amendment.

7. The City will support a future UGB amendment application to include Subarea G within Dundee’s UGB to accommodate the open space and recreational uses identified in the Riverside Master Plan. The location of this subarea inside of the city limits but outside of the UGB complicates land use jurisdiction.

8. If the School District identifies a need for future school(s) within the Master Plan area, appropriate site(s) shall be identified consistent with the policies of the Dundee Comprehensive Plan and/or School District Facility Plan.

9. The Riverside District Master Plan does not designate potential school sites and the transportation analysis did not assume development of a school in any of the subareas. At a minimum, development of a public school within the Riverside District would require conditional use approval and a full traffic analysis.

Findings:

Changes to the location and acres of general land use categories by subarea. The proposed code amendments establish zoning designations that correspond to the general areas and approximate locations of land uses described in the Riverside District Master Plan (RDMP). The proposed Development Code provisions provide for flexibility in the boundaries of use areas and amount and density of development in the following ways:

- Section 17.204.060.F(1) of the proposed Riverside Master Plan (RMP) Development Code provisions states that “A master plan may be submitted with a lower housing density within a subarea if the applicant simultaneously submits a Site Development

Master Plan for another subarea within the Riverside District that exceeds a housing density of 11 units per acre, provided the combined and averaged area density of the two subareas still averages between 8 and 11 units per net acre.” This provides for flexibility in the density and location of residential development.

- Section 17.202.020 allows for residential uses to be developed in the mixed use zones, allowing for flexibility in the locations of residential and non-residential uses. Section 17.203.260.C(1) states that *“Up to 50 percent of the net area designated as Riverside Mixed Use Zones (RN and RD) in a Site Development Master Plan may be developed with residential-only uses, i.e., no commercial or industrial component.”* This ensures that some land in these areas will be reserved for non-residential development, while allowing for changes in the location and total acreage devoted to non-residential uses. A minimum 14 units per acre is required to ensure for higher densities in these mixed use zones.
- No changes are proposed to the acreages of general land uses. The proposed zoning adheres to the adopted Riverside District Master Plan in location and acreage. The target average density of 10 units per acre will be met and maximum acreage of commercial within subareas will not be exceeded.

Detailed master planning requirements. Section 17.204.060.C of the proposed Development Code provisions requires that *“Prior to approval of any application for land division or development within a given subarea of the Riverside District Overlay, a Site Development Master Plan for the subject subarea must have been submitted and approved. Site Development Master Plans in the Riverside District Overlay are reviewed as a Type III (Planning Commission) decision.”* In addition, section subsection (2) of the same section stipulates that *“Owners of 90 percent of total acreage included in the Site Development Master Plan must sign the Site Development Master Plan application and thereby agree to all requirements associated with preparation, approval and implementation of the Site Development Master Plan.”* To ensure some flexibility in these requirements and make sure that one smaller property owner cannot prevent owners of a majority of land within a subarea to move forward with a sub-area master plan, this section also states that *“The Dundee City Council may approve submittal of a Site Development Master Plan that applies to less than 90%, but no less than 50% of the area within the subject Riverside District sub-area.”* Collectively, these standards ensure that when a partition or subdivision application is submitted for a subarea, even if it only includes a smaller first phase of development, a detailed master plan shall be submitted for the entire subarea.

Additional provisions referenced in the following findings also address requirements for the Master Plan to show the location of future public facilities and the number and type of housing units proposed which can be used as a tool to track the development of housing relative to RDMP targets.

Mix of housing types and densities. The proposed Development Code provisions includes a number of provisions that achieve the policy direction in the RDMP associated with the mix and density of housing, including:

- Amendments to DMC Section 17.202.020 allow for a wide variety of housing types in the new Riverside Residential zone, including single-family detached homes, duplexes, triplexes, other attached housing, multi-family housing, manufactured home parks, residential care homes and residential care facilities. Compact detached dwellings, multi-family housing and live-work housing also are allowed in the new mixed use zones in the Riverside District, as are residential care homes and residential care facilities.
- Section 17.204.060.E requires that each sub-area within the District include at least two types of housing and establishes thresholds for the amount of a second form of housing if it is in addition to single-family detached housing.
- Section 17.204.060.F requires average densities of eight (8) to 11 net units per acre which will result in the number of dwelling units proposed for the Riverside District Master Plan. This density range also will help ensure a mix of housing of different types and densities. This and other proposed Development Code provisions allow for lot size averaging within a proposed master planning area. This section also allows for averaging across sub-areas, stating that *“A master plan may be submitted with a lower housing density within a subarea if the applicant simultaneously submits a Site Development Master Plan for another subarea within the Riverside District that exceeds a housing density of 11 units per acre, provided the combined and averaged area density of the two subareas still averages between 8 and 11 units per net acre.”*

Standards for commercial and light industrial uses. The proposed code amendments apply existing city design standards to uses within the proposed new mixed use and production zones in the Riverside District. The City has determined that these standards are appropriate for the types and scale of uses proposed to be allowed in these areas. Standards include setbacks, height limits, and other basic development standards, as well as architectural design standards. The city has identified a proposed set of allowed uses in these areas through extensive discussion with an advisory Code Committee, the Dundee Planning Commission and other community members. These uses are similar to and consistent with the range of uses identified for these areas in the RDMP and none of the proposed allowed uses represent a major change in the uses identified in that Plan.

Other proposed facilities or uses. The proposed amendments are only applicable to the areas within the City’s existing Urban Growth Boundary. They do not include any specific proposed facilities such as a new elementary school. However, elementary and middle schools are allowed as conditional uses within the proposed new RR, RN and RD zones. As a result, the proposal is consistent with or not applicable to policies 6 through 9 of the Land Use Policy section of the RDMP.

Transportation

1. *The Riverside District Master Plan accommodates the development of the Bypass in the location shown in the Tier 2 Draft Environmental Impact Statement (Tier 2 DEIS) and the Dundee*

TSP. ODOT shall acquire all right-of-way needed for the Bypass and the overcrossings and construct the facilities.

2. The City and the affected property owners will continue to coordinate with ODOT on the location and design details for the overcrossings and landscaping of the berms. The City will advocate for a design that maximizes the developable area in the Riverfront District and reduces the visual impact of the Bypass.

3. An interconnected street system shall be provided within and between residential, commercial, and mixed use areas. Because local streets may be extended on an incremental basis in some subareas, it may be necessary to accept temporary dead-ends or "stub streets" that will be extended when future development occurs.

4. All streets shall be built to established standards for street connectivity and block length as set forth in Chapter 2.202 of the Development Code. Street standards in the Riverside District Zone shall supersede TSP or Development Code standards where they conflict.

5. The collector to the east side of the Bypass shall be developed to a "parkway" standard to integrate the subareas and help establish the overall design character of the Riverside District. In addition to providing internal connections east of the Bypass, construction of this road will ensure that all subareas east of the Bypass would have two ways to cross the Bypass, which is important for safety and emergency service reasons.

6. Street trees shall be required in all subareas of the Riverside District. Street trees shall be installed and maintained to the standards specified in the Development Code.

7. No private streets shall be allowed in the Riverside District.

8. Developers will be allowed and encouraged to construct green street features on local and collector streets to reduce the amount of stormwater entering local rivers and streams, reduce demand on the city's infrastructure and improve water quality. Modifications to street standards will be allowed without a variance at the subdivision phase if a developer proposes green street features that are approved by the City Engineer and Planning Commission.

9. Where cul-de-sacs are constructed, they shall comply with the maximum length standards in Section 2.202 of the City of Dundee Development Code. A pedestrian and bicycle connection may be required between the end of the cul-de-sac and the nearest local street to provide connectivity.

10. Sidewalks shall be provided along both sides of all streets. Where a wider multi-use path is provided (for example, on the side of the Parkway Collector adjacent to the Bypass or on the urban side of the Fulquartz Landing Road frontage), the multi-use path shall replace the required sidewalk.

11. A pedestrian/bicycle pathway shall be accommodated under the Bypass structure located near 10th Street to provide an ADA accessible connection between Dundee and the Riverside District. The City of Dundee may pursue grants to fund construction of this undercrossing. ODOT has committed that the Bypass design will accommodate the pedestrian/bicycle pathway.

Findings:

Newberg Dundee Bypass. The proposed code amendments do not directly address the location, design, construction, or coordination associated with the Newberg Dundee Bypass. Therefore, Transportation policies 1 and 2 are not applicable to the proposed code amendments.

Street standards. Section 17.204.060.D(4) of the proposed Riverside District Master Plan (RDMP) Development Code provisions require that sub-area master plans include a preliminary layout and sizing of infrastructure and public facilities, including transportation facilities. Section 17.204.060.G states that all standards of Chapters 17.301 and 17.305 apply, except that private streets will be permitted only for alleys with public access. All other streets within the Riverside District Overlay must be public streets. These and other city standards applicable to future development in the Plan District govern street system design, including street cross-sections, block lengths, cul-de-sacs and other local street design issues and are consistent with Transportation policies 3-9 and 10 of the District Plan.

The City's Transportation System Plan has been updated to identify the Parkway Collector road within the Riverside District as a needed transportation facility and includes a cross-section design standard for that road. Section 17.204.060.

Green Street Stormwater Management. Section 17.204.060.D(4) note that sub-area Master Plans will include information about the location of "*rights-of-way proposed for dedication or vacation; water, wastewater and stormwater infrastructure improvements; and stormwater management plan.*" Development applications for future development within the Riverside District will be subject to the City's existing stormwater management requirements and standards which allow for and encourage use of green street stormwater management facilities. In addition, the Sustainability Design matrix in DMC Section 17.202.080 identifies use of green stormwater management as one option for meeting sustainable design requirements.

Pathway under Newberg Dundee Bypass. The proposed code amendments include provisions for shared use paths identified in the RDMP including pathway under the Newberg Dundee Bypass.

Water, Wastewater and Stormwater

1. *Public facilities for the Riverside District shall be planned, designed and constructed in accordance with adopted Public Facility Master Plans for water, wastewater and stormwater.*

2. *Each subdivision or development application shall show that its water, wastewater and stormwater requirements can be met adequately by infrastructure that is in place or will be in place at the time of occupancy. The City Engineer shall review and confirm the adequacy of infrastructure plans prior to City approval of the land use application. As a general policy, the City requires that developers bear the cost of infrastructure improvements required to support their project.*

3. *As authorized by ORS 94.504, the City may require City Council approval of Development Agreements as a condition of subdivision or development application approval to allow the city and an applicant to coordinate in the provision of facilities to serve the development. The Development Agreement may require specific performance conditions for development of the property. These performance conditions may include, but are not limited to, construction of public facilities, dedication or reservation of land for right-of-ways, easements, or parks, or other conditions proper for the development.*

4. *Planning for water use should incorporate techniques and systems for water reuse and conservation to the greatest degree practical, including potential reuse of wastewater for irrigation or other purposes.*

5. *The City will encourage natural stormwater drainage systems designed to manage and filter as much stormwater on site as reasonably possible and to incorporate natural drainage and management techniques. Examples and illustrations of low impact development approaches that may be appropriate in the Riverside District are included in the Background Conditions Report, Charrette Report, and Land Use Alternatives Report in Appendix B.*

Findings:

Public Facilities. Section 17.205.060.D.4 of the proposed amendments requires that a Master Plan be prepared and approved for a given sub-area prior to approval of any development within that sub-area. Included in the list of required elements of each sub-area master plan is the preliminary layout and sizing of infrastructure and public facilities. Site plans must show the location, size, and dimensions of existing and proposed structures, water, wastewater and stormwater infrastructure improvements; stormwater management plan; and any proposed temporary uses during construction and phasing of development. Section 17.205.060.J.2(f) of the proposed code requires that any subsequent subdivision or development applications submitted must be consistent with the master plan in terms of the location of alignments and connections of proposed facilities; and that proposed water, sanitary sewer, and storm drainage facilities be sized to provide adequate capacity to serve proposed uses in the area as determined by the City Engineer.

Water Conservation. Section 17.202.060.C and G require that within both the Neighborhood Commercial and Neighborhood Residential zones, the proposed code requires sustainability standards. These standards are replicated for multifamily housing in the Riverside Residential area, shown in Section 17.202.080.F. The applicant can choose from a list of sustainability features, so long as they meet a certain number of points. Among this list are the separate options of: using native plants, stormwater management integration with the site, green roofs, low-water irrigation systems, permeable paving, or LEED Certification. In addition to this, multifamily homes may apply for a fourth floor, provided they meet additional standards. LEED Silver Certification is one of the options that can be used to obtain a height bonus. These requirements will serve to encourage use of natural stormwater drainage systems designed to manage and filter as much stormwater on site as reasonably possible and to incorporate natural drainage and management techniques.

Parks, Open Space and Trails

- 1. A minimum of three neighborhood parks shall be established within Subareas C, D, and F as shown in Figures 1 and 2 of the Riverside District Master Plan and based on the housing target of 970 dwelling units. The specific location and size of each neighborhood park shall be refined through the detailed master plan and subdivision process. However, each neighborhood park site shall be consistent with the location and size criteria in the adopted Dundee Parks and Open Space Master Plan and the Neighborhood park sites shall be developed in accordance with the provisions of the Parks and Open Space Zone (Chapter 2.111) of the Development Code. The City shall collaborate with Chehalem Parks and Recreation District (e.g. IGA) on Riverside District park and trail issues such as dedication, improvements, standards, maintenance, etc.*
- 2. A regional riverside park is planned in Subarea G as shown on Figure 1. The existing sloped, wooded area within the riverside regional park area shall generally be protected in a natural state as part of future park development. This wooded area may contain trails or other passive recreational facilities (e.g., interpretive features).*
- 3. Planning for the regional riverside park shall be coordinated between the City of Dundee and the Chehalem Park and Recreation District. Additionally, planning shall include coordination with the Oregon Department of Parks and Recreation to ensure opportunities to connect to a potential future state park on Ash Island, should such a park be developed.*
- 4. Figure 1 of the Riverside Master Plan shows development of a “nature park” on city-owned property to the north of the wastewater treatment plant facilities. Development of this park should be consistent with the conceptual park plan approved by the City Council.*
- 5. The Riverside District Master Plan establishes a buffer around the Canyon Lake Natural area, extending to approximately the 150-foot elevation line to the south and west of this area (see Figure 6). Within this area, human access and activity will be restricted to help protect habitat*

for two turtle species – the Western Painted and Western Pond Turtles. In addition, a secondary, additional riparian buffer of approximately 50 feet is established beyond the 150-foot elevation line, within which uses will be limited to natural resource protection, open space and passive recreation, such as walking and bicycling. A pedestrian and bicycle pathway may be constructed within this riparian buffer area.

6. The Riverside District Zone will protect riparian areas by using a regulatory approach consistent the State of Oregon’s Goal 5 safe harbor approach (50 foot setback from top of bank), and by allowing developers (if they want an alternative to the safe harbor approach) to inventory riparian and other natural resources and identify alternative measures to protect them, consistent with the goals and requirements of the this Master Plan, as well as the city’s Comprehensive Plan and Development Code.

7. A linked trail system shall be developed within the Riverside District and integrated with plans for the Willamette Greenway Trail and Chehalem Heritage Trail as shown on Figures 1 and 3. Through the subdivision and development permit process, the City of Dundee may require dedication or easements to accommodate the development of the trail system. In general, 30-foot wide easements will be adequate to accommodate 10-foot wide multipurpose trails. As noted above, a wider 50-foot easement will be required along the designated riparian corridors.

8. Locations of trail connections and associated riverfront recreational opportunity areas are conceptual and will be further detailed as future Action Items.

9. The City will support “green” development approaches, including co-location of stormwater swales in parks and along linear trail corridors to reduce land needs and costs and create opportunities for education, amenities, and recreational activities.

Findings:

Neighborhood Parks. All parks, trails and open space must meet the same development standards in Section 17.203.130 of the existing code. As stated in the proposed code amendments, Section 17.204.060.H, each site development master plan that includes residential development must provide land for neighborhood parks, at a dedication of at least two (2) acres per 1,000 persons. Parks must be adjacent to at least two streets which will have development on the other side; must not be within 200 feet of the Right-of-way of the Newberg-Dundee Bypass; must be free of excess slopes, wetlands, or wildlife habitat areas; and must be located within one half-mile of all planned residential areas within the development’s master planned area.

Park Agency Coordination. Section 17.204.060.I of the proposed new development code for the Riverside District requires each sub-area Master Plan to include the applicant entering into a Development Agreement with the City of Dundee regarding public facility improvements, including parks. This will require coordination between the City of Dundee and the Chehalem Park and Recreation District to provide planning for development and

ongoing maintenance of said park. As stated above, the parks will be subject to Section 17.203.130, which states in section F(13), "Such other conditions as will make possible the development of the city in an orderly and efficient manner in conformity with the Dundee comprehensive plan, Dundee parks and open space plan, the Dundee development code, and the 2005 Edition of Park, Recreation, and Leisure Facilities Site Planning."

Riparian Area Protection. Section 17.204.060.H.6 of the proposed code requires all parks to not include more than 80% of the area to be free of wetlands, stream corridors, or designated wildlife areas of established buffers. Section 17.204.060.D.8(b) requires that all estimates of gross and net developable acres within each subarea will include identification of areas subject to natural resource protection, parks, and trails. Furthermore, approval of sub-area master plans requires consistency with the Riverside District Plan which identifies buffers for stream corridors and the Canyon Lake area.

Trails. Per Section 17.204.060.D.5, all sub-area master plan submissions for development must include proposed locations, sizes, boundaries, and alignment of trails, open spaces and park lands, as well as area subject to natural resource protection requirements.

Dedications and Easements. Per Section 17.040.060.D.4, all rights-of-way proposed for dedication are determined during the sub-area master plan process, which will require approval by the Dundee Planning Commission. The plan will also must include a preliminary layout and sizing of public facilities, including the pedestrian, bicycle and vehicle circulation systems. The Planning Commission is the reviewing body, who will consider other consistency with planning documents within the City, including the *Dundee Comprehensive Plan*, the *Dundee Parks and Open Space Plan*, and the *Dundee Development Code*, and the *2005 Edition of Park, Recreation, and Leisure Facilities Site Planning*.

All development of trails, parks, and open space are subject to existing code section 17.203.130, which includes requirements for the provision of pedestrian access through a right-of-way dedication of a public access easement. Proposed code sections 17.204.060. H & I include provisions related to parks and shared use pathways in the Riverside District.

Sustainable Development. Section 17.202.060.C and G require that within both the Neighborhood Commercial and Neighborhood Residential zones, the proposed code requires sustainability standards. These standards are replicated in multifamily housing in the Riverside Residential area, shown in Section 17.202.080.F. The applicant is able to choose from a list, so long as they meet a certain number of points. Among this list are the separate options of: using native plants, stormwater management integration with the site, green roofs, low-water irrigation systems, permeable paving, or LEED Certification. In addition to this, multifamily homes may apply for a fourth floor, provided they meet additional standards. Of this, LEED Silver Certification is an option.

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City of Dundee
City Council Meeting Minutes
August 6, 2019

Call to Order

Mayor David Russ called the meeting to order at 7:00 P.M.

Council and Staff Attendance

Present: Mayor David Russ; Tim Weaver, Council President; Councilors Kristen Svicarovich, Jeannette Adlong, Storr Nelson, Ted Crawford, and Patrick Kelly. Staff members: Rob Daykin, City Administrator; Tim Ramis, City Attorney; Greg Reid, City Engineer; and Melissa Lemen, Administrative Assistant.

Public Attendance

Stan & Mary Meyers, 160 SW Brier Avenue; Beth Hinson, 226 NW Carmel Circle; Brigitte Hoss, 10305 NE Fox Farm Road; Elizabeth Sundeen, 392 SW Dogwood Drive; Rudy & Kathy Gomez, 1260 SW Charles Street; Chris & Elizabeth Lee and family; Allen Holstein; Rebecca Minifie, 809 SE Elm Street; Fred Russell; Megan Carda, 100 NW Springbrook Road, Newberg; Char Ormonde; Raymond W. Peralta; Marc K. (last name illegible); Clay Wesson; Rob Felton, 270 NW Plum Street; and Madeleine Felton.

Agenda Changes

None.

Public Comment

Rebecca Minifie, 809 SE Elm Street, introduced herself and read her statement into record with regard to short term rentals, a copy of which was added to the meeting agenda packet.

Stan Meyers, 160 SW Brier Avenue, introduced himself and explained that he was only recently made aware of the Council meeting tonight and would like to offer his personal comments regarding the vacation rentals in his neighborhood. He expressed frustration with regard to a neighborhood home which he explained was recently sold as an Airbnb and is owned by someone out of town. Meyers discussed a recent occurrence of ongoing loud noise from a gathering at the rental home until the early hours of the morning; he noted that at 1:00 am their neighbors contacted the police regarding the issue. Meyers discussed that multiple similar events such as this have occurred which impact his neighborhood. He explained his opinion that these types of behaviors in the neighborhoods of Dundee are unacceptable; the out of town visitors who are partaking in these events have no particular reason to be concerned about the impacts of their visits to the neighborhood. Meyers also expressed frustration with the fact that many of the vacation rentals are not owned by local residents who are sensitive to the troubles these disruptive events imposes on neighbors. Discussion ensued and Meyers voiced his opinion that proliferation of Airbnb's in single family neighborhoods in the City of Dundee should not be allowed to take place. He expressed concern that a limitation be set on the number of Airbnb's as well as supported consequences for the owners when they are unable to control what happens at their rentals. It was noted that the approximate location of the vacation rental discussed is at the corner of Walnut and Viewmont.

Beth Hinson, 226 NW Carmel Circle, introduced herself and read a statement into record that was written by her husband, David Hinson, and emailed to C.A. Daykin; a copy was provided for the

meeting agenda packet tonight. Beth Hinson explained that her husband was unable to attend tonight's meeting.

Brigitte Hoss, 10305 NE Fox Farm Road, introduced herself and explained that she owns a bed & breakfast in the County which was built in 2012. She discussed in-depth the expensive and involved land use application process they went through with the County in order to establish their bed & breakfast. Hoss pointed out that due to concerns expressed by neighbors during that process they have 13 stipulations that have been placed on their business. She explained that they are very well integrated into their neighborhood and run a very reputable business; she noted that they are present 24/7 at their property with guests. Hoss expressed their desire to distinguish themselves from Airbnb and VRBO. She noted that her husband is on the Dundee Hills Wine Growers Association Board and she is part of Oregon Bed & Breakfast Guild and Bed & Breakfasts of Yamhill County along with being very involved with the other Inns within the community. Hoss pointed out that they work hard to make sure that they run very respectable inns, and they quality of people they host and the experiences with the neighbors in their community have been first rate. In contrast, Hoss explained that they have had experiences with VRBO's next to them which have been very unfavorable. She described issues with trespassing, theft and noise associated with these rentals and noted that they have contacted law enforcement on multiple occasions, as well as Chief Stock with regard to fire hazards. Hoss expressed concern with VRBO's even though they themselves run a bed & breakfast. She voiced support of additional regulations and pointed out the importance of neighborhood input with regard to vacation rentals; there are ways to create some structure to what is allowed.

Elizabeth Sundeen, 392 SW Dogwood Drive, introduced herself to Council and also provided copies of her written statement. She noted that many of her concerns have already been addressed by those who have already provided public comment regarding vacation rentals tonight. Sundeen explained that she has talked with residents in various neighborhoods around Dundee and hasn't yet found a neighborhood where there isn't some significant concern about short term vacation rentals. She stressed the importance of preserving both the livability of Dundee as well as ensuring that there aren't large outside takeovers. Sundeen discussed the Blackstone Investment Fund and pointed out that they are heavily into short term rentals. She discussed in detail her concerns about Blackstone and other large investment funds, and stressed the importance of not allowing an Airbnb takeover in Dundee as she believes has happened in other locations including Arizona. Sundeen pointed out that Dundee is a very livable, very pleasant and well known internationally.

Sundeen recalled that in the past there has been City newsletter which was very informative about upcoming issues. She discussed that on May 20, 2019, she asked if advanced notice could be placed in the City Newsletter of any Council and Planning Commission meetings regarding the short-term vacation rentals. Sundeen pointed out that the City newsletter came out last week and she only became aware of this meeting on Friday night when she checked the Council packet. She requested that the City try to get more information out to the residents as there is concern about short-term rentals.

Sundeen reviewed information from her written statement with regard to what she believes are deficiencies in the Development Code. She suggested that, rather than approval by a Type I action, that this should be a conditional use process where there would be a Type III hearing. Sundeen emphasized her belief that presently there are no limits on anything for short-term rentals. She also discussed her belief that complaints are being ignored and suggested that the City have a designated person who is responsible for the short-term vacation rentals. She pointed out that unlimited RV parking is allowed at short-term vacation rentals; supposedly no one is

supposed to be sleeping overnight in the RV's though she suggested that's never monitored. Discussion ensued and Sundeen expressed concern about parking as well.

Clay Wesson, Viticulturist, Willamette Valley Vineyards, 1275 NE 17th Street, McMinnville, introduced himself and thanked the Council for allowing him to speak on the topic of vacation rental properties. He discussed that McMinnville has its own challenges with vacation rentals, short-term rentals and affordable housing for its community. He expressed concern that recently their vineyard tractor driver was unable to find housing locally, and has had to relocate to another community. He discussed the importance of Council listening to the community with regard to the issue of vacation rental properties and their impacts, as well as the lack of affordable housing for those who wish to be a part of the community.

Andy Wilder, 11995 Worden Hill Road, introduced himself explained that the reason for his visit tonight is to express concern with regard to his commercial property located at 992 Highway 99W in Dundee, the Allstate Insurance office. Wilder discussed that on December 10, 2018; his tenants called him and told him that the sewer system had plugged up. He explained that he contacted Mr. Rooter who came the following day and hydro-flushed the line which he noted was unsuccessful. An attempt was made on the same day to camera the line though there was a problem due to the ground surface water; a repeat attempt on January 9, 2019 to flush and camera the line also proved unsuccessful. Wilder explained that what has been discovered is that the pipe is actually separated by a foot. He explained that his belief is that at some point during the Sidewalk Improvement project his sewer lateral was crushed. He pointed out that his commercial building hasn't had any sewer lateral or sewer service since December. Wilder explained that he is heavily invested into the investigation of the issue at this point. Detailed discussion ensued and it was noted that an attempt was also made to connect his sewer at Tenth Street, though there were complications due to the volume of ground water present. Wilder praised Black Rock Construction for their assistance and noted that they have provided photos and reports to the insurance adjuster. He discussed that the insurance adjuster for the City of Dundee said she filed a claim and has turned it over to the three different construction companies that were responsible for doing the work in the street. Wilder discussed that he personally contacted K&E Construction who immediately came out and indicated that they had nothing to do with the issue as they had subbed that out. He explained that Weitman Excavation as well as an electrical company who worked on the project have both also indicated that they did not have anything to do with the issue. He discussed that at this point he owes Black Rock Construction \$13,790 for their work in investigating the problem. Wilder pointed out that he had nothing to do with the construction process which the City commissioned through K&E. He expressed frustration and his belief that when the storm drain was poured his sewer lateral was crushed in one spot and pulled apart in another portion.

M. Russ asked Wilder what it is that he would like the City to do for him. Wilder explained that he is the only party who had nothing to do with the issue; he bought the building at a time when the sewer worked and then it quit working. He pointed out that at this point he's invested approximately \$20,000 into the issue, and he expressed frustration that he's held responsible financially. M. Russ voiced appreciation for Wilder providing the information though noted that Council won't likely be able to address this issue at the meeting tonight. C. Crawford suggested that adding the topic as a future meeting agenda item might be helpful, and C.A. Daykin offered that the item could be placed on the agenda tonight if Council so desired.

Presentation: If I Were Mayor Contest

Mayor Russ announced that Dundee Elementary student, Bailey Lee, was awarded second place in the poster portion of the contest at the State level. Bailey was presented with an award certificate along with a Kindle provided by the Oregon Mayors Association.

Consent Agenda

A motion was made and seconded to approve Consent Agenda Item 6.1 City Council Minutes, July 16, 2019. The motion passed unanimously.

Old Business

Highway 99W Improvement Project

Eliseo Lemus, P.E., Oregon Department of Transportation (ODOT), introduced himself to Council and provided a Powerpoint presentation, a copy of which was added to the agenda packet. Lemus provided a brief review of the history of the project and the fact the originally some resurfacing of the Highway was planned. He explained that after some studies were done by their engineers it was discovered that rebuilding the road was required. Lemus explained that ODOT plans to reconstruct the entire section of road starting just north of First Street to Parks Drive. The project details were reviewed. Lemus discussed the construction impacts of the project and noted their goal of maintaining business access though pointed out that there may be some delays. He explained that ODOT has not yet determined what the impacts to the underground utilities (water, sewer), will be; ODOT is still at the early stages of the project. Lemus noted that the project schedule is currently in design though construction is anticipated to begin in the spring of 2021. The project budget was discussed and Lemus pointed out that the City's contribution and responsibility amount has remained the same though the price of the project has changed considerably. It was noted that ODOT's estimated \$15 million cost reflects the next phase of work; all of the work done up until this point is not included in that figure. Additional discussion ensued regarding project costs. Lemus explained that presently ODOT is moving toward having the plans of the project accepted by their management team; following that they will move towards right-of-way acquisitions. He discussed that one important item which may help them move a little faster is the resolution of the City to vacate Second and Fourth Streets; a letter from the City is needed which states when the vacating the streets would occur, hopefully within months to a year. Discussion ensued. C.A. Daykin discussed the present street stubs and that they are technically streets; because of that ADA ramps would be required at those locations. It was noted that if the City vacates the streets they would then be considered driveways.

Lemus discussed that presently ODOT is working on an intergovernmental agreement (IGA); a draft of the agreement has been submitted for review to their technical services and, once approved, it will be submitted to the City. Lemus explained that ODOT will be replacing the drainage system and the IGA will ask that the City keep maintenance of the drainage system as well as some of the landscaping and any water quality features that are being proposed with the project. M. Russ inquired as to whether the City has any input in the design of the drainage system since the City will be required to maintain it. Lemus explained that ODOT would plan to place whatever drainage system would be most practical and most needed. C. Svicarovich inquired about what type of facility is being proposed to which Lemus explained that it would likely be rain gardens for some of it, along with a pond on the south end by the interchange (near the bypass); a facility already exists in this area though it was noted that it will be increased to treat the additional water from their project. C.A. Daykin offered clarification that the City has had input in this process; detailed discussion ensued and it was noted that the City is also working with consultants they have hired (Civil West) to analyze and provide data as well. Lemus discussed some of the complexities of the project and explained that they are using Parametrix as a consultant who will complete the design for the drainage system; their environmental staff have made the assessment and noted that the determination has been made to go with one system.

C. Nelson inquired as to whether construction is slated to be completed at night in an effort to ease the impacts on local businesses. Lemus explained that at this time work is slated for nighttime according to an analysis which had recommended that approach. He noted that some questions were raised about the City noise regulations and variances which he indicated will also need to be taken into consideration.

C. Crawford inquired about the process by which the work will be done on the roadway (one lane at a time) to which Lemus explained that the work will be staged; the exact details of which will need to be determined by the contractor. Discussion ensued. Lemus noted that some streets may be blocked off in an attempt to help facilitate construction, and detours placed on local streets.

C.E. Reid inquired as to whether ODOT is anticipating periods of one-way traffic during construction to which Lemus explained that they are trying to eliminate that though it may be an option. The bypass was noted to be a potential valuable detour option as well.

C. Nelson inquired about right-of-way acquisitions and whether they will be limited to ADA ramp issues. Lemus explained that at Fifth Street where the signal is located there is some right-of-way which has to do with the signal, but he explained that for the most part it is the ADA portion of it along with some sidewalk.

C. Svicarovich inquired about whether ODOT will be modifying the traffic signal at all, in order to include the ADA ramps and make them accessible for the push buttons. Lemus explained that though there will not be a signal replacement; there will be a modification so that it's accessible for the push buttons. C.A. Daykin inquired as to whether or not ODOT will be changing the mast and the post as well. Lemus discussed that this seems likely and a legitimate question. Following discussion, the consensus of Council was to request a black finish for the mast and post; Lemus will discuss the request with the sign team.

C. Weaver inquired as to whether or not there would be a possibility of a U-Turn being added at the Fifth Street left turn lane. Lemus discussed his belief that this location would not provide enough width to accommodate this type of turn.

C. Svicarovich explained that according to the City's TSP, at some point in time the east leg of the Fifth Street intersection will have to accommodate a right turn lane to the highway. She supported that if there is a traffic signal pole relocated on that corner, it would be her hope that it be located in a position that it accommodates a future right turn lane so that the traffic signal doesn't have to be redone at some point in time. Lemus indicated that he will bring this up with their design team though noted that C.E. Reid had already raised that point as well. Lemus explained that ODOT had not anticipated the right turn; he explained that as it was, the traffic signal is already outside of what the scope of the project originally was.

C. Nelson inquired about whether any pedestrian activated beacons are planned to be placed. Lemus explained that there are two proposed, one just south of First Street and a second between Parks and Thirteenth Street (a midblock crossing). Detailed discussion ensued.

C. Svicarovich inquired about treatment at Seventh Street. This intersection was discussed and noted to have an island though not with a pedestrian activated signal. Lemus explained that it has been submitted for approval and been approved. S. Svicarovich inquired as to whether that design could be advanced at this point in time given that the curb to curb isn't changing and all that is being done is the installation of an island. Concerns were expressed regarding the high number of pedestrians in this area and C. Svicarovich noted that it appears that there are only raised curbs on either side of the street in this area; that type of treatment could be done with

candlesticks at this point in time to make that crossing occur now as opposed to waiting until 2021. C.A. Daykin explained that the City had discussed this question with ODOT previously because the crosswalk markings have mostly been eradicated with various treatments to the road surface. He discussed that ODOT crews did come back and restripe crossings at Ninth and Eleventh Streets, which was greatly appreciated, though they informed the City that they cannot do Seventh Street because they went on record saying that it would not be safe unless they had the pedestrian island. C.A. Daykin inquired as to whether the candlesticks could be placed in lieu of the island; would that be sufficient to get the crosswalk markings in the interim until 2021? Lemus indicated that he will pose the question to their engineers.

C. Nelson inquired (with regard to the island First Street intersection) about whether ODOT would have to take some of the right-of-way from the adjacent parking lot. Lemus explained that ODOT is not taking any of the right-of-way; there is some easement that would be required for construction because there is a cut into the area that needs to be made. He explained that when the parking lot was built the parking spaces were put within the State right-of-way. Lemus used the map to explain which parking spaces will be removed due to them being within the ODOT right-of-way. C.A. Daykin discussed that when the parking configuration was previously approved, they knew it was ODOT right-of-way though the approval process did have them indicate that they would have the parking striping so the First Street driveway would be an exit only. C.A. Daykin inquired about whether the parking should be reconfigured to entry off the Highway into the parking lot with an exit to First Street, or whether this is even a concern to ODOT. Lemus discussed that the answer would be whatever is convenient to the property owner; they will need to rethink their parking strategy.

C. Weaver discussed that there have been issues on Ninth Street with Worden Hill Road being more heavily traveled. He inquired as to whether any considerations have been given with regard to Ninth Street and its interchange with Highway 99W, specifically with regard to future density. Discussion ensued and it was noted that there is a marked crosswalk at Ninth Street which has been restriped. C. Weaver also expressed concern with Seventh Street and suggested that beacons be placed, if possible. C.A. Daykin discussed that though they can ask ODOT, he noted that one rationale they said is that if it's located too close to the traffic light it would create too many problems with the flow of traffic. Discussion ensued. The decision regarding a potential beacon at Seventh Street was noted to be the responsibility of ODOT's traffic safety engineer. C. Svicarovich pointed out that whether an RRFB (rectangular rapid flashing beacon) is present in that location or not, pedestrians will still be crossing in that area and traffic will be stopping; an RRFB would add visibility to people who would already be crossing the street. Lemus indicated that he will pose the question again to see if that can be reviewed. M. Russ suggested that extra signage in this area could also be beneficial as well which Lemus voiced support.

C. Kelly inquired about a rough timeline for the project from start to finish. Lemus explained that if the project were to begin as scheduled in the early Spring of 2021, it could potentially be possible for the work to be completed in one construction season. He noted that ODOT does not allow paving to be done after September 30th, though he pointed out that other work could continue past that point until December of 2021. C. Svicarovich stressed the importance of the project being completed and Lemus acting as an advocate for the City; this project has been on the table for a very long time and many changes have been made. Lemus emphasized that this project is an important one for ODOT to complete, and explained that it is his goal that the project move forward as planned for 2021. Additional discussion ensued with regard to strategies to keep the project moving forward.

With regard to the letter ODOT needs to receive from the City about vacating the Second and Fourth Street stubs, C.A. Daykin inquired if Council was supportive of initiating their vacation at

this time. C. Svicarovich voiced support of receiving a guarantee from ODOT that if the City vacated those streets, that something will move forward at Seventh Street. She explained that without crosswalks at Seventh Street, pedestrian mobility would continue to be limited through the downtown area. C.A. Daykin pointed out that there would be pedestrian crossings at First, Third and Fifth Streets. C.A. Daykin suggested additional discussion at the next Council meeting.

C.A. Daykin discussed that there are potential conflicts with City waterlines which may also affect the schedule, though hopefully not impacting sewer. He explained that the City is engaging an engineering firm to look into this issue. C.A. Daykin noted that the key to keeping the project moving smoothly would be to include the waterline project with ODOT's project, though with the understanding that it's the City's responsibility to pay them. C.A. Daykin supported that the City could provide the design and specifications for ODOT's bid documents. Lemus affirmed that this is something which could be done, and would also potentially help minimize the length of time work is being done on the highway. Lemus indicated that he will look into the possibility in more detail and potentially include this in the IGA.

C. Svicarovich inquired about the status of the completion of the Street Light Project. Lemus explained that DKS is presently working towards finalizing the plans for the project. He noted that he is hopeful that by the end of August they can move to a contract and begin looking for someone to construct it.

Ron Felton, 270 NW Plum Street, indicated that he came to the meeting tonight to hear the ODOT presentation. He suggested that a permanent flashing radar speed sign would be a good reminder for traffic entering Dundee to slow to the reduced speed. He noted that he has seen an increase in speed of those entering Dundee, most likely due to the reduced amount of traffic from those using the bypass. Lemus discussed that though he does not possess the mechanical background to answer that question he will check with ODOT's traffic personnel who will be able to provide an answer. It was noted that the speed in the area of concern is 30 mph. Discussion ensued with regard to radar speed signs located in nearby areas.

Tourism Committee Vacation Rental Policy Recommendation

M. Russ thanked those who provided public comment tonight, and indicated that he would like to provide some feedback to some of the questions asked. He discussed that it was determined by the City Council that information needed to be gathered in order to make the right decisions for the citizens of Dundee with regard to vacation rentals. M. Russ explained that since these types of rentals are a tourism-related issue, the Tourism Committee was asked to provide their opinion to Council. He also pointed out that Council had intended on next providing this information to the Planning Commission who would come together to provide a new plan of action as a change may be indicated. M. Russ pointed out that due to timing issues; the information pertaining to tonight's agenda was not able to be included in the quarterly City newsletter. M. Russ also made mention of the fact that RV's are not allowed to park indefinitely and noted that there are laws pertaining to them.

A **motion** was made and seconded that the City Council direct the Planning Commission to start at Type V legislative review process to amend the Dundee Development Code as it relates to vacation rentals. C. Svicarovich suggested that Council may want to provide Planning Commission with a little more direction on the specific items that Council would like to see revisited as part of the code amendment, which C.A. Daykin stated it would be helpful.

Topics of concern discussed included:

Volume Control: Density limiting the total number of vacation rentals was noted as a concern by C. Nelson. Council voiced support about potential limitations on the number of licenses issued, the placement of some limitation on the density, and the proximity of the contact (property owner/management company) to the vacation rental. M. Russ supported a potential higher level approval process as well, though C.A. Daykin noted he would need to discuss this further with C. Atty Ramis. C.A. Daykin discussed some of the differences between a Type I process and a more rigorous conditional use permit process. C. Kelly suggested that limiting the number of rental days per year would also be something to consider. C.A. Daykin inquired about whether Council had any thoughts pertaining to setting a cap or limit on the number of vacation rentals. M. Russ suggested that if a density number were set this would also control the percentage of vacation rentals.

Permit Display: C. Nelson voiced support of sign posting.

Parking: Concerns about parking were expressed by Council. C. Adlong voiced specific concern about parking on some of the streets that don't have any on-street parking now and are very narrow.

Noise: C. Weaver suggested revisiting the issue of noise and a system set up with the police department. He noted that many cities have a 10:00 pm noise ordinance. C. Weaver pointed out that excessive noise should be reported no matter what time of day it is; some action can be taken. C.A. Daykin discussed that the police department is aware; if there is a noise complaint and they are available, they do respond, though they do have to be present to witness the noise before they can take action. Discussion ensued with regard to the communication from the police department following complaints received, and C.A. Daykin noted that he will look into the process. C. Weaver stressed the importance of the property owner being informed when a complaint is received regarding their vacation rental; C.A. Daykin acknowledged that this is the current process though he noted he has some ideas on how this process could be improved. C. Svicarovich pointed out that it's unrealistic given the amount of limited resources both at the City and within the Newberg-Dundee Police Department to expect that a seamless relay of information goes back and forth. C.A. Daykin discussed that he would expect to receive a call from a resident about a repeated issue with a vacation rental. Additional discussion ensued.

Fines/Discipline/Complaints and their Enforcement: C. Nelson voiced concern about establishing processes regarding how these items are to be handled. C.A. Daykin reviewed the information presently contained in the City ordinance pertaining to vacation rentals. It was noted that presently the City Administrator should be notified of complaints so that he is aware. M. Russ suggested that providing the ordinance information in the City newsletter would be helpful for residents to become familiar with the process.

Local Representation: C. Crawford discussed that requiring local representation within 10 miles is a big concern for remote owners of vacation rentals. C. Weaver voiced concerns about owners who are absent from the area and perhaps even out of state; he voiced support of each rental having a more local direct contact.

C. Adlong voiced appreciation of the concerns and about many of issues raised by Hinson and Sundeen. She felt all of the suggestions made by David Hinson were very interesting. C. Adlong voiced appreciation of those in attendance who provided written feedback as well as public comment pertaining to vacation rentals. She voiced support of going through a thoughtful process and noted that tonight has been a good start in that direction. **The motion** passed unanimously.

C.A. Daykin discussed that the Planning Commission has a body of work that they will be initiating at their upcoming meeting, as well as continuing that which was delayed because of all of the work they did on the Riverside District area. He explained that typically the process that the Planning Commission would undertake with regard to the vacation rentals would be in workshop settings; it would likely require 1-2 workshop settings before a proposed draft text would be provided for a hearing. C.A. Daykin explained the normal legislative process is that notification is provided through the newspaper. C.A. Daykin inquired as to whether City Council would like to see additional notification provided (in addition to what is normally done for the legislative process) prior to conducting the first hearing. The consensus of Council was to provide notification in the quarterly newsletter (January 2020), the City website, social media, and the Fire Station reader board, C.A. Daykin informed the audience that the Planning Commission meeting will be held on the third Wednesday evening in January 2020 at 7:00 p.m. at the Dundee Fire Department. He also explained that once the Planning Commission conducts their hearing, deliberates, and makes their decision of recommendation to City Council a second hearing will be scheduled for City Council. At that time, C.A. Daykin explained, there will be a new hearing with opportunities for input for the City Council to consider, deliberate and make a final decision. Sundeen inquired as to whether or not there would be any possibility of a moratorium to be placed until the Council has acted. C. Atty Ramis discussed that there are some pretty stringent statutes in Oregon dealing with moratorium on land use; while it is theoretically possible, there is a pretty high bar. He offered to discuss the topic with Staff and establish what it would take though it was noted not to be an easy task. C. Crawford discussed that he would be more concerned if the City saw an explosion of vacation rentals. C.A. Daykin noted that there are 14 vacation rentals being marketed at this time; in the past few weeks there have been several new applications received. Some fluctuation in vacation rentals has been seen in recent years.

New Business

Outside Water Request

Rudy Gomez, 1260 SW Charles Street, introduced himself to Council and discussed the details of his water request. He explained that he and his family have been residents of Dundee since 2001. Gomez explained that following ground tests they have been approved for an on-site sewer system which will cost approximately \$27,000. He discussed their request for City water and noted that the surrounding properties are presently using City water. C.A. Daykin discussed the additional outside water use information provided in his agenda report beginning on page 17. He pointed out that presently the City is providing water to fewer outside city customers than levels provided in previous years. C.A. Daykin discussed in detail his suggestions for potential imposed conditions for the Gomez property if Council were to grant approval of the water connection. He also discussed his thought that likely the 4.4 acre parcel would be included in the next urban growth boundary (UGB) expansion for a variety of different reasons. Gomez noted that his frontage totals approximately 250 feet; the parcel is approximately 750 feet deep. Gomez explained that they do intend on keeping approximately 3.5 acres of the filbert trees and build a single family 2400-2800 sf residence set back approximately 50 feet from the road. Additional discussion ensued.

M. Russ suggested that it would be more likely for Dundee's UGB to move in the direction towards Newberg than elsewhere. M. Russ also pointed out that the City has recently added the proposed RV park to City water as well and noted his belief that this will closely equate the 85 outside city customers seen previously. C. Crawford pointed out that the RV park will use water differently than a residence and won't equate to that amount of residential users. Lengthy discussion ensued and M. Russ expressed concern that the City presently doesn't have the resources available to support the Riverside District.

C. Adlong expressed concern about supplementing development of the residences outside of the UGB. She recalled that almost all of the residential requests have been received due to an existing house having a hardship issue; she does not recall previously providing water for new construction. Gomez pointed out that all of the surrounding properties are using City water presently. M. Russ pointed out that building a new home is creating a hardship that needs water. Gomez pointed out that what is creating the hardship for them is the fact that a typical septic system costs \$8,000-\$12,000 and the one they are required to install costs \$27,000. He also noted that the city water main runs right across his property to provide water to his neighbor; two houses across the street from his property are provided water as well. Gomez also pointed out that there is a city water meter on his property along with a city drain. He also clarified that the water will be used for the dwelling until only and not for irrigation purposes.

C.A. Daykin pointed out that in his analysis of developing a new water source he assumed a timeline based on existing debt; however, City Council can choose to take whatever action they choose. C.A. Daykin pointed out that they did acknowledge that the City has water to allow Lindquist and Edwards to allow development of the properties that they've already said they'd prefer to start with on the west side of the bypass – subareas A & C; but there would not be enough water for the next large block of development following those subareas. Additional discussion ensued and C.A. Daykin explained that whether water is provided to 1-20 outside users in the interim remaining years, there is not enough water for the next 200 units; a new water treatment plant or pipeline, etc. will need to be developed. He also pointed out that in the interim, receiving money from users outside of the City is a benefit to the City as it helps keep the revenue source coming in to help pay for some of the preliminary studies, the engineering, etc., for that next big phase.

C. Nelson inquired as to whether a well would be the only other option for the Gomez family. Gomez indicated that a well would be a potential option though those costs are not known until drilling takes place; the cost for a well can vary quite a lot. Gomez explained that they are not new residents and have been a part of the community for a long time; he has a local construction company in Dundee and they plan to live at their new residence long-term.

M. Russ discussed concerns with regard to potential hardship situation being created by building a home that doesn't yet exist. C. Nelson discussed the importance of Council being very careful about setting precedent, and carefully considering their decision. C.A. Daykin pointed out that this is a discretionary decision of City Council. He noted that one thing different about this application than all of those they've heard before (except for one) is that this property is right next to the City limits; others were significantly away from the City UGB which wouldn't allow much chance for annexation in the near future regardless. C. Svicarovich voiced support that there is an opportunity in this water request for the City; dedication of right-of-way is an important component and she noted that this is an expensive process when it needs to be obtained. She also supported that it is possible for the UGB to grow in that direction; discussion ensued. C. Nelson inquired as to whether power is planned to be underground right now to which Gomez indicated that it is not. C.A. Daykin offered additional detailed discussion with regard to the complexities of potential UGB expansion on the east side of the railroad tracks towards Newberg; he voiced his opinion that he does not see that happening as the next phase of UGB expansion. C. Svicarovich discussed that another challenge with growth towards Newberg is the existing bridge which limits the amount of infrastructure to provide connect in between the two cities if at such a time that expansion did occur. C. Adlong suggested adding a stipulation that no additional water meters would be provided for this property in the event the property were partitioned, prior to it being included in the UGB. C.A. Daykin noted that suitable language could be added to the Agreement. C. Svicarovich suggested a nonremonstrance agreement for frontage improvements. Detailed discussion ensued with regard to potential future ¾ street

improvements in the area and what that would typically entail. C. Svicarovich noted that she hadn't thought of the issue as much tied to the property on the other side of the street, but more for once that property develops (as it gets pulled into the UGB years down the road) she would like to see frontage improvements required as part of that development. C. Atty Ramis discussed that an annexation agreement can be built into the Agreement; the improvements can be specified which would be necessary. The uniqueness of the situation was discussed in detail.

A motion was made and seconded to authorize the City water connection requested by Rudy Gomez with the following conditions: one water meter, to agree to electric underground, 10 foot right-of-way, a minimum of 20 foot setback from the dedicated right-of-way from the rededicated property, and perform street improvements as a condition of annexation when appropriate for the tax lot R3326-23000 lot 50. The motion passed unanimously.

Dogs Running at Large

C.A. Daykin discussed the present Dundee Municipal Code regulation 6.04.020 in detail. Potentially dropping the phrase "immediate supervision" from the Code language was discussed in detail; this was noted to be a very unclear phrase. The consensus of Council was to move forward with a new ordinance reflecting the discussed change in Code language. City staff will prepare an ordinance to amend Chapter 6.04 of the Dundee Municipal Code. Discussion ensued.

Council Concerns and Committee Reports

C. Crawford expressed concern that the City banners are fading and falling apart; he suggested their removal as they are more of a negative distraction than a benefit. C.A. Daykin explained that equipment will need to be rented in order to remove the banners. C. Crawford noted that there are presently no other banners to replace them with until the Christmas banners are hung. He explained that the Tourism Committee has put off selecting new banners in anticipation of the new street lights; they will require banners of a different dimension. C. Crawford discussed that there is a new marketing plan coming out called "Wake Up In Wine Country"; there will be a new marketing strategy and design coming out with regard to that, including new banners. Additional discussion ensued and C.A. Daykin informed that City staff will schedule removal of the existing banners and not replacing them at this time.

C. Crawford requested an update on the parking lot project at the Dundee Community Center. C.A. Daykin discussed that he had previously contacted Joyce Colling, who explained that she had trouble reaching the contractor. When he then contacted the contractor, they indicated that they had already talked with Colling; August was noted as the month when the project was planned to move forward.

C. Crawford expressed concern about the new houses being built on Seventh Street. He explained that there is what appears to be a concrete foundation in the backyard of all of the homes which appear to have drains. C.A. Daykin explained that this has been put in place for water quality purposes; detention for storm water being treated before it goes into the sewer system. C.E. Reid explained that a system of that nature can either be designed individually (the property owner is responsible for maintaining it) or a combined system (HOA is required to maintain).

C. Crawford inquired as to whether or not horses are allowed within the City to which C.A. Daykin explained that it is his interpretation, as well as the City Planner, that they are not allowed. C. Crawford noted that there are horses within the City limits which were noted to have been located there long-term. Discussion ensued and it was noted that no complaints have been received.

C. Svicarovich discussed that the sidewalk has been poured at the corner of Seventh and Alder Streets and she expressed concern that the connection into the ADA ramp (the last sidewalk panel at the cross slope) seems to be off. Detailed discussion ensued and C.E. Reid noted that he will check the transition in this location. He explained that he noted the ramp to look "off" though when he checked it with his Smart level it was fine; there are many slopes and angles.

C. Adlong expressed concern about the skunk increased population on Upland Drive near Walnut Street. She explained that she has seen dozens of skunks in this area and is becoming quite concerned. C. Adlong discussed her belief that the storm drain culverts in the area as well as local residents feeding the skunks have contributed to their increased population. She explained that she has been confronted by skunks on evening walks and expressed concern that it impacts the health and welfare of the population to have so many in the area. C. Adlong encouraged Council to visit the area to see the issue firsthand. Thoughts and ideas to help remedy the situation were discussed. C.A. Daykin pointed out that there is not presently a regulation which prohibits feeding them, though this could be accomplished; discussion ensued. C. Svicarovich supported a regulation against feeding wild animals. C. Adlong supported that for now a City newsletter article would likely be appropriate. C. Weaver pointed out that skunks also carry rabies and will potentially be affecting other pets as well.

C. Kelly inquired as to whether if the City Council, by providing a ground lease (with regard to the proposed cell tower), is somehow influencing the land use process. Detailed discussion ensued and C.A. Daykin explained that every new development constructed on City property is a land use process. C. Atty Ramis explained that the City Council is performing two different functions: one is the proprietary function of regulating land as an owner, and the second as a regulator of land. He explained that as long as the regulatory process (the land use process) is unbiased and based upon the actual criteria, then City Council is permitted to do it, though he explained that this could be challenged.

M. Russ inquired as to how the jellyfish, ie, storm water treatment system, is performing and whether any maintenance has been performed. C.E. Reid discussed that things are going well and the system is being maintained; it is performing very well. He explained that the vendor is working on the facility approval process for the State of Oregon. Discussion ensued. C.E. Reid discussed that the original plan was to potentially allow the City to use that system when where were thinking of going with the dual system, though he has not reached out to their storm water designer to know if they may want to incorporate that system or not.

M. Russ inquired about the status of the Unique Auto business. He discussed that on Sunday there was a car parked on the empty lot on the unpermitted driveway area. C. Crawford confirmed that he also noted the vehicle present on Sunday as well. C.A. Daykin explained that the owner had removed the vehicles so they weren't visible from the highway. C. Crawford noted that the property owner has said that he doesn't live there anymore. C.A. Daykin explained that at Council's request a citation could be issued. He explained that pulling Unique Auto's permit is not an option; it is a land use decision and the permit doesn't expire. C.A. Daykin explained that when the rules aren't followed on a land use decision, a citation may be issued requiring them to go before the municipal court judge; a fine may be issued. It was also noted that each day of violation is a continuation of the fine. C.A. Daykin explained that first a violation must be proven, and if action is taken there will be some legal expense for the City. M. Russ suggested that at this time a second warning letter be sent to the property owner. C.A. Daykin offered that included within the proposed update in the future, "car sales" will be inserted as a prohibited action under home occupations.

Mayor's Report

M. Russ informed that he will be unable to attend the upcoming City Council meetings on August 20 and September 3, 2019.

City Administrator's Report

C.A. Daykin discussed that it was reported that the membranes in Train 2 (the first one that the manual clean was done on) has fouled again; it is underperforming. He explained that Jared Nunley drained the basin to discover that there is sludge material caked between the membranes. On top of that, he noted some apparent damage because he's getting signs of sewer in the return tubes for the permeate. C.A. Daykin discussed that City Staff talked to Michael Humm, P.E., Kennedy/Jenks Consultants; he talked to Kubota. C.A. Daykin explained that some data analysis will be done of how the clean cycles have been done, evaluation of the sludge make up and screen performance, and also analysis of the accumulation in the basins to see how that is affecting airflow. That information is being prepared for the Kubota representative who will be coming out next week. C.A. Daykin suggested that potentially the City may be looking at needing to perform another manual clean before winter. M. Russ suggested also inquiring about potential adjustments/changes to nozzle configuration/size for the cleaning system. Discussion ensued and C.A. Daykin confirmed that they will be evaluating the scouring and cleaning process.

C.A. Daykin informed that NW Fiber, LLC has notified the City of their intent to purchase the cable franchise held by Frontier Communications. He explained that a resolution will be brought back to a future meeting to formally recognize that. C.A. Daykin voiced that likely all of the other cities affected will be moving forward in the same way. It was noted that NW Fiber, LLC is an investment company and not a technology/cable company.

C.A. Daykin discussed that tomorrow night a Parks Advisory Committee meeting will be held at City Hall at 7:00 pm. He explained that at the meeting they will be reviewing quotes from four different vendors for playground equipment (nature play). Included in the grant received, there is a budget of \$15,000. The consensus of Council was to allow C.A. Daykin to proceed with the purchase, based on the Committee's selection (and it being under budget), of playground equipment.

C.A. Daykin discussed that the City has received the data from CH2M that completed the Water Master Plan for us to provide us the hydraulic analysis. It was transferred over to MurraySmith. C.A. Daykin explained that it will cost approximately \$1,800 for incorporating and updating that analysis; after that analysis is done it was estimated that it will cost approximately \$4,000 to go through the different scenarios dealing with the water line conflicts and their recommendations for dealing with that. C.A. Daykin discussed that it is a fairly informal process at this point; there really isn't a scope of work in agreement at this point as it is only the early stages. The consensus of Council was to continue moving forward with the analysis.

C.A. Daykin informed that the City paving project will start after Labor Day, continue through that week and maybe some after that week. He explained that notices will be sent to property owners and the contractor is willing to consider individual requests for driveway paving, so that information will also be provided to the property owners. C.A. Daykin noted that property owners who request driveway paving will work directly with the contractor regarding the work.

C.A. Daykin discussed that the situation with regard to Andy Wilder is very unfortunate with apparent damage to his sewer lateral. He explained that the most likely scenario is that the damage was probably due to construction activity on behalf of the City through a contract the City has with the contractor. He explained that the claim has been tendered over to the contractor

for their insurance company to consider, though as far as he is aware they are denying it. C.A. Daykin explained that it is up to Wilder to pursue this. He explained that the City has been advised by CIS not to get involved; if money is spent there is no guarantee that the City will be reimbursed from CIS. C.A. Daykin offered that C. Atty Ramis could become involved to gather more information and have a discussion if Council so desires. C.A. Daykin clarified that there is nothing that the City did to cause the problem; the City is arguing that it was caused by the contractor. Brief additional discussion ensued. C.A. Daykin expressed concerns about the issue not being resolved. It was noted that a steel plate has been placed over the sidewalk, which is a tripping hazard, and there is still a nonworking sewer with groundwater going into the public sewer. The consensus of Council was to discuss the topic further at a future Council meeting in executive session.

Public Comment

None.

David Russ, Mayor

Attest:

Rob Daykin, City Administrator/Recorder

ORDINANCE NO. 570-2019

AN ORDINANCE RELATING TO DOG RUNNING AT LARGE AND
AMENDING SECTION 6.04.010 OF THE DUNDEE MUNICIPAL CODE.

THE CITY OF DUNDEE DOES ORDAIN AS FOLLOWS:

Section 1. The definition of “dog running at large” described in Section 6.04.010 of the Dundee Municipal Code is hereby amended to read as follows:

“Dog running at large” means a dog which is off or outside the premises belonging to the owner, keeper, or person having control, custody, or possession of the animal, and not in the company of and under the control of its owner or keeper by means of an adequate leash, pen, cage, vehicle, or other means of confinement.

ADOPTED by the Council this _____ day of _____, 2019.

Approved:

David Russ
Mayor

Attest:

Rob Daykin
City Administrator/Recorder

AGENDA REPORT

To: Mayor Russ and City Council
From: Rob Daykin, City Administrator
Date: August 14, 2019
Re: Resolution No. 2019-10

Resolution No. 2019-10 was prepared to express the City's intent to initiate vacation of Second Street and Fourth Street stubs connected to Highway 99W. ODOT requested this declaration of intent so they may proceed with design of the sidewalk improvements at those locations without ADA ramps directed across the highway. If ADA ramps are constructed, then the recent sidewalk and driveway improvements at Fourth Street on the west side of the highway will need to be reconstructed to accommodate the new ramps.¹ Every local street intersection to a highway is considered a legal crosswalk, although not every crosswalk is marked. The ODOT Traffic Safety Engineer determines the location of traffic control devices and marking of crosswalks for State highways. The marking of crosswalks is based on an analysis of the current conditions, including pedestrian trips, and safety of pedestrians. That is why many of the "legal" highway crosswalks are not marked in order to encourage pedestrians to use the marked crosswalks.

As I mentioned above, the Fourth Street stub on the west side of the highway was developed as a driveway serving two properties. It is unlikely that portion of Fourth Street will be extended westerly as a public street unless the elementary school is relocated. Even if the school property is re-developed commercially,² it may be preferable to retain Fourth Street as driveway access than constructed as a public street. The Fourth Street segment between the highway and the railroad is unlikely to cross the railroad since that segment of Fourth Street between the railroad and Edwards Road was previously vacated by the City. The proposed crosswalk and merge lane improvements at First Street will impact Second Street. The middle highway lane near Second Street will be used as a left turn lane into the south driveway to the ARCO station since left turn movements for southbound traffic will be prohibited at the First Street driveway. As the two parcels on the west side are developed commercially, it is likely that the Second Street location will be used as a shared driveway and vehicular turning movements in the Second Street area will be significant. The segment of Second Street between the highway and railroad were also vacated by the City, and given the housing development on Namitz Court, it is unlikely that the Second Street stub on the west side would be extended as a public street to the west.

¹ Additional ROW will be needed and the private improvements (retaining wall) will need to be relocated.

² The school property is currently zoned Low Density Residential, however, the property is more likely to be re-zoned to a commercial designation based on the highway location and current commercial zoning patterns.

Currently, the ODOT approved marked crossings on Highway 99W in Dundee are located at Fifth Street, Seventh Street, Ninth Street, and at Eleventh Street. The 2021 Highway 99W Improvements project will add a marked crosswalk at First Street and a mid-block marked crosswalk between Parks Drive and Thirteenth Street, both with island refuges and pedestrian activated warning signals. Factors to consider in approving Resolution No. 2019-10 include the unlikelihood that Second Street and Fourth Street will be extended as public streets to allow increased pedestrian traffic from the adjacent neighborhoods, and that new commercial developments on the east side of Highway 99W will likely require a new marked crosswalk at Third Street to accommodate pedestrian traffic from the Third Street neighborhood. Similar to the Second Street vacation, the City will retain utility easements in the former rights of way if applicable and require the abutting property owners to provide an access easement to each other for their share of the vacated street.

Recommendation: Motion to pass Resolution No. 2019-10, a resolution of intent to initiate vacation of Second Street and Fourth Street.





RESOLUTION NO. 2019-10

**A RESOLUTION OF INTENT TO INITIATE VACATION OF SECOND STREET AND
FOURTH STREET.**

WHEREAS, that 100 foot portion of Second Street attached to west side of Highway 99W is unimproved and unlikely to be extended and developed as a street for use by the general public; and

WHEREAS, that 100 foot portion of Fourth Street attached to the west side of Highway 99W has been improved as a driveway serving two properties and is unlikely to be extended and developed as a street for use by the general public; and

WHEREAS that portion of Fourth Street attached to the east side of Highway 99W to the railroad is unimproved and unlikely to be developed as a street for use by the general public; and

WHEREAS, the Oregon Department of Transportation is designing sidewalk and roadway improvements to Highway 99W in Dundee and is mandated to construct ADA ramps at the intersection of local streets to the highway where sidewalks exist, including receiving ramps across the highway from the local street intersections; and

WHEREAS, the City Council prefers the aforementioned Second Street and Fourth Street segments to be developed as commercial driveway approaches.

NOW THEREFORE, THE CITY OF DUNDEE RESOLVES THAT:

The City Council declares its intent to initiate vacation of the aforementioned Second Street and Fourth Street segments pursuant to ORS 271.130 no later than January 1, 2021.

Passed by the City Council this 20th day of August, 2019.

Approved:

Tim Weaver, Council President

Attest:

Rob Daykin, City Administrator/Recorder

AGENDA REPORT

To: Mayor Russ and City Council
From: Rob Daykin, City Administrator
Date: August 15, 2019
Re: Transportation System Development Charge Study

Historically, most street improvements in Dundee have been constructed as a condition of land use approval or new development at the cost of the applicant and/or developer. Typically, improvements are limited to the frontage of the applicant/developer's property (or internally – new streets serving a subdivision for example). Dundee Development Code section 17.305.030.H also requires a developer to reconstruct sub-standard existing streets to current standards.¹ Off-site improvements deemed necessary to accommodate the additional traffic generated by the development requires a careful analysis of the proportionate share of costs attributed to the developer. In the City's first Transportation System Plan (TSP) – October 2003, a review of street funding options concluded “...it is questionable whether an SDC is the appropriate method for funding transportation projects in Dundee.” This negative assertion was based on the following:

1. SDC's can only be used to address growth-related transportation needs and cannot be used to fund existing transportation deficiencies.
2. Projects identified in the TSP will be constructed as part of new development and would be credited against the SDC that the development would pay.
3. Administrative costs of SDC's can be high.

The Dundee TSP was updated in July 2015 and it used a different approach by grouping transportation improvement projects as to their likelihood of being funded: 1) Likely Funded Plan, 2) Possibly Funded Plan, and 3) Aspirational Projects. The Likely Funded Plan had the City's contribution estimated at about \$1.7 million and developer/ODOT contributions at \$3.5 million. Likewise, the Possibly Funded Plan identified the City's contribution at \$8.2 million and other contributions (mainly developer) at \$9.8 million. The Aspirational Projects, well...were aspirational at \$14.7 million without a breakout of funding contributors. As in the 2003 TSP, the consultant for the 2015 TSP identified a number of new potential funding sources. SDCs were identified as the largest potential funding source, again noted to be limited to capacity increasing improvements.

Since a number of the 2015 TSP projects appear to be separated from where development will take place that may trigger the need for the improvement, such as the westbound right turn lane at Fifth

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

Street, and since an interconnected shared use path system was identified as a needed improvement in the Riverside District Master Plan, City Engineer Reid and I met with Curt McLeod of Curran-McLeod, Inc. Consulting Engineers earlier this year to discuss the suitability of developing an SDC for capacity increasing projects identified in the TSP and the share use paths. Mr. McLeod estimated the cost of developing an SDC methodology that meets the requirements of State law at \$5,000 to \$6,000. We will update the project cost estimates provided by DKS Associates in the 2015 TSP using the construction cost index published by Engineering News-Record (ENR).² Also, the consultant will provide us construction cost estimates for the shared use paths, identify the costs of the projects that increase system capacity, and determine the amount of the project that is the responsibility of the City vs. the developer. Typical with transportation SDCs, the determination of the SDC amount will be tied into trip generation for the specific development as identified by the Institute for Transportation Engineers. In the course of developing the methodology I will be soliciting input from Council on various issues and a workshop by the consultant with Council will be conducted on the draft SDC methodology and proposed SDC calculations. I discussed the SDC work completed by Curran-McLeod with the city managers of Turner and Lafayette, and received glowing recommendations. Since I may request additional public meetings and alternate approaches to the SDC methodology, I request Council to authorize me to engage the firm using a budget of \$8,000.

Recommendation: Motion to authorize the city administrator to contract with Curran-McLeod, Inc. Consulting Engineers in an amount not to exceed \$8,000 for the preparation of transportation SDC.

² The ENR is currently used to update the City of Dundee water and sewer SDCs annually.

August 15, 2019

**CURRAN-McLEOD, INC.
CONSULTING ENGINEERS**

6655 S.W. HAMPTON STREET, SUITE 210
PORTLAND, OREGON 97223

Mr. Rob Daykin, City Administrator
City of Dundee
P O Box 220
620 SW 5th Street
Dundee, OR 97115

**RE: CITY OF DUNDEE
TRANSPORTATION SDC METHODOLOGY**

Hi Rob:

I appreciate you delaying the discussion on Transportation SDCs to the August Council meeting. Construction is very busy this season as well as planning for additional future infrastructure improvements.

We have reviewed the Transportation Master Plan and master planning of the Riverside District and have discussed that with you previously. As we have discussed, there are several ways to address a cost allocation for the improvements identified in the Riverside District plan. The two primary options would be to continue development as you currently do and require the developer to make the planned improvements on their frontage, or alternatively, allocate those costs over a larger benefitted area by adoption of a new Transportation System Development Charge fee.

The object of an SDC cost allocation would only be for improvements that exceed the basic frontage improvements required of all developers. Requiring the additional frontage improvements to be funded by the adjoining property owner is not the most equitable cost allocation and implies the property owner is the only one to benefit by the improvement. A transportation SDC is the more typical method of allocating the cost of improvements to a larger area of benefitted properties, most typically the entire urban growth boundary.

From our perspective, the improvements identified in the master plans benefit the entire population, not only the properties that abut the roadways. Additionally, the planned improvements are influenced by the benefit to the entire community. For example, construction of a connecting roadway across the steep topography in the Riverside District would more likely not be proposed if only serve a private development due to the cost. Without our having studied these plans more thoroughly, you are in a better position to evaluate each project to determine if they have regional benefit or only local benefit.

Mr. Rob Daykin
August 15, 2019
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If the City elects to adopt a transportation SDC, we would recommend the methodology include a Reimbursement Fee to account for any expense the City has paid for past transportation improvements, including construction and planning efforts. The SDC should also include an Improvement Fee to account for the cost of planned improvements that exceed the minimum requirement for all development. Per the Transportation System Plan, the minimum requirement for all development would be a Local Street Section 1, with 34-foot travel surface within a 60-foot right-of-way, with curb and sidewalks on both sides.

The cost of any required improvements that exceed these minimum standards could be allocated to development within the entire urban growth boundary because they contribute benefit to the overall regional transportation system.

Selection of a firm to prepare an SDC methodology should be based on the approach. There is a wide variety of approaches we see in the industry for allocating costs for public infrastructure, some more defensible than others. In an overview, we conclude most municipalities do not understand their methodologies. We believe the goal of any SDC methodology must be that they be understandable, defensible and equitable.

Our firm has prepared SDC methodologies for the past 25 years and recommend several specific approaches. These include using current replacement values for all existing improvements, estimated cost of future improvements, and allocating these values over buildout of the entire urban growth boundary. This eliminates the inaccuracy of estimating the percent of benefit to existing and future users and makes SDC updates very simple to complete in-house. Trips rates are published by the Institute for Transportation Engineers (ITE), which are accepted as the industry standard to allocate transportation system costs. We would recommend the City adopt specific local factors to adjust the published rates so they would be specific to the City of Dundee.

Over the past ten years our firm has prepared SDC methodologies for 14 communities, including one or all five of the eligible public infrastructure systems. In the last six years we have prepared Transportation SDC Methodologies for five communities, including Donald, Garibaldi, Molalla, Mt. Angel, and Turner. Although not transportation, our most recent SDC methodologies include updates for the Cities of Canby, Estacada and Lafayette.

The City has detailed master planning documents which provide most of the information required to prepare a Transportation SDC. If you elect to adopt a Transportation SDC, an estimate of our cost to prepare the document is \$5,000 to \$6,000 and would require approximately 60 days to prepare the draft. This process would include meeting with City staff to update the Capital Improvement Plan to include all improvements from previous planning efforts and add any additional needed improvements staff are aware of.

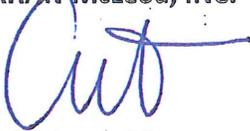
Mr. Rob Daykin
August 15, 2019
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The 2015 Transportation System Plan and the Riverside District Maser Plan list transportation improvements that are required throughout the community. We would recommend the City review these capital improvements and for the SDC, include selected improvements throughout the community as opposed to limiting the improvements to the Riverside District.

The adoption process can take several months if the City has anyone on their list of interested parties per the statutes. If you do, a 90-day notice is required before an adoption hearing can be held. Let me know if you have any questions or if we can assist the City in preparing this document.

Very truly yours,

CURRAN-McLeod, INC.



Curt McLeod, PE
Principal

AGENDA REPORT

To: Mayor Russ and City Council
From: Rob Daykin, City Administrator
Date: August 15, 2019
Re: 2019 SCA Grant Agreement Amendment

The 2019 SCA grant was awarded to the City for work related to the reconstruction of the road surface on Charles Street from Thirteenth Street to Niederberger Road. The project was estimated at \$120,700; however, the low bid awarded to H&H Paving was \$76,986.¹ The grant amount is \$100,000 and I had anticipated making up the difference with removal of the Niederberger drainage ditch, but realized belatedly that the Niederberger drainage ditch work while identified in the authorizing resolution was actually represented in a second SCA grant application that was not awarded. I discussed the matter with the ODOT SCA grant manager and he is open to an amendment to the existing agreement to cover the additional work so we can take advantage of the entire \$100,000 grant amount. ODOT supports the additional work since it is adjacent to the Charles Street project limits and is considered a safety improvement.

City Engineer Reid prepared a cost estimate for the storm water facilities and filling of the ditch with suitable material. Also, attached are photos of the ditch. The ditch is very close to the road surface and the proposed improvement will allow pedestrians to not walk in the roadway along that part of Niederberger Road. The improvements will also reduce future maintenance cost associated with the drainage ditch. As mentioned previously, H&H plans on starting work immediately following Labor Day. We will solicit bids from qualified contractors for the additional storm water work for consideration at the September 17 regular meeting.

Recommendation: Motion to authorize the city administrator to approve an amendment to the 2019 SCA Grant Agreement for additional work involving the installation of storm water facilities and elimination of the drainage ditch on the north side of Niederberger Road between Charles Street and Alder Street.

¹ Charles Street Bids:	H&H Paving	\$76,986
	Baker Rock	\$91,046
	Brix Paving	\$122,520
	S2 Contractors	\$127,635
	North Santiam	\$128,420

Niederberger Ditch Improvements

ENGINEERS ESTIMATE OF CONSTRUCTION QUANTITIES

City of Dundee Oregon
Based on Conceptual plans

Location: SW Niederberger Rd between Charles and Alder Streets
Dundee, Oregon

Date: 8/15/2019
Job #: 19004

SECTION 1 - SITE WORK					
Item	Description	Quantity	Units	Unit Price	Amount
1	Mobilization	1	LS	4,800.00	4,800.00
2	Clearing and Grubbing/Demo	1	LS	1,600.00	1,600.00
3	Compaction & Finishing Slopes	1	LS	1,600.00	1,600.00
4	Temporary Work Zone Traffic Control, Complete	1	LS	4,000.00	4,000.00
5	Erosion Control, Complete	1	LS	600.00	600.00
Subtotal					\$12,600.00

SECTION 2 - STREET IMPROVEMENTS					
Item	Description	Quantity	Units	Unit Price	Amount
6	3/4"-0" Aggregate Base	286	Ton	25.00	7,150.00
Subtotal					\$7,150.00

SECTION 3 - STORM DRAINAGE					
Item	Description	Quantity	Units	Unit Price	Amount
7	10" Storm Main	98	LF	60.00	5,880.00
8	15" Storm Main	117	LF	80.00	9,360.00
9	G-2 Inlet	2	EA	2,000.00	4,000.00
10	Storm Pipe Connection (to Ex. Manhole)	1	EA	500.00	500.00
10	Storm Pipe Connection (To Ex. Pipe)	1	EA	250.00	250.00
11	10" Cleanout	1	EA	350.00	350.00
12	6" French Drain (includes Fabric and Drain Rock)	50	LF	80.00	4,000.00
13	4" Storm Lateral	10	LF	25.00	250.00
14	4" Tee	3	EA	150.00	450.00
Subtotal					\$25,040.00

Construction		\$44,790.00
Contingencies	10%	4,479.00
Total		49,269.00



Niederberger Ditch between SW Charles & Myrtle Streets (~36" Deep)



Niederberger Ditch between SW Myrtle & Alder Streets (~30" Deep)

AGENDA REPORT

To: Mayor Russ and City Council
From: Rob Daykin, City Administrator
Date: August 15, 2019
Re: Parks Advisory Committee Appointments

Chris Fanger and Jesse Dillow moved out of Dundee and resigned from the Parks Advisory Committee, resulting in three unfilled positions. We received applications from Noel Johnson and Beth Humphrey. Noel Johnson is also on the Dundee Tourism Committee and attended the August 7 Parks Advisory Committee. Beth Humphrey is new to the community and expressed an interest in serving on both the Parks Advisory Committee and Budget Committee.

Resolution No. 2009-03 establishes the following membership qualifications of the Parks Advisory Committee:

- No more than one member shall reside outside of the City of Dundee
- Members shall represent a cross-section of the community to include geographic and demographic diversity
- One member shall be a member of the City Council and chair the meetings

If Council appoints Noel Johnson and Beth Humphrey, the membership of the Parks Advisory Committee will be as follows:

<u>Name</u>	<u>Residence</u>
Jeannette Adlong, Chair	142 SW Red Hills Drive
Nick Gilbert	460 NW 1 st Street
David Dixon	685 SW 5 th Street
Jill Bilka	740 SW Graystone Place
Noel Johnson	962 SW Tomahawk Place
Beth Humphrey (vacancy)	110 SW Brier Avenue

Recommendation: Motion to appoint Noel Johnson and Beth Humphrey to the Parks Advisory Committee.



**TOURISM COMMITTEE
APPLICATION**

The Mayor and City Councilors of the City of Dundee are seeking applications from individuals interested in serving on the Dundee Tourism Committee.

The duties of the Tourism Committee include:

1. Development of a long-range strategic plan aimed at promoting tourism in the city through the use of a transient room tax.
2. Recommendation to the council on programs for use of the fee and annual budget appropriations for the tourism fund.
3. Working with the city administrator on implementation of tourism promotion programs and development of tourism-related facilities.

Name: Noel Johnson

Address: 962 SW Tomahawk pl, Dundee

Telephone No. 707-416-8357 Dundee Resident (Yes or No): Yes

E-Mail Address: Noeljohnson07@gmail.com

Occupation: Marketing and Wine Industry

Educational Background: BS Degree in Business and Marketing
from Sonoma State University

State briefly your reasons for applying: _____

I have a 7 month old baby and as a local resident who
will be spending a lot of future years in our parks I
would like to help where I can.

Noel Johnson
Signature

8/11/19
Date



Parks Committee Application

The Mayor and City Councilors of the City of Dundee are seeking applications from individuals interested in serving on the Dundee Parks Committee. Those wishing to serve are asked to complete and return the form below.

Applications should be mailed to the City of Dundee, PO Box 220, Dundee, Oregon 97115, Attention: City Administrator, or hand delivered to City Hall, 620 SW 5th Street, Dundee, Oregon, Monday through Friday, from 8:30 a.m. to 5:00 p.m.

Name: Beth Humphrey
Address: 110 SW Brier Avenue, Dundee, OR 97115

Telephone No. 925-719-2990 Years of residence: less than 1 (May 2019)

E-Mail Address: mrshumphreyteachmusic@gmail.com

Occupation: Preschool Teacher / Music Teacher

Educational Background: Early Childhood Teacher Certificate - 2018; AA Human Services - 2019; Bachelors Human Services - expected December 2019.

State briefly your reasons for applying: I would like to contribute to the local community in the areas of human services, wellness and health, outreach, and creativity. My vast experiences may serve our community nicely.

Signature: [Handwritten Signature] Date: 8/15/2019

