



**CITY OF DUNDEE  
Staff Report**

**Type II Site Development Review, Type I Lot Consolidations,  
Type II Code Adjustments, and Type III Variances  
File No. SDR 24-21, PC 24-17, PC 24-18, CA 24-22, CA 24-23,  
V 24-19, V 24-20, V 24-30 – Dundee Hotel**

**Request:** The proposed project would develop a 121,908 square foot area (2.799 ac) and 40,780 square foot area (0.94 ac), combined totaling 162,688 square feet (3.739 ac). After partial street vacation of SW 13th Street and right-of-way dedication for SW 13th Street, and SW Alder Street the development area would consist of 110,313 square feet (2.53 ac) and 44,321 square feet (1.02 ac), combined 154,634 square foot (3.55 ac) to construct a mixed-use commercial development including a hotel and two retail commercial buildings.

**Project Information**

<b>Applicant</b>	John Olivier, ScanlanKemperBard (SKB)
<b>Owner</b>	SKB-Dundee Project LLC and Dundee Hills LLC
<b>Location</b>	West of Highway 99W and east of SW Alder Street, and north and south of unimproved SW 13 <sup>th</sup> Street
<b>Site Address</b>	1232 Highway 99W
<b>Map and Tax Lots</b>	R3335AA 01401 R3335AA 01301 R3335AA 01000 R3335AA 01200
<b>Zoning</b>	(C) Community Commercial
<b>Applicable Criteria</b>	Dundee Municipal Code, Chapter 17.202 Zoning Regulations Dundee Municipal Code, Chapter 17.203 Special Use Standards Dundee Municipal Code, Chapter 17.301 Access and Circulation Dundee Municipal Code, Chapter 17.302 Landscaping and Screening Dundee Municipal Code, Chapter 17.303 Exterior Lighting Dundee Municipal Code, Chapter 17.304 Parking and Loading Dundee Municipal Code, Chapter 17.305 Public Improvements Dundee Municipal Code, Chapter 17.306 Signs Dundee Municipal Code, Chapter 17.401 General Review Procedures Dundee Municipal Code, Chapter 17.402 Site Development Review Dundee Municipal Code, Chapter 17.403 Land Divisions and Property Line Adjustments Dundee Municipal Code, Chapter 17.406 Variances and Adjustments
<b>Public Notice Mailed</b>	February 12, 2025
<b>Hearing Date</b>	March 19 and April 16, 2025

## Location Map



MAP NOT TO SCALE

### Staff Recommendation:

At the March 19, 2025, hearing staff recommends the Planning Commission:

1. Consider the staff report and public testimony.
2. Deliberate and make findings. Proposed findings are shown in Exhibit A of the Planning Commission Order.
3. Pass a motion adopting the Planning Commission Order.

### Public Notice:

Public notice of the project was posted on the site (2/20/25), published in The Newberg Graphic (2/20/25), and mailed to property owners within 100 feet of the project location (2/12/25).

### Comments Received:

Below are Public and Agency comments received by 12 pm on February 28, 2025. If additional public comments are received, they will be forwarded to the Commissioners. Department comments have been incorporated into the staff report.

### Public Comments

None.

### Agencies

Building Official: Reviewed, comments. Will require fire sprinklers.

Dundee Fire Marshal: Reviewed,

1. Sprinklers required for the hotel since it will be an R1 occupancy.
2. Address clearly and visible marked with lighting for responses in the dark.
3. How will the casitas be accessed for emergency response? As the plan shows they will be accessed off Alder Street. In this case no parking or a turnout would be needed for emergency response vehicles.
4. Each commercial unit will be required to have Knox Boxes as well as the hotel. Elevator service keys must be included.
5. How will the roof of the hotel be accessed? We do not have tall enough ladders or ladder truck. An access hatch should be required to reach rooftop mechanical and HVAC units.
6. Fire lanes marked and maintained “no parking”.
7. Adequate fire hydrant access and flow rates.
8. Approved turning radius for approach and exits on both proposed parking lots. None of the drawings had measurements or angles identified, however it looks good to the naked eye.
9. A standpipe system is NOT required.
10. Parking on Alder may become problematic, same with 13th, if there is not enough parking for project. With that being said, the dimensions of those streets in the plans are adequate, but it is not indicated on the plans where street parking will or will not be allowed.

Oregon Department of Transportation: Reviewed, comments.

1. This site is adjacent to Pacific Highway, No. 091 (OR99W), and is subject to state laws administered by ODOT. This site currently has no direct access to OR99W and is not proposing any new direct private accesses to the highway.
1. This development is proposing to construct 13th Street between OR 99W and Alder Street and appears to be consistent with the Dundee TSP project No. D4 (Table 6). ODOT has no objection to this proposal.
2. The developer applied for a State Highway Approach on behalf of City of Dundee for the new public 13th Street. The approach application has been deemed complete and approved. The new 13th Street connection to OR 99W will be required to have ADA ramps that meet applicable ODOT standards of accessibility with receiving ramps on the east side of OR 99W. All work within the ODOT right of way shall be reviewed and approved by ODOT prior to construction. A permit to construct for the approach can be issued after plans have been reviewed and approved.
3. A traffic impact study for this development has already been reviewed by ODOT with comments returned to the developer and City of Dundee in September of 2024. No mitigation measures were recommended.
4. Because this development is proposing to drain stormwater to the network on 99W, a stormwater report prepared in accordance with the ODOT hydraulics manual will be required for review and approval.
5. Work on OR 99W beyond the 13th street connection, such as utility undergrounding or connections, will require a separate permit and the applicant can contact District 3 permits for more information at (503) 986-5831.

PGE: Reviewed, comments. Developer will need to fill out a PGE request for new service form to establish a job number. PGE's design process can take up to 60 or more days to design once all information is received. This timeframe will fluctuate depending on scope of project. Conflicts of existing facilities needs to be submitted to PGE to review. PUE required to be a minimum of 8 feet.

Ziply: Reviewed, comments. Ziply has main fiber line along hwy 99 that will need to be relocated underground when poles are removed. Ziply owns the 3 poles along the property frontage on Hwy 99.

## **Discussion**

The proposed project would develop a 121,908 square foot area (2.799 ac) and 40,780 square foot area (0.94 ac), combined totaling 162,688 square feet (3.739 ac). After partial street vacation of SW 13<sup>th</sup> Street and right-of-way dedication for SW 13<sup>th</sup> Street, and SW Alder Street the development area would consist of 110,313 square feet (2.53 ac) and 44,321 square feet (1.02 ac), combined 154,634 square foot (3.55 ac) to construct a mixed-use commercial development including a hotel and two retail commercial buildings.

The applicant proposes a 95-room hotel which includes 5 Casitas. An interior courtyard would be created between the Casitas and the Hotel rooms with outdoor spaces for lounging and herb garden. Parking will be located on the two consolidated lots that make up the development area. Parking areas will be screened, landscaped and provide lighting.

Two 5,000 square foot each commercial building will be located north and south of SW 13<sup>th</sup> Street. The buildings will be used for restaurant and retail activities.

Transportation improvements include construction of SW 13<sup>th</sup> Street between Highway 99W and SW Alder Street. SW Alder Street along the development frontage, south of SW 13<sup>th</sup> Street, will be improved. The development will extend or connect to existing sanitary sewer, water and stormwater systems.

The Planning Commission opened the public hearing on March 19, 2025 and at the request of the Applicant continued the hearing to April 16, 2025, and no public testimony was taken.

## **Attachments**

Planning Commission Order with:

Exhibit "A": Findings

Exhibit "B": Conditions of Approval

1. Public/Agency Comments
2. Application Site Development Review - SDR 24-21
3. Application Property Line Adjustment (Consolidation) - PC 24-17
4. Application Property Line Adjustment (Consolidation) - PC 24-18
5. Application Code Adjustment Parking - PC 24-22
6. Application Code Adjustment Hotel Window Percentage SW Alder Street - PC 24-23
7. Application Variance SW 13<sup>th</sup> Street - V 24-19
8. Application Variance SW Alder Street Gound Floor Windows - V 24-20
9. Application Variance Building Height/Stories - V 24-30
10. City Engineer drawing notes Public Improvements

11. Fire Marshal Additional Comments Wavier SW Alder Street

**DUNDEE PLANNING COMMISSION ORDER**

**FILE NO. SDR 24-21, PC 24-17, PC 24-18, CA 24-22, CA 24-23, V 24-19, V 24-20, V 24-30**

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**AN ORDER APPROVING A SITE DEVELOPMENT REVIEW, TWO PROPERTY CONSOLIDATIONS, TWO CODE ADJUSTMENTS, AND THREE VARIANCES FOR THE DUNDEE HOTEL AT 1232 HIGHWAY 99W, TAX MAP AND LOTS R3335AA 01401, R3335AA 01301, R3335AA 01000, AND R3335AA 01200**

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**RECITALS:**

1. John Olivier of ScanlanKemperBard (SKB) for SKB Dundee Project LLC and Dundee Hills LLC submitted Site Development Review, Property Consolidations, Code Adjustments and Variance applications to construct a hotel and two commercial buildings at 1232 Highway 99W (R3335AA 01401, R3335AA 01301, R3335AA 01000, AND R3335AA 01200). The property is zoned Community Commercial (C).
2. The request is to construct a 95-unit hotel and two separate 5,000 square foot commercial buildings with associated parking and landscaping between Highway 99W and SW Alder Street both north and south of the undeveloped SW 13<sup>th</sup> Street.
3. The Dundee Planning Commission held a public hearing to consider the proposal on March 19, 2025.
4. At the March 19, 2025, public hearing the Planning Commission heard public testimony.
5. At the March 19, 2025, public hearing, the Planning Commission heard a summary of the staff report, considered the applicant’s testimony and the public testimony, closed the public hearing and deliberated. The Planning Commission finds the proposed Site Development Review, Property Consolidations, Code Adjustments and Variances meet the applicable Dundee Development Code criteria for approval with conditions of approval.

**The Dundee Planning Commission orders the following:**

The Site Development Review, Property Consolidations, Code Adjustments and Variances for a 95-unit hotel and two separate 5,000 square foot commercial buildings, are hereby approved, subject to conditions of approval in Exhibit “B”. This Order is based on the March 19, 2025, staff report, findings shown in Exhibit “A”, conditions of approval shown in Exhibit “B”, and public testimony. Exhibits “A” and “B” are hereby attached and by this reference incorporated herein.

**ADOPTED BY THE DUNDEE PLANNING COMMISSION THIS 19 DAY OF MARCH, 2025:**

**AYE:                      NAY:                      ABSTAIN:                      ABSENT:**

**SIGNED:** \_\_\_\_\_  
Ed Carlisle, Planning Commission Chair                      Date

**ATTEST:**

\_\_\_\_\_  
Steve Dahl, City Administrator

\_\_\_\_\_  
Date

**EXHIBIT “A”  
DEVELOPMENT CODE  
CRITERIA & FINDINGS  
SDR 24-21, PC 24-17, PC 24-18, CA  
24-22, CA 24-23, V 24-19, V 24-20, V  
24-30 Dundee Hotel**

Note: The Dundee Municipal Code criteria are written in ***bold italic*** font and the findings are written in regular font. Items related to conditions of approval are underlined. The Development Code criteria will be presented first followed by the findings of fact.

**SITE DEVELOPMENT REVIEW (SDR 24-21)**

**REVIEW PROCEDURES (DMC CHAPTER 17.401)**

***17.401.010 Purpose and applicability.***

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

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

- 1. Type I Procedure (Staff Review). Type I decisions are made by the city planning official, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying city standards and criteria that do not require the use of discretion (i.e., clear and objective standards).***
- 2. Type II Procedure (Administrative/Staff Review with Notice). Type II decisions are made by the city planning official with public notice and an opportunity for appeal to the planning commission.***
- 3. Type III Procedure (Quasi-Judicial Review – Planning Commission Hearing). Type III decisions are made by the planning commission after a public hearing, with an opportunity for appeal to the city council.***
- 4. Type IV Procedure (Quasi-Judicial Review – Planning Commission and City Council Hearings). The Type IV procedure applies to certain small-scale quasi-judicial decisions***

*(i.e., small zone changes, right-of-way vacations, and annexations) that are considered by the planning commission for a recommendation to city council, and then by the city council for a final decision.*

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

*[...]*

**Finding:** The submitted Site Development Review application is a Type II review in compliance with DMC 17.401.010(B)(2) above. Per DMC 17.401.070.B. with the companion variance applications, all eight (8) of the submitted applications are presented to the Planning Commission for their consideration as identified by city staff. A submitted Street Vacation (SV 24-16) was submitted and reviewed by the City Council. City Council adopted Ordinance No. 590-2025 on February 18, 2025, which establishes the base parcel sizes for the Site Development Review.

*[...]*

*17.401.030 Type II procedure (administrative review).*

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

*A. Application Requirements.*

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

*2. The city planning official shall advise the applicant of the application submittal requirements. At a minimum, the application shall include all of the following information:*

*a. The information requested on the application form;*

*b. Plans and exhibits required for the specific approval(s) being sought (for example, requirements for property line adjustments are in Chapter 17.403 DMC);*

*c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;*

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

*e. Draft public notice and public mailing list; and*

*f. The required fee.*

**B. Procedure.**

*1. The city planning official shall mail public notice of applications subject to administrative review not less than 14 days prior to decision. The city planning official shall prepare an affidavit of notice stating the date the notice was mailed, which shall be made a part of the file.*

*2. The purpose of the administrative review notice is to give nearby property owners and other interested people and agencies the opportunity to submit written comments on the application before the planning official issues the decision. The intent is to invite people to participate early in the decision-making process. Therefore all of the following individuals and agencies shall be notified:*

*a. All owners of record of real property within a minimum of 100 feet of the subject site;*

*b. Any person who submits a written request to receive a notice; and*

*c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city and any other affected agencies. At a minimum, the city planning official shall notify the road authority if different than the city of Dundee. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the city under this code.*

*3. The notice shall contain all of the following information:*

*a. The deadline for submitting written comments;*

*b. A summary of the proposal and the relevant approval criteria. The notice must have sufficient detail to help the public identify and locate applicable code requirements;*

*c. The address and city contact person for submitting written comments;*

*d. The street address or other easily understandable reference to the location of the proposed use or development;*

*e. Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or circuit court on that issue. Only comments on the relevant approval criteria are considered relevant evidence;*

*f. Statement that all evidence relied upon by the city planning official to make its decision is in the public record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the city; and*

*g. Statement that after the comment period closes the city will issue its decision and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.*

*4. At the conclusion of the comment period, the city planning official shall review the comments received and prepare a decision notice approving, approving with conditions, or denying the application based on the applicable code criteria.*

*5. The city planning official shall prepare a notice of decision and mail it to the applicant, property owner (if different), those who provided written comments on the proposal, and those who requested a copy of the decision. The administrative notice of decision shall contain all of the following information:*

*a. A description of the applicant's proposal and the city's decision on the proposal. The notice may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;*

*b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (i.e., copy of assessor's map may be used);*

*c. A statement of where the city's decision can be obtained;*

*d. The date the decision shall become final, unless appealed; and*

*e. A statement that all persons entitled to notice may appeal the decision to the planning commission pursuant to subsection (D) of this section.*

*C. Effective Date of Decision. Unless the conditions of approval specify otherwise, an administrative decision becomes effective 10 days after the city mails the decision notice unless the decision is appealed pursuant to subsection (D) of this section.*

*D. Appeal of Type II (Administrative) Decision. A Type II administrative decision made by the city planning official may be appealed to the Dundee planning commission, pursuant to the following:*

*1. Who May Appeal. The following people have legal standing to appeal a Type II administrative decision:*

*a. The applicant or owner of the subject property;*

*b. Any person who was entitled to written notice of the administrative review;*

*c. Any other person who participated in the proceeding by submitting written comments on the application to the city by the specified deadline.*

## ***2. Appeal Filing Procedure.***

***a. Notice of Appeal.*** Any person with standing to appeal, as provided in subsection (D)(1) of this section, may appeal a Type II administrative decision by filing a notice of appeal according to the following procedures.

***b. Time for Filing.*** A notice of appeal shall be filed with the city planning official within the time frame specified on the notice of decision; this will be within 10 days of the date the notice of decision is mailed.

***c. Content of Notice of Appeal.*** The notice of appeal shall be accompanied by the required filing fee and shall contain:

***i.*** An identification of the decision being appealed, including the date of the decision;

***ii.*** A statement demonstrating the person filing the notice of appeal has standing to appeal;

***iii.*** A statement explaining the specific issues being raised on appeal; and

***iv.*** If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

***3. Scope of Appeal.*** The appeal of a Type II administrative decision shall be a hearing *de novo* before the planning commission, where the contested decision was made by the city planning official. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the administrative decision, but may include other relevant evidence and arguments. The hearing appeal body may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.

***4. Appeal Hearing Procedure.*** Hearings on appeals of Type II decisions shall follow the same procedure used for public hearings on Type III reviews under DMC 17.401.040. DMC 17.401.040 contains requirements for public hearing notices, conduct of hearings, and decision-making procedures. [Ord. 521-2013 § 3 (Exh. A)].

**Finding:** Per DMC 17.401.070.B. with the companion variance applications, all eight (8) of the submitted applications, including the Site Development Review, are being presented to the Planning Commission for their consideration as identified by city staff. The Type II procedure under 17.401.030 listed above is not being used and the procedure of 17.401.040 is being used.

***17.401.040 Type III procedure (quasi-judicial review – planning commission decision).***

***The planning commission makes Type III quasi-judicial decisions. The Type III review procedure involves a public hearing, and provides an opportunity for those who appear to appeal the planning commission decision to the city council.***

***A. Application Requirements.***

***1. Application Forms.*** Applications requiring a quasi-judicial public hearing shall be made on forms provided by the city planning official.

***2. Submittal Information.*** The city planning official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:

- a. The information requested on the application form;***
- b. Plans and exhibits required for the specific approval(s) being sought;***
- c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;***
- d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;***
- e. Draft public notice and public mailing list; and***
- f. The required fee.***

**Finding:** The application was reviewed and determined to be complete on November 13, 2025, in compliance with the standards.

***B. Procedure.***

***1. Mailed and Published Notice.*** The city planning official shall mail public notice of a public hearing on a quasi-judicial application not less than 20 days prior to the first hearing date on the application to the individuals and organizations listed below. The city planning official shall prepare an affidavit of notice stating the date the notice was mailed, which shall be made a part of the file. Notice shall be mailed to:

- a. All owners of record of real property located within a minimum of 100 feet of the subject site;***
- b. Any person who submits a written request to receive a notice; and***
- c. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city and any other affected agencies. At a minimum, the city planning official shall notify the road authority if different than the city of Dundee. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the city under this code.***

*2. Posted Notice. The city planning official shall post public notice(s) of the public hearing on the subject site not less than 20 days prior to the first hearing date on the application. Notice posters shall be posted in conspicuous locations, with at least one poster on each street frontage adjacent to the subject site. Notices shall be posted at least once every 600 feet of street frontage along the perimeter of the property. The city planning official shall prepare a signed affidavit of posting, which shall be made a part of the file. The affidavit shall state the date and location(s) where the notice was posted.*

*3. Content of Notices. Notice of a quasi-judicial hearing to be mailed and published shall contain all of the following information:*

- a. A summary of the proposal and the relevant approval criteria. The notice must have sufficient detail to help the public identify and locate applicable code requirements;*
- b. The date, time and location of the scheduled hearing;*
- c. The street address or other easily understandable reference to the location of the proposed use or development;*
- d. A disclosure statement that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the city council, Land Use Board of Appeals, or circuit court, as applicable, on that issue. Only comments on the relevant approval criteria are considered relevant evidence;*
- e. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards shall be available for review at the office of the city planning official and that copies shall be provided at a reasonable cost;*
- f. A statement that a copy of the city's staff report and recommendation to the hearing body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;*
- g. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and*
- h. A statement that after the public hearing closes, the planning commission will issue its decision, and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.*

**Finding:** Public Notice was mailed on February 12, 2025, and ended on February 28, 2025, to all property owners within a minimum of 100 feet of the subject site. No individual requested written notice. Agency notice was provided on November 30, 2024. Site posting occurred on February 12, 2025. All notices contained the required information listed in DMC 17.401.040.B.3.

### ***C. Conduct of the Public Hearing.***

**1. Hearing Instructions.** *At the commencement of the hearing, the chairperson of the commission or mayor, as applicable, or his or her designee, shall state to those in attendance all of the following information and instructions:*

- a. The applicable approval criteria by code chapter that apply to the application;*
- b. Testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;*
- c. Failure to raise an issue with sufficient detail to give the hearing body and the parties an opportunity to respond to the issue may preclude appeal to the State Land Use Board of Appeals on that issue;*
- d. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the public record. See subsection (F) of this section, Record of the Public Hearing;*
- e. Any participant may ask the hearing body for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the hearing body grants the request, it will schedule a date to continue the hearing as provided in subsection (C)(5) of this section, or leave the record open for additional written evidence or testimony as provided in subsection (C)(6) of this section.*

**Finding:** The required hearing instructions were read at the commencement of the public hearing.

**2. Impartial Tribunal.** *The public is entitled to an impartial hearing body as free from potential conflicts of interest and prehearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the hearing body shall follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, the member or members of the hearing body shall individually disclose their relationship to the applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall excuse themselves from the proceedings.*

**Finding:** The Planning Commission Chair asked for conflicts of interest and ex parte contacts at the initiation of the public hearing.

**3. Presenting and Receiving Evidence.**

- a. The hearing body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;*
- b. No oral testimony shall be accepted after the close of the public hearing. Written*

*testimony may be received after the close of the public hearing only as provided by this section;*

*c. Members of the hearing body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.*

**Finding:** The Planning Commission Chair followed the required evidence submittal requirements.

*4. Record. The hearing body, in making its decision, shall consider only facts and arguments in the public hearing record; except that it may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports) upon announcing its intention to take notice of such facts in its deliberations and allowing persons who previously participated in the hearing to request the hearing record be reopened, as necessary, to present evidence concerning the newly presented facts.*

**Finding:** The Planning Commission followed the process under 17.401.040.C.4. in establishing the record.

*5. Continuances. If the hearing body decides to continue the hearing, the hearing shall be continued to a date that is at least seven days after the date of the first evidentiary hearing (e.g., next regularly scheduled meeting). An opportunity shall be provided at the continued hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the continued hearing, any person may request, before the conclusion of the hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or arguments in response to the new written evidence. In the interest of time, after the close of the hearing, the hearing body may limit additional testimony to arguments and not accept additional evidence.*

**Finding:** The Planning Commission considered any continuance request in accordance with DMC 17.401.040.C.5.

*6. Record Left Open for Additional Testimony. If the hearing body leaves the record open for additional written testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the hearing body in writing for an opportunity to respond to new evidence (i.e., information not disclosed during the public hearing) submitted when the record was left open. If such a request is filed, the hearing body shall reopen the record, as follows:*

*a. When the record is reopened to admit new evidence or arguments (testimony), any person may raise new issues that relate to that new evidence or testimony;*

*b. An extension of the hearing or record granted pursuant to this section is subject to the limitations of DMC 17.401.070 (ORS 227.178 – “120-day rule”), unless the applicant waives his or her right to a final decision being made within 120 days of filing a complete application; and*

*c. If requested by the applicant, the hearing body shall grant the applicant at least*

*seven days after the record is closed to all other persons to submit final written arguments, but not evidence, provided the applicant may expressly waive this right.*

**Finding:** The Planning Commission considered any request for the record left open for additional testimony in accordance with DMC 17.401.040.C.6.

**7. Decision Notice.** *The notice of quasi-judicial decision shall contain all of the following information:*

*a. A description of the applicant's proposal and the city's decision on the proposal. The notice may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;*

*b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (i.e., copy of assessor's map may be used);*

*c. A statement of where the city's decision can be obtained;*

*d. The date the decision shall become final, unless appealed; and*

*e. A statement that all persons entitled to notice may appeal the planning commission's decision to city council pursuant to subsection (E) of this section, or may appeal the city council's decision to the State Land Use Board of Appeals, as applicable.*

**Finding:** The Planning Commission decision will contain all of the required information in DMC 17.401.040.C.7.

**D. Effective Date of Decision.** *Unless the conditions of approval specify otherwise, a quasi-judicial decision becomes effective 10 days after the city mails the decision notice unless the decision is appealed pursuant to subsection (E) of this section.*

**Finding:** The Planning Commission decision will contain the effective date in accordance with DMC 17.401.040.D.

**E. Appeal of Planning Commission Decision.** *The planning commission's decision may be appealed to the Dundee city council as follows:*

**1. Who May Appeal.** *Only persons who "appear" during a quasi-judicial proceeding, by testifying orally or in writing, prior to the close of the public record, may appeal the planning commission decision.*

**2. Appeal Filing Procedure.**

*a. Notice of Appeal.* *Any person with standing to appeal, as provided in subsection (E)(1) of this section, may appeal a Type III quasi-judicial decision by filing a notice*

*of appeal according to the following procedures.*

*b. Time for Filing. A notice of appeal shall be filed with the city planning official within the time frame specified on the notice of decision; typically, this will be within 14 days of the date the notice of decision is mailed.*

*c. Content of Notice of Appeal. The notice of appeal shall be accompanied by the required filing fee and shall contain:*

*i. An identification of the decision being appealed, including the date of the decision;*

*ii. A statement demonstrating the person filing the notice of appeal has standing to appeal;*

*iii. A statement explaining the specific issues being raised on appeal; and*

*iv. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.*

*3. Scope of Appeal. The appeal of a Type III quasi-judicial decision shall be a de novo hearing before the city council, which may allow additional evidence, testimony or argument concerning any issue raised at the planning commission.*

**Finding:** Appeal information will be issued after a decision is rendered by the Planning Commission in compliance with DMC 17.401.040.E.

***F. Record of the Public Hearing.***

*1. Official Record. The official public hearing record shall include all of the following information:*

*a. All materials considered by the hearing body;*

*b. All materials submitted by the city planning official to the hearing body regarding the application;*

*c. The minutes of the hearing;*

*d. The final written decision; and*

*e. Copies of all notices given as required by this chapter, and correspondence regarding the application that the city mailed or received.*

*2. Minutes. The meeting minutes shall be filed in hard copy form with the city planning official. The minutes and other evidence presented as a part of the hearing shall be part of the record.*

**3. Exhibits.** *All exhibits received and displayed shall be marked to provide identification and shall be part of the record.*

**Finding:** The Planning Commission hearing will retain the required information listed in 17.401.040.F.

**G. Effective Date and Appeals to State Land Use Board of Appeals.** *Final decisions, including appeal decisions, are effective the date the city mails the decision. Appeals of city council final decisions under this code shall be filed with the State Land Use Board of Appeals pursuant to ORS 197.805 to 197.860, except where state law requires review by a different court. [Ord. 521-2013 § 3 (Exh. A)].*

**Finding:** Effective date and appeals will comply with DMC 17.401.040.G.

## **SITE DEVELOPMENT REVIEW (DMC CHAPTER 17.402)**

### **17.402.010 Purpose.**

*The purpose of this chapter is to advance all of the following objectives in the public interest:*

- A. Carry out the development pattern and plan of the city and its comprehensive plan policies through efficient and effective review of site development proposals;*
- B. Promote the public health, safety and general welfare;*
- C. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards; and*
- D. Encourage efficient use of land resources and public services, and the provision of transportation options. [Ord. 521-2013 § 3 (Exh. A)].*

**Finding:** The Applicant has submitted a Site Development Review application that is being reviewed for compliance with A – D above which is addressed for specific requirements within these findings.

### **17.402.020 Applicability and exemptions.**

*Site development review approval is required for new development, changes of use resulting in increased vehicle traffic or demand for parking, additions and remodels, and to expand a nonconforming use or development. Except as specified by a condition of approval on a prior city decision, or as required for uses subject to conditional use permit approval, site development review is not required for the following:*

- A. Change in occupancy from one type of land use to a different land use resulting in no increase in vehicle traffic or demand for parking;*
- B. Single-family detached dwelling (including manufactured home on its own lot);*
- C. Duplex;*

*D. Home occupation;*

*E. Accessory structures that don't require a building permit, and accessory parking;*

*F. Public improvements required by city standards or as stipulated by a condition of land use approval (e.g., transportation facilities and improvements, parks, trails, utilities, and similar improvements), except where a condition of approval requires site development review;*

*G. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair. [Ord. 521-2013 § 3 (Exh. A)].*

**Finding:** No exemptions listed in A – G above apply and are not applicable to the submitted application.

**17.402.030 Review procedure.**

*Site development review shall be conducted using a Type I checklist in DMC 17.401.020 or the Type II procedure in DMC 17.401.030. The procedure type will be determined as follows:*

*A. Type I Checklist Review. A Type I checklist will be used to review all of the following:*

- 1. Change of occupancy from one type of land use to a different type of land use resulting in an increase in vehicle traffic or demand for parking;*
- 2. Commercial, industrial, institutional, or multifamily building addition or remodel that adds less than 25 percent floor area;*
- 3. Site improvements, such as modifications to a landscaped area or parking area.*

*B. Type II Review. A Type II review will be used to review all of the following:*

- 1. All new development.*
- 2. Commercial, industrial, institutional, or multifamily building addition or remodel that adds 25 percent or more floor area.*

**Finding:** The proposal is for new commercial development. Therefore, the Type II Review Procedure is applicable, but is being reviewed under a Type III procedure process because of the three variance applications per DMC 17.401.070.B.

**17.402.040 Application submission requirements.**

*A Type I checklist review for minor developments is meant to compare the proposal to development code standards and does not require discretion. For a Type I checklist review, a completed application checklist and a site plan with dimensions are required.*

**Finding:** The submitted application is not a Type I application.

*All of the following information is required for a Type II site development review application submittal, except where the city planning official determines that some information is not pertinent and therefore is not required:*

***A. General Submission Requirements.***

- 1. Information required for Type II review (see Chapter 17.401 DMC);***
- 2. Public Facilities and Services Impact Study. The impact study shall quantify and assess the effect of the development on public facilities and services. The city shall advise as to the scope of the study, which, at a minimum, shall address the transportation system, including required improvements for vehicles and pedestrians; the drainage system; the parks system (for multifamily development); water system; and sewer system. For each system and type of impact, the study shall propose improvements necessary to meet city requirements; and***
- 3. Transportation impact analysis, as may be required by the city or other roadway authority pursuant to DMC 17.305.030(S).***

***B. Site Development Review Information. In addition to the general submission requirements an applicant for site development review shall provide the following information, as deemed applicable by the city planning official. The city planning official may request any information that he or she needs to review the proposal and prepare a complete staff report and recommendation to the approval body.***

***1. Site Analysis Map. At a minimum the site analysis map shall contain the following information, as the city planning official deems applicable:***

- a. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the city, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified;***
- b. Topographic contour lines at two-foot intervals for slopes, except where the city engineer determines that larger intervals will be adequate for steeper slopes;***
- c. Identification of slopes greater than 10 percent, with slope categories identified in five percent increments (e.g., zero percent to five percent, greater than five percent to 10 percent, greater than 10 percent to 15 percent, greater than 15 percent to 20 percent, and so forth);***
- d. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;***
- e. Potential natural hazard areas, including, as applicable, the base flood elevation identified on FEMA Flood Insurance Rate Maps or as otherwise determined through site specific survey, areas subject to high water table, and areas designated by the city, county, or state as having a potential for geologic hazards;***

- f. Areas subject to overlay zones;*
- g. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;*
- h. The location, size and species of trees and other vegetation (outside proposed building envelope) having a caliper (diameter) of six inches or greater at four feet above grade;*
- i. North arrow, scale, names and addresses of all persons listed as owners of the subject property on the most recently recorded deed;*
- j. Name and address of project designer, engineer, surveyor, and/or planner, if applicable.*

**2. Proposed Site Plan. The site plan shall contain the following information:**

- a. The proposed development site, including boundaries, dimensions, and gross area;*
- b. Features identified on the existing site analysis maps that are proposed to remain on the site;*
- c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;*
- d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;*
- e. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;*
- f. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;*
- g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);*
- h. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pedestrian connections through parking lots pursuant to DMC 17.304.030(F)(9), pathway connections to adjacent properties, and any bicycle lanes or trails;*
- i. Loading and service areas for waste disposal, loading and delivery;*
- j. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;*
- k. Location, type, and height of outdoor lighting;*

- l. Location of mail boxes, if known;*
- m. Name and address of project designer, if applicable;*
- n. Locations of bus stops and other public or private transportation facilities;*
- o. Locations, sizes, and types of signs.*

**3. Architectural Drawings. Architectural drawings, as applicable:**

- a. Building elevations with dimensions;*
- b. Building materials, colors and type;*
- c. Name and contact information of the architect or designer.*

**4. Preliminary Grading Plan.** *A preliminary grading plan prepared by a registered engineer shall be required for all projects subject to site design review, including commercial, industrial, or multifamily developments. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, and all proposed storm water drainage systems and erosion control facilities.*

**5. Landscape Plan.** *Where a landscape plan is required, it shall show the following, pursuant to Chapter 17.302 DMC:*

- a. The location and height of existing and proposed fences, buffering or screening materials;*
- b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;*
- c. The location, size, and species of the existing and proposed plant materials (at time of planting);*
- d. Existing and proposed building and pavement outlines;*
- e. Specifications for soil at time of planting, irrigation if plantings are not drought-tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule;*
- f. Other information as deemed appropriate by the city planning official. An arborist's report may be required for sites with mature trees that are to be retained and protected.*

**6. Deed Restrictions.** *Copies of all existing and proposed restrictions or covenants, including those for roadway access control.*

*7. Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in DMC 17.402.050.*

*8. Traffic impact analysis, when required, shall be prepared in accordance with the road authority's requirements.*

*9. Other Information Determined by the City Planning Official. The city may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal's conformance with this code. [Ord. 542-2015 § 3 (Exh. B); Ord. 521-2013 § 3 (Exh. A)].*

**Finding:** The application was reviewed and determined to comply with the submittal requirements of DMC 17.402.040(A) – (B) on November 13, 2024, in order to conduct the necessary review for compliance with DMC Title 17 Development Code requirements.

## **ZONING REGULATIONS (DMC CHAPTER 17.202)**

### *Chapter 17.202 Zoning Regulations*

#### *17.202.010 Purpose.*

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

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

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

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

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

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

*F. Community Commercial Zone (C). The C zone provides for a wide range of community-serving businesses, including retail, office and service uses. The C zone is intended to encourage commercial and mixed use development that is convenient and accessible by all modes and to create*

*a commercial area that is attractive and functional for customers, businesses, and the community at large. Landscaping is a key component of site design in the C zone, to provide buffering of adjacent residential and light industrial uses, to create an attractive streetscape, and to provide environmental benefits.*

*G. Central Business District (CBD). The CBD zone is intended to promote development of a downtown business and retail area for Dundee that serves the commercial shopping and service needs of both area residents and visitors. The CBD zone is intended to promote pedestrian-oriented development in order to encourage a walkable and attractive downtown. The CBD zone is also intended to allow for mixed use development that retains an overall storefront character on the ground floor.*

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

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

*J. Parks and Open Space Zone (PO). The PO zone provides for the use, protection, preservation, conservation, development and enhancement of parks, natural areas, and greenways in a manner that meets community and visitor needs for a wide range of passive and active recreational uses, consistent with the Dundee parks and open space plan. [Ord. 534-2014 § 1 (Exh. A); Ord. 521-2013 § 3 (Exh. A)].*

**Finding:** The subject property is within the Community Commercial (C) zone. The development must comply with applicable Development Code requirements within this zone. Compliance is analyzed throughout these findings and, where appropriate, conditions imposed.

**17.202.020 Allowed uses.**

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

**Finding:** The subject property is located in the C zoning district. The proposed uses include:

- Hotels and Motels;
- Restaurants, and Other Eating and Drinking Establishments;
- Retail Sales, including Accessory Services and Repair, except as specified elsewhere in this table.

<b>Table 17.202.020: Zoning Use Table</b>	<b><i>P: Permitted Use; CU: Conditional Use; S: Special Use Requirements Apply; N: Not Permitted</i></b>
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<i>Uses</i>	<i>Commercial and Employment</i>	<i>Special Use Requirements</i>
	<i>C</i>	
<i>Transportation Facilities, per DMC 17.501.020</i>	<i>P</i>	<i>See limits in OAR 660-033 in EFU</i>
<i>C. Commercial Uses</i>		
<i>Restaurants, and Other Eating and Drinking Establishments</i>	<i>P/S</i>	<i>DMC 17.203.140 if outdoors/unenclosed, DMC 17.203.070 if drive-through or walk-up service</i>
<i>Hotels and Motels</i>	<i>P</i>	
<i>Retail Sales, including Accessory Services and Repair, except as specified elsewhere in this table</i>	<i>P/S</i>	<i>DMC 17.203.140 if outdoors/unenclosed, DMC 17.203.070 if drive-through or walk-up service</i>

Each of the listed uses are identified as a permitted use pursuant to DMC Section 17.202.020 in the C zoning district within the category of *Commercial Uses*.

Therefore, the proposed uses are allowed subject to compliance with other applicable criteria and standards.

**17.202.030 Dimensional Standards (for the C zone)**

**A. Minimum Lot Area: 5,000 square feet (all uses)**

**Finding:** The proposed project includes four existing tax lots. The existing tax lots are sized approximately:

- R3335AA 01401            9,322 square feet
- R3335AA 01301            31,363 square feet
- R3335AA 01000            30,928 square feet

- R3335AA 01200                      97,574 square feet

All of the existing lots are larger than the minimum of 5,000 square feet. The Applicant has requested a lot consolidation for the lots located south of SW 13<sup>th</sup> Street and separately the lots north of SW 13<sup>th</sup> Street. Those consolidations will be addressed separately in these findings. After consolidation the consolidated lot south of SW 13<sup>th</sup> Street will be 40,685 square feet. The consolidated lot north of SW 13<sup>th</sup> Street will be 128,502 square feet.

The consolidated lot south of SW 13<sup>th</sup> Street is impacted by the partial Street Vacation of SW 13<sup>th</sup> Street. The lot size will expand from 40,685 square feet to 45,725 square feet. The consolidated lot will also be required to dedicate right-of-way for SW Alder Street. The final lot size will be 44,321 for purposes of this review.

The consolidated lot north of SW 13<sup>th</sup> Street will be dedicating right-of-way for SW 13<sup>th</sup> Street and SW Alder Street. After the right-of-way dedication the lot size will be 110,313.

Each consolidated lot will exceed the minimum 5,000 square foot requirement.

This criterion will be met if the conditions of approval for the lot consolidations are adhered to.

***B. Yard Setback Requirements: Table 17.202.030 – Lot and Development Standards by District***

<i>Uses</i>	<i>Standards for the C District</i>	<i>Exceptions</i>
<i>Front Yard – Minimum</i>	<i>10(j)</i>	<i>(e) Minimum side or rear setback adjoining residential zone is 20 feet.  (j) Minimum front yard setbacks apply only abutting Highway 99W right-of-way. Minimum front setback abutting other public rights-of-way is zero.  (k) Compliance with the maximum front yard standards is determined as specified in DMC 17.202.060(A).</i>
<i>Secondary Front Yard – Minimum</i>	<i>10(j)</i>	
<i>Primary Front Yard – Maximum</i>	<i>20(k)</i>	
<i>Secondary Front Yard – Maximum</i>	<i>40(k)</i>	
<i>Side Yard for a Principal Structure</i>	<i>None(e)</i>	
<i>Rear Yard for a Principal Structure</i>	<i>None(e)</i>	
<i>Rear Yard or Side Yard for an Accessory Structure</i>	<i>None(e)</i>	
<i>Side Yards for Zero Side Yard Dwelling Units</i>	<i>NA</i>	
<i>Setback from Partial Street</i>	<i>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.</i>	

**Finding:** The development area includes multiple frontages along SW 13<sup>th</sup> Street (unimproved), Highway 99W, and SW Alder Street (unimproved). The primary frontage for the development site is Highway 99W with secondary frontages on both SW 13<sup>th</sup> Street and SW Alder Street. The setbacks take into consideration the decision of SV 24-16 approved by City Council for Ordinance No. 590-2025, lot consolidations, and right-of-way dedications.

The development area south of SW 13<sup>th</sup> Street abuts Highway 99W and is for a commercial building. Therefore, the minimum front yard setback only applies abutting Highway 99W right-of-way. The proposed minimum setback to Highway 99W is 13'-2" to 13'-3" (Sheet A-100, G-022, C-110, L-101, L-102). The setback is greater than the 10-foot minimum and meets the standard. The maximum setback allowed is 20 feet. The setback complies with the maximum. Public Utility Easements (PUEs) and width are discussed in 17.305.040.H. relating to setbacks.

The development area north of SW 13<sup>th</sup> Street abuts Highway 99W and is for commercial buildings. Therefore, the minimum front yard setback only applies abutting Highway 99W right-of-way. The proposed minimum setback to Highway 99W is 13'-2" feet to 13'-6" (Sheet A-100, G-022, C-110, L-101, L-102). The setback is greater than the 10-foot minimum and meets the standard. The maximum setback allowed is 20 feet. The setback complies with the maximum. Public Utility Easements (PUEs) and width are discussed in 17.305.040.H. relating to setbacks.

The development area south of SW 13<sup>th</sup> Street abuts SW 13<sup>th</sup> Street for a commercial building. Therefore, the minimum Secondary Front Yard – Minimum setback applies. The proposed minimum setback to SW 13<sup>th</sup> street is 10'-2" (Sheet A-100, G-022, C-110, L-101, L-102). The setback is greater than the 10-foot minimum and meets the standard. The maximum setback allowed is 40 feet. The setback complies with the maximum. Public Utility Easements (PUEs) and width are discussed in 17.305.040.H. relating to setbacks.

The development area north of SW 13<sup>th</sup> Street abuts SW 13<sup>th</sup> Street and is for commercial buildings. Therefore, the minimum Secondary Front Yard – Minimum setback applies. The proposed minimum setback to SW 13<sup>th</sup> Street is 13'-8" (Sheet A-100, G-022, C-110, L-101, L-102). The setback is greater than the 10-foot minimum and meets the standard. The maximum setback allowed is 40 feet. The setback complies with the maximum. Public Utility Easements (PUEs) and width are discussed in 17.305.040.H. relating to setbacks.

The development area for the commercial building south of SW 13<sup>th</sup> Street has an interior side yard setback of 15'-2" to the south property line for the building. There is no Side Yard for a Principal Structure setback requirement.

The development area for the commercial building north of SW 13<sup>th</sup> Street has an interior side yard setback of 15'-9" to the north property line for the building. There is no Side Yard for a Principal Structure setback requirement.

The development area for the Hotel and Casitas is north of SW 13<sup>th</sup> Street and abuts SW 13<sup>th</sup> Street and SW Alder Street. Therefore, the minimum front yard setback of zero feet applies. The proposed minimum setback to SW 13<sup>th</sup> Street for the Hotel is 8'-5" (Sheet A-100, C-110, L-101, L-102). The setback is greater than the zero minimum and meets the standard. The maximum setback allowed is 40 feet. The setback complies with the maximum. The Hotel setback to SW Alder Street is 7'-3" and meets the minimum of zero feet and 40 foot maximum. Public Utility Easements (PUEs) and width are discussed in 17.305.040.H. relating to setbacks.

PUEs are required to be 8 feet in width per utility company requirements. The SW 13<sup>th</sup> Street setback is close to the 8-foot PUE requirement. The foundation footing may encroach into the required PUE. The setback to SW Alder Street would place the Hotel within the required 8-foot PUE. The Applicant shall revise all plan drawings to show an 8-foot PUE behind all rights-of-way unless a lesser width is allowed by utility providers, but in no case shall it be less than 5 feet. No building or footing shall encroach into a PUE. Landscape Plans and calculations shall be revised to address any building setback modification to comply with the PUE width so that no building or foundation is with a PUE. The revised plans shall be submitted for review and approval prior to submittal of building permits.

The Casitas have a setback of 5'-2" to SW Alder Street (Sheet A-100, C-110, L-101, L-102). The setback is greater than the zero minimum and meets the standard. The maximum setback allowed is 40 feet. The setback complies with the maximum. Public Utility Easements (PUEs) and width are discussed in 17.305.040.H. relating to setbacks. PUEs are required to be 8 feet in width per utility company requirements. The SW Alder Street setback places the Casitas within the 8-foot PUE. The Applicant shall revise all plan drawings to show an 8-foot PUE behind all rights-of-way unless a lesser width is allowed by utility providers, but in no case shall it be less than 5 feet. No building or footing shall encroach into a PUE. No stormwater planters shall encroach into a PUE. Utilities may cross the PUE however, water vaults and manholes shall not encroach into a PUE. Landscape Plans and calculations shall be revised to address any building setback modification to comply with the PUE width so that no building or foundation is with a PUE. The revised plans shall be submitted for review and approval prior to submittal of building permits.

For the Side Yard for a Principal Structure and Rear Yard for a Principal Structure there is no setback requirement except adjacent to residential, then the setback minimum is 20 feet. The properties north of the Hotel are zoned R-3 (Medium Density Residential). The setback for the Hotel is 20'-4" to the north property line. The Casitas are setback 28'-2" (Sheet A-100). The setbacks for the Hotel and Casitas meet the setback requirement. The setback for the Hotel to the east interior lot line is 24'-11" feet (Sheet A-100). These properties are zoned C (Community Commercial). The setback requirement is met.

There are minor inconsistencies in the identified setbacks on various plan sheets. Staff used Sheet A-100 as the basis for setbacks. The Applicant shall correct all plan sheets that identify a setback to be consistent and match Sheet A-100 and submit the plans for review and approval prior to submittal of building permits.

The criteria will be met if the aforementioned conditions of approval are adhered to.

***C. Maximum Structure Height: 45 feet for non-dwelling structures, and new structures shall be limited to three stories.***

**Finding:** For the purposes of this finding, the height is measured as vertical distance from the grade plane to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.

The commercial structure south of SW 13<sup>th</sup> Street is a one-story structure that is a maximum of 20'-10 ¾" in height (17'-6" average height). It is below the maximum 45 feet and meets the standard (Sheet A-221).

The commercial structure north of SW 13<sup>th</sup> Street is a one-story structure that is a maximum of 18'-4 ¾" in height (14'-6" average height). It is below the maximum 45 feet and meets the standard (Sheet A-221).

The Hotel structure at its maximum height is 53 feet for the elevator shaft. Other elements of the Hotel have a maximum height of 41 feet. The area that exceeds height and story limits is the roof deck patio and roof pergola over the patio deck, restroom and stairwells that at their maximum are 49 feet in height. Variance V 24-30 has been requested to allow a building height and number of stories exceeding 45 feet and 3-stories. The analysis of V 24-30 concludes the requested variance requirements have been met and should be approved.

The Casitas are one-story and maximum of 20 feet in height (16'- 6" average height) The Casitas are below the maximum of 45 feet and meet the standard.

The Porte Cochere is 17 feet in height.

The commercial buildings and Casitas comply with the maximum height limit of 45 feet. The Hotel building with the variance is 49 feet in height (4 stories) and V 24-30 recommends approval.

The criterion is met.

***D. Minimum Lot Dimensions (Feet): C zone.***

***Lot Width and frontage: None***

***Lot Depth: None***

**Finding:** There is no minimum lot width, lot frontage, or lot depth in the C zone.

Because there are no minimum dimensions in the C zone, the criterion is not applicable.

***E. Maximum Lot Coverage (% of Lot): C zone***

***Lot coverage: None***

***Parking Area Coverage: None***

***Combined Lot and Parking Coverage: None***

**Finding:** There is no maximum lot coverage, parking area coverage, or combined lot and parking area coverage in the C zone.

Because there are no maximum lot coverage standards in the C zone, the criterion is not applicable.

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

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

**Finding:** There are multiple buildings located within the development area north and south of SW 13<sup>th</sup> Street. No yards or open space are provided that apply to any other buildings in the development area or adjoining property. The tax lots south of SW 13<sup>th</sup> Street will be consolidated as noted in the findings for PC 24-18. The tax lots north of SW 13<sup>th</sup> Street will be consolidated as noted in the findings for PC -24-17.

The criterion is met.

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

**Finding:** The Hotel structure has an elevator shaft that projects in addition to rooftop mechanical equipment (Sheets A202, A203, M-204). The height of the elevator shaft is 53 feet, rooftop equipment is less than 41 feet (Sheet A-114 and M-204). All features are exempt from building height limitations.

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

**Finding:** The proposed development is not Public or Institutional Uses. The criterion is not applicable.

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

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

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

**Finding:** No solar energy systems are proposed. The criterion is not applicable.

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

**Finding:** The development area north of SW 13<sup>th</sup> Street is an existing mini-storage and outdoor storage facility. All existing structures are proposed to be removed. There will be right-of-way dedication along this consolidated lot's frontage for SW 13<sup>th</sup> Street and SW Alder Street. All setback dimensions are taken from the new right-of-way lines for the new buildings.

Because the proposed project will demolish all existing buildings, the criterion is not applicable.

***F. Miscellaneous Exceptions to Setback Requirements. Setback limitations stipulated elsewhere in this code may be modified as follows:***

***1. Bus Shelters. Bus shelters, which are intended for use by the general public and are under the ownership and/or control of a city, county, state or municipal corporation, shall be exempt from setback requirements.***

***2. Projecting Building Features. Any feature attached to a roof or exterior wall of a building, such as an eave, gutter, balcony, exterior stairway, chimney or air conditioning unit, may project up to four feet into a required yard, provided building code requirements are met.***

***3. Accessory Structures Six Feet High or Less. Any accessory structure or projecting building feature, including mechanical equipment to serve a building, less than six feet in total height, as measured at the property line, may be located in side or rear yard. Height includes the height of any railing, porch, deck, or patio. The structure or feature shall not be located to conflict with requirements for landscaping, screening and buffering.***

***4. Accessory structures over six feet high, including porches and decks, may be located in a required yard only where specifically allowed and meeting the conditions in Table 17.202.030.***

***5. Flag lots are exempt from maximum setback standards in Table 17.202.030.***

**Finding:** The proposed project includes required setback areas along the subject property's Highway 99W, SW 13<sup>th</sup> Street, and SW Alder Street frontages as discussed above under DMC 17.202.030.B.

1. The project does not propose any bus shelters as it is not on a bus route for SW 13<sup>th</sup> Street and SW Alder Street. A bus route is located on Highway 99W. No bus shelter is proposed and Yamhill Transit did not provide comments on requesting a bus shelter. The closest bus stop is at Highway 99W and SW 10<sup>th</sup> Street.
2. The two commercial buildings along Highway 99W have no projecting features. The Hotel has balconies that project 5 feet from the building walls facing SW Alder Street. The balconies facing SW Alder Street are setback 2' - 3" feet from the right-of-way line. On the north side of the Hotel there are balconies that encroach 4 feet into the required 20-foot building setback. Balcones on the east elevation of the Hotel project 5 feet and meet setback requirements. Sheets A-112, A-113, A-114, A -160, A-202, A-203, A-200 identify the balcony locations.
3. The project does not propose any accessory structures six feet high or less in height within required setback areas.
4. The project proposes one accessory structure. The Porte Cochere is setback to the north property line 57 feet and 60 feet to SW 13<sup>th</sup> Street.
5. No flag lots are proposed.

The criteria are met.

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

- 1. Location. Zero side yard dwelling units are permitted where shown in Table 17.202.020.***
- 2. Number of Attached Units. No more than six townhouse dwelling units, each on a lot held in separate ownership, may be attached in the R-3 zone.***
- 3. Front yards, either primary or secondary, may not be used as zero yards.***
- 4. Side Yards. Each zero side yard dwelling unit shall be built to at least one side lot line. The side yard setback opposite the zero side yard shall be twice the minimum side yard setback in the applicable zone. This does not apply to townhouse dwellings that have both side yards as zero yards.***
- 5. Maintenance Easement. As a condition of issuance of a permit for any building having an exterior wall contiguous to a property, the applicant shall furnish an easement from the owner of the property adjacent to said wall providing for ingress, egress, and use of such adjacent property for the purpose of maintaining, repairing, and replacing the building. In the case of common wall development, the easement shall allow maintenance of the shared wall. Said easement shall be appurtenant to the property on which the building is located and shall be approved as to form by the city recorder and shall be recorded with the county prior to issuance of the permit.***

**Finding:** The project does not propose the construction of any residential dwelling units.

Because the project does not propose construction of any residential dwelling units, the criterion is not applicable.

#### ***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 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 C zone, black fused and bonded vinyl coated chain link fencing may be used, subject to subsection (B) of this section.*

*b. In the CBD zone, 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 zone, 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.*

**Finding:**

1. The plans (Sheets L-101 & L-202) identify a 6-foot fence along the property line for the development area north of SW 13<sup>th</sup> Street adjacent to commercial and residential zoned land. The type of fencing material is shown on Sheet L-502 and consists of cedar wood posts with horizontal wood slats. A top rail cap is provided.

A 6-foot-tall screen and gate is located south of the Porte cochere at the entrance to a pathway into the landscape area on the east side of the Hotel. At the northwest corner of the development area north of SW 13<sup>th</sup> Street there is a 6-foot-tall screen and gate that connects from the site perimeter fencing to the Casitas. The type of screening and gate are shown on Sheet L502. The screening matches the fence design.

Two 3-foot-tall walls are identified on either side of SW 13<sup>th</sup> Street at the entrance off of Highway 99W to accommodate signage. It appears the details of the retaining walls are represented on Sheet L-501 and would be concrete. The two walls would be located in the vision clearance area and are further addressed in DMC 17.301.040.

2. No electrical fencing is proposed.

3. Fencing is required to be maintained. 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. No fencing is proposed in proximity to a vision clearance area. Two walls are identified on Sheet L-501. The two walls would be located in the vision clearance area and are further addressed in DMC 17.301.040.

5. Proposed fencing does not extend beyond a property line.

6. No chain-link fencing is proposed.

7. The development is not in the LI zone.

The fencing criteria will be met if the aforementioned condition of approval is adhered to.

***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 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 zone, fences shall not exceed eight feet tall, except where used for outdoor storage areas that are not adjacent to a public right-of-way.***

**Finding:**

1. The development is not in a residential zone and the criterion does not apply.
2. The development is in the C zone. The screening and gate at the northwest corner of the development area north of SW 13<sup>th</sup> Street identifies a screen six (6) feet in height within the maximum setback area of 40 feet to SW Alder Street. This meets the maximum of 6-feet for a secondary front. The proposed fencing along the north property line for an interior or rear yard for the development area north of SW 13<sup>th</sup> Street is identified a six (6) feet in height. Two 3-foot-tall walls are identified on either side of SW 13<sup>th</sup> Street at the entrance off of Highway 99W to accommodate signage. It appears the details of the retaining walls are represented on Sheet L-501 and would be concrete. The two walls would be located in the vision clearance area and are further addressed in DMC 17.301.040.
3. No fencing is proposed over 6 feet in height for an interior yard.
4. No soil berms are proposed.
5. The detail on the fence design is provided on Sheet L-502. The posts are set 6 feet on center.

6. No variance has been requested or granted related to fence height.

7. The development is not within the LI zone.

**17.202.060 Site and building design standards in commercial zones.**

***The following standards apply to all development in the 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.***

***1. Applicability. The setback standards apply to all buildings and structures on the site except as specified in this section or elsewhere in this code. Maximum setback standards of this subsection (A) apply only to buildings that are enclosed on all sides and do not apply to detached accessory structures. The street-facing facades of detached accessory structures do not count towards meeting maximum setback standards. These standards do not apply to flag lots.***

**Finding:** All structures proposed are enclosed on all sides, except the Porte Cochere, and maximum building setback provisions apply.

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

***a. In the C zone, 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 CBD zone, 80 percent of the length of the ground level street-facing facade of the building must be within the maximum setback.***

**Finding:**

a. The development area is in the C zone. The commercial building south of SW 13<sup>th</sup> Street has a building wall length of 108'-7" along Highway 99W. 100% of the building wall is within the maximum setback of 20 feet. The building wall length along SW 13<sup>th</sup> Street is 46'-7 1/4" feet. 100% of the building wall is within the maximum 40-foot setback. (See Sheet G-022).

The commercial building north of SW 13<sup>th</sup> Street has a building wall length of 108'-7" along Highway 99W. 100% of the building wall is within the maximum setback of 20 feet. The building wall length along SW 13<sup>th</sup> Street is 46'-7 1/4" feet. 100% of the building wall is within the maximum 40-foot setback. (See Sheet G-022).

The Hotel north of SW 13<sup>th</sup> Street and east of SW Alder Street has a building wall length of 69'-10 1/8" feet along SW 13<sup>th</sup> Street. 100% of the building wall is within the maximum setback of 40 feet. The Hotel has a building wall length of 75'-1 1/2" feet along SW Alder Street. 100% of the building wall is within the maximum 40-foot setback. (See Sheet G-022).

The Casitas north of SW 13<sup>th</sup> Street and east of SW Alder Street has a building wall length of 220'-10 7/8" feet along SW Alder Street. 100% of the building wall is within the maximum 40-foot setback. (See Sheet G-022).

b. The development is not in the CBD zone and does not apply.

The criteria are met.

### 3. Measurement.

- a. Maximum setback is measured to an exterior building wall. Projecting building features, including those described in DMC 17.202.040(F) as well as awnings and bay windows, may not be used to satisfy maximum setback requirements.*
- b. Where there is more than one building on the site, the standards of this subsection (A) apply to the combined ground level, street-facing facades of all of the buildings. See Figure 1.*
- c. Where an existing building is being altered or new buildings are being added to a site with an existing building, the standards apply to the ground level, street-facing facade of the entire site. Additions that do not increase the length of ground-level, street-facing facade are not subject to these standards. See Figure 2 and Figure 3.*

Figure 1: Maximum Building Setback Measurement for Sites with Multiple Buildings

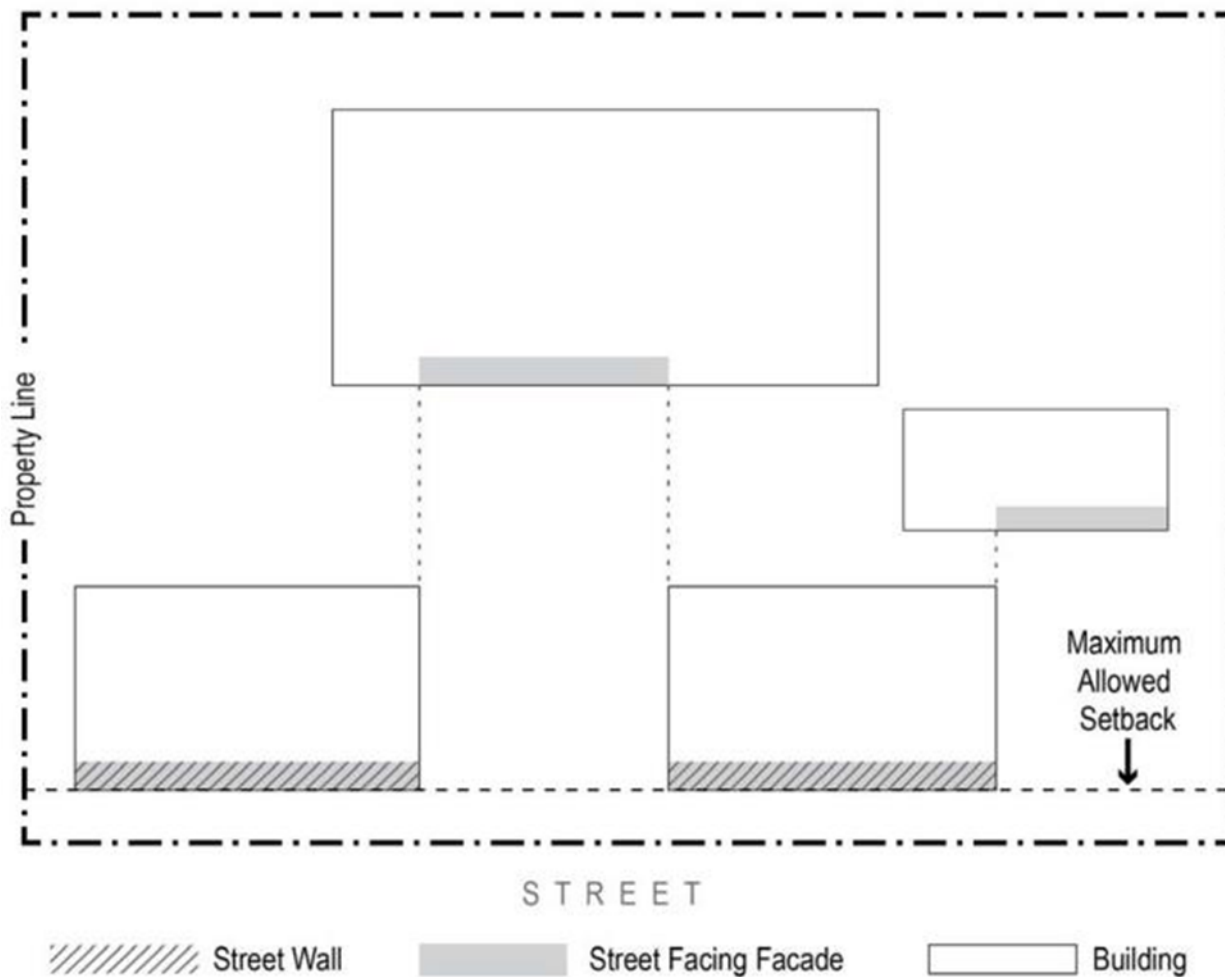
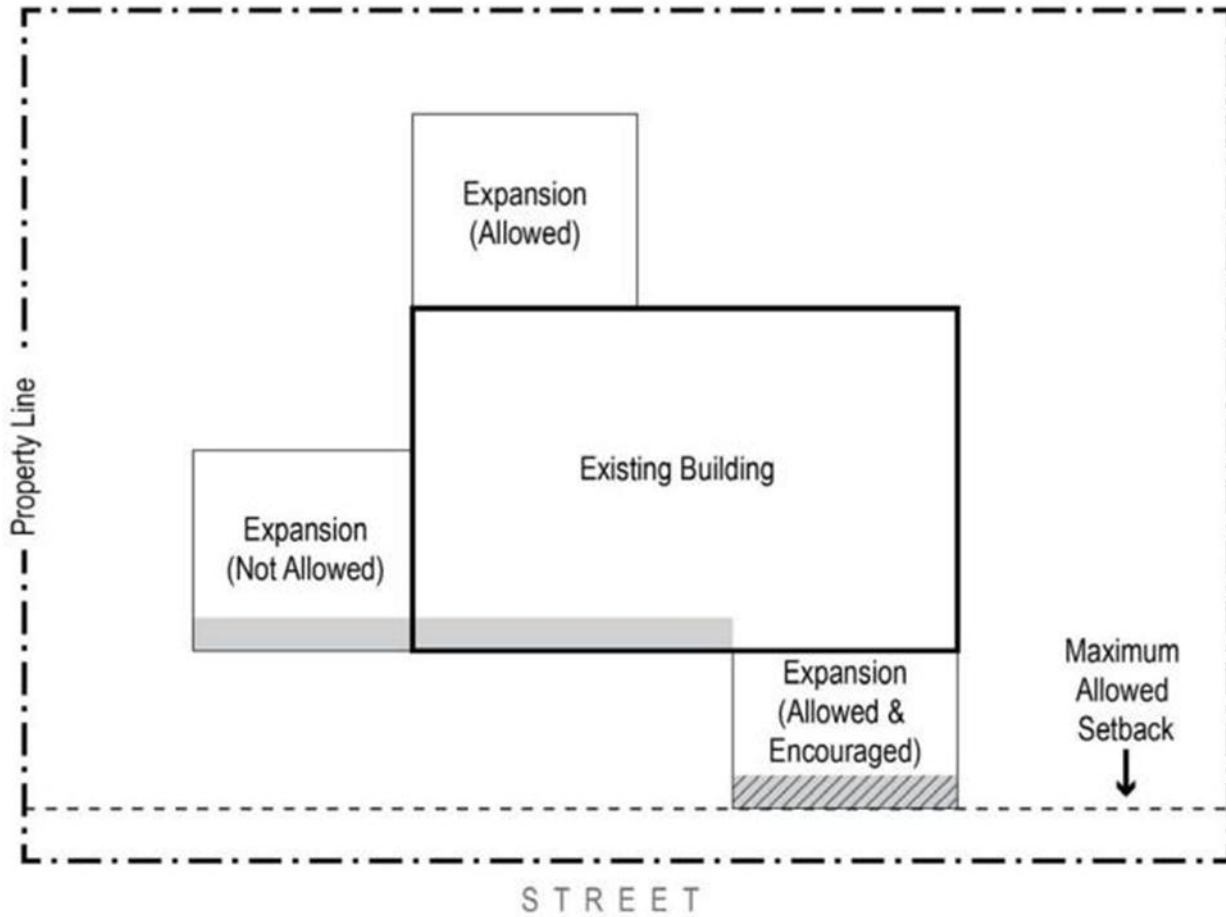
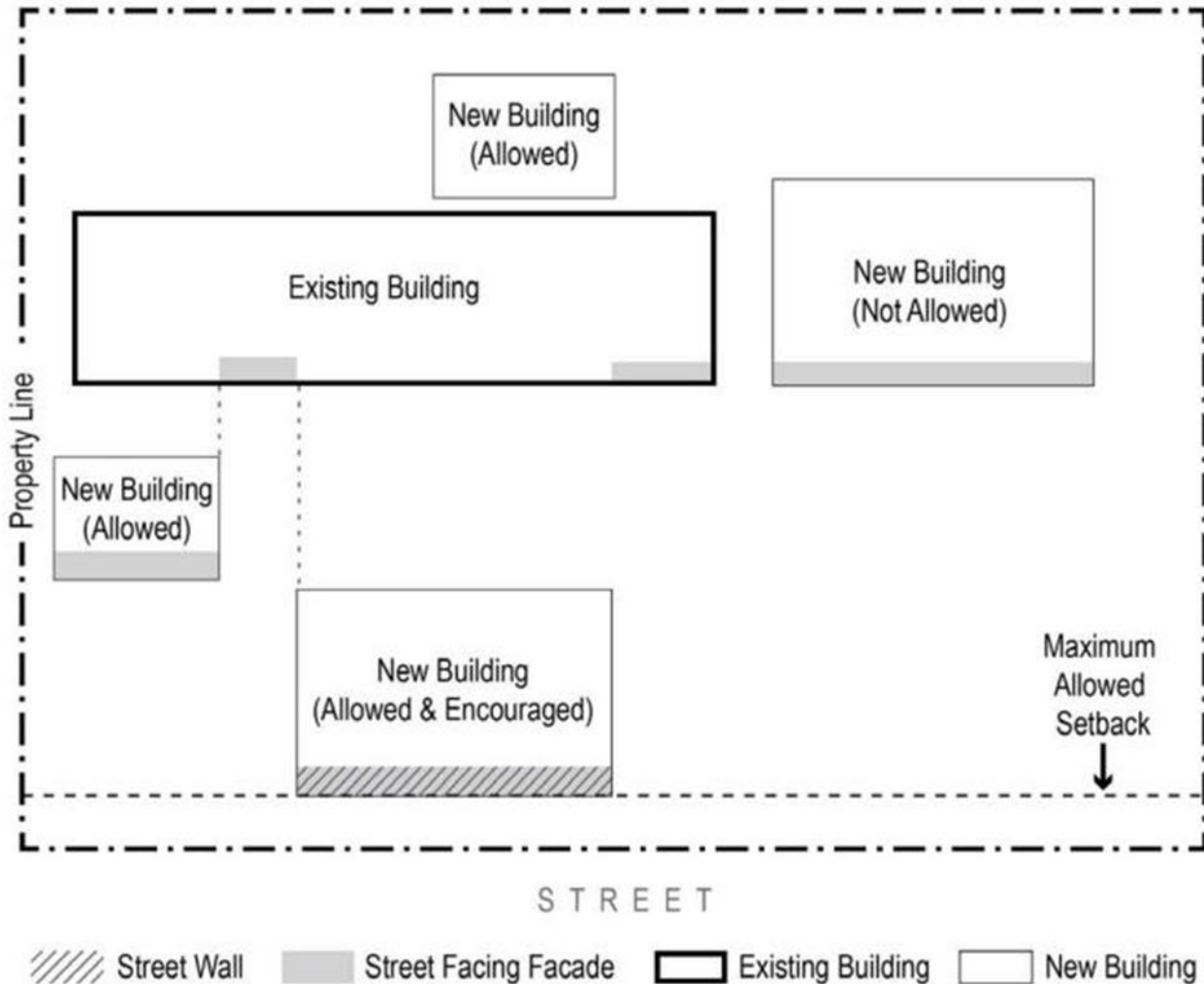


Figure 2: Maximum Setbacks – Expansion of Existing Building



//// Street Wall    ■ Street Facing Facade    □ Existing Building    □ Expansion

**Figure 3: Maximum Building Setbacks – New Buildings on Sites with Existing Buildings**



**Finding:**

a. The commercial building south of SW 13th Street has a building wall length of 108'-7 1/4" along Highway 99W. 100% of the building wall is within the maximum setback of 20 feet. The building wall length along SW 13th Street is 46'-7 1/4". 100% of the building wall is within the maximum 40-foot setback. No elements in DMC 17.202.040(F) as well as awnings and bay windows, are used to satisfy maximum setback requirements.

The commercial building north of SW 13th Street has a building wall length of 108'-7 1/4" along Highway 99W. 100% of the building wall is within the maximum setback of 20 feet. The building wall length along SW 13th Street is 46'-7 1/4". 100% of the building wall is within the maximum 40-foot setback. No elements in DMC 17.202.040(F) as well as awnings and bay windows, are used to satisfy maximum setback requirements.

The Hotel north of SW 13<sup>th</sup> Street and east of SW Alder Street has a building wall length of 69'-10 1/8" along SW 13th Street. 100% of the building wall is within the maximum setback of 40 feet. The Hotel has a building wall length of 75'-1 1/2" along SW Alder Street. 100% of the building wall is within the maximum 40-foot

setback. No elements in DMC 17.202.040(F) as well as awnings and bay windows, are used to satisfy maximum setback requirements.

The Casitas north of SW 13<sup>th</sup> Street and east of SW Alder Street has a building wall length of 220'-10 7/8" along SW Alder Street. 100% of the building wall is within the maximum 40-foot setback. No elements in DMC 17.202.040(F) as well as awnings and bay windows, are used to satisfy maximum setback requirements.

b. For the development area south of SW 13<sup>th</sup> Street there is only one building within the development area.

For the development area north of SW 13<sup>th</sup> Street there are three buildings within the development area. The Hotel and Casitas are located 249 feet to the west of the commercial building fronting on Highway 99W.

c. No building addition or alteration is proposed. One existing building (house) onsite will be demolished and three new buildings will be constructed.

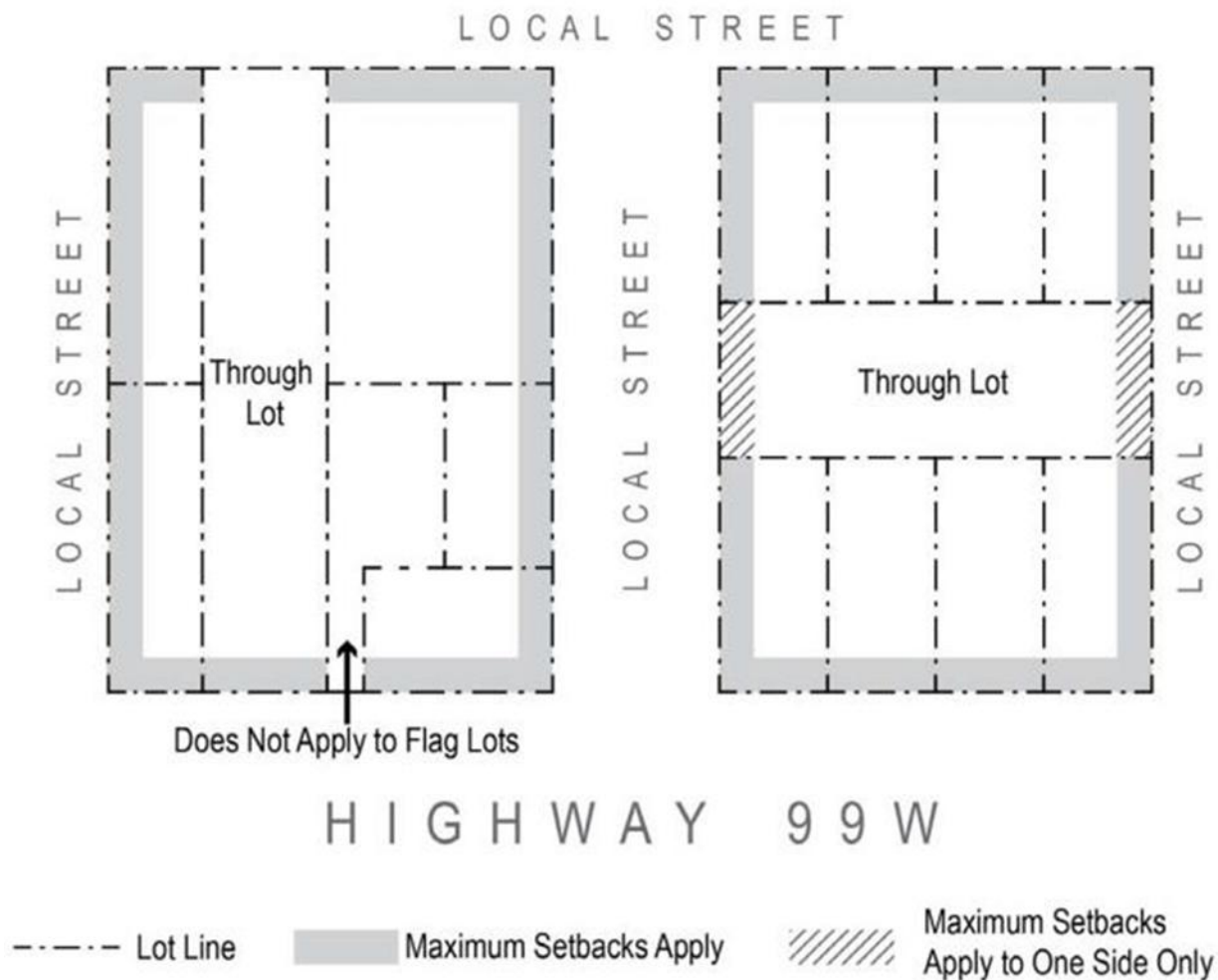
The criteria are met.

#### ***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 CBD zone and 40 feet for the C zone. 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. Through lots shall meet the applicable standard on the street frontage of the street with the higher functional classification as designated in the City of Dundee Transportation System Plan. Where both streets have the same functional classification, the applicant may choose the street frontage on which to meet the applicable standard; the reverse frontage is exempt from these standards (see Figure 4).***

**Figure 4: Applicability of Maximum Setback Standards, Parking Location Standards, and Front Setback Landscaping by Lot Type**



**Finding:**

a. With the application for a lot consolidation for the lots south of SW 13<sup>th</sup> Street and the lots north of SW 13<sup>th</sup> Street corner lots will be created. For the two commercial buildings facing Highway 99W each has a maximum setback of 20 feet and considered the primary frontage. SW 13<sup>th</sup> Street and SW Alder Street are considered secondary frontages.

The commercial building south of SW 13<sup>th</sup> Street the primary street frontage is Highway 99W. 100% of the building wall is within the maximum setback of 20 feet. The building wall along SW 13<sup>th</sup> Street is a secondary frontage. 100% of the building wall is within the maximum 40-foot setback.

The commercial building north of SW 13<sup>th</sup> Street the primary street frontage is Highway 99W, 100% of the building wall is within the maximum setback of 20 feet. The building wall along SW 13<sup>th</sup> Street is a secondary frontage. 100% of the building wall is within the maximum 40-foot setback.

The Hotel north of SW 13<sup>th</sup> Street and east of SW Alder Street is a secondary frontage along SW 13<sup>th</sup> Street. 100% of the building wall is within the maximum setback of 40 feet. The Hotel has a building wall along SW Alder Street which is a secondary frontage. 100% of the building wall is within the maximum 40-foot setback.

The Casitas north of SW 13<sup>th</sup> Street and east of SW Alder Street is a secondary frontage. 100% of the building wall is within the maximum 40-foot setback.

Each of the building walls is considered a “street wall” along Highway 99W, SW 13<sup>th</sup> Street and SW Alder Street.

b. The development area has no through lots and the standard does not apply.

The criteria are met.

***5. Relationship to Other Standards. That portion of the ground level street-facing building facade that meets the standards in subsection (A)(2) of this section shall be referred to as the “street wall” throughout this section and this code.***

**Finding:** The primary “street wall” for the development is Highway 99W. SW 13<sup>th</sup> Street and SW Alder Street are secondary “street wall” frontages.

***B. Parking Location. In order to encourage pedestrian-friendly commercial 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. The standards of this subsection (B) apply to parking areas, loading areas, drive-through lanes, driveways, and all other areas devoted to vehicle storage and circulation, except as specified in subsection (B)(4) of this section.***

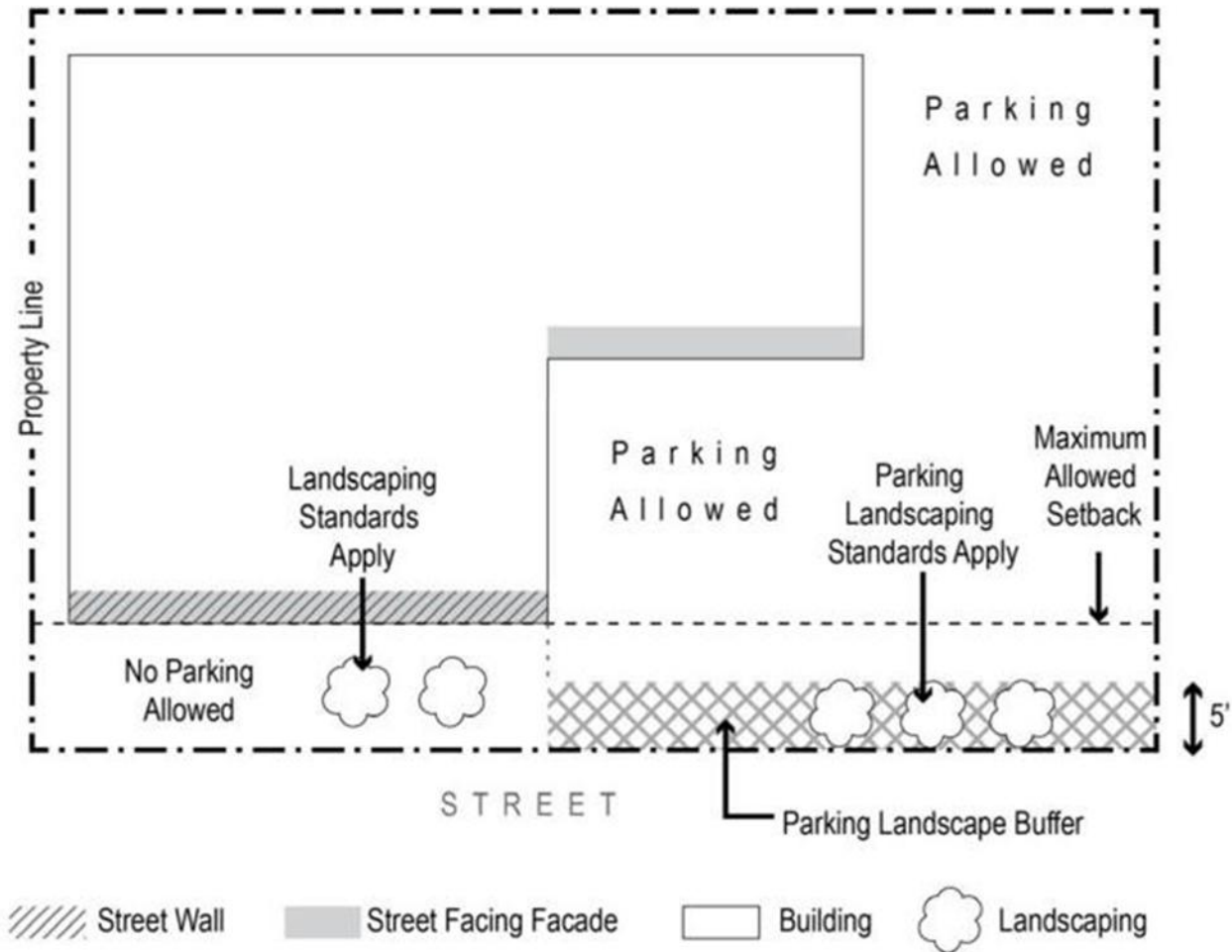
**Finding:** Parking, drive aisles, and loading areas are provided throughout the development site and are applicable to this Code section.

***2. Standards.***

***a. Parking and vehicle circulation areas shall not be allowed between a street wall and a street (see Figure 5).***

***b. In the CBD zone, 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.***

Figure 5: Commercial Zones Site Design Standards



**Finding:**

- a. No parking is proposed between a “street wall” and a street (Highway 99W, SW 13<sup>th</sup> Street, SW Alder Street).
- b. The development is not in the CBD zone and the standard does not apply.

The criteria are met.

**3. Sites with Multiple Frontages.**

- a. Sites on corner lots shall meet the standards above for both street frontages (see Figure 4).*
- b. Through lots shall meet the applicable standard on the street frontage of the street with the higher functional classification as designated in the City of Dundee Transportation System Plan. Where both streets have the same functional classification, the applicant may choose the street frontage on which to meet the applicable standard; the reverse frontage is exempt from these standards (see Figure 4).*

**Finding:**

- a. The development will have multiple frontages (Highway 99W, SW 13<sup>th</sup> Street and SW Alder Street). The criterion is met for parking on street frontages.
- b. The development area has no through lots and the standard does not apply.

**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.*

*b. Driveways accessing the site may be located between the street wall and the street if the city engineer or ODOT finds that access spacing standards and/or safety considerations require such a configuration.*

*c. Improvements on lots that do not conform with this subsection (B) shall, to the extent feasible, reduce the area dedicated to parking and vehicular circulation between the building and the right-of-way.*

**Finding:**

- a. The development site is in the C zone and no drive-thru lanes are proposed. The criterion is not applicable.
- b. Driveway accesses are located off the secondary street (SW 13<sup>th</sup> Street). The City Engineer and ODOT do not need to determine driveway placement on Highway 99W (the primary “street wall”) because no driveway access is proposed to Highway 99W. The Title Report indicates that there is a shared ingress/egress easement on the lot to the north (1226 Highway 99W) of the development area north of SW 13<sup>th</sup> Street. This easement is for the benefit of the property being developed. With the location of the commercial building the easement would no longer be accessible. An existing access easement (ingress/egress) for the benefit of the development area north of SW 13<sup>th</sup> Street located on Tax Map/Lot R3335AA 00900 (1226 Highway 99W) will need to be released because the location of a new commercial building will remove the access opportunity. The Applicant shall coordinate with the property owner of Tax Map/Lot R3335AA 00900 (1226 Highway 99W) to release the access easement recorded as document AMD 199716109.
- c. This criterion is not applicable because parking complies with DMC 17.202.060(B).

The criteria are met.

***C. Front Setback Landscaping. In order to enhance pedestrian comfort, development in the 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. The standards of subsection (E) of this section apply to front setback areas, including both the required front yard and any additional setback between the front lot line and the street wall. Where this setback area includes a landscape strip required to screen a parking lot, the standards of DMC 17.302.060(C) shall be met in addition to the standards of this section. (See Figure 5.)***

**Finding:** Highway 99W is the front yard and the primary “street wall”. For the commercial building south of SW 13<sup>th</sup> Street a mix of shrubs, groundcover and trees are proposed. For the commercial building north of SW 13<sup>th</sup> Street a mix of shrubs, groundcover and trees are proposed. Along the frontage of the Hotel along SW 13<sup>th</sup> and SW Alder Street a mix of shrubs, groundcover and trees are proposed. Along the street frontage for the Casitas on SW Alder Street a mix of shrubs, groundcover and trees are proposed. Parking lot landscape strips include a mixture of shrubs, groundcover and trees along SW 13<sup>th</sup> Street and SW Alder Street.

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

***a. In the CBD zone, 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 CBD zone, 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 C zone, front setback areas shall be landscaped predominately with plant materials. Pedestrian walkways, benches, outdoor seating, and other features listed above for the CBD zone 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.***

**Finding:**

a. Not applicable because the development is not in the CBD zone. This criterion does not apply.

b. Not applicable because the development is not in the CBD zone. This criterion does not apply.

c. The development is within the C zone. For the commercial building south of SW 13<sup>th</sup> Street the Highway 99W frontage is a mix of shrubs, groundcover and trees that will reach 80% coverage. There are no pedestrian walkways, benches, outdoor seating, and other features proposed in this landscape area. The secondary frontage of SW 13<sup>th</sup> Street is a mix of shrubs, groundcover and trees that will reach 80% coverage. There is one pedestrian walkway and no benches, outdoor seating, and other features proposed in the setback area.

For the commercial building north of SW 13<sup>th</sup> Street the Highway 99W frontage is a mix of shrubs, groundcover and trees that will reach 80% coverage. There are no pedestrian walkways, benches, outdoor seating, and other features proposed. The secondary frontage of SW 13<sup>th</sup> Street is a mix of shrubs, groundcover and trees that will reach 80% coverage. There is one pedestrian walkway and no benches, outdoor seating, and other features proposed in the setback area.

For the Hotel building north of SW 13th Street the SW 13<sup>th</sup> Street and SW Alder Street frontages are a mix of shrubs, groundcover and trees that will reach 80% coverage. There are four (4) pedestrian walkways and no benches, outdoor seating, and other features proposed within the setback areas.

The Casitas on the SW Alder Street frontage is a mix of shrubs, groundcover and trees that will reach 80% coverage. There are two pedestrian walkways at the south and north end of the units for pedestrian access. No benches, outdoor seating, and other features proposed within the setback area.

The criterion is met.

### ***3. Sites with Multiple Frontages.***

***a. Sites on corner lots shall meet the standards above for both street frontages (see Figure 4).***

***b. Through lots shall meet the applicable standard on the street frontage of the street with the higher functional classification as designated in the City of Dundee Transportation System Plan. Where both streets have the same functional classification, the applicant may choose the street frontage on which to meet the applicable standard; the reverse frontage is exempt from these standards (see Figure 4).***

#### **Finding:**

a. For the commercial building south of SW 13th Street the Highway 99W frontage is a mix of shrubs, groundcover and trees that will reach 80% coverage. There are no pedestrian walkways, benches, outdoor seating, and other features proposed in this landscape area. The secondary frontage of SW 13th Street is a mix of shrubs, groundcover and trees that will reach 80% coverage. There is one pedestrian walkway and no benches, outdoor seating, and other features proposed in the setback area.

For the commercial building north of SW 13th Street the Highway 99W frontage is a mix of shrubs, groundcover and trees that will reach 80% coverage. There are no pedestrian walkways, benches, outdoor seating, and other features proposed. The secondary frontage of SW 13th Street is a mix of shrubs, groundcover and trees that will reach 80% coverage. There is one pedestrian walkway and no benches, outdoor seating, and other features proposed in the setback area.

For the Hotel building north of SW 13th Street the SW 13th Street and SW Alder Street frontages are a mix of shrubs, groundcover and trees that will reach 80% coverage. There are four (4) pedestrian walkways and no benches, outdoor seating, and other features proposed within the setback areas.

The Casitas on the SW Alder Street frontage is a mix of shrubs, groundcover and trees that will reach 80% coverage. There are two pedestrian walkways at the south and north end of the units for pedestrian access. No benches, outdoor seating, and other features proposed within the setback area.

b. The proposed lots are not through lots and the criterion is not applicable.

The criteria are met.

***4. Exceptions. Improvements on lots that do not conform with this subsection (C) shall provide additional landscaping in the front setback area to bring the site as close to***

*compliance with the standard as is feasible without removing required parking, existing structures, driveways, or other necessary site components.*

**Finding:** No exceptions are proposed in the application. This criterion does not apply.

***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 zones.***

***1. Applicability. The standards of subsection (D) of this section apply to all buildings except for accessory structures.***

**Finding:** There are multiple building entrances proposed in the project.

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

***a. In the C zone, 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 CBD zone, 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 court with a direct walkway to the street.***

**Finding:**

a. The proposed development area is in the C zone. For the commercial building south of SW 13<sup>th</sup> Street the building entrance is on the west side of the building, within 90 degrees of the street, with its access to SW 13<sup>th</sup> Street. The entrance is as close as is practical to the street. There are no building entrances directly to Highway 99W. DMC 17.202.060.D.3. established how entrances work for corner lots. Based on DMC 17.202.060.D.3. the entrance requirement is not met.

For the commercial building north of SW 13<sup>th</sup> Street the building entrance is on the west side of the building, within 90 degrees of the street, with its access to SW 13<sup>th</sup> Street. The entrance is as close as is practical to the street. There are no building entrances directly to Highway 99W. DMC 17.202.060.D.3. established how entrances work for corner lots. Based on DMC 17.202.060.D.3. the entrance requirement is not met.

For the Hotel and Casitas the primary building entrance is on the east side of the Hotel, within 90 degrees of the street (SW 13<sup>th</sup> Street), with its access to SW 13<sup>th</sup> Street. The entrance is as close as is practical to the street and corresponds to the Porte Cochere location. There are two secondary entrances on SW 13<sup>th</sup> Street and three secondary entrances on SW Alder Street.

b. The proposed development is not in the CBD zone. The criterion does not apply.

The criteria are met.

***3. Sites with Multiple Frontages.***

***a. On sites with frontage on Highway 99W, the street referenced by the regulations of this section shall be Highway 99W.***

*b. Sites with frontage on two local streets shall meet the standard above for one of the streets.*

*c. As required by DMC 17.301.030(C)(2), safe, reasonably direct and convenient connections shall be provided between the primary building entrance and all abutting public rights-of-way.*

**Finding:** The proposed development area has multiple frontages on Highway 99W, SW 13<sup>th</sup> Street and SW Alder Street.

a. The commercial building south of SW 13<sup>th</sup> Street has frontage on Highway 99W. For this building Highway 99W is the required referenced street. No primary building entrance is provided to Highway 99W. The Applicant shall revise plans to identify an entrance for the south commercial building facing towards or within 90 degrees of Highway 99W and shall be as close as is practical to the street for the commercial building south of SW 13<sup>th</sup> Street. The revised plans shall be submitted for review and approval prior to submittal of building permits.

The commercial building north of SW 13<sup>th</sup> Street has frontage on Highway 99W. For this building Highway 99W is the required referenced street. No primary building entrance is provided to Highway 99W. The Applicant shall revise plans to identify an entrance for the north commercial building facing towards or within 90 degrees of Highway 99W and shall be as close as is practical to the street for the commercial building north of SW 13<sup>th</sup> Street. The revised plans shall be submitted for review and approval prior to submittal of building permits.

b. For the Hotel and Casitas the primary building entrance is on the east side of the hotel providing primary access via a walkway to SW 13<sup>th</sup> Street. SW 13<sup>th</sup> Street is a local street and SW Alder Street is a collector street. The Applicant has selected SW 13<sup>th</sup> Street as the access location. The entrance is as close as is practical to the street and corresponds to the Porte Cochere location. There are two secondary entrances on SW 13<sup>th</sup> Street and three secondary entrances on SW Alder Street.

c. Safe, reasonably direct, and convenient connections are provided between the primary building entrance(s) and all abutting public rights-of-way as depicted on the Site Plan (Sheet A-100) and as discussed in DMC 17.202.060(D)(2).

**4. Exceptions. Improvements on lots that do not conform with this subsection (D) shall improve compliance to the extent feasible as follows:**

*a. Improvements to buildings subject to DMC 17.104.040(E)(1) that do not meet the standards in subsection (D)(2) of this section shall, at a minimum, provide a building entrance that faces towards the street or within 90 degrees of the street and is as close as practical to the street.*

*b. Where subject to DMC 17.104.040(E)(2), additions to buildings that do not meet the standards in subsection (D)(2) of this section shall include an entrance that faces towards the street or within 90 degrees of the street and is as close as practical to the street.*

**Finding:** No exceptions are requested.

***E. Ground Floor Windows. On the ground level of buildings in the commercial 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. The standards of this subsection (E) 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.***

**Finding:** The subject property is located in the C zone and has multiple frontages on Highway 99W, SW 13<sup>th</sup> Street, and SW Alder Street. Qualifying window features must make up at least 30 percent of the ground-level street wall facing Highway 99W and at least 30 percent of the ground-level area of the street wall facing both SW 13<sup>th</sup> Street and SW Alder Street. Sheet G-022 identifies how the Applicant proposes to comply with the requirements.

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

**Finding:**

a. Not applicable because the development site is not in the CBD zone.

b. The development is within the C zone. The commercial building south of SW 13<sup>th</sup> Street has two street walls on Highway 99W and SW 13<sup>th</sup> Street. Along the Highway 99W “street wall” the total window area of the building elevation overall is 43%, and 44% based on measurements of DMC 17.202.060.E.5. Along the SW 13<sup>th</sup> Street “street wall” the total window area of the building elevation is 52%. The details for measurement are included in DMC 17.202.060.E..5. below for compliance with Standard 2 and meets the 30% minimum requirement.

The commercial building north of SW 13<sup>th</sup> Street has two street walls on Highway 99W and SW 13<sup>th</sup> Street. Along the Highway 99W “street wall” the total window area of the building elevation overall is 54%, and 80% based on measurements of DMC 17.202.060 (E)(5). Along the SW 13<sup>th</sup> Street “street wall” the total window area of the building elevation is 38% and 55% based on measurements of DMC 17.202.060.E.5. The details for measurement are included in DMC 17.202.060.E.5. below for compliance with Standard 2 and meets the 30% minimum requirement.

The Hotel building facing SW 13<sup>th</sup> Street “street wall” the total window area of the building elevation is 44%. Along SW Alder Street “street wall” the Applicant indicates the total window area required is 135.22 square feet. The proposed total window area of the elevation is 126 square feet (Sheet G-022) based on measurements of DMC 17.202.060.E.5 and does not meet the 30% requirement. Staff calculated the area also includes the stairwell as it is within the 40-foot setback. The calculation indicates  $84' \times 6' = 504$  square feet. 30% would be 151.2 square feet. 30% of 151.2 = 30.24 square feet. The requested adjustment is 25.2 square feet under the 20.24 square foot allowed for an adjustment. The details for measurement are included in DMC

17.202.060.E.5. below for compliance with Standard 2. The window glazing requirement is met for the SW 13<sup>th</sup> Street frontage. The Applicant has requested an adjustment to the window glazing requirement facing SW Alder Street. CA 24-23 analyzed the Code Adjustment request and recommended approval for a 17% reduction in the required window glazing.

The Casitas building facing SW Alder Street “street wall” the total window area of the building elevation is 1762.54 square feet, a 56.6% reduction below the required window glazing area requirement. The details for measurement are included in DMC 17.202.060.E.5. below for compliance with Standard 2 and does not meet the 30% minimum requirement. The Applicant has requested a variance to the window glazing requirement facing SW Alder Street (V 24-20). Staff review and conclusion is the request meets the variance criteria and is recommended for approval.

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

***a. 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.***

***b. 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.***

**Finding:**

a. Not applicable because the development site is not in the CBD zone.

b. Not applicable because the development site is not in the CBD zone.

***4. Qualifying Window Features. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than three feet above the adjacent exterior grade.***

**Finding:** The commercial building south of SW 13<sup>th</sup> Street has windows on the east elevation facing Highway 99W. The windows on this elevation allow views into the building interior space. The bottom of the windows extend from floor elevation up to 12 feet. Above these windows are transom windows. On the SW 13 Street elevation the bottom of the windows extend from floor elevation up to 10’5” feet with transom windows above. The windows on this elevation allow views into the building interior space.

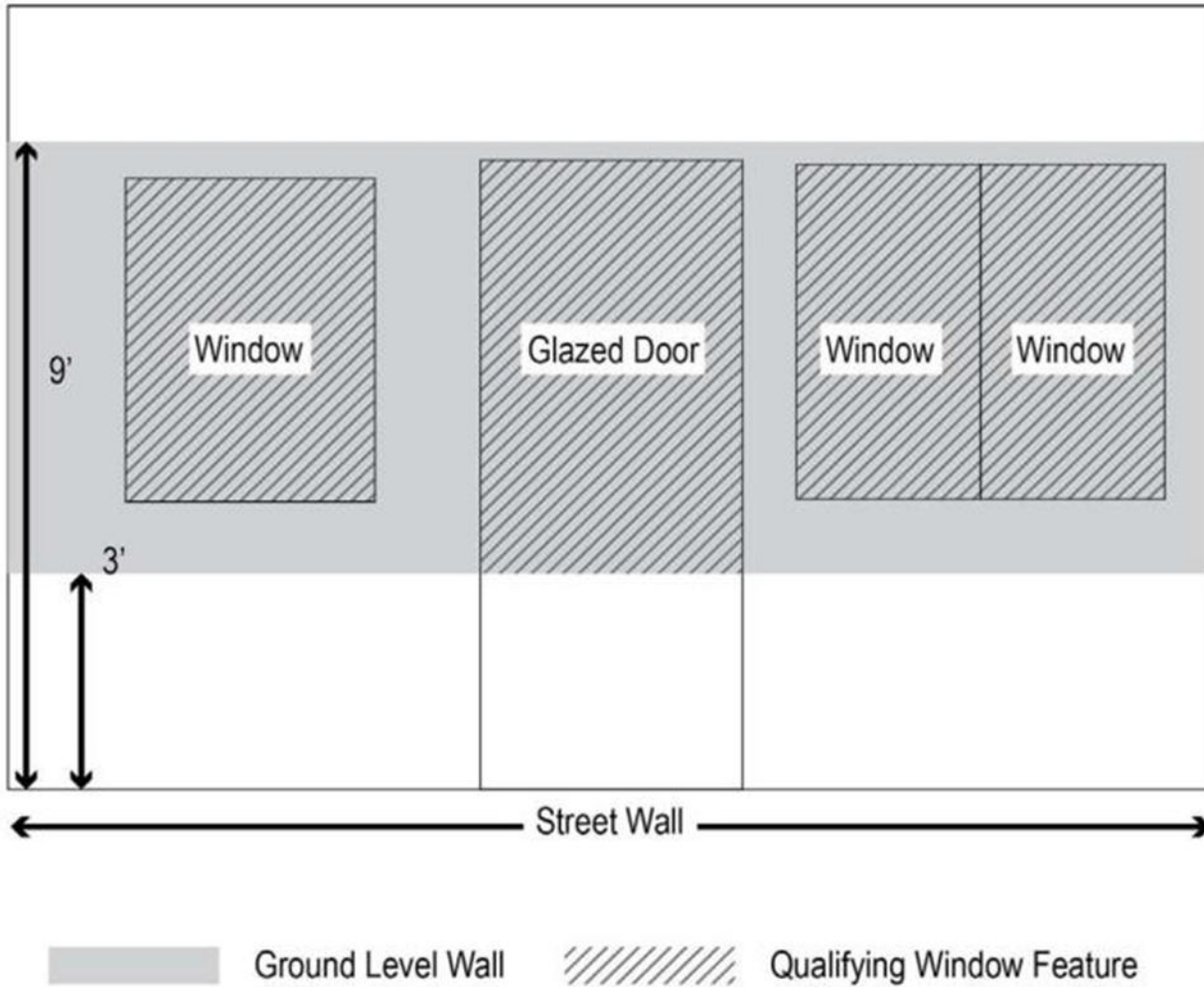
The commercial building north of SW 13<sup>th</sup> Street has windows on the east elevation facing Highway 99W. The windows on this elevation allow views into the building interior space. The bottom of the windows extend from floor elevation up to 11 feet. On the SW 13 Street elevation the bottom of the windows extend from floor elevation up to 11 feet. The windows on this elevation allow views into the building interior space.

The Hotel north of SW 13<sup>th</sup> Street has windows that face SW 13<sup>th</sup> Street. The windows on this elevation allow views into the building interior space. The bottom of the windows extend from 1.5 feet above floor elevation floor elevation to 9.5’ feet. On the SW Alder Street elevation the bottom of the windows extend from 3’ above floor elevation up 5.5’. The windows on this elevation allow views into the building interior space for back of house operations that consist of a laundry room and housekeeping manager’s office space.

The Casitas identify windows facing SW Alder Street 7 feet above grade. A variance has been requested for the percentage. Staff review and conclusion is the request meets the variance criteria and is recommended for approval.

**5. Measurement.** *The ground level area of the street wall is measured from three feet above finished grade up to nine feet above the finished grade (see Figure 7).*

**Figure 7: Measurement of Ground Floor Window Standard**



**Finding:** The commercial building south of SW 13<sup>th</sup> Street has two street walls on Highway 99W and SW 13<sup>th</sup> Street. Along the Highway 99W “street wall” the total window area of the building elevation overall is 43%, and 44% based on measurements of DMC 17.202.060.E.5. Along SW 13<sup>th</sup> Street “street wall” the total window area of the building elevation is 52%. The details for measurement are included in DMC 17.202.060.E.5. for compliance with Standard 2 and meets the 30% minimum requirement.

The commercial building north of SW 13<sup>th</sup> Street has two street walls on Highway 99W and SW 13<sup>th</sup> Street. Along the Highway 99W “street wall” the total window area of the building elevation overall is 54%, and 80% based on measurements of DMC 17.202.060.E.5. Along SW 13<sup>th</sup> Street “street wall” the total window area of the building elevation overall is 38%, and 55% based on measurements of DMC 17.202.060.E.5. The details for measurement are included in DMC 17.202.060.E.5. for compliance with Standard 2 and meets the 30% minimum requirement.

The Hotel building facing SW 13<sup>th</sup> Street “street wall” the total window area of the building elevation is 44%. Along SW Alder Street “street wall” the Applicant indicates the total window area required is 135.22 square feet. The proposed total window area of the elevation is 126 square feet (Sheet G-022) based on measurements of DMC 17.202.060.E.5 and does not meet the 30% requirement. Staff calculated the area also includes the stairwell as it is within the 40-foot setback. The calculation indicates  $84' \times 6' = 504$  square feet. 30% would be 151.2 square feet. 30% of 151.2 = 30.24 square feet. The requested adjustment is 25.2 square feet under the 30.24 square foot allowed for an adjustment. The details for measurement are included in DMC 17.202.060.E.5. below for compliance with Standard 2. The window glazing requirement is met for the SW 13<sup>th</sup> Street frontage. The Applicant has requested an adjustment to the window glazing requirement facing SW Alder Street. CA 24-23 analyzed the Code Adjustment request and recommended approval for a 17% reduction in the required window glazing.

The Casitas building facing SW Alder Street “street wall” the total window area of the building elevation is 1762.54 square feet, a 56.6% reduction below the required window glazing area requirement. The details for measurement are included in DMC 17.202.060.E.5. below for compliance with Standard 2 and does not meet the 30% minimum requirement. The Applicant has requested a variance to the window glazing requirement facing SW Alder Street (V 24-20). Staff review and conclusion is the request meets the variance criteria and is recommended for approval.

The criterion is met, or for the Hotel and Casitas it is met with the approval of CA 24-23 and V 24-20.

***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.***

**Finding:** The subject property is located in the C zone and has multiple frontages on Highway 99W, SW 13<sup>th</sup> Street, and SW Alder Street. Qualifying façade articulation must meet either Standard 1 or Standard 2 for the street walls.

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

**Finding:**

a. The development site is not in the CBD zone. The criterion does not apply.

b. The commercial building south of SW 13<sup>th</sup> Street has two street walls. The wall facing Highway 99W is 108'-7" in length and must provide two articulation methods every 60 feet. The wall facing SW 13<sup>th</sup> Street is 46'7 ¼" and does not require articulation.

The commercial building north of SW 13<sup>th</sup> Street has two street walls. The wall facing Highway 99W is 108'-7" in length and must provide two articulation methods every 60 feet. The wall facing SW 13<sup>th</sup> Street is 46'-7 ¼" feet and does not require articulation.

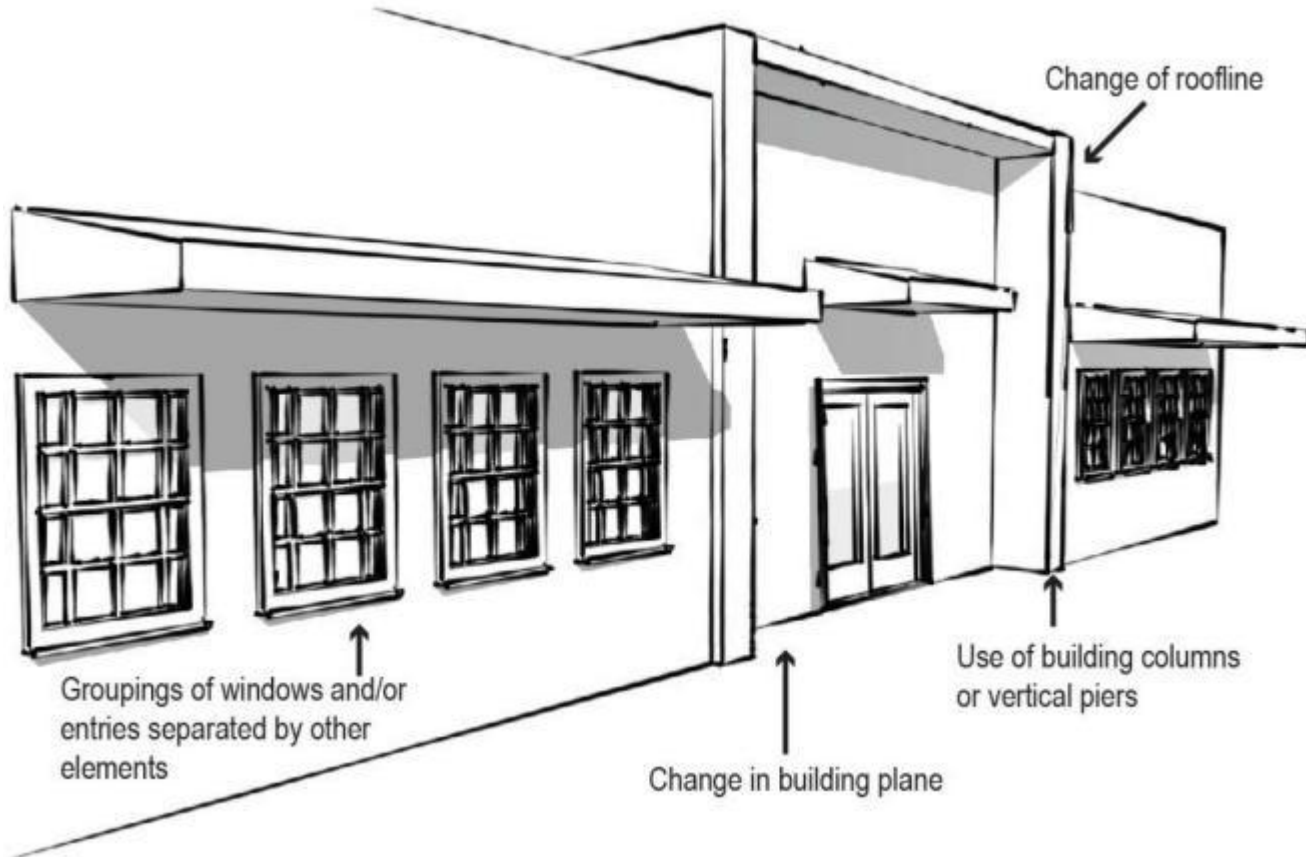
The Hotel building north of SW 13<sup>th</sup> Street is approximately 91 feet in length and must provide two articulation methods every 60 feet. The street wall on SW Alder Street is 75'-1 ½" in length and must provide two articulation methods every 60 feet.

The Casitas have a wall facing SW Alder Street which is 220'-10 7/8" feet in length and must provide two articulation methods every 60 feet.

***3. Qualifying Articulation Methods. The following methods may be used to provide facade articulation to meet the standards of this section:***

- a. Groupings of windows and/or entries separated by other elements, such as building columns or vertical piers (see Figure 9).***
- b. Change of roofline of at least four feet or 20 percent of the height of the wall (from finished grade to highest point of the roof), whichever is greater; or use of gabled rooflines with a minimum slope of 5:12 (see Figure 10).***
- c. Change in building material or siding style (see Figure 11).***
- d. Change in building plane of over one foot (see Figure 12).***
- e. Other methods that meet the intent of the standard, subject to Type III review pursuant to DMC 17.401.040.***

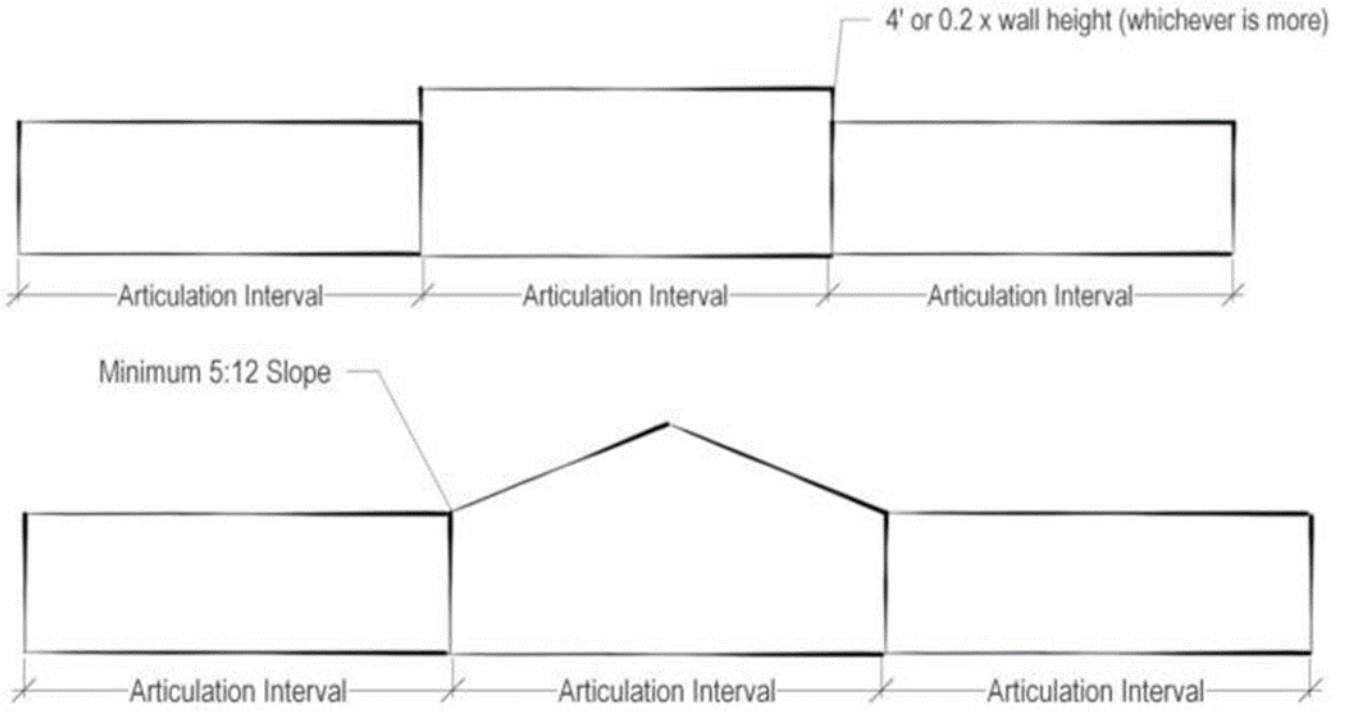
**Figure 8: Illustration of Qualifying Building Articulation Methods**



**Figure 9: Examples of Buildings Using Distinct Window Patterns Separated by Other Elements, Such as Building Columns or Vertical Piers**



**Figure 10: Examples of Roofline Modulation**



**Figure 11: Examples of Change of Building Materials or Siding Style**



Figure 12: Examples of Changes in Building Plane of Over One Foot



**Finding:** a. – e.

The commercial building south of SW 13<sup>th</sup> Street has two street walls. The wall facing Highway 99W is 108'-7" in length and must provide two articulation methods every 60 feet. The wall facing SW 13<sup>th</sup> Street is 46'-7 ¼" and does not require articulation. The "street wall" facing Highway 99W has articulation using tongue and groove cedar siding (stained), and vertical pre-finished metal siding. The transition is less than every 60 feet. See Sheet A-221 for details.

The commercial building north of SW 13<sup>th</sup> Street has two street walls. The wall facing Highway 99W is 108'-7" in length and must provide two articulation methods every 60 feet. The wall facing SW 13<sup>th</sup> Street is 46'-7 ¼" feet and does not require articulation. The "street wall" facing Highway 99W has articulation using pre-finished metal siding and other methods that meet the intent of the standard by using three bifold glass garage doors. The transition is less than every 60 feet. See Sheet A-221 for details.

The Hotel building north of SW 13<sup>th</sup> Street is approximately 91 feet in length and must provide two articulation methods every 60 feet. The street wall on SW Alder Street is 75'-1 ½" in length and must provide two articulation methods every 60 feet. The "street wall" facing SW 13<sup>th</sup> Street has articulation using change of roofline of at least four feet or 20 percent of the height of the wall, change in building material or siding style (board and batten cement cladding painted medium grey, and flat reveal panel fiber cement cladding painted dark grey, and stained tongue and groove cedar siding), and change in building plane of over one foot. The transition is less than every 60 feet. The "street wall" facing SW Alder Street has articulation using change in building material or siding style (board and batten cement cladding painted medium grey, and flat reveal panel fiber cement cladding painted dark grey). The transition is less than every 60 feet. See Sheet A-203.

The Casitas have a wall facing SW Alder Street which is 220'-10 7/8" feet in length and must provide two articulation methods every 60 feet. The "street wall" facing SW Alder Street has articulation using change in building material or siding style (board and batten cement cladding painted medium grey and flat reveal panel fiber cement cladding painted dark gray). See Sheet A 203.

The buildings meet the articulation requirements.

***G. Architectural Features Design Matrix. In order to encourage pedestrian-oriented and sustainable design while allowing flexibility on architectural style, development in commercial 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 C and CBD zones. Improvements on lots containing nonconforming development are subject to DMC17.104.040(E).***

**Finding:** The Architectural Features Design Matrix applies to the proposed development as there will be new buildings. The site is in the C zone. Nonconforming development is not a component of the development proposal.

***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 CBD zone, the minimum total number of points is 14. (Not applicable)***

***b. In the C zone, the minimum total number of points is eight.***

**Finding:**

a. The proposed development is not in the CBD zone.

b. The development site is in the C zone and a minimum of 8 points are required. Table 17.202.060 below is the evaluation of the points matrix.

The Architectural Features Design Matrix (Sheet G-020) and supporting materials describe the architectural design features incorporated into the proposed project and their corresponding design criteria values. The Applicant's points are detailed in a tabular format with point totals located in the right-most column. In total, the proposed project achieves a score of:

Commercial Building south of SW 13<sup>th</sup> Street - 17 points.

Commercial Building north of SW 13<sup>th</sup> Street - 15 points.

Hotel – 16 points

Casita – 17 points.

The criterion is met (see table below for details).

Building North of SW 13<sup>th</sup> Street

<i>Table 17.202.060 – Architectural Features Design Matrix</i>				<b>Finding</b>
<i>Design Criteria</i>	<i>Possible Points</i>			Proposed Project Points
	<i>0</i>	<i>1</i>	<i>2</i>	
<b><i>Building Design Features</i></b> <b><i>(minimum points: CBD = 6, C = 2; possible points = 10)</i></b>				<b>Subtotal</b> <b>3</b>
<i>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 materials in order to qualify; see examples in Figure 13 and Figure 14)</i>	<i>No weather protection at entrances or windows</i>	<i>Weather protection provided over the primary building entrance</i>	<u><i>Weather protection provided over all building entrances and required ground floor window areas</i></u>	<b>2</b>
<i>Use of natural siding materials (may include natural stone, wood and/or brick; materials designed to imitate natural materials do not qualify)</i>	<i>Little to no use of natural materials (less than 5 percent of street wall area, excluding area dedicated to glazing)</i>	<i>5 to 50 percent of both total building facade area and street wall area covered with natural siding materials (excluding area dedicated to glazing)</i>	<i>Over 50 percent of both total building facade area and street wall area covered with natural siding materials (excluding area dedicated to glazing)</i>	<b>0</b> <i>No response provided</i>
<i>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)</i>	<i>No use of detailed window treatments</i>	<i>Use of detailed window treatments on all street wall windows</i>	<i>Use of detailed window treatments on all exterior windows</i>	<b>0</b> <i>No response provided</i>
<i>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)</i>	<i>No windows/doors that open onto a pedestrian area</i>	<i>One or more windows/doors not located on the street wall that open onto a pedestrian area (such as a pedestrian plaza)</i>	<i>One or more windows/doors located on the street wall that open onto the sidewalk or front setback area</i>	<b>0</b> <i>No response provided</i>

<i>Table 17.202.060 – Architectural Features Design Matrix</i>				<b>Finding</b>
<i>Design Criteria</i>	<i>Possible Points</i>			Proposed Project Points
	<i>0</i>	<i>1</i>	<i>2</i>	
<i>Pedestrian-oriented signs (see examples in Figure 17)</i>	<i>Site includes pole signs, roof signs, and/or monument signs that are more than 6 feet tall</i>	<i>Site includes <u>monument signs that are no more than 6 feet tall and/or awning signs, wall signs, or projecting wall signs</u></i>	<i>Site uses exclusively awning signs, wall signs, and/or projecting wall signs</i>	<b>1</b>
<b>Site Design Features (minimum points: CBD = 5, C = 2; possible points = 12 in CBD, 14 in C)</b>				<b>Subtotal 6</b>
<i>Parking location (see also DMC17.202.060(B))</i>	<i>Some parking located between a street-facing building facade and a public street</i>	<i>All parking located to the side of the building</i>	<i>All parking located behind the building</i>	<b>0</b> <i>No response provided</i>
<i>Protected bicycle parking (includes bicycle parking covered by an awning, indoor bicycle storage, and bike lockers; see also DMC 17.304.050)</i>	<i>No protection provided for required bicycle parking</i>	<i>Protection provided for 5% to 25% of required bicycle parking spaces</i>	<i>Protection provided for over 25% of required bicycle parking spaces</i>	<b>0</b> <i>No response provided</i>
<i>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)</i>	<i>No benches provided</i>	<i><u>At least one bench provided per 50 linear feet of street frontage</u></i>	<i>2 or more benches provided for each 50 linear feet of street frontage</i>	<b>1</b>
<i>Trees</i>	<i>No trees provided on site beyond those required under other sections of this code</i>	<i><u>Additional trees provided on site beyond those required under other sections of this code</u></i>	<i>All trees in front yard landscaping identified as preferred trees for downtown Dundee by the city council.</i>	<b>1</b>
<i>Additional landscaped area in the C zone (subject to DMC17.302.040; not applicable in the CBD zone)</i>	<i>Little or no additional landscaped area provided (less than 5% of gross lot area beyond base requirement)</i>	<i>5% to 10% additional gross lot area landscaped beyond base requirement in DMC 17.302.050.</i>	<i><u>More than 10% additional gross lot area landscaped beyond base requirement in DMC 17.302.050.</u></i>	<b>2</b>
<i>Plant selection</i>	<i>2 or fewer distinct plant species included in landscaping</i>	<i>3 or more distinct plant species included in landscaping</i>	<i><u>5 or more distinct plant species included in landscaping</u></i>	<b>2</b>

<i>Table 17.202.060 – Architectural Features Design Matrix</i>				<b>Finding</b>
<i>Design Criteria</i>	<i>Possible Points</i>			Proposed Project Points
	<i>0</i>	<i>1</i>	<i>2</i>	
<i>Installation of public art, including decorative bike racks, in primary front yard (approved by city council or designee)</i>	<i>No public art on site</i>	<i>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</i>	<i>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</i>	<b>0</b> <i>No response provided</i>
<b>Sustainability Features (minimum points: CBD = 1, C = 1; possible points = 14)</b>				<b>Subtotal 6</b>
<i>Shared parking with adjacent uses (must meet standards of DMC17.304.040(B))</i>	<i>No shared parking</i>	<i><u>More than one space but less than half of required parking spaces shared with adjacent uses</u></i>	<i>More than half of required parking spaces shared with adjacent uses</i>	<b>1</b> <i>No response provided</i>
<i>Use of native plants (native species listed in Metro’s “Native Plants for Willamette Valley Yards” or a similar resource)</i>	<i>Little or no use of native plants (less than 5% of landscaped area)</i>	<i>5% to 25% of landscaped area covered by native plant species</i>	<i><u>More than 25% of landscaped area covered by native plant species</u></i>	<b>2</b>
<i>Stormwater management integrated into site and landscaping (can include rain gardens, bioswales, and similar low impact development techniques; does not include detention ponds; see examples in Figure 19)</i>	<i>No low impact development measures used on site</i>	<i><u>Site includes low impact stormwater management measures</u></i>		<b>1</b>
<i>Low water irrigation systems</i>	<i>Any permanently installed irrigation systems using potable water do not use drip irrigation or a rain sensor</i>	<i><u>Any permanently installed irrigation systems using potable water use drip irrigation or a rain sensor</u></i>	<i>Site uses reclaimed water or rainwater for irrigation</i>	<b>1</b>
<i>Electric vehicle charging station</i>	<i>Site does not include electric vehicle charging station</i>	<i><u>Site includes at least one electric vehicle charging station</u></i>		<b>1</b>
<i>Permeable paving (may include porous concrete, permeable pavers, or other pervious materials as approved by the city engineer)</i>	<i>Little or no use of permeable paving (less than 10% of all paved surfaces)</i>	<i>Permeable paving used on 10% to 50% of all paved surfaces</i>	<i>Permeable paving used on over 50% of all paved surfaces</i>	<b>0</b> <i>No response provided</i>

<i>Table 17.202.060 – Architectural Features Design Matrix</i>				<b>Finding</b>
<i>Design Criteria</i>	<i>Possible Points</i>			Proposed Project Points
	<i>0</i>	<i>1</i>	<i>2</i>	
<i>Green roofs for stormwater management (designed in accordance with best practices and approved by the building official; see examples in Figure 20)</i>	<i>Little or no green roof (less than 25% of total roof area)</i>	<i>Green roof covering 25% to 50% of the total roof area</i>	<i>Green roof covering more than 50% of the total roof area</i>	<b>0</b> <i>No response provided</i>
<i>LEED certification by the U.S. Green Building Council</i>	<i>Building not LEED certified</i>		<i>Building LEED certified at any level</i>	<b>0</b> <i>No response provided</i>

Building South of SW 13<sup>th</sup> Street

<i>Table 17.202.060 – Architectural Features Design Matrix</i>				<b>Finding</b>
<i>Design Criteria</i>	<i>Possible Points</i>			Proposed Project Points
	<i>0</i>	<i>1</i>	<i>2</i>	
<b><i>Building Design Features</i></b> <b><i>(minimum points: CBD = 6, C = 2; possible points = 10)</i></b>				<b>Subtotal</b> <b>5</b>
<i>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 materials in order to qualify; see examples in Figure 13 and Figure 14)</i>	<i>No weather protection at entrances or windows</i>	<i>Weather protection provided over the primary building entrance</i>	<i><u>Weather protection provided over all building entrances and required ground floor window areas</u></i>	<b>2</b>
<i>Use of natural siding materials (may include natural stone, wood and/or brick; materials designed to imitate natural materials do not qualify)</i>	<i>Little to no use of natural materials (less than 5 percent of street wall area, excluding area dedicated to glazing)</i>	<i>5 to 50 percent of both total building facade area and street wall area covered with natural siding materials (excluding area dedicated to glazing)</i>	<i>Over 50 percent of both total building facade area and street wall area covered with natural siding materials (excluding area dedicated to glazing)</i>	<b>0</b> <i>No response provided</i>

<i>Table 17.202.060 – Architectural Features Design Matrix</i>				<b>Finding</b>
<i>Design Criteria</i>	<i>Possible Points</i>			Proposed Project Points
	<i>0</i>	<i>1</i>	<i>2</i>	
<i>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)</i>	<i>No use of detailed window treatments</i>	<i>Use of detailed window treatments on all street wall windows</i>	<i>Use of detailed window treatments on all exterior windows</i>	<b>0</b> <i>No response provided</i>
<i>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)</i>	<i>No windows/doors that open onto a pedestrian area</i>	<i>One or more windows/doors not located on the street wall that open onto a pedestrian area (such as a pedestrian plaza)</i>	<i><u>One or more windows/doors located on the street wall that open onto the sidewalk or front setback area</u></i>	<b>2</b> <i>No response provided</i>
<i>Pedestrian-oriented signs (see examples in Figure 17)</i>	<i>Site includes pole signs, roof signs, and/or monument signs that are more than 6 feet tall</i>	<i><u>Site includes monument signs that are no more than 6 feet tall and/or awning signs, wall signs, or projecting wall signs</u></i>	<i>Site uses exclusively awning signs, wall signs, and/or projecting wall signs</i>	<b>1</b>
<b>Site Design Features</b> <i>(minimum points: CBD = 5, C = 2; possible points = 12 in CBD, 14 in C)</i>				<b>Subtotal</b> <b>6</b>
<i>Parking location (see also DMC17.202.060(B))</i>	<i>Some parking located between a street-facing building facade and a public street</i>	<i>All parking located to the side of the building</i>	<i>All parking located behind the building</i>	<b>0</b> <i>No response provided</i>
<i>Protected bicycle parking (includes bicycle parking covered by an awning, indoor bicycle storage, and bike lockers; see also DMC 17.304.050)</i>	<i>No protection provided for required bicycle parking</i>	<i>Protection provided for 5% to 25% of required bicycle parking spaces</i>	<i>Protection provided for over 25% of required bicycle parking spaces</i>	<b>0</b> <i>No response provided</i>
<i>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)</i>	<i>No benches provided</i>	<i><u>At least one bench provided per 50 linear feet of street frontage</u></i>	<i>2 or more benches provided for each 50 linear feet of street frontage</i>	<b>1</b>

<i>Table 17.202.060 – Architectural Features Design Matrix</i>				<b>Finding</b>
<i>Design Criteria</i>	<i>Possible Points</i>			Proposed Project Points
	<i>0</i>	<i>1</i>	<i>2</i>	
<i>Trees</i>	<i>No trees provided on site beyond those required under other sections of this code</i>	<i><u>Additional trees provided on site beyond those required under other sections of this code</u></i>	<i>All trees in front yard landscaping identified as preferred trees for downtown Dundee by the city council.</i>	<b>1</b>
<i>Additional landscaped area in the C zone (subject to DMC17.302.040; not applicable in the CBD zone)</i>	<i>Little or no additional landscaped area provided (less than 5% of gross lot area beyond base requirement)</i>	<i>5% to 10% additional gross lot area landscaped beyond base requirement in DMC 17.302.050.</i>	<i><u>More than 10% additional gross lot area landscaped beyond base requirement in DMC 17.302.050.</u></i>	<b>2</b>
<i>Plant selection</i>	<i>2 or fewer distinct plant species included in landscaping</i>	<i>3 or more distinct plant species included in landscaping</i>	<i><u>5 or more distinct plant species included in landscaping</u></i>	<b>2</b>
<i>Installation of public art, including decorative bike racks, in primary front yard (approved by city council or designee)</i>	<i>No public art on site</i>	<i>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</i>	<i>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</i>	<b>0</b> <i>No response provided</i>
<b>Sustainability Features</b> <i>(minimum points: CBD = 1, C = 1; possible points = 14)</i>				<b>Subtotal</b> <b>6</b>
<i>Shared parking with adjacent uses (must meet standards of DMC17.304.040(B))</i>	<i>No shared parking</i>	<i><u>More than one space but less than half of required parking spaces shared with adjacent uses</u></i>	<i>More than half of required parking spaces shared with adjacent uses</i>	<b>1</b>
<i>Use of native plants (native species listed in Metro’s “Native Plants for Willamette Valley Yards” or a similar resource)</i>	<i>Little or no use of native plants (less than 5% of landscaped area)</i>	<i>5% to 25% of landscaped area covered by native plant species</i>	<i><u>More than 25% of landscaped area covered by native plant species</u></i>	<b>2</b>
<i>Stormwater management integrated into site and landscaping (can include rain gardens, bioswales, and similar low impact development techniques; does not include</i>	<i>No low impact development measures used on site</i>	<i><u>Site includes low impact stormwater management measures</u></i>		<b>1</b>

<i>Table 17.202.060 – Architectural Features Design Matrix</i>				<b>Finding</b>
<i>Design Criteria</i>	<i>Possible Points</i>			Proposed Project Points
	<i>0</i>	<i>1</i>	<i>2</i>	
<i>detention ponds; see examples in Figure 19)</i>				
<i>Low water irrigation systems</i>	<i>Any permanently installed irrigation systems using potable water do not use drip irrigation or a rain sensor</i>	<i><u>Any permanently installed irrigation systems using potable water use drip irrigation or a rain sensor</u></i>	<i>Site uses reclaimed water or rainwater for irrigation</i>	<b>1</b>
<i>Electric vehicle charging station</i>	<i>Site does not include electric vehicle charging station</i>	<i><u>Site includes at least one electric vehicle charging station</u></i>		<b>1</b>
<i>Permeable paving (may include porous concrete, permeable pavers, or other pervious materials as approved by the city engineer)</i>	<i>Little or no use of permeable paving (less than 10% of all paved surfaces)</i>	<i>Permeable paving used on 10% to 50% of all paved surfaces</i>	<i>Permeable paving used on over 50% of all paved surfaces</i>	<b>0</b> <i>No response provided</i>
<i>Green roofs for stormwater management (designed in accordance with best practices and approved by the building official; see examples in Figure 20)</i>	<i>Little or no green roof (less than 25% of total roof area)</i>	<i>Green roof covering 25% to 50% of the total roof area</i>	<i>Green roof covering more than 50% of the total roof area</i>	<b>0</b> <i>No response provided</i>
<i>LEED certification by the U.S. Green Building Council</i>	<i>Building not LEED certified</i>		<i>Building LEED certified at any level</i>	<b>0</b> <i>No response provided</i>

Hotel

<i>Table 17.202.060 – Architectural Features Design Matrix</i>				<b>Finding</b>
<i>Design Criteria</i>	<i>Possible Points</i>			Proposed Project Points
	<i>0</i>	<i>1</i>	<i>2</i>	
<b><i>Building Design Features</i></b> <i>(minimum points: CBD = 6, C = 2; possible points = 10)</i>				<b>Subtotal</b> <b>5</b>

<i>Table 17.202.060 – Architectural Features Design Matrix</i>				<b>Finding</b>
<i>Design Criteria</i>	<i>Possible Points</i>			Proposed Project Points
	<i>0</i>	<i>1</i>	<i>2</i>	
<i>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 materials in order to qualify; see examples in Figure 13 and Figure 14)</i>	<i>No weather protection at entrances or windows</i>	<i>Weather protection provided over the primary building entrance</i>	<i><u>Weather protection provided over all building entrances and required ground floor window areas</u></i>	<b>2</b>
<i>Use of natural siding materials (may include natural stone, wood and/or brick; materials designed to imitate natural materials do not qualify)</i>	<i>Little to no use of natural materials (less than 5 percent of street wall area, excluding area dedicated to glazing)</i>	<i>5 to 50 percent of both total building facade area and street wall area covered with natural siding materials (excluding area dedicated to glazing)</i>	<i>Over 50 percent of both total building facade area and street wall area covered with natural siding materials (excluding area dedicated to glazing)</i>	<b>0</b> <i>No response provided</i>
<i>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)</i>	<i>No use of detailed window treatments</i>	<i>Use of detailed window treatments on all street wall windows</i>	<i>Use of detailed window treatments on all exterior windows</i>	<b>0</b> <i>No response provided</i>
<i>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)</i>	<i>No windows/doors that open onto a pedestrian area</i>	<i>One or more windows/doors not located on the street wall that open onto a pedestrian area (such as a pedestrian plaza)</i>	<i><u>One or more windows/doors located on the street wall that open onto the sidewalk or front setback area</u></i>	<b>2</b> <i>No response provided</i>
<i>Pedestrian-oriented signs (see examples in Figure 17)</i>	<i>Site includes pole signs, roof signs, and/or monument signs that are more than 6 feet tall</i>	<i><u>Site includes monument signs that are no more than 6 feet tall and/or awning signs, wall signs, or projecting wall signs</u></i>	<i>Site uses exclusively awning signs, wall signs, and/or projecting wall signs</i>	<b>1</b>
<b>Site Design Features</b>				<b>Subtotal</b>

<i>Table 17.202.060 – Architectural Features Design Matrix</i>				<b>Finding</b>
<i>Design Criteria</i>	<i>Possible Points</i>			Proposed Project Points
	<i>0</i>	<i>1</i>	<i>2</i>	
<i>(minimum points: CBD = 5, C = 2; possible points = 12 in CBD, 14 in C)</i>				<b>6</b>
<i>Parking location (see also DMC17.202.060(B))</i>	<i>Some parking located between a street-facing building facade and a public street</i>	<i>All parking located to the side of the building</i>	<i>All parking located behind the building</i>	<b>0</b> <i>No response provided</i>
<i>Protected bicycle parking (includes bicycle parking covered by an awning, indoor bicycle storage, and bike lockers; see also DMC 17.304.050)</i>	<i>No protection provided for required bicycle parking</i>	<i>Protection provided for 5% to 25% of required bicycle parking spaces</i>	<i>Protection provided for over 25% of required bicycle parking spaces</i>	<b>0</b> <i>No response provided</i>
<i>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)</i>	<i>No benches provided</i>	<i><u>At least one bench provided per 50 linear feet of street frontage</u></i>	<i>2 or more benches provided for each 50 linear feet of street frontage</i>	<b>1</b>
<i>Trees</i>	<i>No trees provided on site beyond those required under other sections of this code</i>	<i><u>Additional trees provided on site beyond those required under other sections of this code</u></i>	<i>All trees in front yard landscaping identified as preferred trees for downtown Dundee by the city council.</i>	<b>1</b>
<i>Additional landscaped area in the C zone (subject to DMC17.302.040; not applicable in the CBD zone)</i>	<i>Little or no additional landscaped area provided (less than 5% of gross lot area beyond base requirement)</i>	<i>5% to 10% additional gross lot area landscaped beyond base requirement in DMC 17.302.050.</i>	<i><u>More than 10% additional gross lot area landscaped beyond base requirement in DMC 17.302.050.</u></i>	<b>2</b>
<i>Plant selection</i>	<i>2 or fewer distinct plant species included in landscaping</i>	<i>3 or more distinct plant species included in landscaping</i>	<i><u>5 or more distinct plant species included in landscaping</u></i>	<b>2</b>
<i>Installation of public art, including decorative bike racks, in primary front yard (approved by city council or designee)</i>	<i>No public art on site</i>	<i>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</i>	<i>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</i>	<b>0</b> <i>No response provided</i>

<b>Table 17.202.060 – Architectural Features Design Matrix</b>				<b>Finding</b>
<b>Design Criteria</b>	<b>Possible Points</b>			<b>Proposed Project Points</b>
	<b>0</b>	<b>1</b>	<b>2</b>	
<b>Sustainability Features (minimum points: CBD = 1, C = 1; possible points = 14)</b>				<b>Subtotal 5</b>
<i>Shared parking with adjacent uses (must meet standards of DMC17.304.040(B))</i>	<i>No shared parking</i>	<u><i>More than one space but less than half of required parking spaces shared with adjacent uses</i></u>	<i>More than half of required parking spaces shared with adjacent uses</i>	<b>1</b>
<i>Use of native plants (native species listed in Metro’s “Native Plants for Willamette Valley Yards” or a similar resource)</i>	<i>Little or no use of native plants (less than 5% of landscaped area)</i>	<i>5% to 25% of landscaped area covered by native plant species</i>	<u><i>More than 25% of landscaped area covered by native plant species</i></u>	<b>2</b>
<i>Stormwater management integrated into site and landscaping (can include rain gardens, bioswales, and similar low impact development techniques; does not include detention ponds; see examples in Figure 19)</i>	<i>No low impact development measures used on site</i>	<u><i>Site includes low impact stormwater management measures</i></u>		<b>1</b>
<i>Low water irrigation systems</i>	<i>Any permanently installed irrigation systems using potable water do not use drip irrigation or a rain sensor</i>	<u><i>Any permanently installed irrigation systems using potable water use drip irrigation or a rain sensor</i></u>	<i>Site uses reclaimed water or rainwater for irrigation</i>	<b>1</b>
<i>Electric vehicle charging station</i>	<i>Site does not include electric vehicle charging station</i>	<u><i>Site includes at least one electric vehicle charging station</i></u>		<b>1</b>
<i>Permeable paving (may include porous concrete, permeable pavers, or other pervious materials as approved by the city engineer)</i>	<i>Little or no use of permeable paving (less than 10% of all paved surfaces)</i>	<i>Permeable paving used on 10% to 50% of all paved surfaces</i>	<i>Permeable paving used on over 50% of all paved surfaces</i>	<b>0</b> <i>No response provided</i>
<i>Green roofs for stormwater management (designed in accordance with best practices and approved by the building official; see examples in Figure 20)</i>	<i>Little or no green roof (less than 25% of total roof area)</i>	<i>Green roof covering 25% to 50% of the total roof area</i>	<i>Green roof covering more than 50% of the total roof area</i>	<b>0</b> <i>No response provided</i>

<i>Table 17.202.060 – Architectural Features Design Matrix</i>				<b>Finding</b>
<i>Design Criteria</i>	<i>Possible Points</i>			Proposed Project Points
	<i>0</i>	<i>1</i>	<i>2</i>	
<i>LEED certification by the U.S. Green Building Council</i>	<i>Building not LEED certified</i>		<i>Building LEED certified at any level</i>	<b>0</b> <i>No response provided</i>

Casitas

<i>Table 17.202.060 – Architectural Features Design Matrix</i>				<b>Finding</b>
<i>Design Criteria</i>	<i>Possible Points</i>			Proposed Project Points
	<i>0</i>	<i>1</i>	<i>2</i>	
<b><i>Building Design Features</i></b> <b><i>(minimum points: CBD = 6, C = 2; possible points = 10)</i></b>				<b>Subtotal</b> <b>5</b>
<i>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 materials in order to qualify; see examples in Figure 13 and Figure 14)</i>	<i>No weather protection at entrances or windows</i>	<i>Weather protection provided over the primary building entrance</i>	<u><i>Weather protection provided over all building entrances and required ground floor window areas</i></u>	<b>2</b>
<i>Use of natural siding materials (may include natural stone, wood and/or brick; materials designed to imitate natural materials do not qualify)</i>	<i>Little to no use of natural materials (less than 5 percent of street wall area, excluding area dedicated to glazing)</i>	<i>5 to 50 percent of both total building facade area and street wall area covered with natural siding materials (excluding area dedicated to glazing)</i>	<i>Over 50 percent of both total building facade area and street wall area covered with natural siding materials (excluding area dedicated to glazing)</i>	<b>0</b> <i>No response provided</i>
<i>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)</i>	<i>No use of detailed window treatments</i>	<i>Use of detailed window treatments on all street wall windows</i>	<u><i>Use of detailed window treatments on all exterior windows</i></u>	<b>2</b>

<i>Table 17.202.060 – Architectural Features Design Matrix</i>				<b>Finding</b>
<i>Design Criteria</i>	<i>Possible Points</i>			Proposed Project Points
	<i>0</i>	<i>1</i>	<i>2</i>	
<i>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)</i>	<i>No windows/doors that open onto a pedestrian area</i>	<i>One or more windows/doors not located on the street wall that open onto a pedestrian area (such as a pedestrian plaza)</i>	<i>One or more windows/doors located on the street wall that open onto the sidewalk or front setback area</i>	<b>0</b> <i>No response provided</i>
<i>Pedestrian-oriented signs (see examples in Figure 17)</i>	<i>Site includes pole signs, roof signs, and/or monument signs that are more than 6 feet tall</i>	<i>Site includes <u>monument signs that are no more than 6 feet tall and/or awning signs, wall signs, or projecting wall signs</u></i>	<i>Site uses exclusively awning signs, wall signs, and/or projecting wall signs</i>	<b>1</b>
<b>Site Design Features</b> <i>(minimum points: CBD = 5, C = 2; possible points = 12 in CBD, 14 in C)</i>				<b>Subtotal</b> <b>6</b>
<i>Parking location (see also DMC17.202.060(B))</i>	<i>Some parking located between a street-facing building facade and a public street</i>	<i>All parking located to the side of the building</i>	<i>All parking located behind the building</i>	<b>0</b> <i>No response provided</i>
<i>Protected bicycle parking (includes bicycle parking covered by an awning, indoor bicycle storage, and bike lockers; see also DMC 17.304.050)</i>	<i>No protection provided for required bicycle parking</i>	<i>Protection provided for 5% to 25% of required bicycle parking spaces</i>	<i>Protection provided for over 25% of required bicycle parking spaces</i>	<b>0</b> <i>No response provided</i>
<i>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)</i>	<i>No benches provided</i>	<i><u>At least one bench provided per 50 linear feet of street frontage</u></i>	<i>2 or more benches provided for each 50 linear feet of street frontage</i>	<b>1</b>
<i>Trees</i>	<i>No trees provided on site beyond those required under other sections of this code</i>	<i><u>Additional trees provided on site beyond those required under other sections of this code</u></i>	<i>All trees in front yard landscaping identified as preferred trees for downtown Dundee by the city council.</i>	<b>1</b>

<i>Table 17.202.060 – Architectural Features Design Matrix</i>				<b>Finding</b>
<i>Design Criteria</i>	<i>Possible Points</i>			Proposed Project Points
	<i>0</i>	<i>1</i>	<i>2</i>	
<i>Additional landscaped area in the C zone (subject to DMC17.302.040; not applicable in the CBD zone)</i>	<i>Little or no additional landscaped area provided (less than 5% of gross lot area beyond base requirement)</i>	<i>5% to 10% additional gross lot area landscaped beyond base requirement in DMC 17.302.050.</i>	<i><u>More than 10% additional gross lot area landscaped beyond base requirement in DMC 17.302.050.</u></i>	2
<i>Plant selection</i>	<i>2 or fewer distinct plant species included in landscaping</i>	<i>3 or more distinct plant species included in landscaping</i>	<i><u>5 or more distinct plant species included in landscaping</u></i>	2
<i>Installation of public art, including decorative bike racks, in primary front yard (approved by city council or designee)</i>	<i>No public art on site</i>	<i>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</i>	<i>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</i>	0 No response provided
<b>Sustainability Features</b> <i>(minimum points: CBD = 1, C = 1; possible points = 14)</i>				<b>Subtotal</b> 6
<i>Shared parking with adjacent uses (must meet standards of DMC17.304.040(B))</i>	<i>No shared parking</i>	<i><u>More than one space but less than half of required parking spaces shared with adjacent uses</u></i>	<i>More than half of required parking spaces shared with adjacent uses</i>	1
<i>Use of native plants (native species listed in Metro’s “Native Plants for Willamette Valley Yards” or a similar resource)</i>	<i>Little or no use of native plants (less than 5% of landscaped area)</i>	<i>5% to 25% of landscaped area covered by native plant species</i>	<i><u>More than 25% of landscaped area covered by native plant species</u></i>	2
<i>Stormwater management integrated into site and landscaping (can include rain gardens, bioswales, and similar low impact development techniques; does not include detention ponds; see examples in Figure 19)</i>	<i>No low impact development measures used on site</i>	<i><u>Site includes low impact stormwater management measures</u></i>		1

<i>Table 17.202.060 – Architectural Features Design Matrix</i>				<b>Finding</b>
<i>Design Criteria</i>	<i>Possible Points</i>			Proposed Project Points
	<i>0</i>	<i>1</i>	<i>2</i>	
<i>Low water irrigation systems</i>	<i>Any permanently installed irrigation systems using potable water do not use drip irrigation or a rain sensor</i>	<i><u>Any permanently installed irrigation systems using potable water use drip irrigation or a rain sensor</u></i>	<i>Site uses reclaimed water or rainwater for irrigation</i>	<b>1</b>
<i>Electric vehicle charging station</i>	<i>Site does not include electric vehicle charging station</i>	<i><u>Site includes at least one electric vehicle charging station</u></i>		<b>1</b>
<i>Permeable paving (may include porous concrete, permeable pavers, or other pervious materials as approved by the city engineer)</i>	<i>Little or no use of permeable paving (less than 10% of all paved surfaces)</i>	<i>Permeable paving used on 10% to 50% of all paved surfaces</i>	<i>Permeable paving used on over 50% of all paved surfaces</i>	<b>0</b> <i>No response provided</i>
<i>Green roofs for stormwater management (designed in accordance with best practices and approved by the building official; see examples in Figure 20)</i>	<i>Little or no green roof (less than 25% of total roof area)</i>	<i>Green roof covering 25% to 50% of the total roof area</i>	<i>Green roof covering more than 50% of the total roof area</i>	<b>0</b> <i>No response provided</i>
<i>LEED certification by the U.S. Green Building Council</i>	<i>Building not LEED certified</i>		<i>Building LEED certified at any level</i>	<b>0</b> <i>No response provided</i>

**3. Exceptions.**

*a. Additional points may be approved for features not listed that meet the intent of the standards, subject to Type III review pursuant to DMC 17.401.040.*

*b. Improvements on lots that do not conform with this subsection (G) shall design improvements to earn as many points as is practical, until the required minimums are achieved for the site as a whole.*

**Finding:**

- a. Additional features not listed are not in the proposed application. This criterion does not apply.
- b. The proposal complies with subsection G. This criterion does not apply.

***H. Siding Materials. In order to promote quality, lasting construction and design, the following materials are prohibited for exterior siding on buildings other than accessory structures in the commercial zones: vinyl; T1-11 or other sheet plywood or pressboard.***

**Finding:** No vinyl, T1-11 or other sheet plywood or pressboard materials are proposed. The proposed project includes the use of board & batten fiber cement cladding, flat reveal panel fiber cement cladding, prefinished baked metal corner trim, vertical prefinished metal siding, tongue and groove siding, and tongue and groove soffits. Sheets A-202, A-203 and A-221 detail the exterior siding material.

This criterion is met.

## **SPECIAL USE STANDARDS (DMC CHAPTER 17.203)**

### ***Chapter 17.203 Special Use Standards***

#### ***17.203.140 Outdoor/unenclosed uses.***

***A. Purpose. The following standards are intended to maintain attractive neighborhoods and an attractive community, to promote compatibility between outdoor uses and other nearby uses, and to prevent erosion, protect water quality, and avoid excessive dust.***

**Finding:** The proposed development will have outdoor spaces to accommodate outdoor uses including plazas external to the building and an internal courtyard.

***B. Applicability. This section applies to outdoor commercial or industrial uses in commercial or industrial zones, and to outdoor storage uses in any zone. Applications for site development review, conditional use review, or similar permits shall be reviewed for compliance with these standards. New outdoor uses shall comply with these standards, whether site design review is required or not. Any change to existing nonconforming outdoor uses or development shall be subject to the standards of Chapter 17.104 DMC.***

**Finding:** The proposed project will include outdoor uses associated with the proposed buildings and uses. The commercial building south of SW 13<sup>th</sup> Street will have an outdoor covered area. The commercial building north of SW 13<sup>th</sup> Street will have an outdoor covered area. The Hotel/Casitas will have an outdoor area with outdoor activities. The proposed project's outdoor seating areas do not encroach on the public right-of-way.

***C. Outdoor Uses in Commercial Zones. Except for those uses and activities listed below, all business, services, processing, or merchandise displays allowed in commercial zones shall be conducted wholly within an enclosed building.***

***1. Automobiles, motorcycles, trucks, trailers, boats, recreational vehicles, manufactured structures, nursery plants, and other merchandise which in all cases is required to be stored outdoors may be displayed outdoors where allowed under DMC 17.202.020. Areas used for display of automobiles, motorcycles, trucks, trailers, boats, recreational vehicles, manufactured structures, or other vehicles shall be paved with a concrete or asphalt surface. Such areas shall not be located within a required front yard. These areas shall be subject to the parking lot screening requirements of DMC 17.302.060(C)(1) and (2), but shall not be subject to the parking lot landscaping standards of DMC 17.302.060(C)(3). Where an area***

*used for display of automobiles, motorcycles, trucks, trailers, boats, recreational vehicles, manufactured structures, or other vehicles is within 20 feet of the Highway 99W right-of-way, trees shall be planted within the required landscaped strip in compliance with DMC 17.302.070, in addition to meeting the requirements of DMC 17.302.060(C)(1) and (2). Outdoor display areas shall not include raised platforms for merchandise except as needed for display of plants.*

*2. Temporary sale and display of other merchandise during normal operating hours of the business may occur outdoors on private property. The merchandise shall be stored within a building during nonoperating hours. Merchandise shall not be displayed within a public right-of-way.*

*3. Outdoor cooking and dining associated with a permitted eating or drinking establishment shall have a seating capacity not exceeding 75 percent of the indoor seating capacity of that business. Up to 12 outdoor seats will be outright permitted on private property. Outdoor seating shall not encroach on a public right-of-way.*

*4. Automobile service stations may operate outdoors where allowed under DMC 17.202.020, subject to the standards of DMC 17.203.040.*

*5. Drive-through windows in the C zone and walk-up service windows serving pedestrian traffic, subject to the standards of DMC 17.203.070.*

*6. Temporary uses authorized under DMC 17.203.160 may operate outdoors where authorized by the applicable permit.*

**Finding:** The proposed project will include outdoor uses associated with both commercial buildings and the Hotel/Casitas to offer both covered and uncovered outdoor seating in conjunction with its mixture of retail, restaurant, and other eating and drinking establishment uses. The Hotel/Casita will share an outdoor courtyard that includes hotel terrace, private dining, three (3) lounge areas and herb garden. The proposed project's outdoor seating areas do not encroach on the public right-of-way.

1. Automobiles, motorcycles, trucks, trailers, boats, recreational vehicles, manufactured structures, nursery plants, and other merchandise which in all cases is required to be stored outdoors may be displayed outdoors. No outdoor storage of the above material area proposed.

2. Temporary outdoor display and sales may occur with the two commercial buildings fronting on Highway 99W. Temporary sale and display of merchandise during normal operating hours of the business may occur outdoors on private property. The merchandise shall be stored within a building during nonoperating hours. Merchandise shall not be displayed within a public right-of-way.

3. The Hotel/Casitas have outdoor areas for a lounge and dining. The terrace identifies 21 seats. The outdoor dining identifies 10 seats. The two commercial buildings have outdoor covered areas but the number of seats is not identified. Outdoor cooking and dining associated with a permitted eating or drinking establishment shall have a seating capacity not exceeding 75 percent of the indoor seating capacity of that business. Up to 12 outdoor seats will be outright permitted on private property. Outdoor seating shall not encroach on a public right-of-way.

4. None of the proposed uses include automobile service stations operated outdoors where allowed under DMC 17.202.020, subject to the standards of DMC 17.203.040.
5. The proposed development is in the C zone. No Drive-through windows are proposed or designed into the development improvements.
6. No temporary uses are proposed at this time outdoors. If temporary outdoor uses are proposed as authorized under DMC 17.203.160 a permit shall be obtained from the City.

The criteria will be met if the aforementioned conditions of approval are adhered to.

## **DEVELOPMENT REQUIREMENTS (DMC CHAPTER 17.300)**

### ***Chapter 17.301 Access and Circulation***

#### ***17.301.020 Vehicular Access & Circulation***

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

**Finding:** The proposed development will have vehicular access points and on-site circulation drive aisles.

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

**Finding:** The Dundee Hotel project is a new development, and the development will have access locations onto public streets on SW 13<sup>th</sup> Street.

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

**Finding:** The proposed development will have four access points onto public streets (SW 13<sup>th</sup> Street). The accesses are being reviewed through the Type II process as part of the Site Development Review application. Because of the submitted variances, the Site Development Review is being reviewed by the Planning Commission per DMC 17.401.070.C.

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

**Finding:** Four new accesses are proposed onto a public street. No new access is proposed to Highway 99W. Conditions may be imposed related to the new access locations on SW 13<sup>th</sup> Street. An existing access on to

Highway 99W will be removed for the development area north of SW 13<sup>th</sup> Street. An existing access easement (ingress/egress) for the benefit of the development area north of SW 13<sup>th</sup> Street located on Tax Map/Lot R3335AA 00900 (1226 Highway 99W) will need to be released because the location of a new commercial building will remove the access opportunity. The Applicant shall coordinate with the property owner of Tax Map/Lot R3335AA 00900 (1226 Highway 99W) to release the access easement recorded as document AMD 199716109.

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

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

**Finding:**

1. The subject development area has lot frontages on Highway 99W, SW 13<sup>th</sup> Street, and SW Alder Street. The City of Dundee's Transportation System Plan (Figure 6. Proposed Function Classification, Roadway Jurisdictions, and Posted Speed Limits) identifies Highway 99W as an ODOT Principal Arterial/Freight Route, SW Alder Street as a City of Dundee Collector, and does not assign a functional classification to SW 13<sup>th</sup> Street but is considered a Local Street under the City's jurisdiction.

Highway 99W is under jurisdiction of the Oregon Department of Transportation (ODOT) which identifies the segment as Pacific Highway West, No. 091. Site access will be taken from SW 13<sup>th</sup> Street, a Local Street in the TSP.

2. The four driveways are designed and located to provide exiting vehicles with an unobstructed view of oncoming vehicles and pedestrians, in conformance with applicable sight distance and vision clearance requirements. The proposed project includes landscaping and tree plantings near the driveway connections to the public right-of-way which must comply with the vision clearance standards found in DMC Section 17.301.040 requiring 20-foot clear vision areas for commercial district driveways. The Applicant will be required to ensure that the trees and landscaping located at all driveways will be planted and maintained to meet vision clearance requirements.
3. Driveway construction is not associated with acceleration or deceleration lanes or tapered (reduced width) portions of a roadway.
4. The four driveways are located to not conflict with the loading area identified to occur in SW 13<sup>th</sup> Street near the intersection with SW Alder Street. Driveways and loading areas are located to allow for safe maneuvering in and around loading areas.
5. The four driveways will have a paved or approved all-weather surface. Each driveway is 24-ft wide, allowing for two-way flow of traffic without providing signage designating any restrictions on access (e.g., one-way, exit-only, etc.). The driveway widths provide for required emergency vehicle and truck/trailer access; however the applicant did not provide truck turning exhibits to document that emergency vehicles and trucks can navigate the turn from the reduced road width of SW 13<sup>th</sup> Street into the site. If the driveways are to be used for emergency vehicle access, the Applicant will be required to provide for review and approval prior to submittal of building permits documentation that emergency vehicles can make turns from SW 13<sup>th</sup> Street into the site.
6. Where sidewalks or walkways occur adjacent to the roadway, the driveway aprons proposed to be constructed of concrete and installed between the street right-of-way and the private drive aisles.
7. Access locations and turning movements at the four driveway approaches on SW 13<sup>th</sup> Street are not required to be restricted to ensure safe roadway operations.

The criteria are further discussed in the Public Improvement requirements.

The criteria will be met if the aforementioned conditions of approval are adhered to.

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

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

**Finding:** The development is proposing four street accesses to SW 13<sup>th</sup> Street. SW 13<sup>th</sup> Street is identified as a Local Street according to the Transportation System Plan (TSP). According to the TSP, local streets shall have a minimum driveway access spacing of 15 feet. The spacing of the proposed driveway accesses along SW 13<sup>th</sup>

Street are 145 feet apart for the development area south of SW 13<sup>th</sup> Street and 88 feet apart for the development area north of SW 13<sup>th</sup> Street, exceeding the 15-foot requirement on SW 13<sup>th</sup> Street.

The driveway accesses in relationship to street intersections are:

- a. Development area south of SW 13<sup>th</sup> Street – 150 feet to Highway 99W and 50 feet to SW Alder Street.
- b. Development area north of SW 13<sup>th</sup> Street – 150 feet to Highway 99W and 130 feet to SW Alder Street.

This criterion is met.

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

- 1. Protection of Public Ways. During site development and construction, where applicable, unimproved driveways and access roads shall be graveled or otherwise protected to prevent soil compaction, erosion, and tracking of mud onto adjacent paved streets.***
- 2. Driveway Surface. Driveways, parking areas, aisles, and turnarounds shall be paved with asphalt, concrete, or other durable paving material approved by the city engineer. All paving, where it meets the public right-of-way, shall be subject to review and approval by the city engineer.***
- 3. Surface Water Management. Development that increases impervious surface area shall provide for surface water management, pursuant to DMC 17.305.050.***
- 4. Residential Approach. All residential driveways shall have a minimum 10-foot paved approach from the curb line.***
- 5. Nonresidential Approach. Multiple use, commercial use, institutional use, and industrial use driveways shall be paved.***

**Finding:** The subject property has lot frontages on Highway 99W, SW 13<sup>th</sup> Street, and SW Alder Street. The application materials, including the Preliminary Site Plan (Sheet A-100 and C-110), indicate that the proposed project will construct four paved driveways leading onto SW 13<sup>th</sup> Street.

1. During construction of the proposed project unimproved driveways and access will be graveled and protected. During site development and construction, where applicable, unimproved driveways and access roads shall be graveled or otherwise protected to prevent soil compaction, erosion, and tracking of mud onto adjacent paved streets.
2. The proposed project will use asphalt and/or concrete for drive aisles and will use asphalt for the project's parking stalls. The criterion is met.
3. The Applicant has provided a Preliminary Drainage Report and proposes to utilize underground stormwater chambers, within the parking lot, to attenuate post development peak stormwater flows to a rate equal to or

less than pre-development peak flow. Water quality is addressed with LIDA raingardens and Contech StormFilter vaults located within the site. Roadside planters are provided to manage stormwater for newly created impervious surfaces within the public right-of-way. The preliminary plan is generally compliant with DMC 17.305.050 and Division 5 of the City's Improvement Design Standards. The criterion is met.

4. The proposed development is not a residential development. The criterion does not apply.

5. The proposed development is a commercial use. The four driveway approaches will be constructed of concrete within the public right-of-way and with asphalt onsite. The criterion is met.

The criteria will be met if the aforementioned condition of approval is adhered to.

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

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

**Finding:** No new joint use driveways are proposed. The lot south of SW 13<sup>th</sup> Street through PC 24-18 is being consolidated into one lot. The lot north of SW 13<sup>th</sup> Street through PC 24-17 is being consolidated into one lot.

An existing joint access easement (ingress/egress) for the benefit of the development area north of SW 13<sup>th</sup> Street is located on Tax Map/Lot R3335AA 00900 (1226 Highway 99W) will need to be released because the location of a new commercial building will remove the access opportunity. A previous condition has been applied to address this issue.

The criterion does not apply.

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

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

***2. Where it is not practicable to provide a street connection at least every 600 feet, due to topography, existing development patterns, or similar constraints (e.g., railroad, slopes greater than 10 percent, wetland), the city shall approve a pedestrian access way with a***

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

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

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

**Finding:**

1. The proposed development is not a subdivision. The criterion is not applicable.
2. The proposed development encompasses two properties, and is bisected by SW 13<sup>th</sup> Street into north and south areas. The frontage north of and along SW 13<sup>th</sup> Street is approximately 400 feet. The southerly development area has approximately 180 feet of frontage along SW Alder Street. The northerly development area has approximately 400 feet of frontage along SW Alder Street. The subject development has 400 feet of frontage for the lot south of SW 13<sup>th</sup> Street. There is 400 feet of frontage on SW 13<sup>th</sup> Street for the lot north of SW 13<sup>th</sup> Street. The development does not have more than 600 feet of continuous frontage on any single street. The criterion does not apply.
3. SW 13<sup>th</sup> Street will accommodate emergency vehicle apparatus. The on-site vehicular areas are designed to accommodate emergency vehicle apparatus. The criterion for vehicular circulation systems can be met if the Applicant shows turning movements for emergency vehicles from SW 13<sup>th</sup> Street into the site on plans prior to submittal of a building permit.
4. No waiver of street access is requested. There are no known lease, easement, covenant, restriction or other legal agreements.

This criterion will be met if the aforementioned condition of approval is adhered to.

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

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

***a. Minimum easement width: 25 feet.***

***b. Minimum paved width: 20 feet.***

***c. Maximum length: 250 feet.***

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

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

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

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

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

**Finding:** No private access easements are proposed nor are any required. No land division is proposed as part of the application.

Because no private access easements are proposed nor required criteria 1 – 4 are not applicable.

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

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

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

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

**Finding:** No private streets are proposed. Criteria 1 – 3 do not apply.

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

**Finding:** The proposed project includes sidewalks, pedestrian pathways, drive aisles, and driveways. The proposed project's drive aisles and driveways are uncovered. There will be a Porte Cochere at the Hotel main entrance. The height from the drive aisle surface to the bottom of the canopy is not dimensioned in the preliminary architectural elevations. Staff calculation is the minimum clearance is 13 feet and the maximum 13' – 6'. The Porta Cochere canopy shall provide a minimum vertical clearance of 13' - 6" or as approved by the Fire Marshal. Revised plans shall be submitted for review and approval prior to submittal for a building permit.

This criterion will be met if the aforementioned condition of approval is adhered to.

***M. Corner Vision Clearance. Vision clearance at intersections shall conform to DMC 17.301.040 or the requirements of the roadway authority, whichever is more restrictive.***

**Finding:** See findings for DMC Section 17.301.040.

**17.301.030 Pedestrian Access and Circulation**

***A. Intent and Purpose. This section implements the transportation policies of the city of Dundee. It is intended to provide for safe and convenient pedestrian access and circulation.***

**Finding:** The proposed development has various on-site pedestrian access locations proposed.

***B. Applicability. This section applies to projects requiring site development review pursuant to Chapter 17.402 DMC.***

**Finding:** A Site Development Review has been requested for the Dundee Hotel project.

***C. Site Layout and Design. To provide safe, direct, and convenient pedestrian circulation, developments shall contain pedestrian walkways as follows:***

***1. Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and all future phases of development, as applicable.***

***2. Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas/playgrounds, and public rights-of-way based on the following definitions:***

***a. "Direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel.***

***b. "Safe and convenient" means the route is reasonably free from hazards and provides a smooth and consistent surface and direct route of travel between destinations. The city may require landscape buffering between walkways and adjacent parking lots or driveways.***

***c. "Primary entrance" means the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance, as applicable.***

***3. Walkway Construction. Walkway surfaces may be concrete, asphalt, brick/masonry pavers, gravel, or other city-approved durable surface, and shall be five feet in width, except where the city determines that a larger or smaller dimension is warranted due to expected usage.***

***4. Accessible routes. Americans with Disabilities Act (ADA) accessible walkways may be required, per applicable building codes.***

**Finding:**

1. The development site includes three primary pedestrian pathways, depicted on the Preliminary Site Plan (Sheet A-100 and C-110), connecting to SW 13<sup>th</sup> Street. The first is a path connecting the building south of

SW 13<sup>th</sup> Street to the sidewalk in SW 13<sup>th</sup> Street. The second is a path connecting the building north of SW 13<sup>th</sup> Street to the sidewalk in SW 13<sup>th</sup> Street. The third path connects the hotel to SW 13<sup>th</sup> Street.

2. The proposed project will provide direct routes at different locations to the various buildings within the development area. The proposed project includes pedestrian circulation which connects primary entrances of proposed structures with pathways/walkways/sidewalks that lead to other structures on the site.

3. The three walkways will be constructed of concrete paving. All of the walkways are represented to be 5 feet in width per Sheet G-002.

4. Accessible routes are required to be ADA compliant. All accessible routes shall be ADA compliant and must be properly installed prior to a Certificate of Occupancy being issued.

This criterion will be met if the aforementioned condition of approval is adhered to.

***D. Pedestrian Access Way. Where a pedestrian access way is required in lieu of a standard street connection, pursuant to DMC 17.301.020(I) or Chapter 17.403 DMC (Land Divisions and Property Line Adjustments), the access way shall consist of a 10-foot minimum width concrete or asphalt surface within a 20-foot public right-of-way tract or public access easement. The city may adjust the widths and construction specifications as necessary based on expected usage, including the need for emergency vehicle access.***

***1. Cul-de-sac Access Way. An access way required to connect a cul-de-sac to another street, pursuant to DMC 17.305.030(J), shall be at least five feet wide within a 10-foot right-of-way tract or easement. The city may adjust the dimensions and specifications as needed.***

**Finding:** Not applicable because no cul-de-sac is proposed or required for the development.

#### ***17.301.040 Vision clearance.***

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

**Finding:** There will be four driveways and two public street intersections associated with the project. Vision clearance applies to all access points to address transportation safety.

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

**Finding:** The application material does not identify any vision clearance areas at street intersections or driveways. Vision clearance requirements apply to the development.

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

1. *No fence, wall, hedge, sign, or other planting or structure that would impede visibility between the heights of two feet and eight feet shall be established in the clear vision area. Measurements shall be made from the top of the curb or, where no curb exists, from grade.*
2. *Except as provided for single use residential driveways under subsection (C)(3) of this section, a clear vision area shall consist of a triangular area, two sides of which are right-of-way lines or a right-of-way line and access easement line. Where the lot lines have rounded corners, the right-of-way lines are extended in a straight line to a point of intersection and so measured. The third side of the triangle shall be a line connecting the non-intersecting ends of the other two lines.*
3. *For single use residential driveways, the clear vision area shall consist of a triangular area, two sides of which are the curb line and the edge of the driveway. Where no curbs exist, the future location of the curb, based on future full street improvements, shall be used.*
4. *The following standards establish the required clear vision areas:*

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

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

**Finding:** The application materials, including Sheet A-100 and C-110, indicate that the proposed project will provide vehicular access onto public streets at four locations along SW 13<sup>th</sup> Street right-of-way. The proposed project includes landscaping and tree plantings near the four driveway connections to the public streets which requires a vision clearance standard of a 20-foot clear vision area for commercial district driveways. No vehicle access is proposed along Highway 99W, the highest roadway classification of the subject property. Vision clearance areas also apply at the SW 13<sup>th</sup> Street/Highway 99W intersection and SW 13<sup>th</sup> Street/SW Alder Street intersection.

1. No vision clearance dimensions have been provided in the application submittal material. Because no information has been submitted staff cannot determine if vision clearance requirements are met. Sheet L-101 and L-102 identify walls that would be located within vision clearances areas at the intersection of SW 13<sup>th</sup> Street and Highway 99W that are 3 feet in height exceeding the 2-foot limitation. The Applicant shall submit revised plans prior to submittal of building permits showing vision clearance areas. No fence, wall, hedge, sign, or other planting or structure that would impede visibility between the heights of two feet and eight feet

shall be established in the clear vision area. Measurements shall be made from the top of the curb or, where no curb exists, from grade.

2. No vision clearance dimensions have been provided in the application submittal material. Because no information has been submitted staff cannot determine if vision clearance requirements are met. The Applicant shall submit revised plans prior to submittal of building permits showing vision clearance areas. Except as provided for single use residential driveways under subsection (C)(3) of this section, a clear vision area shall consist of a triangular area, two sides of which are right-of-way lines or a right-of-way line and access easement line. Where the lot lines have rounded corners, the right-of-way lines are extended in a straight line to a point of intersection and so measured. The third side of the triangle shall be a line connecting the non-intersecting ends of the other two lines.

3. No single use residential driveways are proposed. This criterion does not apply.

4. No vision clearance dimensions have been provided in the application submittal material. Because no information has been submitted staff cannot determine if vision clearance requirements are met. The Applicant shall submit revised plans prior to submittal of building permits showing vision clearance areas.

The criterion will be met if the aforementioned conditions of approval are met.

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

***1. A public utility pole.***

***2. Telephone switch boxes, provided they are less than 10 inches wide at the widest dimension.***

***3. A tree trimmed (to the trunk) to a line at least eight feet above the grade of the intersection.***

***4. Plant species of open growth habit that are not planted in the form of a hedge and which are so planted and trimmed as to leave at all seasons a clear and unobstructed cross-view.***

***5. A supporting member or appurtenance to a permanent building lawfully existing.***

***6. An official traffic control device, including a warning sign or signal.***

***7. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.***

***8. The post section of a pole sign when there are no more than two posts and any post is less than eight inches in diameter.***

**Finding:** No exceptions to vision clearance areas were identified in the application material. Any exceptions to vision clearance shall comply with DMC 17.301.040.D.

The criterion will be met if the aforementioned condition of approval is met.

## **DEVELOPMENT REQUIREMENTS (DMC CHAPTER 17.302)**

### ***Chapter 17.302 Landscaping and Screening***

#### ***17.302.040 General requirements***

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

**Finding:** The proposed project includes application materials, included in Sheets L-100, L-101, L-102, L-111, L-112, L-114, L-151, L-152, L-153, L-154, L-155, L156, and L-651 which provide details on the layout, materials and plant palette that will be provided throughout the development area including mixture of trees, shrubs, groundcover, perennials plants, and grasses.

The criterion is met.

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

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

**Finding:** Sheets L-100, L-101, L-102, L-111, L-112, L-114, L-151, L-152, L-153, L-154, L-155, L156, and L-651 identify the type, variety, scale and number of plants used; and placement and spacing of plants. Sheets C210, C200, L-101 and L-102 has information on contouring of the development area. Sheet L-100 identifies placement of non-plant elements within landscaping.

The proposed project includes thirteen (13) species of trees as well as seventeen (17) varieties of shrubs, and forty-one (41) varieties of ferns, grasses and perennials. Trees and other plants are located in landscape buffers occurring throughout the subject development area. In addition to trees and plants, the proposed project will include non-plant features including pavers and crushed rock.

This criterion is met.

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

**Finding:** The Applicant has not requested credit for landscaping in the public right-of-way.

This criterion is not applicable.

***D. The landscape design shall incorporate existing significant trees and vegetation preserved on the site.***

**Finding:** There are no existing trees within the proposed development area.

The criterion is not applicable.

### ***17.302.050 Minimum Landscape Area***

***The minimum area requirements are as follows:***

#### ***A. C, CBD, LI, and P Zones.***

- 1. In the CBD, LI, and P zones, a minimum of 10 percent of the gross lot area shall be landscaped.***
- 2. In the C zone, a minimum of 15 percent of the gross lot area shall be landscaped.***
- 3. In a commercial zone pedestrian courtyards, plazas, walkways, fountains, benches, sculptures, or decks may be included within the required landscaping percentage if they are designed in conjunction with planting of street trees and potted plants and, upon design review, these features are found consistent with the purpose and intent set forth in this code.***
- 4. Landscaping required under other sections of this code, including, but not limited to, parking lot landscaping pursuant to DMC 17.302.060 and landscaping within front setback areas pursuant to DMC 17.202.060(C), may be included in and counted towards the required landscaping percentage. If landscaping required under other sections of this code exceeds 10 percent of the gross lot area, the full amount of landscaping required under other sections shall still be required.***
- 5. The required landscape area for all zones must be visible from the public right-of-way.***

#### **Finding:**

1. The development site is not within the CBD zone. This criterion does not apply.
2. The development includes two lot areas. The consolidated lot south of SW 13th Street is 44,319 square feet. The square footage of landscaping proposed is 11,186, which is 25 percent of the lot.

The consolidated lot north of SW 13th Street is 16,547 square feet. The square footage of landscaping proposed is 38,396, which is 35 percent of the lot. A Condition of Approval has previously been imposed to revise the landscape calculations based on building setbacks related to PUEs.

The project will include landscape buffers, street tree plantings, other landscaped areas along the perimeter, parking areas, and pedestrian walkways of the development area. Additionally, the project will include hardscape seating and gathering areas that are integrated with the nearby plantings.

Both lots exceed the 15 percent minimum.

3. Pedestrian courtyards, plazas, walkways, lounge areas are included within the required landscaping percentage because they are designed in conjunction with planting of landscape areas, street trees and potted plants and, upon design review, the features are found consistent with the purpose and intent set forth in this code. This criterion is met.

4. Parking lot landscaping pursuant to DMC 17.302.060 and landscaping within front setback areas pursuant to DMC 17.202.060.C., are included in and counted towards the required landscaping percentage. This criterion is met.

5. The required landscape area is visible from the public right-of-way, except for the internal courtyard.

This criterion is met.

### ***17.302.060 Screening and Buffering***

***A. Required Screening. Screening shall be used to eliminate or reduce the visual impacts of the uses in subsections (A)(1) through (6) of this section:***

***1. Commercial and industrial uses when abutting residential uses;***

***2. Industrial uses when abutting commercial uses;***

***3. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas;***

***4. Outdoor storage areas;***

***5. At- and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners;***

***6. Any other area or use as required by this code.***

**Finding:** The proposed project reduces visual impacts throughout the development area through the following mechanisms:

1. Commercial and industrial uses when abutting residential uses: At the rear of the lot north of SW 13<sup>th</sup> Street (north side) is abutting residential uses. Improvements in this area provide a 6-foot fence along with trees, shrubs, ground cover to create a buffer to the adjoining residential development. The project proposes vegetative screening and a 6-foot-tall fence offering 70% opaque screening to the adjacent properties located at to the north of the development area.

2. Industrial uses when abutting commercial uses: The proposed project is zoned C and is not an industrial use and does not abut industrial uses.

3. Service areas and facilities: The project includes three (3) garbage and waste disposal container locations. The lot south of SW 13<sup>th</sup> Street has a garbage enclosure west of the commercial building. The enclosure is surrounded on three sides by landscaping. A second enclosure is located on the west side of the lot to serve

the Hotel/Casitas. The enclosure is surrounded on three sides by landscaping. The lot north of SW 13<sup>th</sup> Street has a garbage enclosure west of the commercial building. The enclosure is surrounded on three sides by landscaping. A design of the enclosures is provided on Sheet L-502. The enclosures will be constructed with steel posts and horizontal wood cladding stained clear. Loading for the development is proposed to occur in SW 13<sup>th</sup> Street near the intersection of SW Alder Street. This location would provide access to the service area of the Hotel. The loading areas will be further discussed in DMC 17.304.

4. Outdoor storage areas: The project does not propose any outdoor storage areas.

5. At- and above-grade electrical and mechanical equipment: The project has not identified the location of at- and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners. The Applicant shall provide plans identifying the location of ground mounted mechanical equipment and how they will be screened or buffered for review and approval prior to submittal of building permits.

6. Any other area or use as required by this code: Along the SW 13<sup>th</sup> Street lot frontage, landscape buffers and tree plantings will provide partial screening of nearby parking areas in the development area.

The criteria will be met if the aforementioned condition of approval is adhered to.

***B. Methods of Screening. Screening shall be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement, or other design techniques, as appropriate to the site given its visibility from adjacent uses and rights-of-way. (See also DMC 17.202.050 for fence regulations.)***

**Finding:** The proposed project includes a combination of fencing and vegetation to screen visual impacts from the public right-of-way areas located near the subject property.

The proposed project provides tree plantings, landscape buffers, and 6-foot-tall fence along portions of the north property line. To the south landscape screening is provided as a transition to the existing The Dundee Hotel. Parking lot screening from SW 13<sup>th</sup> Street and SW Alder Street is provided by trees, shrubs and ground cover. The project uses trash enclosures to obscure views of waste and recycling collection associated with the building improvements as depicted in Sheets L-112, L-114. The project will screen HVAC systems and other mechanical equipment within rooftop enclosures. Rooftop enclosures used for screening of equipment are depicted on Sheet M-204.

A design of the trash enclosures has been provided and is shown on Sheet L-502.

The location of ground mounted mechanical units have not been identified. The Applicant shall provide plans identifying the location of ground mounted mechanical equipment and how they will be screened or buffered for review and approval prior to submittal of building permits.

This criterion will be met if the aforementioned conditions of approval are adhered to.

***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 or R-2 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 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.*

**Finding:** The subject property includes multiple frontages along Highway 99W, SW 13<sup>th</sup> Street, and SW Alder Street. The project's proposed parking and circulation includes two parking areas with 116 parking stalls. The two parking areas are located on the lot south of SW 13<sup>th</sup> Street and on the lot north of SW 13<sup>th</sup> Street.

1. For the lot south of SW 13<sup>th</sup> Street the interior lot line abuts commercial (C zone) property containing The Dundee Hotel. A 5-foot wide landscape strip is proposed. The lot also has frontage along SW 13<sup>th</sup> Street and SW Alder Street. A 8'- 6" landscape strip is provided along SW Alder Street. The width does not meet the 10-foot requirement. A 10-foot landscape strip is provided along SW 13<sup>th</sup> Street and meets the requirement. The Applicant shall revise plans to identify a 10-foot landscape strip between the right-of-way line for SW Adler Street and parking for the lot south of SW 13<sup>th</sup> Street. The plans shall be submitted for review and approval prior to submittal of building permits.

For the lot north of SW 13<sup>th</sup> Street the interior lot line abuts a commercial (C zone) property containing the Olive Branch. A 5-foot-wide landscape strip is proposed. The lot also has frontage along SW 13<sup>th</sup> Street. A 10-foot-wide landscape area is provided along the street frontage. Setbacks meet requirements.

2. The height of the vegetative screening at the perimeter of the parking area south of SW 13<sup>th</sup> Street and north of SW 13<sup>th</sup> Street based on the identified plant list would reach the 36-inch requirement.

3. Landscaping is identified in the parking lot areas. For the parking lot south of SW 13<sup>th</sup> Street the following information has been provided:

Parking Lot Area – 30,792  
Required Landscaping – 3,079  
Provided Landscaping – 6,796 (22%)  
Tree Species – Katsura Tree (not an approved tree per DMC 17.302.070)  
Tree bole – Not identified  
Plant Material – Winter Creeper, Wintergreen, Salal, Lenten Rose, Majestic Lilly Turf, Japanese Spurge, Wheelers Dwarf Pittosporum  
Area Count – See Sheet L-651  
Landscape Distribution – See Sheet L-651

For the parking lot south of SW 13<sup>th</sup> Street the following information has been provided:

Parking Lot Area – 26,320  
Required Landscaping – 2,632  
Provided Landscaping – 5,650 (21%)  
Tree Species – Katsura Tree (not an approved tree per DMC 17.302.070)  
Tree bole – Not identified  
Plant Material – Winter Creeper, Wintergreen, Salal, Lenten Rose, Majestic Lilly Turf, Japanese Spurge, Wheelers Dwarf Pittosporum  
Area Count – See Sheet L-651  
Landscape Distribution – See Sheet L-651

The Applicant shall revise the landscape plans for review and approval prior to submittal of building permits to include the following revisions:

- a. Identify a parking lot tree that complies with 17.302.070.
- b. Identify a tree bole size in conformance with 17.302.060.C.3.b.

This criterion will be met if the aforementioned conditions of approval are adhered to.

***D. Required Buffers. Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses.***

**Finding:** Buffers have been provided as represented on Sheets L101, L-102, L-151, L-152, L-153, L-154, L-155, L-156, and L651 to mitigate adverse visual impacts, dust, noise or pollution and provides compatibility.

The criterion is met.

***E. Methods of Buffering. Where buffering is determined to be necessary, one of the following buffering alternatives shall be employed:***

***1. Planting Area. Width not less than 15 feet, planted with the following materials:***

***a. At least one row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart; and***

***b. At least one row of evergreen shrubs which will grow to form a continuous hedge at least five feet in height within one year of planting; and***

***c. Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area.***

***2. Berm plus Planting Area. Width not less than 10 feet, developed in accordance with the following standards:***

***a. Berm form shall not slope more than 40 percent (2.5H:1V) on the side away from the area screened from view (the slope for the other side (screened area) may vary); and***

***b. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use; and***

***c. Combined total height of the berm plus the hedge shall be at least five feet within one year of planting.***

***3. Wall plus Planting Area. Width must not be less than five feet developed in accordance with the following standards:***

***a. A masonry wall or fence not less than five feet in height; and***

***b. Lawn, low growing evergreen shrubs, and evergreen ground cover covering the balance of the area.***

***4. Other methods that produce an adequate buffer considering the nature of the impacts to be mitigated, as approved by the review authority.***

**Finding:** Buffering is not required to abutting properties. For the lot south of SW 13<sup>th</sup> Street it abuts an existing parking lot with landscaping for the Inn At Red Hills. For the lot north of SW 13<sup>th</sup> Street the parking

abuts the Olive Branch which has drive aisles and parking adjacent to the proposed development. The proposed landscaping proposed is sufficient to provide a transition between developments. Parking along SW Alder Street is sufficient to buffer the visual appearance to residential across SW Alder Street.

**17.302.070 Street trees and parking lot trees.**

*A. Applicability. Street trees within the public right-of-way shall be provided in accordance with street design standards in the City of Dundee Transportation System Plan. Trees in landscape strips on private property adjacent to a public right-of-way may be required elsewhere in this code. Required trees in or adjacent to the public right-of-way shall be subject to the standards of this section.*

**Finding:** The subject development has three street frontages on Highway 99W, SW 13<sup>th</sup> Street and SW Alder Street where street tree provisions are applicable.

*B. Type of Tree. Tree planting must conform to the list of recommended trees below. Trees that are known to severely damage utilities, streets, or sidewalks or create hazards shall be avoided. Approval of any planting list is subject to review.*

**RECOMMENDED TREES**

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

**1. Trees maturing to small mature stature:**

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

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

**2. Trees maturing to medium or large stature:**

**RECOMMENDED TREES**

<i>Common Name</i>	<i>Latin Name</i>
<i>Sargent Cherry</i>	<i>Prunus sargentii</i>
<i>Sweet Gum</i>	<i>Liquidamber styraciflua</i>
<i>Marshall's Seedless Ash</i>	<i>Fraxinus pennsylvanica</i>
<i>Kimberly Blue Ash</i>	<i>Fraxinus excelsior</i>
<i>Rosehill Ash</i>	<i>Fraxinus americana</i>
<i>Flowering Ash</i>	<i>Fraxinus ornus</i>
<i>Norway Maple Cultivars</i>	<i>Acer platinoides</i>
<i>Red Maple Cultivars</i>	<i>Acer rubrum</i>
<i>Scarlet Oak</i>	<i>Quercus coccinea</i>
<i>Red Oak</i>	<i>Quercus rubra</i>
<i>Canyon Live Oak (evergreen)</i>	<i>Quercus chrysolepis</i>
<i>Holly Oak (evergreen)</i>	<i>Quercus ilex</i>
<i>English Oak</i>	<i>Quercus robur</i>
<i>Chinese Pistachio</i>	<i>Pistacia chinensis</i>
<i>Variiegated Box Elder</i>	<i>Acer negundo</i>
<i>Ginkgo</i>	<i>Ginkgo biloba</i>
<i>Grecian Laurel</i>	<i>Laurus nobilis</i>
<i>Japanese Zelkova</i>	<i>Zelkova serrata</i>
<i>Amur Cork Tree</i>	<i>Phellodendron amurense</i>
<i>Thornless Honey Locust</i>	<i>Gleditsia triancanthos</i>

*Prohibited Street Trees:*

*The following trees are not allowed as street trees except under special circumstances and with the approval of the review authority. As street trees they cause one or more of the following problems: (1) their roots damage sewer lines or pavement; (2) they are particularly subject to disease or insects; (3) they cause visibility problems along streets or intersections; (4) they create messy sidewalks and pavements, usually due to fruit drop.*

<i>Common Name</i>	<i>Latin Name</i>
<i>Evergreen Conifers</i>	<i>numerous species</i>
<i>Poplar and related species</i>	<i>Populus tricocarpa</i>
<i>Black Locust</i>	<i>Robinia psuedoacacia</i>
<i>Box Elder (except variegated)</i>	<i>Acer negundo</i>
<i>Sycamore</i>	<i>Platanus species</i>
<i>Siberian Elm</i>	<i>Ulmus pumila</i>
<i>American Elm</i>	<i>Ulmus americana</i>
<i>Walnut</i>	<i>Juglans species</i>
<i>Weeping Willow</i>	<i>Saxix babylonica</i>
<i>Commercial Fruit Trees</i>	<i>numerous species</i>
<i>Catalpa</i>	<i>Catalpa speciosa</i>

*Prohibited Street Trees:*

<i>Tree of Heaven</i>	<i>Ailanthus altissima</i>
<i>Big Leaf Maple</i>	<i>Acer macrophyllum</i>
<i>Fruiting Mulberry</i>	<i>Morus alba</i>
<i>Osage Orange</i>	<i>Maclura pomifera</i>
<i>Weeping varieties of various trees: i.e., cherry, mulberry, crabapple</i>	<i>numerous species</i>

**Finding:** The proposed project includes the following trees from the aforementioned list of trees for street trees and parking lot trees:

1. Recommended trees maturing to small mature stature: None.
2. Recommended for use as street and parking lot trees: None.
3. Prohibited street trees: None.
4. Trees not on Street Tree List:

Freeman Maple	<i>Acer X Freemanii ‘Autum Blaze’</i>
Black Gum	<i>Nyssa Sylvatica</i>
Tulip Tree	<i>Liriodendron Tulipifera</i>

Street trees along SW 13<sup>th</sup> Street are identified as Blackgum which is not an approved street tree. Trees are planted behind the sidewalk or in a planter strip. Street trees along SW Alder Street south of SW 13<sup>th</sup> Street are identified as Freeman Maple which is not an approved street tree. The trees are planted behind the sidewalk due to a water quality facility in the planter strip. Street trees along Highway 99W are identified as Tulip Tree which is not an approved tree. The trees are planted in the planter strip. No street trees are identified along SW Alder Street north of SW 13<sup>th</sup> Street. Parking lot trees are identified as a Katsura Tree which is not an approved parking lot tree. The trees are planted in landscape islands. All of the listed trees are shown on Sheets L-100, L-101, L-102, L-111, L-112, L-114, L-151, L-152, L-153, L-154, L-155, L156, and L-651.

Because the listed trees do not comply with DMC 17.302.070.B. The Applicant shall submit revised Landscape Plans to show compliance with street tree requirements of DMC 17.302.070.B. prior to submittal of building permits.

The criteria will be met if the aforementioned condition of approval is adhered to.

***C. Minimum Size to Be Installed. Street trees and other trees planted in accordance with this code shall have a minimum caliper of two inches measured four feet in height at the time of installation.***

**Finding:** Street trees to be installed along SW 13<sup>th</sup> Street, SW Alder Street and Highway 99W are required to be a minimum of 2' caliper. The Applicant shall submit revised Landscape Plans to show compliance with DMC 17.302.070.C. on street tree caliper size prior to submittal of building permits.

The criteria will be met if the aforementioned condition of approval is adhered to.

***D. Spacing. The spacing of street trees by size of tree shall be as follows:***

- 1. Small or narrow stature trees, under 25 feet tall and less than 16 feet wide, shall be spaced not greater than 20 feet apart.***
- 2. Medium sized trees, between 25 feet and 40 feet tall and more than 35 feet wide, shall be spaced no greater than 30 feet apart.***
- 3. Large trees over 40 feet tall and more than 35 feet wide shall be spaced no greater than 40 feet apart.***

**Finding:** The Applicant is required to provide revised street trees for SW 13<sup>th</sup> Street, SW Alder Street and Highway 99W that comply with DMC 17.302.070.B. The identified new trees shall comply with the spacing requirement of DMC 17.302.070.D. The Applicant shall submit revised Landscape Plans to show compliance with DMC 17.302.070.D. for street tree spacing prior to submittal of building permits.

The criteria will be met if the aforementioned condition of approval is adhered to.

***E. Placement. The placement of street trees is subject to review. Tree placement shall not interfere with utility poles, light standards, power lines, utility services, vision clearance, or required sidewalk access.***

**Finding:** The street trees to be installed along SW 13<sup>th</sup> Street, SW Alder Street and Highway 99W are required to comply with DMC 17.302.070(E). There are utility poles and overhead lines along Highway 99W and the utilities will need to be undergrounded, and vision clearance areas at street intersections and access driveways. The location of utility services for electrical and telecommunications is not shown. The Applicant shall submit revised Landscape Plans to show compliance with DMC 17.302.070.E. prior to the submittal of building permits.

The criteria will be met if the aforementioned condition of approval is adhered to.

***F. Exceptions to Street Tree Standards. The city may approve exceptions to the street tree standards where one or more of the following conditions are met:***

- 1. The location of a proposed tree would cause potential problems with existing utility lines; or***
- 2. The tree would cause vision clearance problems; or***
- 3. There is not adequate space in which to plant street trees; or***
- 4. Street trees have already been planted on the site.***

**Finding:** No exceptions have been requested regarding street trees.

**17.302.080 Landscape installation and maintenance.**

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

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

**Finding:** Vision clearance areas have not been identified in the plans as noted under 17.301.040.C. to determine compliance. No sight-obscuring plantings exceeding 24 inches in height shall be located within any required clear vision area as defined in DMC 17.301.040.

The criterion will be met if the aforementioned condition of approval is adhered to.

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

**Finding:** Pedestrian areas are provided in the proposed development. Landscape plant materials shall be kept clear of walks, pedestrian paths, and seating areas; trees shall be pruned to a minimum height of eight feet over pedestrian areas and to a minimum height of 15 feet over streets and vehicular traffic areas.

The criterion will be met if the aforementioned condition of approval is adhered to.

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

**Finding:** On and off-site utilities will be provided in the proposed development. Landscape plant materials shall be selected and maintained so that they do not generally interfere with utilities above or below ground.

The criterion will be met if the aforementioned condition of approval is adhered to.

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

**Finding:** Sheet L-551 has drawings and notes related to landscape planting. Required landscape plant material shall be installed to current nursery industry standards. Landscape plant materials shall be properly guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.

The criterion will be met if the aforementioned condition of approval is adhered to.

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

**Finding:** Sheet L-651 has notes related to landscape planting. Plant materials shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas where permanent irrigation is not to be provided should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems and be sound, healthy, and free from defects, diseases, and infections.

The criterion will be met if the aforementioned condition of approval is adhered to.

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

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

The criterion will be met if the aforementioned condition of approval is adhered to.

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

**Finding:** Evergreen trees proposed must comply with size requirements. Evergreen trees shall be a minimum of six feet in height, fully branched, at time of planting.

The criterion will be met if the aforementioned condition of approval is adhered to.

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

**Finding:** Shrub information is shown in Sheet L-651. The list does not include the size of the shrubs, only the height. Shrubs shall be supplied in minimum one-gallon containers or eight-inch burlap balls with a minimum spread of 12 to 15 inches.

The criterion will be met if the aforementioned condition of approval is adhered to.

***I. Ground Cover.*** *Ground cover shall consist of not less than 50 percent live plant material. Such plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area, with rows of plants staggered for a more effective covering. Ground cover plants shall be supplied in a minimum four-inch size container or equivalent if planted 18 inches on*

*center; and nonliving material used for ground cover shall be limited to compost, bark chips, and other city-approved pervious materials.*

**Finding:** Ground cover spacing and size are identified on Sheet L-651. Ground cover shall consist of not less than 50 percent live plant material. Such plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area, with rows of plants staggered for a more effective covering. Ground cover plants shall be supplied in a minimum four-inch size container or equivalent if planted 18 inches on center; and nonliving material used for ground cover shall be limited to compost, bark chips, and other city-approved pervious materials.

The criterion will be met if the aforementioned condition of approval is adhered to.

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

**Finding:** Sheet L-651 has an irrigation note that all landscaped areas will be watered with an in-ground automatic irrigation system. Except in wooded areas, wetlands, flood plains, or along natural drainage channels or stream banks, where the city may waive irrigation requirements, all developments are required to provide appropriate methods of irrigation for the landscaping. Sites with more than 1,000 square feet of total landscaped area shall be irrigated with automatic sprinkler systems to ensure the continued health and attractiveness of the plant materials. Hose bibs and manually operated methods of irrigation may be used for landscaped areas totaling less than 1,000 square feet. Sprinkler heads shall be located and installed to not cause any hazard to the public.

The criterion will be met if the aforementioned condition of approval is adhered to.

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

**Finding:** During construction protection of plants is required. Landscape plant material shall be protected from damage due to heavy equipment during construction. After construction, landscape plant material and irrigation shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, bollards, raised curbs, wheel stops, pavers or other suitable methods.

The criterion will be met if the aforementioned condition of approval is adhered to.

*L. Performance Guarantee. Except where the review authority requires installation of landscaping prior to issuance of building permits, all landscaping required by this code and approved by the city shall be installed prior to issuance of a final occupancy permit unless security equal to 110 percent of the cost of the landscaping is filed with the city assuring such installation within six months of*

*occupancy. The applicant will obtain cost estimates for landscape materials and installation to the satisfaction of the review authority prior to approval of the security. "Security" may consist of a faithful performance bond payable to the city, cash, certified check, time certificate of deposit, assignment of a savings account, or other such assurance of completion as approved by the city attorney.*

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

The criterion will be met if the aforementioned condition of approval is adhered to.

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

**Finding:** Installed landscaping is required to be guaranteed after installation. The developer or builder, as applicable, shall guarantee all landscape material for a period of one year from the date of installation. A copy of the guarantee shall be furnished to the city by the developer.

The criterion will be met if the aforementioned condition of approval is adhered to.

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

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

The criterion will be met if the aforementioned condition of approval is adhered to.

## **EXTERIOR LIGHTING (DMC CHAPTER 17.303)**

## **Chapter 17.303 Exterior Lighting**

### **17.303.020 Permitted lighting and design standards**

#### ***B. Light Trespass. The luminance of any light shall not create a private nuisance.***

**Finding:** The subject property has multiple lot frontages abutting commercial and residential uses. To the north of the Hotel/Casitas are residential uses, north of the parking lot north of SW 13<sup>th</sup> Street is commercial uses. West of the Hotel/Casitas across SW Alder Street is residential uses. For the lot south of SW 13<sup>th</sup> Street surrounding uses are residential across SW Alder Street and commercial to the south.

The Site Lighting Plan (Sheet LP-100 & LP-101) indicates that the project will include seven (7) types of luminaires including recessed lighting under canopies (X01), Pole lights (X02A), Pole lights (X02B), Bollard lights (X03), and three (3) types of wall lights (X05, X06, X07). In addition, street lighting details have been provided for SW 13<sup>th</sup> Street, SW Alder Street and Highway 99W. All proposed lighting is partially or fully shielded. No uplighting is proposed.

No Photometric Plan was submitted to determine that no individual point of illumination greater than 1 foot candle (fc) is expected for the project areas abutting residential uses at the north side of the lot north of SW 13<sup>th</sup> Street or to the residential west of SW Alder Street to insure the luminance of any light does not create a private nuisance. The Applicant shall submit a Photometric Plan for review to show compliance with DMC 17.303.020.B. prior to the submittal of building permits.

The criterion will be met if the aforementioned condition of approval is adhered to.

#### ***C. Fully Shielded Lighting. Luminaires with light output greater than 1,000 lumens shall be fully shielded or recessed. With the exception of uplighting, the shielding shall be angled; provided, that no light is directed above a 25-degree angle measured from the vertical line from the center of the light extended to the ground.***

**Finding:** The Site Lighting Plan (Sheet LP-101) indicates that seven (7) different luminaires will be present in the development area. Of the project's proposed luminaires, the following will be on-site and have a light output greater than 1,000 lumens:

- Recessed Lighting Under Canopy (X01): LED light with 1,950 lumen output for placement under the Porte cohere and at the main building entrance to the Hotel. The lighting is recessed. The luminaire is fully shielded and directed downward.
- Pole Light (X02A): LED light with 6,273 lumen output for placement on a pole for the lot south of SW 13<sup>th</sup> Street on the north side of the lot near SW Alder Street. The pole height is 16'-5" and will have a single light fixture. The luminaire is fully shielded and directed downward.
- Pole Light (X02B): LED light with 12,484 lumen output for placement in parking lots area north and south of SW 13<sup>th</sup> Street. The pole height is 16'-5" and will have a double head light fixture. The luminaire is fully shielded and directed downward.

- Bollard Light (X03): LED with 1,167 lumen output for placement in pedestrian areas west of the two commercial buildings, and pedestrian paths at the Hotel/Casitas. The luminaire is fully shielded and directed downward.

The criterion is met.

***D. Partially Shielded Lighting. Luminaires with light output between 450 and 1,000 lumens shall be partially shielded or recessed.***

**Finding:** The Site Lighting Plan (Sheet LP-101) indicates that seven (7) different luminaires will be present on the development site. Of the project's proposed luminaires, the following will be on-site and have a light output between 450 and 1,000 lumens:

- Wall Light (X05): LED light with 300 lumens of output lighting mounted on exterior walls of west side of the commercial building south of SW 13<sup>th</sup> Street. The luminaire is fully shielded and directed downward.
- Wall Light (X06): LED light with lumen output of 200 mounted on exterior walls on the south face of the Casitas facing the courtyard. The luminaire is fully shielded and directed downward.
- Wall Light (X07): LED light with lumen output of 1,000 mounted on exterior walls on the west face of the commercial building south of SW 13<sup>th</sup> Street, west face of the commercial building north of SW 13<sup>th</sup> Street, the south wall of the Hotel facing SW 13<sup>th</sup> Street, and the west wall of the Hotel facing SW Alder Street. The luminaire is fully shielded and directed downward.

The criterion is met.

***E. Unshielded Lighting. The following types of luminaires may be left unshielded under certain conditions:***

***1. Decorative Lighting. Luminaires shall be limited to small individual bulbs on a string where spacing of bulbs is not closer than three inches and where output per bulb is no greater than 50 lumens.***

***2. Holiday Period Lighting. During the holiday period blinking, flashing, moving, revolving, flickering, changing intensity or color, and chase lights are permitted. The light output per luminaire shall not exceed 50 lumens, and shall be spaced a minimum of three inches apart.***

***3. Motion Activated Lighting. Luminaires may be left unshielded if all of the following conditions are met:***

- a. The light output does not exceed 1,800 lumens; and***
- b. The light will go on only when motion activated; and***
- c. The light goes off within 10 minutes of motion cessation; and***

*d. The light is not activated by any movement or activity located on adjacent property except by express permission of the adjacent property owner(s).*

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

**Finding:** No unshielded decorative lighting is included in the development proposal.

The criterion is not applicable.

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

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

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

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

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

**Finding:** The proposed project does not include uplighting.

Because uplighting is not proposed, the criterion is not applicable.

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

**Finding:** IESNA recommends a maintained minimum horizontal illuminance of 0.2 fc for basic parking lot lighting, and 0.5 to 5.5 fc for enhanced security levels. No Photometric Plan was submitted for review to determine compliance. The Applicant shall submit a Photometric Plan for review to show compliance with DMC 17.303.020.B. prior to the submittal of building permits.

The criterion will be met if the aforementioned condition of approval is adhered to.

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

**Finding:** The Site Lighting Plan (Sheet LP-102) indicates that seven (7) different luminaires will be present on the development site. Of the project's proposed luminaires, the following will be freestanding:

- Pole Light (X02A): The pole height is 16'-5" and will have a single light fixture.
- Pole Light (X02B): The pole height is 16'-5" and will have a double head light fixture.
- Bollard Light (X03): The bollard come in three different heights, 16", 32" and 40".

The criterion is met.

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

**Finding:** No equivalent material request has been made for the proposed lighting.

### ***17.303.030 Prohibited Lighting***

***The following types of lighting are prohibited in all zones:***

***A. Lighting that may be confused with or construed as a traffic control device.***

***B. Search lights, laser source lights or any similar high intensity light.***

***C. Blinking, flashing, moving, revolving, flickering, changing intensity or color, and chase lights that are not part of a holiday period lighting display.***

***D. Low pressure sodium lamps.***

***E. Mercury vapor luminaire or lamps.***

***F. Drop (sag) lens luminaire.***

**Finding:** The proposed project does not include the use of lighting that may be confused with or construed as a traffic control device, search lights, laser source lights, blinking or otherwise animated lights, low pressure sodium lamps, mercury vapor lamps, or drop (sag) lens luminaire.

The criteria are met.

## **PARKING AND LOADING (DMC CHAPTER 17.304)**

### ***Chapter 17.304 Parking and Loading***

**17.304.010 Purpose.**

*The purpose of this chapter is to provide adequate areas for the parking, maneuvering, loading and unloading of vehicles for all land uses in the city of Dundee. [Ord. 521-2013 § 3 (Exh. A)].*

**17.304.020 Applicability.**

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

*A. Any new building or structure.*

*B. The construction or provision of additional floor area, seating capacity, or other expansion of an existing building or structure.*

*C. A change in the use of a building or structure that requires additional parking spaces or off-street loading areas under the provisions of this chapter.*

*D. As a condition of approval in a land use decision. [Ord. 521-2013 § 3 (Exh. A)].*

**Finding:** The proposed Dundee Hotel project is a new development proposing buildings or structures and is required to comply with parking and loading requirements.

A. The development proposes new buildings and structures.

B. Additional floor area is not being added to any existing building.

C. Change of use of an existing structure is not proposed.

D. No prior conditions of approval related to parking apply to the proposed development.

**17.304.030 General provisions.**

*A. Off-Street Parking and Loading Required. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. Except as otherwise provided by this code, no building permit shall be issued until the city planning official reviews and approves a plan showing an area that is and will remain available for exclusive use as off-street parking and loading space, in conformance with this code. The subsequent use of the subject property shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this code. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be unlawful and a violation of this chapter to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are observed.*

**Finding:** The property owner will be required to maintain the proposed parking. The Planning Official is reviewing the proposed parking as part of the Site Development Review packet for compliance with applicable standards.

***B. Unlisted Uses. Requirements for types of buildings and uses not specifically listed herein shall be determined by the city planning official based upon the requirements of comparable uses listed and expectations of parking and loading need.***

**Finding:** The uses proposed include commercial activities listed in the Code.

***C. Multiple Uses. In the event several uses occupy a single structure or lot, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, unless a reduction is approved for shared parking pursuant to DMC 17.304.040(B).***

**Finding:** There are several commercial uses proposed in the development area. This includes a 5,000 square foot commercial building on the lot south of SW 13<sup>th</sup> Street, a 5,000 square foot commercial building on the lot north of SW 13<sup>th</sup> Street, and a Hotel and Casitas with 95 rooms north of SW 13<sup>th</sup> Street at the intersection with SW Alder Street. Parking is calculated for the various commercial use activities to determine the total required parking.

***D. Parking Space Usage. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.***

**Finding:** Parking spaces will be available for the various commercial uses proposed for the site. Parking is not proposed for storage of vehicles or materials, and parking of trucks.

***E. Parking of Trailers, Boats, Recreational Vehicle Trailers, and Similar Vehicles. Utility trailers, boats, recreational vehicle trailers, ATVs, or similar vehicles shall not be parked in the primary front yard setback. If they are parked in the area between a residential dwelling unit and a street, they shall be screened from view from the street with a fence, hedge, or similar screen that is a minimum of six feet in height.***

**Finding:** No parking for trailers, boats, recreational vehicle trailers, and similar vehicles. utility trailers, boats, recreational vehicle trailers, ATVs, or similar vehicles are proposed in the primary front yard setback in compliance with the criterion.

***F. Development Standards. All parking and loading areas, except those for single-family dwellings and areas used exclusively for bicycle parking, shall be developed and maintained as follows:***

***1. Surfacing. All driveways, parking, and loading areas shall have a durable, hard surface. The standards shall be as follows unless an alternative durable surface (including permeable surfaces) is approved by the city engineer:***

***a. In residential areas, either a minimum of two inches of asphalt over a six-inch aggregate base or six inches of Portland cement concrete over a two-inch aggregate base shall be provided.***

***b. In commercial and industrial areas, either a minimum of three inches of asphalt over an eight-inch aggregate base or six inches of Portland cement concrete over a two-inch aggregate base shall be provided.***

- 2. Size of Parking Spaces and Driveways. Parking spaces and driveways shall conform to the dimensional standards of this chapter and shall be consistent with the requirements of Chapter 17.301 DMC, Access and Circulation.*
- 3. Landscaping, Screening and Buffering, and Lighting. Parking areas shall conform to standards of Chapter 17.302 DMC, Landscaping and Screening, and Chapter 17.303 DMC, Exterior Lighting.*
- 4. Areas used for parking and maneuvering of vehicles shall be drained as to avoid flow of water across sidewalks.*
- 5. Except for parking to serve residential uses, parking and loading areas adjacent to residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents; for example, through effective orientation of drive aisles, setbacks, and screening.*
- 6. Groups of more than four off-street parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.*
- 7. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site. See also Chapter 17.301 DMC, Access and Circulation.*
- 8. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail at least four inches high, located a minimum of three feet from the property line, to prevent a motor vehicle from extending over an adjacent property or a street and to protect adjacent landscaping.*
- 9. Internal pedestrian connections shall be provided in parking lots with greater than 10 parking spaces located in a commercial zone. These connections shall be a minimum of five feet wide and distinguished from vehicular areas through changes in elevation or contrasting paving materials (such as light-color concrete inlay between asphalt). Paint or thermo-plastic striping and similar types of nonpermanent applications may be approved for crossings of parking lot areas that do not exceed 24 feet in crossing length.*
- 10. Internal pedestrian connections shall be provided in parking lots with greater than 30 parking spaces located in a noncommercial zone. These connections shall be a minimum of five feet wide and distinguished from vehicular areas through changes in elevation or contrasting paving materials (such as light-color concrete inlay between asphalt). Paint or thermo-plastic striping and similar types of nonpermanent applications may be approved for crossings of parking lot areas that do not exceed 24 feet in crossing length.*
- 11. Portions of off-street parking areas may be developed or redeveloped for transit-related facilities and uses such as transit shelters or park-and-ride lots, subject to meeting all other applicable standards, including retaining the required minimum number of parking spaces. [Ord. 542-2015 § 3 (Exh. B); Ord. 534-2014 § 1 (Exh. A); Ord. 521-2013 § 3 (Exh. A)].*

**Finding:**

1. All proposed parking areas on-site will be constructed of asphalt or concrete. The parking areas will not be for residential uses, but will be for commercial uses. Sheet C-110 identifies the parking lots to have 4” of asphalt over 12” of base aggregate. Within the Porte Cochere circulation area the surfacing material is identified as concrete.
2. Parking stalls comply with size requirements and Chapter 17.301 DMC, Access and Circulation.
3. The site will conform to the standards of Chapter 17.302 DMC, Landscaping and Screening, and Chapter 17.303 DMC, Exterior Lighting. See landscaping and lighting plans as conditioned.
4. Parking and maneuvering areas are drained to avoid flow of water across sidewalks.
5. The parking areas are not abutting a residential zone. The parking on the lot south of SW 13<sup>th</sup> Street is across the street (SW Alder Street) from a residential zone. The parking on this lot is designed with setback, landscaping and trees. The parking on the lot north of SW 13<sup>th</sup> Street has been designed to minimize disturbance of commercial businesses with 70% opaque fencing, landscaping, a 5-foot setback and the drive aisle located as far south as possible. The parking area on the lot south of SW 13<sup>th</sup> Street abuts the existing parking lot for the current The Dundee Hotel.
6. The parking areas have been designed so that backing movements or other maneuvering within a street right-of-way are not required. No alley is proposed.
7. Service drives to off-street parking areas have been designed and will be constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site.
8. Sheet C-110 indicates curbing at the perimeter of the parking areas and at identified landscape islands. The height of the curbing has not been identified. The perimeter curbing is located 5 feet from property lines. The Applicant shall submit a revised plan for review and approval to show the height of curbing in compliance with DMC 17.304.030.F.8. prior to the submittal of building permits.
9. The parking lots south of SW 13<sup>th</sup> Street has 69 spaces. The parking lot north of SW 13<sup>th</sup> Street has 47 spaces. No internal pedestrian circulation is proposed for either lot as each exceeds 10 spaces. There is pedestrian circulation along SW 13<sup>th</sup> Street and SW Alder Street south of SW 13<sup>th</sup> Street in the public right-of-way. The Applicant shall submit revised plans for review prior to submittal of building permits that show compliance with DMC 17.304.030.F.9. Internal pedestrian connections shall be provided in parking lots with greater than 10 parking spaces located in a commercial zone. These connections shall be a minimum of five feet wide and distinguished from vehicular areas through changes in elevation or contrasting paving materials (such as light-color concrete inlay between asphalt). Paint or thermo-plastic striping and similar types of nonpermanent applications may be approved for crossings of parking lot areas that do not exceed 24 feet in crossing length. Incorporation of the pedestrian circulation shall also address onsite storm drainage to not have water flowing over the walkways.
10. The proposed development is not in a non-commercial zone and the criterion does not apply.
11. No transit-related facility improvements are proposed.

The criteria will be met if the aforementioned conditions of approval are adhered to.

### **17.304.040 Automobile parking standards**

***A. Location. Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use except that:***

***1. In any residential zone, automobile parking areas for dwellings and other uses permitted in a residential zone may be located on another lot if such lot is within 200 feet of the lot containing the main building, structure or use;***

***2. In any nonresidential zone, the parking area may be located off the site of the main building, structure or use if it is within 500 feet of such site, except that in the CBD zone, the parking area may be located off site if it is within 1,000 feet; and***

***3. No parking shall be allowed within a front yard, except as allowed on driveways.***

**Finding:** The project will construct two 5,000 each commercial buildings and a Hotel with Casitas totaling 95 rooms. Parking and service areas for the project will include a total of 116 vehicle spaces, which includes a reduction of 15 spaces as determined in CA 24-22. The parking includes five (5) ADA accessible spaces, and 2 loading berths located in SW 13<sup>th</sup> Street. All off-street parking areas for the project will occur within the development area. The development area includes the lot south of SW 13<sup>th</sup> Street and the lot north of SW 13<sup>th</sup> Street.

1. The development is not within a residential zone.
2. No off-site parking is proposed for the development. There will be shared parking between the lot north of SW 13<sup>th</sup> Street and the lot south of SW 13<sup>th</sup> Street.
3. No parking is located in a front yard (primary or secondary).

***B. Joint Use. Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared subject to review authority approval for commercial and industrial uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. The requirements of subsection (C) of this section may be reduced accordingly. Such joint use shall not be approved unless satisfactory legal evidence is presented which demonstrates the access and parking rights of parties.***

**Finding:** Loading is proposed to occur within SW 13<sup>th</sup> Street and is further addressed in DMC 17.305. There will be shared parking between the two development lot areas. The lot north of SW 13<sup>th</sup> will contain 47 spaces which is insufficient to serve the Hotel and commercial building. Parking for the two uses on this lot require 113 spaces. The lot south of SW 13<sup>th</sup> Street has one use requiring 18 spaces. A total of 69 spaces are provided exceeding the required number of spaces. The lot north of SW 13<sup>th</sup> Street will be utilizing 51 spaces in the lot south of SW 13<sup>th</sup> Street to meet the developments overall parking requirement of 116 spaces. The hours of use of the Hotel/Casitas is different than the two commercial buildings. The Hotel/Casitas parking demand is in the evenings and overnight. The commercial buildings demand is during the day and into the evening. A shared parking agreement will be required. The Applicant shall prepare a shared parking agreement for submittal and review by the City Attorney in accordance with DMC 17.304.040.B. Once the shared parking

agreement is approved the Applicant shall record the document with Yamhill County and provide a copy of the recorded document to the City.

**C. Off-Street Automobile Parking Space Standards. The minimum number of required off-street vehicle parking spaces shall be determined in accordance with one of the following procedures:**

- 1. Pursuant to the standards in Table 17.304.040(C); or**
- 2. Pursuant to a parking demand analysis prepared by a qualified professional and subject to review through a Type II or Type III procedure, consistent with the application process. Such demand analysis must consider average parking demands for existing and proposed uses on the subject site, opportunities for shared parking (parking agreement) with other uses in the vicinity, and public parking, including on-street parking, in the vicinity; or**
- 3. Where a use is not specifically listed in Table 17.304.040(C), parking requirements shall be determined by finding that a use is similar to one of those listed in Table 17.304.040(C) in terms of parking demand, or by estimating parking needs individually using the demand analysis option described in subsection (C)(2) of this section.**

<b>Retail store</b>	<b>1 space per 300 s.f. of gross floor area</b>
<b>Restaurant</b>	<b>1 space per 250 s.f. of gross floor area</b>
<b>Motel or hotel</b>	<b>1 space per guest room</b>

**Finding:**

1. The project proposes constructing a 5,000 square foot commercial building south of SW 13<sup>th</sup> Street with frontage on Highway 99W. The project proposes constructing a 5,000 square foot commercial building north of SW 13<sup>th</sup> Street with frontage on Highway 99W and a 95 room Hotel with Casitas north of SW 13<sup>th</sup> Street at the intersection with SW Alder Street. As noted in the application material and depicted on Sheet A-100 the project will provide the following off-street parking:

Structure Description	Structure Size <i>Square feet</i>	Number of Guest Rooms	Parking Requirement*	Number of Parking Stalls Required
Restaurant	2,000	N/A	1 space per 250 square feet of gross floor area	8
Restaurant	4,765	N/A	1 space per 250 square feet of gross floor area	19
Retail	2,705	N/A	1 space per 300 square feet of gross floor area	9
Hotel	N/A	95	1 space per guest room	95
<b>TOTAL</b>	<b>9,470</b>	<b>95</b>		<b>131</b>

\*Requirements pursuant to the standards in DMC Table 17.304.040(C).

Staff would note there are some inconsistencies in the commercial building square footage. The application talks about two separate 5,000 square foot buildings. Sheet G-002 notes the buildings as 5,000 square feet each. Sheet G-011 identifies the buildings 4,968 square feet each. Sheet G-020 indicates the two buildings combined are 9,470 square feet to determine parking requirements. Other drawings indicate the buildings are



entrance. Bicycle parking for the commercial building north of SW 13th Street appears to be in the patio area west of the building with two racks to accommodate 4 bikes. There is no Note if these are the spaces and size. If this is the location the spaces would be within 100 feet of a building entrance. Bike parking for the Hotel and Casitas appears to be located near the entrance to the Hotel with three racks to accommodate 6 bikes. There is no Note if these are the spaces and size. If this is the location the spaces would be within 100 feet of a building entrance. Sheet G-20 also indicates that there will be indoor storage for bikes totaling 5 spaces. Overall 19 bike parking spaces are identified in the development area.

The criterion is met.

B. Based on the above understandings, bike parking for the commercial building south of SW 13<sup>th</sup> Street is located within 20 feet of a building entrance. Bike parking for the commercial building north of SW 13<sup>th</sup> Street is located within 20 feet of a building entrance. Bike parking for the Hotel/Casitas is located within 20 feet of a building entrance. All bicycle parking is conveniently located on access aisles that are at least 5 feet wide, have lighting, and meet the criterion.

C. As noted in the application Sheet G-20 and depicted on Sheet L-101 the project will provide the following parking and loading areas:

Structure Description	Number of Guest Rooms	Parking Requirement*	Number of Parking Stalls Required	Bicycle Parking Requirement**	Number of Bicycle Parking Spaces Required
Eating and drinking establishment (Restaurant)	N/A	1 space per 250 square feet of gross floor area	131 (Before reduction)	1 space per 10 vehicle spaces	6
Eating and drinking establishment (Restaurant)	N/A	1 space per 250 square feet of gross floor area		1 space per 10 vehicle spaces	
Retail	N/A	1 space per 300 square feet of gross floor area		1 space per 10 vehicle spaces	
Hotel	95	1 space per guest room	95	1 space per 10 guest rooms	10
TOTAL	95		131 (before reduction to 116)		14

\*Requirements pursuant to standards in DMC Table 17.304.040(C).

\*\*Requirements pursuant to standards in DMC Table 17.304.050(C)

This criterion is met.

***D. Dimensions. Each bicycle parking space shall be at least two feet by six feet with a vertical clearance of six feet.***

**Finding:** The project includes bicycle parking spaces at the commercial building south of SW 13<sup>th</sup> Street (4 spaces), commercial building north of SW 13<sup>th</sup> Street (4 spaces), and Hotel/Casitas (11 spaces). The size of the bicycle parking spaces have been identified as 2 feet by 6 feet and the vertical clearance of 6 feet is met.

The criterion is met.

**E. Security.** *Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, i.e., a “rack,” upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary).*

**Finding:** No details have been provided on the design of the racks for the bicycle parking spaces. The Applicant shall provide drawings of the design of the bicycle racks spaces prior to submittal of building permits.

The criterion is met.

**F. Covered Employee Bike Parking.** *Whenever bicycle parking is provided for employees on a “work shift” it shall be sheltered, i.e., covered from the weather, or employees shall be provided access to a secure room within a building for bicycle parking.*

**Finding:** None of the bicycle parking spaces will be designated for employees.

Because none of the bicycle parking spaces will be designated specially for employees, the criterion is not applicable.

**13.304.060 Disable person parking space standards**

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

**Total in Parking Lot Required Minimum Number of Accessible Spaces**

<i>1 to 25</i>	<i>1</i>
<i>26 to 50</i>	<i>2</i>
<i>51 to 75</i>	<i>3</i>
<i>76 to 100</i>	<i>4</i>
<i>101 to 150</i>	<i>5</i>
<i>151 to 200</i>	<i>6</i>
<i>201 to 300</i>	<i>7</i>
<i>301 to 400</i>	<i>8</i>
<i>401 to 500</i>	<i>9</i>
<i>501 to 1,000</i>	<i>2% of total</i>
<i>1,001 and over</i>	<i>20 plus 1 for each 100 over 1,000</i>

**Finding:** The project proposes to two commercial buildings of 5,000 square feet each and a 95 room Hotel with Casitas. As noted in the application Sheet A-100 the project will provide the following off-street parking:

<b>Structure Description</b>	<b>Structure Size Square feet</b>	<b>Number of Guest Rooms</b>	<b>Parking Requirement*</b>	<b>Number of Parking Stalls Required</b>
Restaurant	2,000	N/A	1 space per 250 square feet of gross floor area	35

Structure Description	Structure Size <i>Square feet</i>	Number of Guest Rooms	Parking Requirement*	Number of Parking Stalls Required
Restaurant	4,765	N/A	1 space per 250 square feet of gross floor area	
Retail	2,705	N/A	1 space per 250 square feet of gross floor area	
Hotel	N/A	95	1 space per guest room	95
TOTAL	9,470	95		131 (before reduction to 116)

\*Requirements pursuant to the standards in DMC Table 17.304.040(C).

Because the project is required to provide 116 parking stalls, five (5) of those parking spaces must accommodate disabled person parking.

The proposed project includes 116 parking stalls, and five (5) of which are designated for disabled person parking. Based on the required or provided parking sufficient disabled person parking is provided.

**17.304.070 Off-street loading requirements.**

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

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

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

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

**Finding:** The project proposes a 5,000 square foot commercial building south of SW 13<sup>th</sup> Street and a 5,000 square foot commercial building north of SW 13<sup>th</sup> Street. In addition, there is a 95-unit hotel located north of SW 13<sup>th</sup> Street at the intersection with SW Alder Street. The square footage of the Hotel with Casitas is 76,000 square feet. The total Gross Floor Area is 86,000 which requires 2 loading berths. The information indicates 2 loading berths are required. Sheet A-100 indicates that the development site will have 2 loading berths located in SW 13<sup>th</sup> Street near the intersection with SW Alder Street.

The criterion is met.

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

**Finding:** The project will provide 2 uncovered loading berths within the right-of-way of SW 13<sup>th</sup> Street. The loading area measures approximately 80 feet in length and 10 feet in width as shown on Sheet A-100. The width of the loading does not meet the minimum 12-foot requirement. The Applicant shall provide drawings of the design of the two loading berth to be 12 feet wide and 35 feet in length each prior to submittal of

building permits or submit a Code Adjustment application for review to reduce the width down to the proposed 10 feet.

The criterion is met.

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

**Finding:** Screening is not required based on the analysis of DMC17.304.070.D.

***D. Exceptions. Through a Type II procedure the planning official may approve an exception to the loading area standards and permit loading activities adjacent to or within a street right-of-way only where it finds that loading and unloading operations are short in duration (e.g., less than one hour), infrequent (e.g., not more than once per week), do not obstruct traffic during periods of peak traffic or create a traffic hazard as determined by the city engineer, do not interfere with emergency vehicles or apparatus, and are acceptable to the applicable roadway authority (i.e., if different than the city).***

**Finding:** The application proposes an exception that allows the two required loading areas be located in SW 13<sup>th</sup> Street. The Site Development Review is a Type II procedure. The City of Dundee is the Road Authority for SW 13<sup>th</sup> Street. Loading is allowed in a right-of-way when in short duration, infrequent, does not obstruct traffic during periods of peak traffic, does not create a traffic hazard, does not interfere with emergency vehicles or apparatus, and are acceptable to the applicable roadway authority.

The criterion is met to allow loading in SW 13<sup>th</sup> Street.

#### ***17.304.080 Parking stall design and dimensions.***

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

**Figure 17.304.080 Off-Street Parking Dimensions**

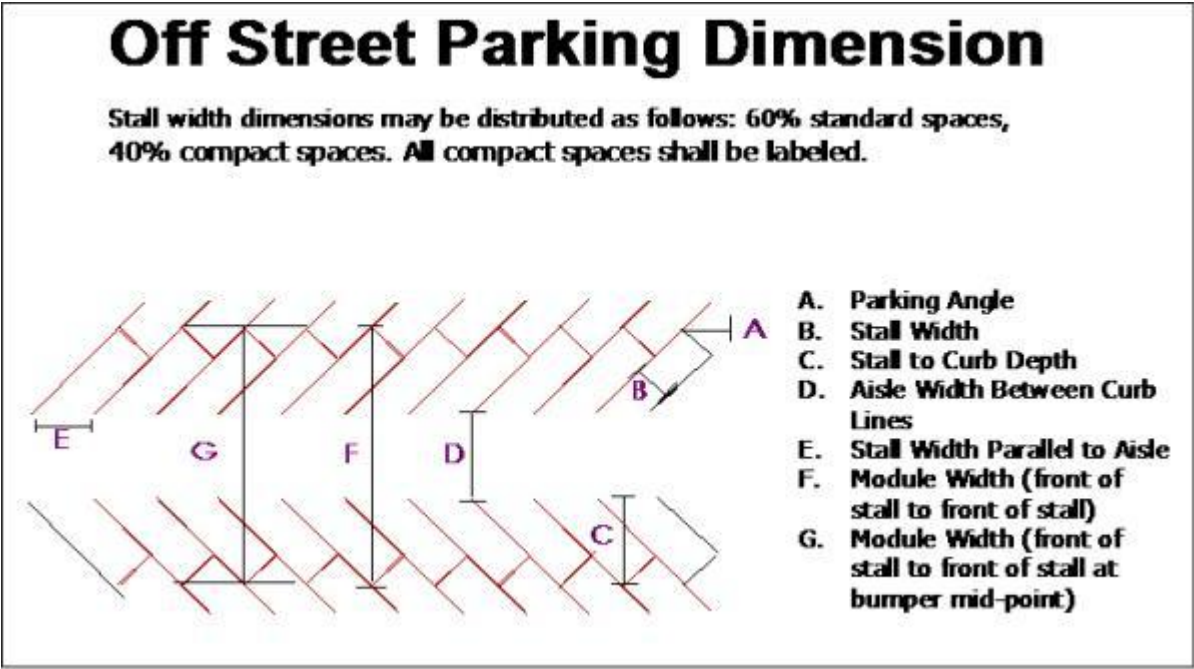


Table 17.304.080 Off-Street Parking Matrix

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

**Finding:** Parking for the development is standard 90° parking stalls and compact 90° parking stalls. There are 77 standards size stalls and 39 compact stalls. The standard stalls are 9 feet wide and 19 feet in length. Compact stalls are 9 feet wide and 16 feet in length. The parking is paved with asphalt, contains perimeter curbing, provides surface water management and meets minimum dimension requirements. The compact spaces proposed are less than the 40% (46 spaces) maximum allowed.

The criteria is met.

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

**Finding:** No request for an adjustment to parking space dimension sizes has been required.

**C. Americans with Disabilities Act.** *Parking shall be provided consistent with the requirements of the Americans with Disabilities Act, including but not limited to the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements. [Ord. 521-2013 § 3 (Exh. A)].*

**Finding:** Five Americans with Disabilities Act (ADA) parking spaces are required. The ADA parking is required to comply with DMC 17.304.080.C. This will be reviewed through the Building Permit process. The Applicant shall comply with DMC 17.304.080.C. on ADA parking requirements.

The criterion will be met if the aforementioned condition of approval is adhered to.

**HB 2180 (2021) EV Parking Infrastructure**

HB 2180 implemented new requirements for EV Parking Infrastructure. Exhibit 12b identifies the location of proposed EV parking spaces in the Valet Parking lot. Review for compliance with HB 2180 will occur during the Building Permit review process. The Applicant shall comply with EV Parking Infrastructure requirements of HB 2180.

The criterion will be met if the aforementioned condition of approval is adhered to.

**H. PUBLIC FACILITIES AND IMPROVEMENTS (DMC CHAPTER 17.305)**

**17.305 Public Improvements and Utilities**

**17.305.020 Applicability.**

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

<b>Table 17.305.020 Applicability of Public Improvement Requirements</b>								
<b>Land Use Activity</b>	<b>Fire Hydrant</b>	<b>Street Improvement</b>	<b>Water Hookup</b>	<b>Sewer Hookup</b>	<b>Storm Drain</b>	<b>Street Lights</b>	<b>Bike Lanes**</b>	<b>Sidewalks</b>
<b>New Commercial Building</b>	<b>C-1</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>

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

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

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

**Finding:** The Applicant is proposing the construction of two new public streets, SW 13<sup>th</sup> Street from Highway 99W to SW Alder Street, and SW Alder Street, extending south of SW 13<sup>th</sup> Street to connect to existing street improvements. The Applicant is requesting to defer the required street improvement of SW Alder Street, north of SW 13<sup>th</sup> Street. The project site currently has one access to Highway 99W which will be closed with redevelopment. A total of four driveway accesses will be constructed from SW 13<sup>th</sup> Street.

ODOT has provided comments on requirements that are included in the Agency comments section of this report. This includes an application for an approach permit for the SW 13<sup>th</sup> Street connection to Highway 99W, design of the SW 13<sup>th</sup> Street connection which includes an asphalt connection/ADA ramps meeting ODOT standards, closing of one existing driveway and replacement with curb & gutter and sidewalk, and obtaining review and approval by ODOT for work within the ODOT Right-of-way. The new SW 13<sup>th</sup> Street connection will be required to have ADA ramps that meet applicable ODOT standards of accessibility. All work within the ODOT right-of-way shall be reviewed and approved by ODOT prior to construction. ODOT recommends requiring receiving ramps on the east side of OR99W.

All improvements outside of ODOT jurisdiction are required to comply with the 2015 Improvement Design Standards, City of Dundee.

The Applicant shall be responsible for obtaining public improvement permits before making alterations or improvements to public right-of-way areas. All public improvements will be required to comply with City of Dundee's Transportation System Plan, 2015 Improvement Design Standards, and other improvement standards as applicable during the permitting process unless the standard is amended by variance. Applicable permits and designs must be approved prior to the issuance of building permits.

The SW 13<sup>th</sup> Street access will require an ODOT Application for State Highway Approach.

The Applicant shall design and construct the subject property's four driveways leading onto SW 13<sup>th</sup> Street in accordance with the applicable standards in DMC 17.301.020.G, the 2015 Improvement Design Standards, and obtain approval from the City Engineer.

All public improvements to be constructed as part of the project at Highway 99W, for SW 13<sup>th</sup> Street, and SW Alder Street shall be designed, obtain Type B permit, and constructed per City standards, or where required obtaining necessary ODOT permits and approval prior to occupancy.

No building permit may be issued until all required public facility improvements are in place and approved by the City Engineer or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the 2015 Improvement Design Standards.

The criteria will be met if the aforementioned conditions of approval are adhered to.

### ***17.305.030 Street standards***

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

- 1. Provide for safe, efficient, and convenient multi-modal transportation in the city of Dundee.***
- 2. Provide adequate access to all proposed and anticipated developments in the city of Dundee. For purposes of this section “adequate access” means direct routes of travel between destinations; such destinations may include residential neighborhoods, parks, schools, shopping areas, and employment centers.***
- 3. Provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way. For purposes of this section “adequate area” means space sufficient to provide all required public services to standards defined in this code and in the city’s public works design manual, as applicable.***

**Finding:** The Applicant has proposed dedicating right-of-way to create a 50-foot right-of-way along SW 13<sup>th</sup> Street and a 60-foot right-of-way along SW Alder Street. These dedications respectively meet the City’s Local II and Collector standards. The Applicant has proposed street improvements that provide for safe, efficient, and convenient multi-modal transportation; provide adequate access; and provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines, and other utilities, as conditioned. The proposed improvements are in furtherance of the purposes of street improvements. The Applicant is requesting to defer the required street improvement of SW Alder Street, north of SW 13<sup>th</sup> Street.

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

- 1. The creation, dedication, or construction of all new public or private streets, bikeways, or access ways in all subdivisions, partitions, or other developments in the city of Dundee.***
- 2. The extension or widening of existing public or private street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.***

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

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

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

**Finding:**

1. The proposed improvements include dedication of right-of-way, construction of new public streets, and pedestrian connections as part of the Site Development Review process for a mixed commercial development.
2. The proposed improvements include extension or widening of existing public street rights-of-way, and street improvements by the developer.
3. The proposed improvements include construction and modification of utilities and sidewalks in the public rights-of-way.
4. Submitted plans show the designation of planter strips; the planting of street trees or other landscape materials that are subject to Chapter 17.302 DMC requirements.
5. The development is not outside of the city limits.

The criteria are applicable to the proposed improvements, except for #5.

*C. Street Location. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. Refer to the city of Dundee transportation system plan and applicable local street network plans for the location of streets.*

**Finding:** The TSP designates SW Alder Street as a Collector street. The preliminary plans are consistent with the Collector street standard defined in the TSP. SW 13<sup>th</sup> Street has no specific designation in the TSP and is assumed to be a local street. The Applicant is proposing a cross-section for SW 13<sup>th</sup> Street which does not meet the criteria defined in the TSP. This change from the TSP is reviewed under a variance (V 24-19).

The Applicant identifies dedication of right-of-way for SW 13<sup>th</sup> Street and SW Alder Street as shown on Sheet C-051. Ordinance No 590-2025 requires dedication of right-of-way for SW 13<sup>th</sup> Street. The City TSP identifies that a Local Street requires 50 feet of right-of-way. SW Adler Street is a Collector Street and requires 60 feet (30 feet from centerline) of right-of-way. The Applicant shall dedicate right-of-way to establish 50 feet for SW 13<sup>th</sup> Street and 60 feet (30 feet from centerline) for SW Alder Street, plus any additional right-of-way to comply with loading width requirements in SW 13<sup>th</sup> Street. The dedication shall occur before issuance of a Type B permit and/or a building permit, and before recording the ordinance for the street vacation approved by Ordinance No. 590-2025.

*D. Continuation of Streets. Development proposals shall provide for the continuation of existing streets in accordance with the city of Dundee transportation system plan and applicable local street*

*network plans, if any, and where necessary to promote appropriate traffic circulation in the vicinity of the development.*

**Finding:** SW 13<sup>th</sup> Street and SW Alder Street will be improved with the development meeting the requirement for the continuation of streets. The Applicant is requesting to defer the required street improvement of SW Alder Street, north of SW 13<sup>th</sup> Street. The Traffic Impact Analysis submitted by the Applicant shows additional peak hour trips generated from the development will not have a detrimental impact on the functionality of existing, nearby intersections. The intersections meet functional service levels with or without the extension of SW Alder Street, north of SW 13<sup>th</sup> Street.

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

**Finding:** The Applicant is proposing to construct two public streets within existing and dedicated rights-of-way. Future extensions of streets is not applicable.

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

**Finding:** The Applicant is not proposing realignment of City streets. This criterion is not applicable.

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

**Finding:** The proposed development creates two intersections; SW 13<sup>th</sup> Street at Highway 99W and SW 13<sup>th</sup> Street at SW Alder Street. The preliminary civil plans (Sheet C-111) show both intersections being developed at right angles.

#### *H. Improvements to Existing Streets.*

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

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

- a. The contiguous length of the existing street to be improved (including the portion of the existing streets that must be improved to serve the development) is less than 250 feet;**
- b. The existing roadway condition and sections are adequate to handle existing and projected traffic loads; and**
- c. Existing public utilities (water, sanitary sewer and storm sewer) located within the existing roadway are adequate, or can be improved without damaging the existing roadway surface.**

**3. A waiver of sidewalk, planter strip, and curb improvements is not permitted. A deferral of these improvements may be allowed by the city engineer and city administrator under the conditions specified in subsection (H)(2) of this section and under one of the following conditions:**

- a. When the improvements conflict with an adopted capital improvement plan;**
- b. When the improvements would create a safety hazard;**
- c. When there is not an existing or planned funded sidewalk on adjacent lots for the improvements to connect to; or**
- d. When the improvements are deemed more appropriate as part of a larger project in the future.**

**4. Deferrals of sidewalk improvements are not permitted when there is an existing curb along the frontage of the site or the site is abutting an existing curb or sidewalk.**

**5. Formation of a local improvement district will be required to complete the sidewalk system on one side of a block when that side of the block reaches one of the following thresholds:**

- a. Deferrals have been approved for 50 percent of the block length; or**
- b. Sidewalks have been installed on 50 percent of the block length.**

**6. In lieu of the street improvement requirements outlined under this section, the review authority may elect to accept from the applicant monies to be placed in a fund dedicated to the future reconstruction of the subject street(s). The amount of monies deposited with the city shall be at least 100 percent of the estimated cost of the required street improvements (including associated storm drainage improvements), and may include more than 100 percent of the cost as required for inflation. Cost estimates shall be based from a preliminary design of the reconstructed street provided by the applicant’s engineer and shall be approved**

*by the city engineer. If the review authority elects to accept these monies in lieu of the street improvements, the applicant shall also record against all lots or parcels a “construction deferral agreement and waiver of rights to remonstrance for street and storm drainage improvements” approved by the city attorney. The agreement should be worded such that the subject properties are responsible for paying the full cost of required street improvements along their unimproved street frontages; where the subject properties are located adjacent to a collector or arterial street, local street standards will apply for purposes of determining the street improvement value. The agreement shall also state that the city has the right to collect money owed for the actual construction costs, if actual costs exceed the amount deposited, and that the city will reimburse the property owner(s) if the actual costs are less than anticipated. A separate “waiver of rights to remonstrance” may be required for the future improvement of other public utilities.*

**Finding:**

1. The Applicant is proposing to construct full street improvements in SW 13<sup>th</sup> Street and the portion of SW Alder Street south of SW 13<sup>th</sup> Street along the site’s frontage. The Applicant is requesting to defer the required SW Alder Street Improvements north of SW 13<sup>th</sup> Street. This deferral can be accomplished pursuant to DMC 17.305.030.H.6. as described below. Attachment 10 are City Engineer notes on Public Improvement drawing modifications related to the deferral that will be addressed through a Type B Permit. This criterion can be met.
2. The Applicant has requested a waiver for construction of SW Alder Street north of SW 13<sup>th</sup> Street. The Applicant shall enter into a waiver of non-remonstrance for construction of public streets with SW Alder Street, north of SW 13<sup>th</sup> Street under DMC 17.305.030.H.6. prior to issuance of building permits.
3. The Applicant is requesting a deferral of sidewalk, planter strip, and curb improvements along SW Alder Street, north of SW 13<sup>th</sup> Street. The Applicant is proposing to construct a paved path along SW Alder Street, north of SW 13<sup>th</sup> Street as an interim improvement for pedestrian connectivity.
4. Deferrals of sidewalk improvements are not proposed for SW 13<sup>th</sup> Street and SW Alder Street south of SW 13<sup>th</sup> Street. The Applicant is requesting a deferral of sidewalk planter strip and curb improvements along SW Alder Street, north of SW 13<sup>th</sup> Street. There is no existing curb along this section of SW Alder Street. The Applicant is proposing to construct a paved path along SW Alder Street, north of SW 13<sup>th</sup> Street as an interim improvement for pedestrian connectivity.
5. Formation of a local improvement district for sidewalks is not proposed.
6. The Applicant is requesting a deferral of street and utility improvements of SW Alder Street north of SW 13<sup>th</sup> Street. The Applicant shall enter into a “construction deferral agreement and waiver of rights to remonstrate for street and storm drainage improvements” as described in DMC 17.305.030.H.6. prior to the issuance of building permits. The agreement shall detail the applicant’s monetary obligation of all costs associated with the improvement.

The criteria can be met with the aforementioned conditions of approval.

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

- 1. The adjoining land abutting the opposite side of the street is undeveloped;***
- 2. The adjoining land abutting the opposite side of the street is within the city limits and the urban growth boundary; and***
- 3. Storm water drainage is provided on the noncurbed side of three-quarters street improvements in areas judged by the city engineer to have drainage concerns.***

**Finding:** A subdivision or partition is not proposed that would require full street improvement. The Applicant is proposing to construct full street improvements in SW 13<sup>th</sup> Street and the portion of SW Alder south of SW 13<sup>th</sup> Street along the site's frontage. The Applicant is requesting a deferral of the street improvements along SW Alder Street, north of SW 13<sup>th</sup> Street. This criterion is met.

***J. Cul-de-Sacs.*** *Cul-de-sacs shall have maximum lengths of 400 feet and serve not more than 18 dwelling units. All cul-de-sacs shall terminate with circular turnarounds. Pursuant to DMC 17.301.030(D)(1), an access way shall connect the cul-de-sac to another street.*

**Finding:** No applicable because no cul-de-sac is proposed.

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

**Finding:** No new street names are proposed. The existing streets have already been named SW 13<sup>th</sup> Street and SW Alder Street.

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

**Finding:** The final design of SW 13<sup>th</sup> Street and SW Alder Street will require compliance with the 2015 Improvement Design Standards, City of Dundee.

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

**Finding:** The development site fronts on Highway 99W. Access to the site is proposed to occur from SW 13<sup>th</sup> Street. The existing driveway on Highway 99W will be removed. Conditions of Approval have been imposed

as previously noted to comply with ODOT requirements. Screening to residential properties is discussed in DMC 17.302.060.

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

**Finding:** The development will have two public streets intersections, SW 13<sup>th</sup> Street with Highway 99W and SW 13<sup>th</sup> Street with SW Alder Street. A clear vision area is required at these intersections. Conditions of approval have been proposed under DMC 17.301.040 for compliance.

***O. General Right-of-Way and Street Improvement Widths. The street design standards in the Dundee public works design standards apply to public streets, bikeways and sidewalks in the city of Dundee. These standards shall be the minimum requirements, except where modifications are permitted under subsection (P) of this section or upon approval of an engineering design modification request granted by the city engineer.***

**Finding:** Improvements are proposed for SW 13<sup>th</sup> Street and SW Alder Street, modifications to the street cross-section for SW 13<sup>th</sup> Street, and improvements to Highway 99W. The Applicant will need to comply with requirements of the 2015 Improvement Design Standards, City of Dundee, and where applicable ODOT. The Applicant shall comply with requirements of the 2015 Improvement Design Standards, City of Dundee, and where applicable ODOT.

The criterion will be met if the aforementioned condition of approval is adhered to.

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

***1. The modification is necessary to provide design flexibility in instances where:***

- a. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or***
- b. Lot shape or configuration precludes accessing a proposed development with a street which meets the full standards of this section; or***
- c. A modification is necessary to preserve trees or other natural features determined by the city to be significant to the aesthetic character of the area; or***
- d. A planned unit development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.***

***2. Modification of the standards of this section shall only be approved if the city engineer finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.***

**Finding:** The Applicant is proposing a reduction to the street width of SW 13<sup>th</sup> Street. This modification is addressed in the Variance application (V 24-19) and recommends approval. The applicant is proposing a loading zone at the west end of SW 13<sup>th</sup> Street. The loading zone depicted in the preliminary plans (Sheet C-100) is 10-foot wide and approximately 80-feet in length. The length exceeds the requirement defined in DMC 17.304.0701; however, the width proposed does not meet the minimum 12-foot width required by code. The loading zone shall be modified to meet the minimum width requirement of 12-feet or submit a Code Adjustment application for review to reduce the width down to the proposed 10 feet. The Applicant shall revise plans to show a 12-foot-wide loading area in SW 13<sup>th</sup> Street for review and approval before issuance of a public improvement permit or building permit, or submit a Code Adjustment application for review to reduce the width down to the proposed 10 feet.

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

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

**Finding:** No private streets are proposed. The criterion is not applicable.

***R. Transit Improvements. Development proposals for sites that include or are adjacent to existing or planned transit facilities, as shown in the Dundee transportation system plan or adopted regional transit plan, shall be required to provide any of the following, as applicable and as the review authority advises:***

- 1. Reasonably direct pedestrian connections between the transit facility and building entrances of the site. For the purpose of this section “reasonably direct” means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.***
- 2. A transit passenger landing pad accessible to disabled persons.***

**3. An easement or dedication for a passenger shelter or bench if such facility is identified in an adopted plan.**

**4. Lighting at the transit facility.**

**Finding:** Highway 99W is the transit route through Dundee. Transit stops are located at SW 5<sup>th</sup> Street and Highway 99W and SW 10<sup>th</sup> Street and Highway 99W (Dundee Community Center). The Dundee Hotel project will provide pedestrian access along SW 13<sup>th</sup> Street to connect with Highway 99W. The transit stop is located approximately three blocks north of SW 13<sup>th</sup> Street. A reasonable direct route is provided to the transit stop.

The transit stop consists of a transit marker pole within the sidewalk. There is no shelter. Lighting is provided by streetlights at the transit stop.

**S. Transportation Impact Analysis (TIA).**

**1. Purpose. The purpose of this section of the code is to implement Section 660-012-0045(2)(b) and (e) of the State Transportation Planning Rule that requires the city to adopt standards to protect the future operations of roadways and transit corridors and a process to apply conditions to development proposals in order to protect and minimize adverse impacts to transportation facilities. This section establishes when a TIA must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be addressed in a TIA; and who is qualified to prepare the analysis. Where a TIA is required, approval criteria will ensure that there are adequate facilities for both motorized and nonmotorized modes of transportation.**

**2. Applicability. A TIA shall be required to be submitted along with a land use application if the proposal is expected to involve one or more of the following:**

**a. The proposed development would generate 40 or more PM peak-hour trips. This applicability requirement may be waived by the city engineer if:**

**i. A previous traffic study adequately addresses the proposal;**

**ii. Completed off-site and frontage improvements adequately mitigate traffic impacts; or**

**iii. The proposed use is not adjacent to an intersection that is functioning at a poor level of service.**

**b. The proposed development would generate less than 40 PM peak-hour trips but the proposed development is immediately adjacent to an intersection that is functioning at a poor level of service, as determined by the city engineer.**

**c. An increase in use of any direct property approach road to Highway 99W by 10 vehicles or more per day that exceed 20,000 pounds gross vehicle weight.**

- d. A new direct approach to Highway 99W is proposed.*
- e. A proposed development or land use action that the road authority states may contribute to operational or safety concerns on its facility(ies).*
- f. An amendment to the Dundee comprehensive plan or zoning map is proposed.*

### **3. Requirements.**

*a. Preapplication Conference. For proposals that meet one or more of the thresholds in subsection (S)(2) of this section, the applicant shall attend a preapplication meeting in order to coordinate with the city engineer, and ODOT as necessary, to discuss the scope of a required TIA prior to submitting an application. ODOT will be invited to participate in the preapplication conference when an approach road to Highway 99W serves the subject property to ensure the completed TIA meets the requirements of both agencies.*

*b. Preparation. The TIA shall be prepared by an Oregon registered professional engineer qualified to perform traffic engineering analysis and will be paid for by the applicant.*

*c. Typical Average Daily Trips and Peak Hour Trips. The latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers (ITE), shall be used to gauge PM peak hour vehicle trips, unless the city engineer approves an alternative trip generation study or method to determine the average daily and peak hour trips of a proposed development.*

*d. Intersection-Level Analysis. Intersection-level analysis shall occur at intersections identified in the preapplication conference involving the applicant, city engineer, and ODOT staff as necessary, pursuant to subsection (S)(3)(a) of this section.*

*e. Transportation Planning Rule Compliance. The requirements of the Transportation Planning Rule shall apply to those land use actions that significantly affect the transportation system, as defined by OAR 660-012-0060.*

**4. Study Area.** *The following facilities shall be included in the study area for all transportation impact analyses:*

*a. All site-access points and intersections (signalized and unsignalized) adjacent to the proposed development site. If the site fronts an arterial or collector street, the analysis shall address all intersections and driveways along the site frontage and within the access spacing distances in the TSP extending out from the boundary of the site frontage.*

*b. All roads through and adjacent to the site.*

*c. All intersections needed for signal progression analysis.*

*d. In addition to these requirements, the city engineer may require analysis of any additional intersections or roadway links that may be affected by the proposed development.*

*5. Analysis Periods. To adequately assess the impacts of a proposed land use action, the following study periods, or horizon years, should be addressed in the transportation impact analysis where applicable:*

*a. Existing year.*

*b. Project Completion Year, Background (No-Build) Conditions. The conditions in the year in which the proposed land use action will be completed and occupied, but without the expected traffic from the proposed land use action. This analysis should account for all city approved developments that are expected to be fully built out in the project completion year, as well as all planned transportation system improvements.*

*c. Project Completion Year, Full Build-Out. The background condition plus traffic from the proposed land use action assuming full build-out and occupancy.*

*d. Phased Years of Completion. If the project involves construction or occupancy in phases, the applicant shall assess the expected roadway and intersection conditions resulting from major development phases. Phased years of analysis will be determined in coordination with city staff.*

*e. Twenty-Year or TSP Horizon Year. For planned unit developments, comprehensive plan amendments or zoning map amendments, the applicant shall assess the expected future roadway, intersection, and land use conditions as compared to approved comprehensive planning documents.*

*6. Approval Criteria. When a TIA is required, a proposal is subject to the following criteria, in addition to all criteria otherwise applicable to the underlying proposal:*

*a. The analysis complies with the requirements of subsection (S)(3) of this section;*

*b. The analysis demonstrates that adequate transportation facilities exist to serve the proposed development or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the city engineer and, when state highway facilities are affected, to ODOT;*

*c. For affected nonhighway facilities, the TIA establishes that level of service standards adopted by the city have been met; and*

*d. Proposed public improvements are designed and will be constructed to the street standards specified in this section and to the access standards in Chapter 17.301 DMC.*

*7. Conditions of Approval. The city may deny, approve, or approve a development proposal with conditions necessary to: meet operational and safety standards; provide the necessary right-of-way for improvements; and to require construction of improvements to ensure consistency with the future planned transportation system. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.*

**Finding:** A Transportation Impact Analysis (TIA) was prepared by Kittelson & Associates, dated September 2024. The City Engineer and ODOT reviewed the TIA. The development will produce more than 40 PM hour trips. Based on the City Engineer and ODOT review the TIA complies with requirements and that adequate transportation facilities, with improvements, can accommodate the Dundee Hotel commercial mixed-use project.

*T. Planter Strips in Commercial Zones. Planter strips in commercial zones are not required to be entirely landscaped. The strips may include hardscape such as street furniture, other pedestrian amenities, and tree wells, in place of or in addition to standard landscaping. [Ord. 542-2015 § 3 (Exh. B); Ord. 521-2013 § 3 (Exh. A)].*

**Finding:** The Applicant is proposing landscaping in all planter strips along proposed public streets. Improvements are shown on Sheets L-101, L-102, L-151, L-152, L-154, L-156 and L-651. No hardscape such as street furniture, other pedestrian amenities, and tree wells are proposed. The requirement is met.

#### *17.305.040 Utility lines and facilities*

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

**Finding:** The proposed project will be serviced by or have services extended to service the development.

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

**Finding:** The Dundee Hotel project is new development and utility lines and facilities apply to the development proposal.

#### *C. General Standards.*

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

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

**Finding:**

1. All utility lines and facility improvements will comply with the 2015 Improvement Design Standards, City of Dundee.
2. The proposed improvements will be carried out with minimum feasible disturbances of soil and the site. Improvements will be coordinated with the City.

The criteria are met.

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

- 1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping stations which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.***
- 2. Specific location, size and capacity of such facilities will be subject to the approval of the city engineer with reference to the applicable water master plan. All water facilities shall conform with existing city pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. Installation costs shall remain entirely the developer's responsibility.***
- 3. The design of the water facilities shall take into account provisions for the future extension beyond the development to serve adjacent properties, which, in the judgment of the city, cannot be feasibly served otherwise.***
- 4. Design, construction and material standards shall be as specified by the city engineer for the construction of such public water facilities in the city.***

**Finding:**

1. The Applicant is proposing to upgrade the water line in Highway 99W to a 10-inch water main along the frontage of the subject property and install an 8-inch water main in SW 13<sup>th</sup> Street from Highway 99W to SW Alder Street. SW Alder Street has an existing 8-inch water line on the west side of the right-of-way.
2. Water service connection is proposed to the 8-inch water line in SW 13<sup>th</sup> Street. Fire flow will be important for the proposed project. The proposed improvements for the development will need to meet Fire Code. The

design, including fire flow calculations, will need to be reviewed and approved by the City Engineer and Fire Department prior to issuance of construction permits.

3. The Applicant is proposing to construct new water mains or utilize existing water mains along all site frontages. Future extensions are not applicable.

4. Design, construction, and material of the water system must comply with City standards. Design, construction and material standards shall be as specified by the city engineer for the construction of water facilities.

The criteria will be met if the aforementioned conditions of approval are adhered to.

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

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

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

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

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

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

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

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

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

**Finding:**

1. The Applicant is not proposing a septic tank system or on-site sewage system. This criterion does not apply
2. The Applicant is proposing gravity sewer connections to serve the development.
3. The existing sanitary sewer lines in SW Alder Street and Highway 99W are sized to serve their intended area. No easements are required. At the August 12, 2024, Pre-application meeting it was identified that an 8-inch sanitary sewer line extends west from Highway 99W and terminates at a manhole approximately 25 feet west of Highway 99W. It was also noted that the sanitary sewer line would need to be extended from this manhole west to SW Alder Street. Sheet C-300 and C-310 do not identify the required line. The City Engineer has reviewed the proposed points of connection and sewer improvements provided by the Applicant and determined it is not necessary to extend sanitary sewer in SW 13<sup>th</sup> Street.
4. The preliminary utility plan (Sheet C-310) shows a sewer lateral extending from an existing sewer manhole in SW Alder Street to serve the Casitas. The lateral extends within and parallel to the SW Alder Street right-of-way. Attachment 10 are City Engineer notes on Public Improvement drawing modifications that will be addressed through a Type B Permit. The plan (Sheet C-310) shall be revised to show laterals connecting directly from the individual Casitas to the existing sewer main in SW Alder Street.
5. The sanitary sewer lines are either existing, proposed or conditioned to be constructed, and sized to provide adequate capacity during peak flows.
6. No temporary service or pumping stations are proposed.
7. The existing sewer main extends along all adjacent properties and can serve all future upstream areas of the subject property.
8. Design, construction, and material of the sanitary sewer system must comply with City standards. Design, construction and material standards shall be as specified by the city engineer for the construction of sanitary sewer facilities.
9. Before acceptance of the sanitary sewer system by the City, the sewers shall be flushed and inspected by the City. Prior to acceptance of the sanitary sewer system by the city, the sewers shall be flushed and inspected by the city as required by the public works design standards or the public works construction standards. All costs shall be borne by the developer.

The criteria will be met if the aforementioned conditions of approval are adhered to.

***F. Street Lights. All developments shall include underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the public works design standards. The developer shall install all such facilities and make the necessary arrangements with the serving electric utility as approved by the city. Upon the city's acceptance of the public improvements associated with the development, the street lighting system, exclusive of***

*utility-owned service lines, shall be and become property of the city unless otherwise designated by the city through agreement with a private utility.*

**Finding:** Streetlights are proposed along SW 13<sup>th</sup> Street, SW Alder Street and Highway 99W (Sheet LP-100). Sheet LP-100 and LP-101 indicates lighting on SW Alder Street would be PGE style lights. At the August 12, 2024, Pre-application meeting it was identified that all streetlights needed to match street lights on SW 9<sup>th</sup> Street. Street lights on the west side of Highway 99W were installed as part of the previous Highway 99W improvements and are existing. Street lights will be required along SW 13<sup>th</sup> Street and SW Alder Street with the required street improvements. The street light fixtures along SW 13<sup>th</sup> Street and SW Alder Street are to be decorative lights matching the lights along SW 9<sup>th</sup> Street. Spacing of the lights should be based on a photometric plan meeting the lighting levels established by ANSI/IES RP-8.

The criterion will be met if the aforementioned condition of approval is adhered to.

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

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

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

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

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

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

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

*e. Television antennas.*

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

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

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

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

### **Finding:**

There are overhead utilities along Highway 99W that will need to be placed underground. All other utilities will need to be placed underground. Sheets C-300 and 310 identify the utility undergrounding. PUEs have not been identified to accommodate the underground utilities. The Applicant shall dedicate a minimum eight-foot wide Public Utility Easement behind the right-of-way along both sides of SW 13<sup>th</sup> Street, the east side of SW Alder Street and the west side of Highway 99W unless a lesser width is allowed by utility providers, but in no case shall it be less than 5 feet, before submittal of building permits.

The Applicant shall coordinate the Highway 99W undergrounding requirements and design with PGE, ODOT, and communication franchise utilities as well as obtain City approval prior to construction. The Developer will need to contact PGE to coordinate and obtain design for all new services. Design plans will need to be reviewed and approved by the City through the Type A permit process. Coordination with ODOT for utility undergrounding or connections, will require a separate permit and the applicant can contact District 3 permits for more information at (503) 986-5831.

The criteria will be met if the aforementioned conditions of approval are adhered to.

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

<b>Table 17.305.040(H) Easements</b>		
<b>Easement Type</b>	<b>Minimum Width</b>	<b>Location</b>
Water	20 feet	(1)(2)
Sewer	20 feet	(1)(2)
Storm (piped)	20 feet	(1)(2)
Storm (other)	(5)	(5)
Private utility	5 feet (parallel)	(3)(4)
	10 feet (other)	(1)

Notes:

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

[Ord. 521-2013 § 3 (Exh. A)].

**Finding:** There will be Public Utility Easements required along all street frontages for the development. Utility companies require a minimum of 8 feet. The Dundee Code identifies 5 feet. The Applicant shall identify on the utility plans and dedicate a minimum of eight-foot wide Public Utility Easement behind the right-of-way along both sides of SW 13<sup>th</sup> Street, the east side of SW Alder Street, and the west side of Highway 99W before submittal of building permits.

### **17.305.050 Storm drainage**

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

**Finding:** The Applicant has provided a Preliminary Drainage Report and proposes to utilize underground stormwater chambers, within the parking lot, to attenuate post development peak stormwater flows to a rate equal to or less than pre-development peak flow. Water quality is addressed with LIDA raingardens and Contech StormFilter vaults located within the site. Roadside planters are provided to manage stormwater for newly created impervious surfaces within the public right-of-way. The preliminary plan is generally compliant with DMC 17.305.050 and Division 5 of the City's Improvement Design Standards. The criterion is met.

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

**Finding:** The Dundee Hotel project is a commercial project that requires Site Development Review.

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

**Finding:** The Applicant has provided a Preliminary Drainage Report and proposes to utilize underground stormwater chambers, within the parking lot, to attenuate post development peak stormwater flows to a rate equal to or less than pre-development peak flow. Water quality is addressed with LIDA raingardens and Contech StormFilter vaults located within the site. Roadside planters are provided to manage stormwater for newly created impervious surfaces within the public right-of-way. The preliminary plan is generally compliant with DMC 17.305.050 and Division 5 of the City's Improvement Design Standards. The criterion is met

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

- 1. The methods to be used to minimize the amount of runoff, siltation, and pollution created from the development both during and after construction.***
- 2. Plans for the construction of storm sewers, open drainage channels, and other facilities that depict line sizes, profiles, construction specifications, and other such information as is necessary for the city to review the adequacy of the storm drainage plans.***
- 3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included on the site plan drawings and shall be stamped by a licensed***

***professional engineer in the state of Oregon. Peak design discharges shall be computed using the rational formula and based upon the design criteria outlined in the public works design standards for the city.***

**Finding:** A preliminary storm drainage report was submitted as noted above. No information was submitted on an erosion control plan as part of the application packet. The Applicant proposes to discharge stormwater from the courtyard directly into the storm drainage channel within SW Alder Street north of SW 13<sup>th</sup> Street. The design of the storm system within SW Alder Street north of SW 13<sup>th</sup> Street will need to be reviewed through a Type B Permit. Attachment 10 are City Engineer preliminary notes on possible improvements if a pipe in the existing storm drainage is required, or the storm system in SW Alder could be an open channel. The Applicant shall prepare a storm drainage and erosion control plan by an engineer registered in the State of Oregon in accordance with DMC 17.305.050.D. for review by the City Engineer. Obtain a 1200C erosion control permit from Oregon DEQ prior to commencing construction.

The Title Report identifies a private storm line that crosses the development area north of SW 13<sup>th</sup> Street. This storm line originate from Tax Lot/Map R3335AA 00900 (1226 Highway 99W) and terminates at SW 13<sup>th</sup> Street. The location of the line would be under the proposed 5,000 square foot commercial building. Conversations with the Applicant indicate the line is no longer is use. If the line is active it will need to be relocated from underneath the proposed commercial building and placed in a new easement. The Applicant shall provide documentation that the private storm line is no longer active and is abandoned. If no longer active the easement shall be extinguished and a copy of the recorded document provided to the City before issuance of a building permit. If the line is active a new easement shall be recorded showing the line not under the new 5,000 square foot commercial building and the old easement extinguished and a copy of the recorded documents provided to the City before issuance of a building permit.

ODOT comments indicate that stormwater will be discharged into the ODOT system in Highway 99W. ODOT requires a stormwater report prepared in accordance with the ODOT hydraulics manual. The Applicant shall prepare a stormwater report prepared in accordance with the ODOT hydraulics manual for review and approval to ODOT. A copy of the ODOT approval shall be submitted to the City before issuance of a City Type B permit for public improvements.

The criteria will be met if the aforementioned conditions of approval are adhered to.

***E. Development Standards. Development subject to this section shall be planned, designed, constructed, and maintained in compliance with the city of Dundee public works design standards.***

**Finding:** The proposed stormwater improvements are generally compliant with the City of Dundee public works design standards. The Applicant shall submit a final stormwater drainage report and plan prepared by an engineer registered in the state of Oregon prior to permit approval. The Applicant shall coordinate, design, and obtain City Type B permit approval per City Standards prior to construction.

This criterion will be met if the aforementioned condition of approval is adhered to.

## **SIGNS (DMC CHAPTER 17.306)**

No sign permit application was submitted as part of the Site Development Review application. Review of Sheet L101 identifies that there are signs proposed at the intersection of SW 13<sup>th</sup> Street and Highway 99W to

be located on 3-foot-tall retaining walls. These walls would be located in a vision clearance area and would not meet the height limitation of 17.301.040. The Applicant will be required to submit separate sign permit applications for conformance with Chapter 17.306 prior to installation of any freestanding or wall signs.

## **SITE DEVELOPMENT REVIEW (DMC CHAPTER 17.402)**

### ***Chapter 17.402 Site Development Review***

#### ***17.402.050 Approval Criteria***

***A. Approval Criteria. An application for a Type II site development review shall be approved if the proposal meets all of the following criteria. The city decision-making body may, in approving the application, impose reasonable conditions of approval, consistent with the applicable criteria.***

***1. The application is complete, in accordance with DMC 17.402.040;***

**Finding:** The application was deemed complete November 13, 2024, following review by City of Dundee engineering and planning personnel.

The criterion is met.

***2. The application complies with all of the applicable provisions of the underlying zone and overlay zone(s), including but not limited to: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards;***

**Finding:** Findings related to the underlying zone including building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards are provided in this document per DMC Sections 17.202.030, 17.202.040, 17.202.050, and 17.202.060.

The criterion will be met if the aforementioned conditions of approval for DMC Sections 17.202.030, 17.202.040, 17.202.050, and 17.202.060 are adhered to.

***3. The proposal includes required upgrades, if any, to existing development that does not comply with the applicable land use district standards, pursuant to Chapter 17.104 DMC, Nonconforming Situations;***

**Finding:** There is no existing development with the development area boundary. This criterion is not applicable.

***4. The proposal complies with all of the site design and development standards of this code, as applicable;***

**Finding:** Findings related to the project's compliance with special use standards and development requirements including those related to outdoor/unenclosed uses, access and circulation, landscaping and screening, exterior lighting, parking and loading, public improvements, and utilities are provided in this

document per DMC Section 17.203.140, Chapter 17.301, Chapter 17.302, Chapter 17.303, Chapter 17.304, and Chapter 17.305.

The criterion will be met if the aforementioned conditions of approval for DMC Section 17.203.140, Chapter 17.301, Chapter 17.302, Chapter 17.303, Chapter 17.304, and Chapter 17.305 are adhered to.

***5. The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable. Note: compliance with other city codes and requirements, though not applicable land use criteria, may be required prior to issuance of building permits.***

**Finding:** The proposed project does not possess pre-existing land use entitlement or other related conditions of approval that must be met at this time. However, compliance with other city codes and requirements may be required prior to issuance of building permits.

The criterion is met.

## **CONCLUSION**

The proposed project meets or exceeds the applicable criteria of the Development Code. Specific Conditions of Approval are provided in Exhibit “B” to ensure the proposal fully satisfies the applicable criteria in the Dundee Development Code.

## **PROPERTY CONSOLIDATION – NORTH (PC 24 -17)**

The application requests the common property line between the two deeded properties be eliminated thereby allowing the lot line adjustment (consolidation) of the two deeded lots into one deeded lot of 121,908 square feet (2.80 acres). Attachment 2 contains the Type I application material.

NOTE: This decision only concludes that if the common property line is eliminated the City’s applicable zoning regulations will not be violated. The property line will only be eliminated when the property owners record a deed at the Yamhill County Clerk’s Office with a revised legal description of only one property and record a survey with the County Surveyor.

The frontage of the property along Highway 99W is 150.16 feet, SW 13<sup>th</sup> Street would become 403.8 feet. The frontage along SW Alder Street would remain at 401.7 feet. As proposed in SDR 24-21 there will be right-of-way dedication along SW 13<sup>th</sup> Street and SW Alder Street which would establish street frontage of 389.37 feet and 385.84 feet respectively. The right-of-way dedication for SW 13<sup>th</sup> Street is also tied to SV 24-16 for partial vacation of right-of-way along the south side of SW 13<sup>th</sup> Street approved by City Council Ordinance No. 590-2025. The consolidated lot after right-of-way dedication for SW 13<sup>th</sup> Street and SW Alder Street would be 110,313 square feet (2.53 acres).

The Applicant’s map showing the proposed property line adjustment is in Attachment 2. The property was part of the Original Dundee Plat Block 3, Lots 1 -3 (R3335AA 01000) and Dundee Orchard Homes No. 1 Lots 66 and 67 (R3335AA 01200).

### ***17.403.010 Purpose.***

***The purpose of this chapter is to implement the objectives in subsections (A) through (E) of this section:***

***A. Provide rules, regulations and standards governing the approval of subdivisions, partitions and property line adjustments as follows:***

- 1. Subdivisions are the creation of four or more lots from one parent lot, parcel or tract, within one calendar year.***
- 2. Partitions are the creation of three or fewer lots within one calendar year from one parent lot, parcel, or tract.***
- 3. Property line adjustments are modifications to lot lines or parcel boundaries that do not result in the creation of new lots (includes consolidation of lots).***

### **Finding:**

1. Not applicable because the request is not for a subdivision.
2. Not applicable because the request is not for a partition.
3. The request is to adjust the lot line (consolidate) between R3335AA 01000 and R3335AA 01200 by

moving the interior lot line to create a single lot. No new lots would be created.

***B. Carry out the city's development pattern, as envisioned by the city's comprehensive plan.***

**Finding:** The City's development pattern in the area is for Commercial (COM) development in accordance with the Comprehensive Plan. The area north of the proposed Hotel and commercial building is developed with Medium Density Residential (MDR) dwellings and Commercial (COM) buildings in accordance with the Comprehensive Plan. To the west across SW Alder Street the area is developed with Low Density Residential (LDR) dwellings in accordance with the Comprehensive Plan. To the south across SW 13<sup>th</sup> Street the area is either undeveloped or developed with Commercial (COM) in accordance with the Comprehensive Plan. To the east across Highway 99W the area is developed with Light Industrial (LI) development in accordance with the Comprehensive Plan.

***C. Encourage efficient use of land resources and public services, and provide transportation options.***

**Finding:** The requested lot line adjustment (consolidation) would create an efficient sized parcel and remove the interior lot line creating flexibility in site improvements and removing setback requirements to an interior lot line. Public service opportunities would remain with infrastructure provided in Highway 99W, SW 13<sup>th</sup> Street and SW Alder Street. Transportation infrastructure would occur with Highway 99W, SW 13<sup>th</sup> Street and SW Alder Street.

***D. Promote the public health, safety and general welfare through orderly and efficient urbanization.***

**Finding:** The proposed lot line adjustment (consolidation) will promote economic development with construction of a new Hotel and commercial building within the corporate limits of the city. The proposal promotes the public health, safety and general welfare through orderly and efficient urbanization to meet Dundee Development Code requirements for the Hotel and commercial building.

***E. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards. [Ord. 521-2013 § 3 (Exh. A)].***

**Finding:** The proposed lot line adjustment (consolidation) would provide for adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards as outlined in SDR 24-21 with conditions of approval for development of the property.

***17.403.100 Property line adjustments.***

***A property line adjustment is the modification of lot boundaries when no lot is created. The city planning official reviews applications for property line adjustments pursuant to the Type I review under DMC***

***17.401.020. The application submission and approval process for property line adjustments is as follows:***

***A. Submission Requirements. All applications for property line adjustment shall be made on forms provided by the city and shall include information required for a Type I review, pursuant to DMC 17.401.020. The application shall include a preliminary lot line map drawn to scale identifying all***

*existing and proposed lot lines with dimensions; footprint with dimensions of existing structures (including accessory structures); location with dimensions of driveways and public and private streets within or abutting the subject lots; location of lands subject to the city of Dundee flood plain overlay; existing fences and walls; and any other information deemed necessary by the city planning official for ensuring compliance with city codes. The application shall be signed by all of the owners as appearing on the deeds of the subject lots.*

**Finding:** The Applicant submitted the lot line adjustment (consolidation) application on October 9, 2024, and it was determined complete on October 25, 2024. All required information listed in DMC 17.403.100.A. was submitted. The Applicant has granted a 120-day extension to April 4, 2025.

***B. Approval Criteria. The city planning official shall approve or deny a request for a property line adjustment in writing based on all of the following criteria:***

***1. Lot Creation. No additional parcel or lot is created by the property line adjustment;***

***2. Lot Standards. All lots conform to the standards of the applicable zone (DMC Division 17.200) including lot area, dimensions, setbacks, and coverage. If either or both of the lots are nonconforming prior to the adjustment, they may remain nonconforming after the adjustment, so long as the nonconforming situation is not made worse by the adjustment. As applicable, all lots shall conform to the city of Dundee flood plain overlay; and***

***3. Access and Road Authority Standards. All lots conform to the standards or requirements of Chapter 17.301 DMC, Access and Circulation, and all applicable road authority requirements are met. If a lot is nonconforming to any city or road authority standard, it shall not be made less conforming by the property line adjustment.***

**Finding:**

1. No additional lot would be created by the lot line adjustment (consolidation). The area starts with two lots and would conclude with one lot. Discussion with the Yamhill County Surveyor on February 14, 2025, indicated the lot line adjustment (consolidation) did not need to address the Original Dundee Plat Block 3, Lots 1 -3 and Dundee Orchard Homes No. 1 Lots 66 and 67 as part of the lot line adjustment. The County Surveyor requested that he wants to see the resultant legal description from the consolidation before recording. The Applicant shall coordinate with the Yamhill County Surveyor on the final legal description prior to recording with Yamhill County.

2. Lot Standards – The lot area (size) will be 121,908 square feet exceeding the 5,000 minimum size required by DMC 17.202.030, Table 17.202.030, A. Minimum Lot Area (Square Feet) – (b) applies to all zones. After right-of-way dedication addressed in SDR 24-21 the lot size will be 110,313 square feet.

The lot dimensions would be 150.16 feet of frontage on Highway 99W, 403.8 feet on SW 13<sup>th</sup> Street, and 401.7 feet on SW Alder Street. DMC 17.202.030, Table 17.202.030, D. Minimum Lot Dimensions (Feet) has no required Lot Width and Frontage, and Lot Depth in the C (Commercial) zone before right-of-way dedication per SDR 24-21.

With the lot consolidation existing buildings will have setbacks of 82 feet to Highway 99W, 5 feet to SW 13<sup>th</sup> Street and 5 feet to SW Alder Street. All existing buildings on the site are proposed to be demolished as part

of improvements proposed in SDR 24-21. DMC 17.202.030, Table 17.202.030, B. Yard Setback Requirements (Feet) for the C (Commercial) zone are:

- Primary Front Yard – Minimum - 10(j)
- Secondary Front Yard – Minimum - 10(j)
- Primary Front Yard – Maximum - 20(k)
- Secondary Front Yard – Maximum - 40(k)
- Side Yard for a Principal Structure - None(e)
- Rear Yard for a Principal Structure - None(e)

- (e) Minimum side or rear setback adjoining residential zone is 20 feet.
- (j) Minimum front yard setbacks apply only abutting Highway 99W right-of-way. Minimum front setback abutting other public rights-of-way is zero.
- (k) Compliance with the maximum front yard standards is determined as specified in DMC 17.202.060(A).

The lot coverage in DMC 17.202.030, Table 17.202.030, E. Maximum Lot Coverage (% of Lot) for the C (Commercial) zone is None.

3. Access and Road Authority Standards – Chapter 17.301 DMC, Access and Circulation establishes the access requirements for the consolidated site. The site’s current access is taken from Highway 99W. The lot consolidation retains the existing access location. This existing access would be closed and removed as proposed with SDR 24-21 and new accesses would occur from SW 13<sup>th</sup> Street at two locations. An existing access easement (ingress/egress) for the benefit of the development area north of SW 13<sup>th</sup> Street located on Tax Map/Lot R3335AA 00900 (1226 Highway 99W) will need to be released because the location of a new commercial building will remove the access opportunity. A condition in SDR 24-21 addresses this issue.

The criteria are met for Lot Creation, Lot Standards, and Access and Road Authority Standards by adjusting the lot line (consolidating) for the two lots into one lot.

### ***C. Recording Property Line Adjustments.***

***1. Recording. Upon the city’s approval of the proposed property line adjustment, the applicant shall record the property line adjustment documents with Yamhill County within 60 days of approval (or the decision expires), and file a survey of the property line adjustment with the Yamhill County surveyor.***

***2. Time Limit. The applicant shall submit a copy of the recorded property line adjustment documents to the city within 15 days of recording and prior to issuance of any building permits on the reconfigured lots. [Ord. 521-2013 § 3 (Exh. A)].***

### **Finding:**

1. The Applicant is required to record the lot consolidation with Yamhill County within 60 days of approval and file a survey with the Yamhill County Surveyor. The Applicant shall upon the city’s approval of the proposed property line adjustment, record the property line adjustment documents with Yamhill County within 60 days of approval (or the decision expires), and file a survey of the property line adjustment with the Yamhill County surveyor.

2. The Applicant is required to submit a copy of the recorded lot consolidation within 15 days of recording. The Applicant shall submit a copy of the recorded property line adjustment documents to the city within 15 days of recording and prior to issuance of any building permits on the reconfigured lots.

## **CONCLUSION**

The proposed project meets or exceeds the applicable criteria of the Development Code. Specific Conditions of Approval are provided in Exhibit “B” to ensure the proposal fully satisfies the applicable criteria in the Dundee Development Code.

## **PROPERTY CONSOLIDATION – SOUTH (CA 24-18)**

The application requests the common property line between the two deeded properties be eliminated thereby allowing the lot line adjustment (consolidation) of the two deeded lots into one deeded lot of 40,7870 square feet (0.94 acres). Attachment 3 contains the Type I application material.

NOTE: This decision only concludes that if the common property line is eliminated the City's applicable zoning regulations will not be violated. The property line will only be eliminated when the property owners record a deed at the Yamhill County Clerk's Office with a revised legal description of only one property and record a survey with the County Surveyor.

The frontage of the property along Highway 99W is 132,01 feet, SW 13<sup>th</sup> Street is 378.91 feet. The frontage along SW Alder Street would remain at 143.50 feet. As proposed in SDR 24-21 there will be right-of-way vacation along SW 13<sup>th</sup> Street which would establish street frontage of 338.84 feet and right-of-way dedication for SW Alder Street which would establish street frontage of 121.74 feet. The right-of-way dedication for SW 13<sup>th</sup> Street is also tied to SV 24-16 for partial vacation of right-of-way along the south side of SW 13<sup>th</sup> Street approved by City Council Ordinance No. 590-2025. The consolidated lot after partial right-of-way vacation for SW 13<sup>th</sup> Street and right-of-way dedication for SW Alder Street would be 44,321 square feet (1.02 acres).

The Applicant's map showing the proposed property line adjustment is in Attachment 3. The property was part of the Original Dundee Plat Block 2, Lots 4 (partial) 5 and 6 (R3335AA 01401) and Dundee Orchard Homes No. 1, Lot 65 (R3335AA 01301).

### ***17.403.010 Purpose.***

***The purpose of this chapter is to implement the objectives in subsections (A) through (E) of this section:***

***A. Provide rules, regulations and standards governing the approval of subdivisions, partitions and property line adjustments as follows:***

- 1. Subdivisions are the creation of four or more lots from one parent lot, parcel or tract, within one calendar year.***
- 2. Partitions are the creation of three or fewer lots within one calendar year from one parent lot, parcel, or tract.***
- 3. Property line adjustments are modifications to lot lines or parcel boundaries that do not result in the creation of new lots (includes consolidation of lots).***

### **Finding:**

4. Not applicable because the request is not for a subdivision.
5. Not applicable because the request is not for a partition.
6. The request is to adjust the lot line (consolidate) between R3335AA 01401 and R3335AA 01301 by moving the interior lot line to create a single lot. No new lots would be created.

***B. Carry out the city's development pattern, as envisioned by the city's comprehensive plan.***

**Finding:** The City's development pattern in the area is for Commercial (COM) development in accordance with the Comprehensive Plan. The area north of the proposed consolidated lot is the new Hotel and commercial building with Commercial (COM) in accordance with the Comprehensive Plan. To the west across SW Alder Street the area is developed with Low Density Residential (LDR) dwellings in accordance with the Comprehensive Plan. To the south the area is developed with Commercial (COM) buildings in accordance with the Comprehensive Plan. To the east across Highway 99W the area is developed with Light Industrial (LI) development in accordance with the Comprehensive Plan.

***C. Encourage efficient use of land resources and public services, and provide transportation options.***

**Finding:** The requested lot line adjustment (consolidation) would create an efficient sized parcel and remove the interior lot line creating flexibility in site improvements and removing setback requirements to an interior lot line. Public service opportunities would remain with infrastructure provided in Highway 99W, SW 13<sup>th</sup> Street and SW Alder Street. Transportation infrastructure would occur with Highway 99W, SW 13<sup>th</sup> Street and SW Alder Street.

***D. Promote the public health, safety and general welfare through orderly and efficient urbanization.***

**Finding:** The proposed lot line adjustment (consolidation) will promote economic development with construction of a new hotel and commercial building within the corporate limits of the city. The proposal promotes the public health, safety and general welfare through orderly and efficient urbanization to meet Dundee Development Code requirements for the hotel and commercial buildings.

***E. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards. [Ord. 521-2013 § 3 (Exh. A)].***

**Finding:** The proposed lot line adjustment (consolidation) would provide for adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards as outlined in SDR 24-21 with conditions of approval for development of the property.

***17.403.100 Property line adjustments.***

***A property line adjustment is the modification of lot boundaries when no lot is created. The city planning official reviews applications for property line adjustments pursuant to the Type I review under DMC 17.401.020. The application submission and approval process for property line adjustments is as follows:***

***A. Submission Requirements. All applications for property line adjustment shall be made on forms provided by the city and shall include information required for a Type I review, pursuant to DMC 17.401.020. The application shall include a preliminary lot line map drawn to scale identifying all existing and proposed lot lines with dimensions; footprint with dimensions of existing structures (including accessory structures); location with dimensions of driveways and public and private***

*streets within or abutting the subject lots; location of lands subject to the city of Dundee flood plain overlay; existing fences and walls; and any other information deemed necessary by the city planning official for ensuring compliance with city codes. The application shall be signed by all of the owners as appearing on the deeds of the subject lots.*

**Finding:** The Applicant submitted the lot line adjustment (consolidation) application on October 9, 2024, and was determined complete on October 25, 2024. All required information listed in DMC 17.403.100.A. was submitted. The Applicant has granted a 120-day extension to April 4, 2025.

***B. Approval Criteria. The city planning official shall approve or deny a request for a property line adjustment in writing based on all of the following criteria:***

***1. Lot Creation. No additional parcel or lot is created by the property line adjustment;***

***2. Lot Standards. All lots conform to the standards of the applicable zone (DMC Division 17.200) including lot area, dimensions, setbacks, and coverage. If either or both of the lots are nonconforming prior to the adjustment, they may remain nonconforming after the adjustment, so long as the nonconforming situation is not made worse by the adjustment. As applicable, all lots shall conform to the city of Dundee flood plain overlay; and***

***3. Access and Road Authority Standards. All lots conform to the standards or requirements of Chapter 17.301 DMC, Access and Circulation, and all applicable road authority requirements are met. If a lot is nonconforming to any city or road authority standard, it shall not be made less conforming by the property line adjustment.***

**Finding:**

1. No additional lot would be created by the lot line adjustment (consolidation). The area starts with two lots and would conclude with one lot. Discussion with the Yamhill County Surveyor on February 14, 2025, indicated the lot line adjustment (consolidation) did not need to address the Original Dundee Plat Block 2, Lots 4 (partial) 5 and 6 and Dundee Orchard Homes No. 1, Lot 65 as part of the lot line adjustment. The County Surveyor requested that he wants to see the resultant legal description from the consolidation before recording. The Applicant shall coordinate with the Yamhill County Surveyor on the final legal description prior to recording with Yamhill County.

2. Lot Standards – The lot area (size) will be 40,780 square feet exceeding the 5,000 minimum size required by DMC 17.202.030, Table 17.202.030, A. Minimum Lot Area (Square Feet) – (b) applies to all zones. After right-of-way dedication addressed in SDR 24-21 the lot size will be 44,321 square feet.

The lot dimensions would be 134.01 feet of frontage on Highway 99W, 378.91 feet on SW 13<sup>th</sup> Street, and 143.91 feet on SW Alder Street. DMC 17.202.030, Table 17.202.030, D. Minimum Lot Dimensions (Feet) has no required Lot Width and Frontage, and Lot Depth in the C (Commercial) zone before right-of-way dedication per SDR 24-21.

With the lot line adjustment (consolidation) there are no existing building on the subject site. DMC 17.202.030, Table 17.202.030, B. Yard Setback Requirements (Feet) for the C (Commercial) zone are:

Primary Front Yard – Minimum - 10(j)

Secondary Front Yard – Minimum - 10(j)  
Primary Front Yard – Maximum - 20(k)  
Secondary Front Yard – Maximum - 40(k)  
Side Yard for a Principal Structure - None(e)  
Rear Yard for a Principal Structure - None(e)

(e) Minimum side or rear setback adjoining residential zone is 20 feet.

(j) Minimum front yard setbacks apply only abutting Highway 99W right-of-way. Minimum front setback abutting other public rights-of-way is zero.

(k) Compliance with the maximum front yard standards is determined as specified in DMC 17.202.060(A).

The lot coverage in DMC 17.202.030, Table 17.202.030, E. Maximum Lot Coverage (% of Lot) for the C (Commercial) zone is None.

3. Access and Road Authority Standards – Chapter 17.301 DMC, Access and Circulation establishes the access requirements for the consolidated site. There are no current access to the property off of Highway 99W, SW 13<sup>th</sup> Street and SW Alder Street. New access as proposed with SDR 24-21 that would occur from SW 13<sup>th</sup> Street at two locations.

The criteria are met for Lot Creation, Lot Standards, and Access and Road Authority Standards by adjusting the lot line (consolidating) for the two lots into one lot.

### ***C. Recording Property Line Adjustments.***

***1. Recording. Upon the city's approval of the proposed property line adjustment, the applicant shall record the property line adjustment documents with Yamhill County within 60 days of approval (or the decision expires), and file a survey of the property line adjustment with the Yamhill County surveyor.***

***2. Time Limit. The applicant shall submit a copy of the recorded property line adjustment documents to the city within 15 days of recording and prior to issuance of any building permits on the reconfigured lots. [Ord. 521-2013 § 3 (Exh. A)].***

### **Finding:**

1. The Applicant is required to record the lot consolidation with Yamhill County within 60 days of approval and file a survey with the Yamhill County Surveyor. The Applicant shall upon the city's approval of the proposed property line adjustment, record the property line adjustment documents with Yamhill County within 60 days of approval (or the decision expires), and file a survey of the property line adjustment with the Yamhill County surveyor.

2. The Applicant is required to submit a copy of the recorded lot consolidation within 15 days of recording. The applicant shall submit a copy of the recorded property line adjustment documents to the city within 15 days of recording and prior to issuance of any building permits on the reconfigured lots.

## **CONCLUSION**

The proposed project meets or exceeds the applicable criteria of the Development Code. Specific Conditions of Approval are provided in Exhibit “B” to ensure the proposal fully satisfies the applicable criteria in the Dundee Development Code.

## CODE ADJUSTMENT – PARKING (CA 24-22)

### *17.406.010 Purpose.*

*This chapter provides standards and procedures for variances and adjustments, which are modifications to development standards that are not otherwise permitted elsewhere in this code as exceptions to code standards. These procedures provide relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with all other codes. The variance and adjustment procedures provide flexibility while ensuring that the resulting development is consistent with the code's intent. [Ord. 521-2013 § 3 (Exh. A)].*

**Finding:** The applicant has requested an adjustment to the required number of parking spaces (Attachment 4).

### *17.406.020 General provisions.*

*A. Authorization of Adjustments and Variances. This chapter provides for two types of modifications to development code standards: adjustments and variances.*

*1. Adjustments involve limited discretion and are processed through an administrative Type II review procedure under DMC 17.401.030. Adjustments are subject to the approval criteria under DMC 17.406.030.*

*2. Variances involve more discretion than adjustments and require quasi-judicial Type III review under DMC 17.401.040. Variances are subject to the approval criteria under DMC 17.406.040.*

### **Finding:**

1. The Applicant submitted a Type II application for adjust the number of required parking spaces Attachment 4). The application is being bundled with SDR 24-21, CA 24-23, PC 24-17, PC 24-18, V 24-19, V 24-20 and V 24-30 per DMC 17.401.070.C. for review. The criteria for evaluation used is DMC 17.406.030.
2. The application is not a variance request and DMC 17.401.040 and 17.406.040 are not applicable.

*B. Application Requirements. Adjustment applications shall be filed pursuant to the requirements for Type II review under DMC 17.401.030, and variance applications shall be filed pursuant to the requirements for Type III review under DMC 17.401.040, as applicable. In addition, the applicant shall provide a narrative or letter explaining the reason for the variance request, alternatives considered, how the variance criteria in DMC 17.406.040 are satisfied, and why the subject code standard(s) cannot be met without the variance.*

**Finding:** The application was filed as an adjustment for review. The application is being bundled with SDR 24-21, CA 24-23, PC 24-17, PC 24-18, V 24-19, V 24-20 and V 24-30 per DMC 17.401.070.C. for review. The application was determined complete on October 25, 2024. The Applicant has granted a 120-day extension to April 4, 2025.

*C. Concurrent Review with Other Applications – Permit Approvals by Other Agencies. Adjustment*

*and variance requests may be combined with other city land use and development applications; however, some variances may be subject to approval by other permitting agencies, such as ODOT or Yamhill County in the case of variances to highway or street access standards. Variances to city of Dundee public works design standards are reviewed by the city engineer and are not subject to the development code.*

**Finding:** The application was filed as an adjustment for review. The application is being bundled with SDR 24-21, CA 24-23, PC 24-17, PC 24-18, V 24-19, V 24-20 and V 24-30 per DMC 17.401.070.C. for review. Agency notice was sent to agencies including ODOT and Yamhill County. ODOT provided comments but they are not applicable to the requested Code Adjustment. Yamhill County provided no comments.

*D. Allowed Uses Not Subject to Adjustment or Variance. An adjustment or variance may not be used to add a new use to the list of allowed or conditionally allowed uses by zoning district. [Ord. 521-2013 § 3 (Exh. A)].*

**Finding:** The adjustment requested is not for a new use to the list of allowed or conditionally allowed uses. The request is to adjust the required number of parking spaces.

#### **17.406.030 Adjustments.**

*A. Applicability. The planning official may authorize an adjustment when the request would result in a 20 percent change or less to a quantifiable standard, and where the criteria in subsection (B) of this section are met. Any request to change a quantifiable standard by more than 20 percent would require a variance application.*

**Finding:** The requested change is to reduce the required number of parking spaces authorized in DMC 17.304.040.C. of 131 spaces down to 116 spaces. Parking space requirements are a quantifiable standard. The requested reduction is less than 20 percent. The requested reduction is 11 percent.

*B. Approval Criteria. An adjustment request shall be granted if an applicant demonstrates compliance with the following criteria:*

- 1. The adjustment is consistent with the purpose and intent of the code standard(s) to be adjusted;*
- 2. The adjustment would not create a conflict with or unreasonably impact adjacent uses; and*
- 3. Approval of the adjustment does not create a violation of any other code standard or previous land use action. [Ord. 544-2016 § 2 (Exh. A); Ord. 521-2013 § 3 (Exh. A)].*

#### **Finding:**

1. The requested adjustment is within the purpose and intent of the code standards for parking.
2. The requested adjustment does not create a conflict with or unreasonably impact adjacent uses. Existing development to the north of the development area is commercial and residential uses. There is no direct vehicular or pedestrian connection of these uses to the development. The uses to the north have separate

vehicular access locations off of either Highway 99W or SW 11<sup>th</sup> Street. Existing development to the south of the development area is commercial uses. There is no direct offsite vehicular or pedestrian connection of these uses to the development. The uses to the south have separate vehicular access locations off of SW Alder Street. As proposed in SDR 24-21 there will be no on-street parking on SW 13<sup>th</sup> Street. SW Alder Street north of SW 13<sup>th</sup> Street will have no on-street parking.

3. Approval of the code adjustment related to parking does not conflict with other code standards or previous land use actions.

Requirements for DMC 17.304.040 address the location of parking.

***A. Location. Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use except that:***

- 1. In any residential zone, automobile parking areas for dwellings and other uses permitted in a residential zone may be located on another lot if such lot is within 200 feet of the lot containing the main building, structure or use;***
- 2. In any nonresidential zone, the parking area may be located off the site of the main building, structure or use if it is within 500 feet of such site, except that in the CBD zone, the parking area may be located off site if it is within 1,000 feet; and***
- 3. No parking shall be allowed within a front yard, except as allowed on driveways.***

**Finding:** The project will construct two 5,000 each commercial buildings and a Hotel with Casitas totaling 95 rooms. Parking and service areas for the project will include a total of 116 vehicle spaces, which includes a reduction of 15 spaces as determined in CA 24-22. The parking includes five (5) ADA accessible spaces, and 2 loading berths located in SW 13<sup>th</sup> Street. All off-street parking areas for the project will occur within the development area. The development area includes the lot south of SW 13<sup>th</sup> Street and the lot north of SW 13<sup>th</sup> Street.

1. The development is not within a residential zone.
2. No off-site parking is proposed for the development. There will be shared parking between the lot north of SW 13<sup>th</sup> Street and the lot south of SW 13<sup>th</sup> Street.
3. No parking is located in a front yard (primary or secondary).

***B. Joint Use. Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared subject to review authority approval for commercial and industrial uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. The requirements of subsection (C) of this section may be reduced accordingly. Such joint use shall not be approved unless satisfactory legal evidence is presented which demonstrates the access and parking rights of parties.***

**Finding:** Loading is proposed to occur within SW 13<sup>th</sup> Street and is further addressed in DMC 17.305. There will be shared parking between the two development lot areas. The lot north of SW 13<sup>th</sup> will

contain 47 spaces which is insufficient to serve the Hotel and commercial building. Parking for the two uses on this lot require 113 spaces. The lot south of SW 13<sup>th</sup> Street has one use requiring 18 spaces. A total of 69 spaces are provided exceeding the required number of spaces. The lot north of SW 13<sup>th</sup> Street will be utilizing 51 spaces in the lot south of SW 13<sup>th</sup> Street to meet the developments overall parking requirement of 116 spaces. The hours of use of the Hotel/Casitas is different than the two commercial buildings. The Hotel/Casitas parking demand is in the evenings and overnight. The commercial buildings demand is during the day and into the evening. A shared parking agreement will be required. The Applicant shall prepare a shared parking agreement for submittal and review by the City Attorney in accordance with DMC 17.304.040.B. Once the shared parking agreement is approved the Applicant shall record the document with Yamhill County and provide a copy of the recorded document to the City.

***C. Off-Street Automobile Parking Space Standards. The minimum number of required off-street vehicle parking spaces shall be determined in accordance with one of the following procedures:***

- 1. Pursuant to the standards in Table 17.304.040(C); or***
- 2. Pursuant to a parking demand analysis prepared by a qualified professional and subject to review through a Type II or Type III procedure, consistent with the application process. Such demand analysis must consider average parking demands for existing and proposed uses on the subject site, opportunities for shared parking (parking agreement) with other uses in the vicinity, and public parking, including on-street parking, in the vicinity; or***
- 3. Where a use is not specifically listed in Table 17.304.040(C), parking requirements shall be determined by finding that a use is similar to one of those listed in Table 17.304.040(C) in terms of parking demand, or by estimating parking needs individually using the demand analysis option described in subsection (C)(2) of this section.***

<b><i>Retail store</i></b>	<b><i>1 space per 300 s.f. of gross floor area</i></b>
<b><i>Restaurant</i></b>	<b><i>1 space per 250 s.f. of gross floor area</i></b>
<b><i>Motel or hotel</i></b>	<b><i>1 space per guest room</i></b>

**Finding:**

1. The project proposes constructing a 5,000 square foot commercial building south of SW 13th Street with frontage on Highway 99W. The project proposes constructing a 5,000 square foot commercial building north of SW 13th Street with frontage on Highway 99W and a 95 room Hotel with Casitas north of SW 13th Street at the intersection with SW Alder Street. As noted in the application material and depicted on Sheet A-100 the project will provide the following off-street parking:

Structure Description	Structure Size <i>Square feet</i>	Number of Guest Rooms	Parking Requirement*	Number of Parking Stalls Required
Restaurant	2,000	N/A	1 space per 250 square feet of gross floor area	8
Restaurant	4,765	N/A	1 space per 250 square feet of gross floor area	19

Structure Description	Structure Size <i>Square feet</i>	Number of Guest Rooms	Parking Requirement*	Number of Parking Stalls Required
Retail	2,705	N/A	1 space per 300 square feet of gross floor area	9
Hotel	N/A	95	1 space per guest room	95
TOTAL	9,470	95		131

\*Requirements pursuant to the standards in DMC Table 17.304.040(C).

Staff would not there are some inconsistencies in the commercial building square footage. The application talks about two separate 5,000 square foot buildings. Sheet G-002 notes the buildings as 5,000 square feet each. Sheet G-011 identifies the buildings 4,968 square feet each. Sheet G-020 indicates the two buildings combined are 9,470 square feet to determine parking requirements. Other drawings indicate the buildings are 5,045,25 square feet each. For purposes of this analysis staff is using the numbers provided in the Parking Adjustment application CA 24-22.

CA 24-22 was submitted to adjust the required number of spaces from 131 to 116 spaces, an 11 percent reduction. The conclusion in CA 24-22 is the adjustment is acceptable and that the development is required to have 116 off street parking spaces. A parking demand analysis was not utilized in determining the required number of parking spaces.

1. All proposed uses are listed in DMC 17.202.020 and a similar use determination was not required.

The criterion is met.

#### ***17.406.050 Expiration.***

***A variance or adjustment approval, as applicable, shall expire if not acted upon by the property owner within one year of approval. Where the owner has applied for a building permit or final plat, or has made site improvements consistent with an approved development plan (e.g., site development review or preliminary subdivision plan), the city planning official may extend the approval without a separate land use action. [Ord. 521-2013 § 3 (Exh. A)].***

**Finding: The Applicant would have one year to apply for a building permit or start site improvements. The adjustment approval shall expire if not acted upon by the property owner (Applicant) within one year of approval. Where the owner (Applicant) has applied for a building permit or final plat, or has made site improvements consistent with an approved development plan (e.g., site development review or preliminary subdivision plan), the city planning official may extend the approval without a separate land use action.**

#### **CONCLUSION**

The proposed parking space adjustment request meets the applicable criteria of 17.406.030.B. Specific Conditions of Approval are provided in Exhibit “B” to ensure the proposal fully satisfies the applicable criteria in the Dundee Development Code

**CODE ADJUSTMENT – HOTEL WINDOW PERCENTAGE SW ALDER STREET (CA 24-23)**

***17.406.010 Purpose.***

***This chapter provides standards and procedures for variances and adjustments, which are modifications to development standards that are not otherwise permitted elsewhere in this code as exceptions to code standards. These procedures provide relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with all other codes. The variance and adjustment procedures provide flexibility while ensuring that the resulting development is consistent with the code’s intent. [Ord. 521-2013 § 3 (Exh. A)].***

**Finding:** The applicant has requested an adjustment to the required percentage of windows required for the Hotel elevation facing SW Alder Street (Attachment 5).

***17.406.020 General provisions.***

***A. Authorization of Adjustments and Variances. This chapter provides for two types of modifications to development code standards: adjustments and variances.***

***1. Adjustments involve limited discretion and are processed through an administrative Type II review procedure under DMC 17.401.030. Adjustments are subject to the approval criteria under DMC 17.406.030.***

***2. Variances involve more discretion than adjustments and require quasi-judicial Type III review under DMC 17.401.040. Variances are subject to the approval criteria under DMC 17.406.040.***

**Finding:**

1. The Applicant submitted a Type II application for adjust the percentage of windows required on the west elevation of the Hotel building facing SW Alder Street (Attachment 5). The application is being bundled with SDR 24-21, CA 24-22, PC 24-17, PC 24-18, V 24-19, V 24-20 and V 24-30 per DMC 17.401.070.C. for review. The criteria of evaluation used is DMC 17.406.030.
2. The application is not a variance request and DMC 17.401.040 and 17.406.040 are not applicable.

***B. Application Requirements. Adjustment applications shall be filed pursuant to the requirements for Type II review under DMC 17.401.030, and variance applications shall be filed pursuant to the requirements for Type III review under DMC 17.401.040, as applicable. In addition, the applicant shall provide a narrative or letter explaining the reason for the variance request, alternatives considered, how the variance criteria in DMC 17.406.040 are satisfied, and why the subject code standard(s) cannot be met without the variance.***

**Finding:** The application was filed as an adjustment for review. The application is being bundled with SDR 24-21, CA 24-22, PC 24-17, PC 24-18, V 24-19, V 24-20 and V 24-30 per DMC 17.401.070.C. for review. The application was determined complete on October 25, 2024. The Applicant has granted a 120-day extension to April 4, 2025.

***C. Concurrent Review with Other Applications – Permit Approvals by Other Agencies. Adjustment and variance requests may be combined with other city land use and development applications; however, some variances may be subject to approval by other permitting agencies, such as ODOT or Yamhill County in the case of variances to highway or street access standards. Variances to city of Dundee public works design standards are reviewed by the city engineer and are not subject to the development code.***

**Finding:** The application was filed as an adjustment for review. The application is being bundled with SDR 24-21, CA 24-22, PC 24-17, PC 24-18, V 24-19, V 24-20 and V 24-30 per DMC 17.401.070.C. for review. Agency notice was sent to agencies including ODOT and Yamhill County. ODOT provided comments but they are not applicable to the requested Code Adjustment. Yamhill County provided no comments.

***D. Allowed Uses Not Subject to Adjustment or Variance. An adjustment or variance may not be used to add a new use to the list of allowed or conditionally allowed uses by zoning district. [Ord. 521-2013 § 3 (Exh. A)].***

**Finding:** The adjustment requested is not for a new to the list of allowed or conditionally allowed uses. The request is to adjust the required number of parking spaces.

#### ***17.406.030 Adjustments.***

***A. Applicability. The planning official may authorize an adjustment when the request would result in a 20 percent change or less to a quantifiable standard, and where the criteria in subsection (B) of this section are met. Any request to change a quantifiable standard by more than 20 percent would require a variance application.***

**Finding:** The requested change is to reduce the required percentage of windows required by DMC 17.202.060.E. for the Hotel’s west elevation facing SW Alder Street. Window percentage requirements are a quantifiable standard. The requested reduction is less than 20 percent. The requested reduction is 17 percent.

***B. Approval Criteria. An adjustment request shall be granted if an applicant demonstrates compliance with the following criteria:***

- 1. The adjustment is consistent with the purpose and intent of the code standard(s) to be adjusted;***
- 2. The adjustment would not create a conflict with or unreasonably impact adjacent uses; and***
- 3. Approval of the adjustment does not create a violation of any other code standard or previous land use action. [Ord. 544-2016 § 2 (Exh. A); Ord. 521-2013 § 3 (Exh. A)].***

#### **Finding:**

1. The requested adjustment is within the purpose and intent of the code standards which indicates for buildings in the commercial 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.

2. The requested adjustment does not create a conflict with or unreasonably impact adjacent uses. Existing development to the north of the development area is commercial and residential uses. There is no direct vehicular or pedestrian connection of these uses to the development. The uses to the north have their own separate vehicular access locations off of either Highway 99W or SW 11th Street. Existing development to the south of the development area is commercial uses. There is no direct vehicular or pedestrian connection of these uses to the development. The uses to the south have their own separate vehicular access locations off of SW Alder Street. As proposed in SDR 24-21 there will be no on-street parking on SW 13th Street. SW Alder Street will have no on-street parking north of SW 13<sup>th</sup> Street.

Approval of the adjustment does not create a violation of any other code standard or previous land use action because it is within the 20% adjustment requirement. Requirements for DMC 17.202.060 address the requirements for windows on the ground floor.

***E. Ground Floor Windows. On the ground level of buildings in the commercial 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. The standards of this subsection (E) 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.***

**Finding:** The subject property is located in the C zone and has multiple frontages on Highway 99W, SW 13<sup>th</sup> Street, and SW Alder Street. Qualifying window features must make up at least 30 percent of the ground-level street wall facing SW Alder Street. Sheet G-022 identifies how the Applicant proposes to address the requirement.

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

**Finding:**

a. Not applicable because the development site is not in the CBD zone.

b. The development is within the C zone.

The Hotel building facing SW 13<sup>th</sup> Street “street wall” the total window area of the building elevation is 44%. Along SW Alder Street “street wall” the Applicant indicates the total window area required is 135.22 square feet. The proposed total window area of the elevation is 126 square feet (Sheet G-022) based on measurements of DMC 17.202.060.E.5 and does not meet the 30% requirement. Staff calculated the area also includes the stairwell as it is within the 40-foot setback. The calculation indicates  $84' \times 6' = 504$  square feet. 30% would be 151.2 square feet.  $30\% \text{ of } 504 = 151.2$  square feet.

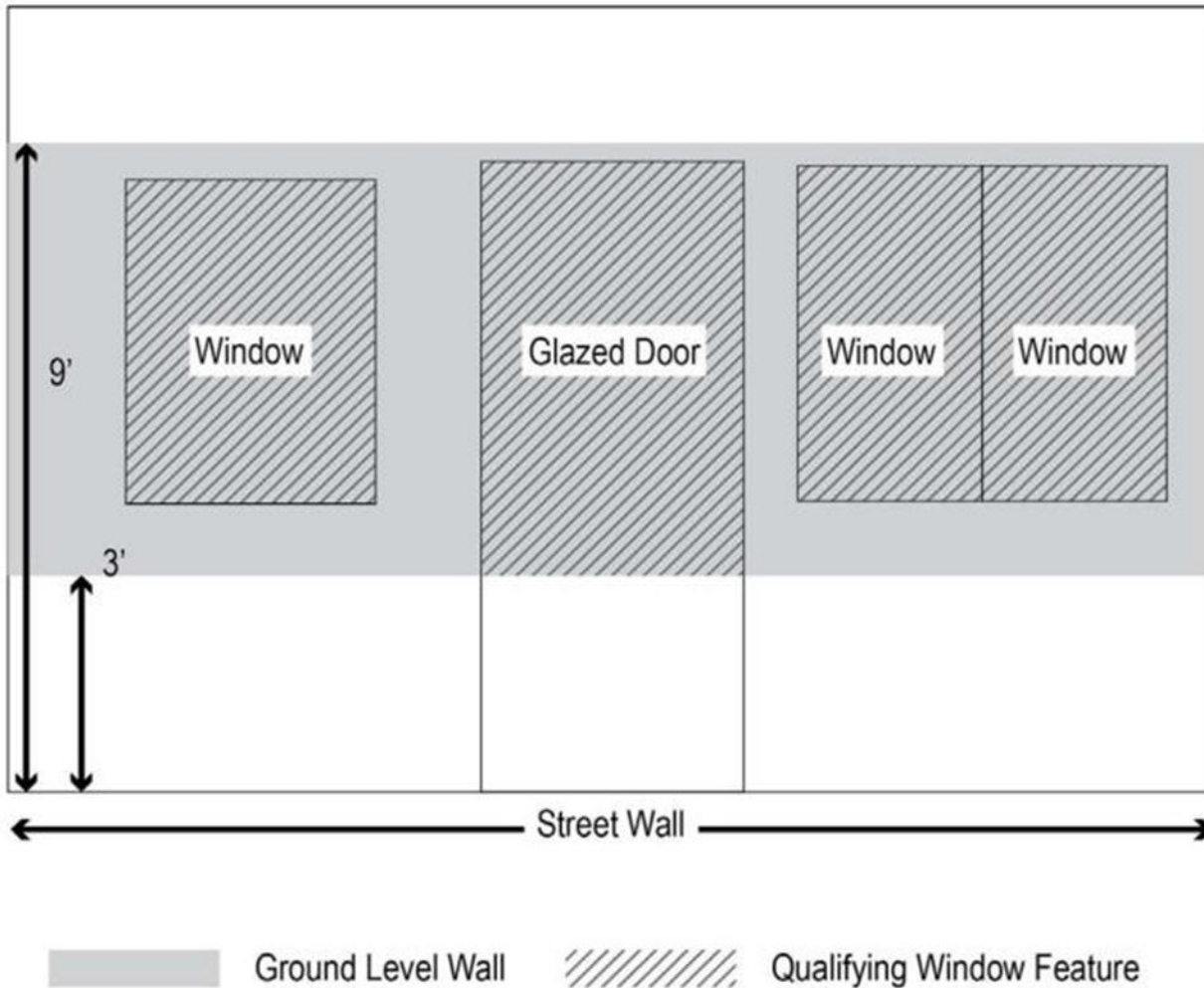
feet. The requested adjustment is 25.2 square feet under the 30.24 square foot allowed for an adjustment. The details for measurement are included in DMC 17.202.060.E.5. below for compliance with Standard 2. The window glazing requirement is met for the SW 13<sup>th</sup> Street frontage. The Applicant has requested an adjustment to the window glazing requirement facing SW Alder Street. CA 24-23 analyzed the Code Adjustment request and recommended approval for a 17% reduction in the required window glazing.

***4. Qualifying Window Features. Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than three feet above the adjacent exterior grade.***

**Finding:** The Hotel north of SW 13<sup>th</sup> Street has windows that face SW Alder Street. The windows on this elevation allow views into the building working interior space for back of house operations that consist of a laundry room and housekeeping manager's office space. On the SW Alder Street elevation, the bottom of the windows extends from 3' above floor elevation up to 5.5' in height as shown on Sheet G-022.

***5. Measurement. The ground level area of the street wall is measured from three feet above finished grade up to nine feet above the finished grade (see Figure 7).***

Figure 7: Measurement of Ground Floor Window Standard



**Finding:** The Hotel north of SW 13<sup>th</sup> Street has windows that face SW Alder Street. The windows on this elevation allow views into the building working interior space for back of house operations that consist of a laundry room and housekeeping managers office space. On the SW Alder Street elevation, the bottom of the windows extend from 3' above floor elevation up to 5.5' in height as shown on Sheet G-022.

3. Approval of the Code Adjustment related to window percentage requirements does not conflict with other code standards or previous land use actions.

**17.406.050 Expiration.**

*A variance or adjustment approval, as applicable, shall expire if not acted upon by the property owner within one year of approval. Where the owner has applied for a building permit or final plat, or has made site improvements consistent with an approved development plan (e.g., site development review or preliminary subdivision plan), the city planning official may extend the approval without a separate land use action. [Ord. 521-2013 § 3 (Exh. A)].*

**Finding:** The Applicant would have one year to apply for a building permit or start site improvements. The

adjustment approval shall expire if not acted upon by the property owner (Applicant) within one year of approval. Where the owner (Applicant) has applied for a building permit or final plat, or has made site improvements consistent with an approved development plan (e.g., site development review or preliminary subdivision plan), the city planning official may extend the approval without a separate land use action.

## **CONCLUSION**

The proposed project meets or exceeds the applicable criteria of the Development Code. Specific Conditions of Approval are provided in Exhibit “B” to ensure the proposal fully satisfies the applicable criteria in the Dundee Development Code

**VARIANCE – SW 13<sup>th</sup> STREET (V-24-19)**

**17.406.010 Purpose.**

*This chapter provides standards and procedures for variances and adjustments, which are modifications to development standards that are not otherwise permitted elsewhere in this code as exceptions to code standards. These procedures provide relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with all other codes. The variance and adjustment procedures provide flexibility while ensuring that the resulting development is consistent with the code’s intent. [Ord. 521-2013 § 3 (Exh. A)].*

**Finding:** The Applicant is proposing a street cross-section for SW 13<sup>th</sup> Street (Attachment 6) which does not meet the Local II street standards defined in the City’s Transportation System Plan (TSP). The table below is provided to summarize the proposed deviations from the TSP defined Local II section standard. The applicant’s proposal to create a 10-foot-wide sidewalk along the north side of SW 13<sup>th</sup> Street results in a reduction in the paved width of the roadway from 28 feet to 22 feet, removing on-street parking. The travel lanes provided with the proposed section exceed the width of the Local II street standards. On-street parking is intended to support the adjacent use. In the case of this application, the proposed development provides sufficient on-site parking to meet their proposed uses; therefore the requirement of on-street parking could be waived through this variance application. While the approvability of the variance is outlined in subsequent sections of this staff report, if approved, the City Engineer recommends slight modifications to the cross-section as outlined in the table below.

Description	Road Element Dimension (Feet)										
	ROW	Buffer	SW	LS	Park	Travel	Travel	Park	LS	SW	Space
Local II per TSP	50	1	5	5	8	10	10	0	5	5	1
SW 13th St Proposed	50	0	6	5.5	0	11	11	0	6	10	0.5
Meets/Exceeds Std?	Meets	No	Exceed	Exceed	No	Exceed	Exceed	No	Exceed	Exceed	No
	Paved Width										
<b>Recommended</b>	<b>50</b>	<b>0.5</b>	<b>5</b>	<b>6</b>	<b>0</b>	<b>11</b>	<b>11</b>	<b>0</b>	<b>6</b>	<b>10</b>	<b>0.5</b>

**17.406.020 General provisions.**

***A. Authorization of Adjustments and Variances. This chapter provides for two types of modifications to development code standards: adjustments and variances.***

***1. Adjustments involve limited discretion and are processed through an administrative Type II review procedure under DMC 17.401.030. Adjustments are subject to the approval criteria under DMC 17.406.030.***

***2. Variances involve more discretion than adjustments and require quasi-judicial Type III review under DMC 17.401.040. Variances are subject to the approval criteria under DMC 17.406.040.***

**Finding:** The application is not an adjustment request and DMC 17.401.030 and 17.406.030 are not applicable.

1. The Applicant submitted a Type III application for a variance to the street cross-section improvements for SW Alder Street. The application is being bundled with SDR 24-21, CA 24-22, CA 24-23, PC 24-17, PC 24-18, V 24-20, and V 24-30 per DMC 17.401.070.C. for review. The criteria of evaluation used is DMC 17.406.040.

***B. Application Requirements. Adjustment applications shall be filed pursuant to the requirements for Type II review under DMC 17.401.030, and variance applications shall be filed pursuant to the requirements for Type III review under DMC 17.401.040, as applicable. In addition, the applicant shall provide a narrative or letter explaining the reason for the variance request, alternatives considered, how the variance criteria in DMC 17.406.040 are satisfied, and why the subject code standard(s) cannot be met without the variance.***

**Finding:** The application was filed as a variance for review. The application is being bundled with SDR 24-21, CA 24-22, CA 24-23, PC 24-17, PC 24-18, V 24-20, and V 24-30 per DMC 17.401.070.C. for review. The application was determined complete on October 25, 2024. The Applicant has granted a 120-day extension to April 4, 2025.

***C. Concurrent Review with Other Applications – Permit Approvals by Other Agencies. Adjustment and variance requests may be combined with other city land use and development applications; however, some variances may be subject to approval by other permitting agencies, such as ODOT or Yamhill County in the case of variances to highway or street access standards. Variances to city of Dundee public works design standards are reviewed by the city engineer and are not subject to the development code.***

**Finding:** The application was filed as a variance for review. The application is being bundled with SDR 24-21, CA 24-22, 24-23, PC 24-17, PC 24-18, V 24-20, and V 24-30 per DMC 17.401.070.C. for review. Agency notice was sent to ODOT and Yamhill County. ODOT provided comments but they are not applicable to the requested Code Adjustment. Yamhill County provided no comments.

***D. Allowed Uses Not Subject to Adjustment or Variance. An adjustment or variance may not be used to add a new use to the list of allowed or conditionally allowed uses by zoning district. [Ord. 521-2013 § 3 (Exh. A)].***

**Finding:** The variance requested is not for a new use to the list of allowed or conditionally allowed uses. The request is to obtain a variance for the cross-section improvements within a 50-foot right-of-way for SW 13<sup>th</sup> Street.

#### ***17.406.040 Variances.***

***A. Applicability. Except where this code specifically authorizes exceptions, or where the city may approve an adjustment pursuant to DMC 17.406.030, a variance is required to deviate from a standard of this code.***

**Finding:** The requested adjustment exceeds the 20 percent change to a quantifiable standard threshold defined in DMC 17.406.030 therefore this variance application is being processed through a Type III review.

The requested variance is for the cross-section improvements within a 50-foot right-of-way for SW 13th

Street. The applicant's proposal is to create a 10-foot-wide sidewalk along the north side of SW 13th Street results in a reduction in the paved width of the roadway from 28 feet to 22 feet, removing on-street parking. The travel lanes provided with the proposed section exceed the width of the Local II street standards. Two mid-block pedestrian crossings are proposed in addition to two on-street loading berths. The modifications percentage requirements are a quantifiable standard. The requested reduction is more than 20% and requires a variance evaluation.

***B. Approval Criteria. The planning commission may approve an application for a variance through a Type III review upon finding that the application meets all of the following criteria:***

- 1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses;***
- 2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site;***
- 3. The need for the variance is not self-imposed by the applicant or property owner (for example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant);***
- 4. The variance does not conflict with other applicable city policies or other applicable regulations;***
- 5. The variance will result in no foreseeable harm to adjacent property owners or the public; and***
- 6. All applicable building code requirements shall be met. [Ord. 521-2013 § 3 (Exh. A)].***

**Finding:**

1. Existing development patterns and adjacent land uses support the requested variance to increase the sidewalk width to 10 feet resulting in the elimination of parking along SW 13<sup>th</sup> Street. The proposed development provides parking for its proposed uses which alleviates the need for on-street parking on this section of SW 13<sup>th</sup> Street. Furthermore, the wider sidewalk will create a pedestrian friendly street section improving connectivity from the proposed development to the City's Community Commercial zone. The Applicant proposes two raised pedestrian crossings of SW 13<sup>th</sup> Street. The City does not have a standard for raised pedestrian crossings. The westerly raised crossing provides connectivity between the hotel and parking area to the south, does not interrupt the functionality of the local street and therefore can be approved. The second proposed raised crossing is located approximately 75 feet west of the intersection of SW 13<sup>th</sup> Street and Highway 99W. This crossing presents the potential for vehicles to queue onto Highway 99W. Furthermore, drivers turning from Highway 99W onto SW 13<sup>th</sup> Street will not have clear line of sight to the crossing, presenting a potential point of vehicle/pedestrian conflict. This raised crossing cannot be approved. The project will create a new crossing of SW 13<sup>th</sup> Street at Highway 99W which will provide safe pedestrian circulation without causing significant out of direction travel for pedestrians traveling from either parking area to the Community Commercial zone. The Applicant shall revise plans to remove the east mid-block pedestrian crossing and submit revised plans for approval before issuance of a public improvement permit or building permits.

2. The variance to remove on-street parking is the minimum necessary to address the circumstances related to the subject site.
3. The need for this variance is not self-imposed. The existing 13<sup>th</sup> Street right-of-way is 40-ft wide, the Applicant is providing right-of-way dedications to provide the 50 foot right-of-way width in accordance with the Local II standards defined in the TSP.
4. The proposed variance does not conflict with other applicable city policies or other applicable regulations. The City is has jurisdiction over the SW 13<sup>th</sup> Street right-of-way and can make the determination of the approvability of this variance.
5. The applicant is the owner of the adjacent properties and is not harmed by approval of this variance. This variance does not harm the public as the applicant is proposing a right-of-way dedication (50 feet) which is consistent with the City's Local II street standards.
6. This variance applies to City owned right-of-way; building code requirements are not applicable

***17.406.050 Expiration.***

***A variance or adjustment approval, as applicable, shall expire if not acted upon by the property owner within one year of approval. Where the owner has applied for a building permit or final plat, or has made site improvements consistent with an approved development plan (e.g., site development review or preliminary subdivision plan), the city planning official may extend the approval without a separate land use action. [Ord. 521-2013 § 3 (Exh. A)].***

**Finding:** The Applicant would have one year to apply for a public improvement permit or start site improvements. The adjustment approval shall expire if not acted upon by the property owner (Applicant) within one year of approval. Where the owner (Applicant) has applied for a building permit or final plat, or has made site improvements consistent with an approved development plan (e.g., site development review or preliminary subdivision plan), the city planning official may extend the approval without a separate land use action.

**CONCLUSION**

The proposed project meets or exceeds the applicable criteria of the Development Code. Specific Conditions of Approval are provided in Exhibit "B" to ensure the proposal fully satisfies the applicable criteria in the Dundee Development Code.

## VARIANCE – SW ALDER STREET GROUND FLOOR WINDOWS (V-24-20)

### *17.406.010 Purpose.*

*This chapter provides standards and procedures for variances and adjustments, which are modifications to development standards that are not otherwise permitted elsewhere in this code as exceptions to code standards. These procedures provide relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with all other codes. The variance and adjustment procedures provide flexibility while ensuring that the resulting development is consistent with the code's intent. [Ord. 521-2013 § 3 (Exh. A)].*

**Finding:** The applicant has requested a variance to the required percentage of windows and measurement for windows required for the Casitas elevation facing SW Alder Street Attachment 7).

### *17.406.020 General provisions.*

*A. Authorization of Adjustments and Variances. This chapter provides for two types of modifications to development code standards: adjustments and variances.*

*1. Adjustments involve limited discretion and are processed through an administrative Type II review procedure under DMC 17.401.030. Adjustments are subject to the approval criteria under DMC 17.406.030.*

*2. Variances involve more discretion than adjustments and require quasi-judicial Type III review under DMC 17.401.040. Variances are subject to the approval criteria under DMC 17.406.040.*

### **Finding:**

1. The application is not an adjustment request and DMC 17.401.030 and 17.406.030 are not applicable.
2. The Applicant submitted a Type III application for a variance to the percentage and measurement for windows on the Casitas facing SW Alder Street. The application is being bundled with SDR 24-21, CA 24-22, CA 24-23, PC 24-17, PC 24-18, V 24-19, and V 24-30 per DMC 17.401.070.C. for review. The criteria of evaluation used is DMC 17.406.040.

*B. Application Requirements. Adjustment applications shall be filed pursuant to the requirements for Type II review under DMC 17.401.030, and variance applications shall be filed pursuant to the requirements for Type III review under DMC 17.401.040, as applicable. In addition, the applicant shall provide a narrative or letter explaining the reason for the variance request, alternatives considered, how the variance criteria in DMC 17.406.040 are satisfied, and why the subject code standard(s) cannot be met without the variance.*

**Finding:** The application was filed as a variance for review. The application is being bundled with SDR 24-21, CA 24-22, CA 24-23, PC 24-17, PC 24-18, V 24-19, and V 24-30 per DMC 17.401.070.C. for review. The application was determined complete on October 25, 2024. The Applicant has granted a 120-day extension to April 4, 2025.

***C. Concurrent Review with Other Applications – Permit Approvals by Other Agencies. Adjustment and variance requests may be combined with other city land use and development applications; however, some variances may be subject to approval by other permitting agencies, such as ODOT or Yamhill County in the case of variances to highway or street access standards. Variances to city of Dundee public works design standards are reviewed by the city engineer and are not subject to the development code.***

**Finding:** The application was filed as a variance for review. The application is being bundled with SDR 24-21, CA 24-22, 24-23, PC 24-17, PC 24-18, V 24-19, and V 24-30 per DMC 17.401.070.C. for review. Agency notice was sent to ODOT and Yamhill County. ODOT provided comments but they are not applicable to the requested Code Adjustment. Yamhill County provided no comments.

***D. Allowed Uses Not Subject to Adjustment or Variance. An adjustment or variance may not be used to add a new use to the list of allowed or conditionally allowed uses by zoning district. [Ord. 521-2013 § 3 (Exh. A)].***

**Finding:** The variance requested is not for a new use to the list of allowed or conditionally allowed uses. The request is to obtain a variance of the percentage and measurement for windows on the Casitas facing SW Alder Street.

#### ***17.406.040 Variances.***

***A. Applicability. Except where this code specifically authorizes exceptions, or where the city may approve an adjustment pursuant to DMC 17.406.030, a variance is required to deviate from a standard of this code.***

**Finding:** The requested variance is to reduce the required percentage of windows and measurement requirements required by DMC 17.202.060.E. for the Casitas west building elevation facing SW Alder Street. Window percentage requirements are a quantifiable standard. The requested reduction is more than 20% and requires a variance evaluation. The requested window glazing reduction is 56.6 percent.

***B. Approval Criteria. The planning commission may approve an application for a variance through a Type III review upon finding that the application meets all of the following criteria:***

- 1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses;***
- 2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site;***
- 3. The need for the variance is not self-imposed by the applicant or property owner (for example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant);***
- 4. The variance does not conflict with other applicable city policies or other applicable regulations;***

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

***6. All applicable building code requirements shall be met. [Ord. 521-2013 § 3 (Exh. A)].***

**Finding:**

1. The Applicant has indicated in their response to the criterion “The subject code provision does not account for the unique condition of a commercial zone adjacent to and across the ROW from an existing residential neighborhood. The code section cited above states “On the ground level of buildings in the commercial 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.” In this case, the “inviting pedestrian environment” is currently supported by being a residential neighborhood and will further be supported by an enhanced walking path and vegetation. The design team believes it would be inappropriate to have the commercial ground floor windows regulated by this section.”

Staff evaluation of the criterion is there are unique circumstances for the site in relation to SW Alder Street and residential dwellings west of SW Alder Street. The criterion for windows creates an interesting dynamic of developed lots and lots to be developed in the residential zone. Currently there are three developed lots across SW Alder Street. Two lots are undeveloped. Residential dwellings typically do not have a 30 percent window coverage facing the street and are predominantly a garage and a window area(s) within the internal living space. The Applicant is attempting to create a dynamic where the window glazing percentage is compatible with existing and future single-family dwellings and does not over dominate existing and future residential dwellings.

The staff’s conclusion is the variance is necessary because the subject code provision (DMC 17.202.060.E.) does not account for existing development patterns, or adjacent land uses

2. The Applicant has indicated in their response to the criterion “In this instance, there isn’t a minimum standard so much as an ‘either, or’. Commercial ground floor windows feel inappropriate at this section of ROW frontage.” The application material further indicates that “The applicant proposes that this is a benefit to the adjacent residential neighborhood as it retains a more residential character, in keeping with that of the zoning across the Alder ROW. The applicant believes that the enhanced façade articulation and generous plantings will a pleasant pedestrian experience when walking along the Alder ROW and that large expanses of glazing in this location would be inappropriate.”

The applicable standards are listed below with findings.

***E. Ground Floor Windows. On the ground level of buildings in the commercial 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. The standards of this subsection (E) 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.***

**Finding:** The subject property is located in the C zone and has multiple frontages on Highway 99W, SW 13<sup>th</sup> Street, and SW Alder Street. Qualifying window features must make up at least 30 percent of the ground-level street wall facing SW Alder Street. Sheet G-022 identifies how the Applicant proposes to address the requirement.

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

**Finding:**

a. Not applicable because the development site is not in the CBD zone.

b. The development is within the C zone.

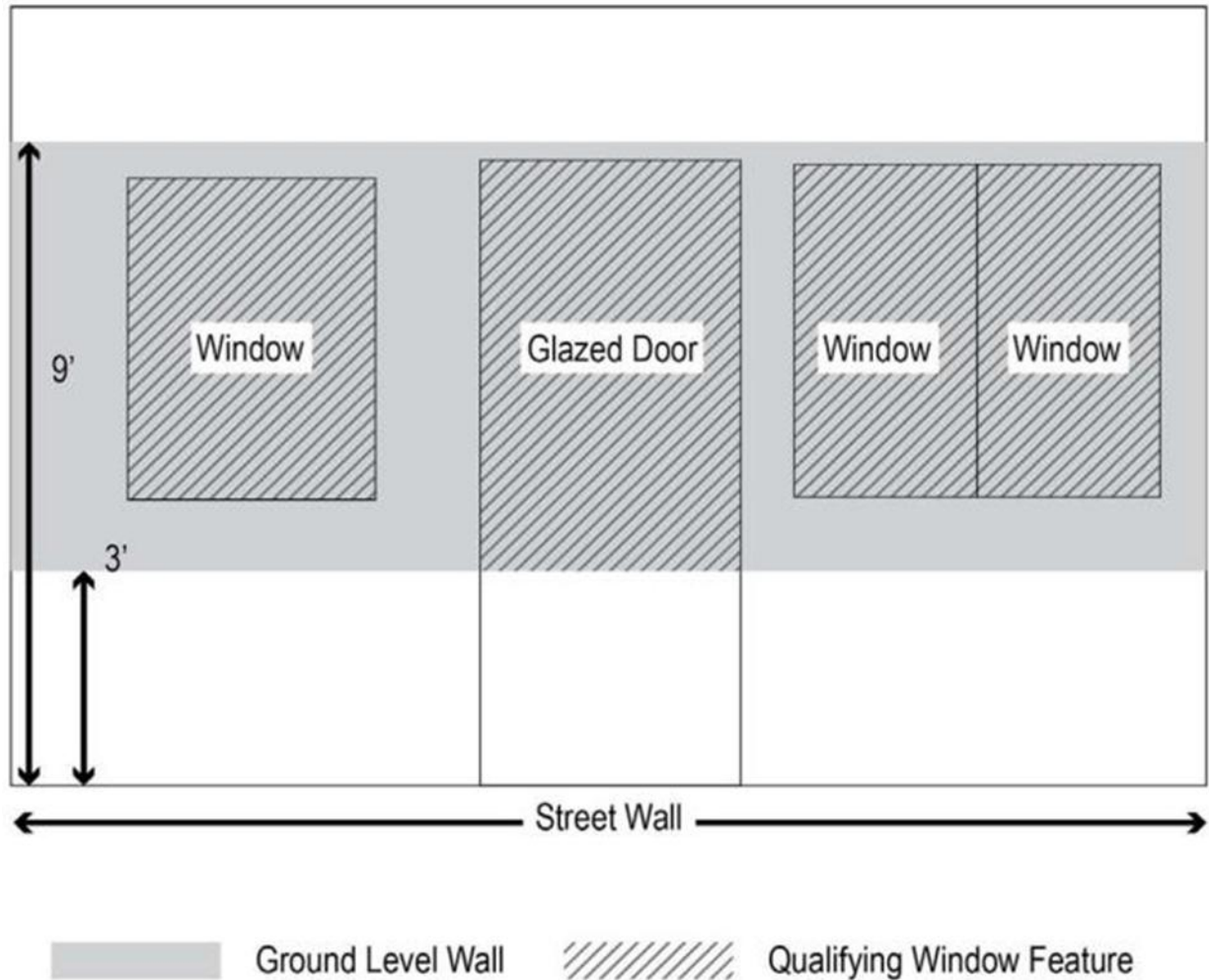
The Casitas building faces SW Alder Street. Along the SW Alder Street “street wall” the required glazing is 397.46 square feet (1,324.88 x 30%). The proposed total window area of the building elevation is 172.54 square feet based on measurements of DMC 17.202.060.E.5. The details for measurement are included in DMC 17.202.060.E.5. below for compliance with Standard 2. The requested variance is a 56.6% reduction of the required window glazing amount.

**4. Qualifying Window Features.** *Required window areas must be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of the windows must be no more than three feet above the adjacent exterior grade.*

**Finding:** The Casitas east of SW Alder Street have windows that face SW Alder Street. The windows on this elevation allow light into the interior space of the rooms but not views into the hotel room spaces. On the SW Alder Street elevation, the bottom of the windows are 7 feet above floor elevation. The windows vary in length and are approximately 6 feet in length and 1-foot in height (each) as shown on Sheet G-022.

**5. Measurement.** *The ground level area of the street wall is measured from three feet above finished grade up to nine feet above the finished grade (see Figure 7).*

**Figure 7: Measurement of Ground Floor Window Standard**



**Finding:** The Casitas east of SW Alder Street has windows that face SW Alder Street. The windows on this elevation allow light into the interior space of the rooms but not views into the hotel room spaces. On the SW Alder Street elevation, the bottom of the windows are 7 feet above floor elevation. The windows vary in length and are approximately 6 feet in length and 1-foot in height (each) as shown on Sheet G-022. .

There are three existing single-family dwellings across the street from the proposed Casitas. There are also two undeveloped lots. The Applicant's design intent is to blend the design of the Casitas to fit with the residential character across SW Alder Street. Staff review of the buildings designs in SDR 24-21 have identified a transition of building materials and colors. Review of the proposed landscaping on the site provides additional buffering to the residential area across SW Alder Street. Having natural light entering into the Casitas rooms is a benefit to the occupants. The combination of window placement/size/percentage, exterior siding material, and landscaping make the design more compatible with existing and future residential development. The reduction of glazing and location of the windows is the minimum necessary to make the Casita compatible with the existing and future single-family dwellings.

The staff's conclusion is the variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.

3. The Applicant has indicated in their response to the criterion “No, the need for the variance is not self-imposed by the applicant or property owner. The project is proposing two option for this stretch of ROW: a multi-use path or a 3/4 ROW development of Alder. We believe that commercial ground level windows are inappropriate for either scenario.”

Staff evaluation of the proposal is the window percentage reduction and window height are in response to designing the Casitas to blend with existing and future single-family development across SW Alder Street. Providing windows in compliance with DMC 17.202.060.E. would create a significant percentage of window coverage that would not be more compatible with residential development.

Staff’s conclusion is the need for the variance is not self-imposed by the Applicant.

4. The Applicant has indicated in their response to the criterion “No, the variance does not conflict with other applicable city policies or other applicable regulations.”

Staff reviewed the variance request as it relates to other Code requirements. As noted in SDR 24-21 there will be variations in exterior siding material and colors, on-site landscaping and landscaping with the public right-of-way.

Staff concludes the variance does not conflict with other applicable city policies or other applicable regulations.

5. The Applicant has indicated in their response to the criterion “No, the variance will result in no foreseeable harm to adjacent property owners or the public. The variance would be a benefit to adjacent property owners by providing a more pleasing pedestrian environment.”

Staff evaluation is the reduction in window percentage and height would not be detrimental to adjacent properties or the public. The design of the west “street wall” would be more compatible with existing and future single-family dwellings across SW Alder Street because of the exterior siding material and on site landscaping that would assist in buffering the street view. In addition, there will be required landscaping in the right-of-way of SW Alder Street.

Staff concludes the variance will result in no foreseeable harm to adjacent property owners or the public.

6. The Applicant has indicated in their response to the criterion “The proposed variance has no impact on building code requirements.”

Construction of the Casitas will need to comply with the Oregon Structural Specialty Code requirements.

Staff concludes all applicable building code requirements will be reviewed and comply with applicable Oregon Structural Specialty Code requirements.

***17.406.050 Expiration.***

***A variance or adjustment approval, as applicable, shall expire if not acted upon by the property owner within one year of approval. Where the owner has applied for a building permit or final plat, or has made site improvements consistent with an approved development plan (e.g., site development review or***

*preliminary subdivision plan), the city planning official may extend the approval without a separate land use action. [Ord. 521-2013 § 3 (Exh. A)].*

**Finding:** The Applicant would have one year to apply for a building permit or start site improvements. The adjustment approval shall expire if not acted upon by the property owner (Applicant) within one year of approval. Where the owner (Applicant) has applied for a building permit or final plat, or has made site improvements consistent with an approved development plan (e.g., site development review or preliminary subdivision plan), the city planning official may extend the approval without a separate land use action.

## **CONCLUSION**

The proposed project meets or exceeds the applicable criteria of the Development Code. Specific Conditions of Approval are provided in Exhibit “B” to ensure the proposal fully satisfies the applicable criteria in the Dundee Development Code

## **VARIANCE – BUILDING HEIGHT AND STORIES (V 24-30)**

### ***17.406.010 Purpose.***

***This chapter provides standards and procedures for variances and adjustments, which are modifications to development standards that are not otherwise permitted elsewhere in this code as exceptions to code standards. These procedures provide relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with all other codes. The variance and adjustment procedures provide flexibility while ensuring that the resulting development is consistent with the code’s intent. [Ord. 521-2013 § 3 (Exh. A)].***

**Finding:** The applicant has requested a variance to the required maximum building height and number of stories related to the rooftop patio that faces SW 13<sup>th</sup> Street and SW Alder Street (Attachment 8).

### ***17.406.020 General provisions.***

***A. Authorization of Adjustments and Variances. This chapter provides for two types of modifications to development code standards: adjustments and variances.***

***1. Adjustments involve limited discretion and are processed through an administrative Type II review procedure under DMC 17.401.030. Adjustments are subject to the approval criteria under DMC 17.406.030.***

***2. Variances involve more discretion than adjustments and require quasi-judicial Type III review under DMC 17.401.040. Variances are subject to the approval criteria under DMC 17.406.040.***

### **Finding:**

1. The application is not an adjustment request and DMC 17.401.030 and 17.406.030 are not applicable.
2. The Applicant submitted a Type III application for a variance to the required maximum building height and number of stories related to the rooftop patio that faces SW 13th Street and SW Alder Street. The application is being bundled with SDR 24-21, CA 24-22, CA 24-23, PC 24-17, PC 24-18, V 24-19, and V 24-20 per DMC 17.401.070.C. for review. The criteria of evaluation used is DMC 17.406.040.

***B. Application Requirements. Adjustment applications shall be filed pursuant to the requirements for Type II review under DMC 17.401.030, and variance applications shall be filed pursuant to the requirements for Type III review under DMC 17.401.040, as applicable. In addition, the applicant shall provide a narrative or letter explaining the reason for the variance request, alternatives considered, how the variance criteria in DMC 17.406.040 are satisfied, and why the subject code standard(s) cannot be met without the variance.***

**Finding:** The application was filed as a variance for review. The application is being bundled with SDR 24-21, CA 24-22, CA 24-23, PC 24-17, PC 24-18, V 24-19, and V 24-20 per DMC 17.401.070.C. for review. The application was determined complete on October 25, 2024. The Applicant has granted a 120-day extension to April 4, 2025.

***C. Concurrent Review with Other Applications – Permit Approvals by Other Agencies. Adjustment and variance requests may be combined with other city land use and development applications; however, some variances may be subject to approval by other permitting agencies, such as ODOT or Yamhill County in the case of variances to highway or street access standards. Variances to city of Dundee public works design standards are reviewed by the city engineer and are not subject to the development code.***

**Finding:** The application was filed as a variance for review. The application is being bundled with SDR 24-21, CA 24-22, 24-23, PC 24-17, PC 24-18, V 24-19, and V 24-20 per DMC 17.401.070.C. for review. Agency notice was sent to ODOT and Yamhill County. ODOT provided comments but they are not applicable to the requested Code Adjustment. Yamhill County provided no comments.

***D. Allowed Uses Not Subject to Adjustment or Variance. An adjustment or variance may not be used to add a new use to the list of allowed or conditionally allowed uses by zoning district. [Ord. 521-2013 § 3 (Exh. A)].***

**Finding:** The variance requested is not for a new use to the list of allowed or conditionally allowed uses. The request is to obtain a variance to the maximum building height and number of stories related to the rooftop patio for a portion of the Hotel facing SW 13<sup>th</sup> Street and SW Alder Street.

#### ***17.406.040 Variances.***

***A. Applicability. Except where this code specifically authorizes exceptions, or where the city may approve an adjustment pursuant to DMC 17.406.030, a variance is required to deviate from a standard of this code.***

**Finding:** The requested variance is to the maximum building height and number of stories related to the rooftop patio regulated by DMC 17.202.030, Table 17.202.030, C. Maximum Structure Height (Feet) for the Hotel elevation facing SW 13<sup>th</sup> Steet and SW Alder Street. Building height is a quantifiable standard. The requested increased height is 4 feet above the maximum of 45 feet and one additional story above the maximum of three (3).

***B. Approval Criteria. The planning commission may approve an application for a variance through a Type III review upon finding that the application meets all of the following criteria:***

- 1. The variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses;***
- 2. The variance is the minimum necessary to address the special or unique physical circumstances related to the subject site;***
- 3. The need for the variance is not self-imposed by the applicant or property owner (for example, the variance request does not arise as result of a property line adjustment or land division approval previously granted to the applicant);***
- 4. The variance does not conflict with other applicable city policies or other applicable regulations;***

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

***6. All applicable building code requirements shall be met. [Ord. 521-2013 § 3 (Exh. A)].***

**Finding:**

1. The Applicant has indicated in their response to the criterion “Though the subject code provision allows for roof decks, it does not allow for the additional amenities that make a roof deck commercially viable. By being located across the ROW from a residential zone, our property is uniquely situated to provide sweeping views of the Dundee Hills without being an overbearing presence on our neighbors. The proposed variance would be an amenity to both visitors and the community. Adding roof coverage and restrooms will make the proposed roof deck appealing for all guests over three seasons instead of just one – a particularly valuable amenity for the community.

The DMC does not specifically address rooftop patios. With the elevator, lobby area, restrooms, and staircase it creates a 4<sup>th</sup> floor space. The Code limits new buildings to 45 feet (with exceptions for 17.202.040.B.) and limits new buildings to three floors. Elevator shafts are an exception to the height limitation.

The DMC limits structure height to 45 feet and for new construction 3-stories. DMC 17.501.020 defines building height as “Height of building” means the vertical distance from the grade plane to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.

DMC 17.501.020 defines a story as “Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above grade, as defined herein, for more than 50 percent of the total perimeter or is more than 12 feet above grade, as defined herein, at any point, such usable or unusable underfloor space shall be considered a story.

Staff’s conclusion is the variance is necessary because the subject code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses

2. The Applicant has indicated in their response to the criterion “The additional space on the roof is exclusively to support the viability of the roof deck amenity. The framed structures are kept to a minimum height to allow for a comfortable space and provide required insulation and drainage. The pergola height allows lighting and heating to be hung from the structure. Having operable louvers will minimize the impact of the pergola when in an open position.”

The rooftop deck has a pergola cover that is 11 feet above the rooftop deck. There are two restrooms on the deck and two staircases for ingress/egress. The elevator also serves the rooftop deck. The enclosed areas on the deck are limited to the stairwells and the restrooms. The perimeter of the deck is glass. The pergola structure is not enclosed. The interior stairwell is setback 34 feet from the west perimeter building wall. The second stairwell is on the north side of the deck and setback 10 feet from the main building wall plane. The restrooms are interior to the roof deck and setback 18 feet from the west perimeter wall of the building.

The additional height above 45 feet is the minimum necessary to encompass the enclosed areas. The pergola height is the minimum necessary to accommodate a cover over the deck and is 4 feet lower than the elevator shaft which is an exception to the building height and story requirements.

Staff's conclusion is the variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.

3. The Applicant has indicated in their response to the criterion "The need for the variance is not self-imposed by the applicant or property owner."

The applicable criteria are DMC 17.202.030, Table 17.202.030, C. Maximum Structure Height (Feet).

***C. Maximum Structure Height: 45 feet for non-dwelling structures, and new structures shall be limited to three stories.***

**Finding:** For the purposes of this finding, the height is measured as vertical distance from the grade plane to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.

The Hotel structure is at its maximum height is 49 feet, excluding exceptions. The area that exceeds height and story limits is the roof deck patio and roof structure over the patio deck, two stairwells and two restrooms. Variance V 24-30 has been requested to allow a building height and number of stories exceeding 45 feet.

The DMC is silent on allowing rooftop decks. In this situation the deck is not an enclosed spaces with building walls. The enclosed spaces (stairwells and restrooms) and the pergola are the elements that exceed 45 feet and 3-stories. These elements are necessary to service the functions and activities that occur on the deck.

Staff's conclusion is the need for the variance is not self-imposed by the Applicant.

4. The Applicant has indicated in their response to the criterion "The variance does not conflict with other applicable city policies or other applicable regulations."

The applicable code provisions to the variance request is DMC 17.202.030, Table 17.202.030, C. Staff is not aware of other polices or code provisions. The ingress/egress for the patio deck is regulated by the Oregon Structural Specialty Code.

Staff concludes the variance does not conflict with other applicable city policies or other applicable regulations.

5. The Applicant has indicated in their response to the criterion "The variance will not result in foreseeable harm to adjacent property owners or the public."

To the west of the Hotel is single-family dwellings in the R-1 zone. The allowed height of buildings in the R-1 zone is 30 feet. Though the pergola for the patio deck, restroom's and stairwells exceed 45 feet they are limited in area. The deck is primarily an open space and does not have the appearance of a fully enclosed fourth story to the building. The elements are actually lower in height than the exempt elevator shaft. The visual

appearance would not be detrimental to the surrounding residential development.

Staff concludes the variance will result in no foreseeable harm to adjacent property owners or the public.

6. The Applicant has indicated in their response to the criterion “The proposed variance falls within all applicable building code requirements.”

Construction of the Hotel with the rooftop patio will need to comply with the Oregon Structural Specialty Code requirements for access and safety.

Staff concludes all applicable building code requirements will be reviewed and comply with applicable Oregon Structural Specialty Code requirements.

#### ***17.406.050 Expiration.***

***A variance or adjustment approval, as applicable, shall expire if not acted upon by the property owner within one year of approval. Where the owner has applied for a building permit or final plat, or has made site improvements consistent with an approved development plan (e.g., site development review or preliminary subdivision plan), the city planning official may extend the approval without a separate land use action. [Ord. 521-2013 § 3 (Exh. A)].***

**Finding:** The Applicant would have one year to apply for a building permit or start site improvements. The adjustment approval shall expire if not acted upon by the property owner (Applicant) within one year of approval. Where the owner (Applicant) has applied for a building permit or final plat, or has made site improvements consistent with an approved development plan (e.g., site development review or preliminary subdivision plan), the city planning official may extend the approval without a separate land use action.

#### **CONCLUSION**

The proposed project meets or exceeds the applicable criteria of the Development Code. Specific Conditions of Approval are provided in Exhibit “B” to ensure the proposal fully satisfies the applicable criteria in the Dundee Development Code

**EXHIBIT “B”**  
**CONDITIONS OF APPROVAL**  
**SDR 24-21, PC 24-17, PC 24-18, CA**  
**24-22, CA 24-23, V 24-19, V 24-20, V**  
**24-30 Dundee Hotel**

Based on the findings in Exhibit A, the proposed Site Development Review, Property Consolidations, Code Adjustments and Variances meet the required criteria contained in the Dundee Municipal Code and are **approved**, subject to completion of the following conditions of approval:

**Site Development Review SDR 24-21**

*Zoning Regulations*

1. The Applicant shall revise all plan drawings to show an 8-foot PUE behind all rights-of-way unless a lesser width is allowed by utility providers, but in no case shall it be less than 5 feet. No building or footing shall encroach into a PUE. Landscape Plans and calculations shall be revised to address any building setback modification to comply with the PUE width so that no building or foundation is with a PUE. The revised plans shall be submitted for review and approval prior to submittal of building permits.
2. The Applicant shall revise all plan drawings to show an 8-foot PUE behind all rights-of-way unless a lesser width is allowed by utility providers, but in no case shall it be less than 5 feet. No building or footing shall encroach into a PUE. No stormwater planters shall encroach into a PUE. Utilities may cross the PUE however, water vaults and manholes shall not encroach into a PUE. Landscape Plans and calculations shall be revised to address any building setback modification to comply with the PUE width so that no building or foundation is with a PUE. The revised plans shall be submitted for review and approval prior to submittal of building permits.
3. The Applicant shall correct all plan sheets that identify a setback to be consistent and match Sheet A-100 and submit the plans for review and approval prior to submittal of building permits.
4. 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.
5. The Applicant shall coordinate with the property owner of Tax Map/Lot R3335AA 00900 (1226 Highway 99W) to release the access easement recorded as document AMD 199716109
6. The Applicant shall revise plans to identify an entrance for the south commercial building facing towards or within 90 degrees of Highway 99W and shall be as close as is practical to the street for the commercial building south of SW 13th Street. The revised plans shall be submitted for review and approval prior to submittal of building permits.
7. The Applicant shall revise plans to identify an entrance for the north commercial building facing towards or within 90 degrees of Highway 99W and shall be as close as is practical to the street for the commercial building north of SW 13th Street. The revised plans shall be submitted for review and approval prior to

submittal of building permits.

### *Special Use Standards*

8. Temporary sale and display of merchandise during normal operating hours of the business may occur outdoors on private property. The merchandise shall be stored within a building during nonoperating hours. Merchandise shall not be displayed within a public right-of-way.
9. Outdoor cooking and dining associated with a permitted eating or drinking establishment shall have a seating capacity not exceeding 75 percent of the indoor seating capacity of that business. Up to 12 outdoor seats will be outright permitted on private property. Outdoor seating shall not encroach on a public right-of-way.
10. If temporary outdoor uses are proposed as authorized under DMC 17.203.160 a permit shall be obtained from the City.

### *Access and circulation*

11. The Applicant shall coordinate with the property owner of Tax Map/Lot R3335AA 00900 (1226 Highway 99W) to release the access easement recorded as document AMD 199716109.
12. The Applicant will be required to ensure that the trees and landscaping located at all driveways will be planted and maintained to meet vision clearance requirements.
13. If the driveways are to be used for emergency vehicle access, the Applicant will be required to provide for review and approval prior to submittal of building permits documentation that emergency vehicles can make turns from SW 13th Street into the site.
14. During site development and construction, where applicable, unimproved driveways and access roads shall be graveled or otherwise protected to prevent soil compaction, erosion, and tracking of mud onto adjacent paved streets.
15. The criterion for vehicular circulation systems can be met if the Applicant shows turning movements for emergency vehicles from SW 13th Street into the site on plans prior to submittal of a building permit.
16. The Porta Cochere canopy shall provide a minimum vertical clearance of 13' - 6" or as approved by the Fire Marshal. Revised plans shall be submitted for review and approval prior to submittal for a building permit.
17. All accessible routes shall be ADA compliant and must be properly installed prior to a Certificate of Occupancy being issued.
18. The Applicant shall submit revised plans prior to submittal of building permits showing vision clearance areas. No fence, wall, hedge, sign, or other planting or structure that would impede visibility between the heights of two feet and eight feet shall be established in the clear vision area. Measurements shall be made from the top of the curb or, where no curb exists, from grade.
19. The Applicant shall submit revised plans prior to submittal of building permits showing vision clearance areas. Except as provided for single use residential driveways under subsection (C)(3) of this section, a clear vision area shall consist of a triangular area, two sides of which are right-of-way lines or a right-of-

way line and access easement line. Where the lot lines have rounded corners, the right-of-way lines are extended in a straight line to a point of intersection and so measured. The third side of the triangle shall be a line connecting the non-intersecting ends of the other two lines.

20. The Applicant shall submit revised plans prior to submittal of building permits showing vision clearance areas.
21. Any exceptions to vision clearance shall comply with DMC 17.301.040.D.

#### *Landscaping and Screening*

22. The Applicant shall provide plans identifying the location of ground mounted mechanical equipment and how they will be screened or buffered for review and approval prior to submittal of building permits.
23. The Applicant shall revise plans to identify a 10-foot landscape strip between the right-of-way line for SW Adler Street and parking for the lot south of SW 13th Street. The plans shall be submitted for review and approval prior to submittal of building permits.
24. The Applicant shall revise the landscape plans for review and approval prior to submittal of building permits to include the following revisions:
  - a. Identify a parking lot tree that complies with 17.302.070.
  - b. Identify a tree bole size in conformance with 17.302.060.C.3.b.
25. The Applicant shall submit revised Landscape Plans to show compliance with street tree requirements of DMC 17.302.070.B. prior to submittal of building permits.
26. The Applicant shall submit revised Landscape Plans to show compliance with DMC 17.302.070.C. on street tree caliper size prior to submittal of building permits.
27. The Applicant shall submit revised Landscape Plans to show compliance with DMC 17.302.070.D. for street tree spacing prior to submittal of building permits.
28. The Applicant shall submit revised Landscape Plans to show compliance with DMC 17.302.070.E. prior to the submittal of building permits.
29. No sight-obscuring plantings exceeding 24 inches in height shall be located within any required clear vision area as defined in DMC 17.301.040.
30. Landscape plant materials shall be kept clear of walks, pedestrian paths, and seating areas; trees shall be pruned to a minimum height of eight feet over pedestrian areas and to a minimum height of 15 feet over streets and vehicular traffic areas.
31. Landscape plant materials shall be selected and maintained so that they do not generally interfere with utilities above or below ground.
32. Required landscape plant material shall be installed to current nursery industry standards. Landscape plant materials shall be properly guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.
33. Plant materials shall be suited to the conditions under which they will be growing. As an example, plants to

be grown in exposed, windy areas where permanent irrigation is not to be provided should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems and be sound, healthy, and free from defects, diseases, and infections.

34. Deciduous trees, where required to provide shade (e.g., over parking lots or walkways), shall be fully branched and have a minimum caliper of two inches a minimum height of eight feet at the time of planting. Deciduous trees intended to serve as ornamental (nonshade) trees may be smaller but shall not be less than one and one-half inch caliper, at time of planting.
35. Evergreen trees shall be a minimum of six feet in height, fully branched, at time of planting.
36. Shrubs shall be supplied in minimum one-gallon containers or eight-inch burlap balls with a minimum spread of 12 to 15 inches.
37. Ground cover shall consist of not less than 50 percent live plant material. Such plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area, with rows of plants staggered for a more effective covering. Ground cover plants shall be supplied in a minimum four-inch size container or equivalent if planted 18 inches on center; and nonliving material used for ground cover shall be limited to compost, bark chips, and other city-approved pervious materials.
38. Except in wooded areas, wetlands, flood plains, or along natural drainage channels or stream banks, where the city may waive irrigation requirements, all developments are required to provide appropriate methods of irrigation for the landscaping. Sites with more than 1,000 square feet of total landscaped area shall be irrigated with automatic sprinkler systems to ensure the continued health and attractiveness of the plant materials. Hose bibs and manually operated methods of irrigation may be used for landscaped areas totaling less than 1,000 square feet. Sprinkler heads shall be located and installed to not cause any hazard to the public.
39. Landscape plant material shall be protected from damage due to heavy equipment during construction. After construction, landscape plant material and irrigation shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, bollards, raised curbs, wheel stops, pavers or other suitable methods.
40. Except where the review authority requires installation of landscaping prior to issuance of building permits, all landscaping required by this code and approved by the city shall be installed prior to issuance of a final occupancy permit unless security equal to 110 percent of the cost of the landscaping is filed with the city assuring such installation within six months of occupancy. The applicant will obtain cost estimates for landscape materials and installation to the satisfaction of the review authority prior to approval of the security. "Security" may consist of a faithful performance bond payable to the city, cash, certified check, time certificate of deposit, assignment of a savings account, or other such assurance of completion as approved by the city attorney.
41. The developer or builder, as applicable, shall guarantee all landscape material for a period of one year from the date of installation. A copy of the guarantee shall be furnished to the city by the developer.
42. The city planning official, prior to the city returning any security provided under this chapter, shall make the final landscape inspection. Any portions of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed. If the installation of the landscaping is not completed properly within six months of such postponement, or within an extension

of time authorized by the city, the city may use the security to complete the installation. Any portion of the security that remains after installation of the landscaping shall be returned to the applicant.

### *Exterior Lighting*

43. The Applicant shall submit a Photometric Plan for review to show compliance with DMC 17.303.020.B. prior to the submittal of building permits.

### *Parking and Loading*

44. The Applicant shall submit a revised plan for review and approval to show the height of curbing in compliance with DMC 17.304.030.F.8. prior to the submittal of building permits.
45. The Applicant shall submit revised plans for review prior to submittal of building permits that show compliance with DMC 17.304.030.F.9. Internal pedestrian connections shall be provided in parking lots with greater than 10 parking spaces located in a commercial zone. These connections shall be a minimum of five feet wide and distinguished from vehicular areas through changes in elevation or contrasting paving materials (such as light-color concrete inlay between asphalt). Paint or thermo-plastic striping and similar types of nonpermanent applications may be approved for crossings of parking lot areas that do not exceed 24 feet in crossing length. Incorporation of the pedestrian circulation shall also address onsite storm drainage to not have water flowing over the walkways.
46. The Applicant shall prepare a shared parking agreement for submittal and review by the City Attorney in accordance with DMC 17.304.040.B. Once the shared parking agreement is approved the Applicant shall record the document with Yamhill County and provide a copy of the recorded document to the City.
47. The Applicant shall provide drawings of the design of the two loading berth to be 12 feet wide and 35 feet in length each prior to submittal of building permits or submit a Code Adjustment application for review to reduce the width down to the proposed 10 feet. .
48. The Applicant shall comply with DMC 17.304.080.C. on ADA parking requirements.
49. The Applicant shall comply with EV Parking Infrastructure requirements of HB 2180.

### *Public Improvements and Utilities*

50. The new SW 13th Street connection will be required to have ADA ramps that meet applicable ODOT standards of accessibility. All work within the ODOT right-of-way shall be reviewed and approved by ODOT prior to construction. ODOT recommends requiring receiving ramps on the east side of OR99W.
51. The Applicant shall be responsible for obtaining public improvement permits before making alterations or improvements to public right-of-way areas. All public improvements will be required to comply with City of Dundee's Transportation System Plan, 2015 Improvement Design Standards, and other improvement standards as applicable during the permitting process unless the standard is amended by variance. Applicable permits and designs must be approved prior to the issuance of building permits.
52. The SW 13th Street access will require an ODOT Application for State Highway Approach.
53. The Applicant shall design and construct the subject property's four driveways leading onto SW 13th Street in accordance with the applicable standards in DMC 17.301.020.G, the 2015 Improvement Design Standards, and obtain approval from the City Engineer.

54. All public improvements to be constructed as part of the project at Highway 99W, for SW 13th Street, and SW Alder Street shall be designed, obtain Type B permit, and constructed per City standards, or where required obtaining necessary ODOT permits and approval prior to occupancy.
55. No building permit may be issued until all required public facility improvements are in place and approved by the City Engineer or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the 2015 Improvement Design Standards.
56. The Applicant shall dedicate right-of-way to establish 50 feet for SW 13th Street and 60 feet (30 feet from centerline) for SW Alder Street, plus any additional right-of-way to comply with loading width requirements in SW 13th Street. The dedication shall occur before issuance of a Type B permit and/or a building permit, and before recording the ordinance for the street vacation approved by Ordinance No. 590-2025.
57. The Applicant shall enter into a “construction deferral agreement and waiver of rights to remonstrate for street and storm drainage improvements” as described in DMC 17.305.030.H.6 prior to the issuance of building permits. The agreement shall detail the applicant’s monetary obligation of all costs associated with the improvement.
58. The Applicant shall comply with requirements of the 2015 Improvement Design Standards, City of Dundee, and where applicable ODOT.
59. The Applicant shall revise plans to show a 12-foot wide loading area in SW 13th Street for review and approval before issuance of a public improvement permit or building permit, or submit a Code Adjustment application for review to reduce the width down to the proposed 10 feet.
60. The design, including fire flow calculations, will need to be reviewed and approved by the City Engineer and Fire Department prior to issuance of construction permits.
61. Design, construction and material standards shall be as specified by the city engineer for the construction of water facilities.
62. The plan (Sheet C-310) shall be revised to show laterals connecting directly from the individual Casitas to the existing sewer main in SW Alder Street.
63. Design, construction and material standards shall be as specified by the city engineer for the construction of sanitary sewer facilities.
64. Prior to acceptance of the sanitary sewer system by the city, the sewers shall be flushed and inspected by the city as required by the public works design standards or the public works construction standards. All costs shall be borne by the developer.
65. Street lights will be required along SW 13th Street and SW Alder Street with the required street improvements. The street light fixtures along SW 13th Street and SW Alder Street are to be decorative lights matching the lights along SW 9th Street. Spacing of the lights should be based on a photometric plan meeting the lighting levels established by ANSI/IES RP-8.
66. The Applicant shall dedicate a minimum eight-foot wide Public Utility Easement behind the right-of-way along both sides of SW 13<sup>th</sup> Street, the east side of SW Alder Street and the west side of Highway 99W

unless a lesser width is allowed by utility providers, but in no case shall it be less than 5 feet, before submittal of building permits.

67. The Applicant shall coordinate the Highway 99W undergrounding requirements and design with PGE, ODOT, and communication franchise utilities as well as obtain City approval prior to construction. The Developer will need to contact PGE to coordinate and obtain design for all new services. Design plans will need to be reviewed and approved by the City through the Type A permit process. Coordination with ODOT for utility undergrounding or connections, will require a separate permit and the applicant can contact District 3 permits for more information at (503) 986-5831.
68. The Applicant shall identify on the utility plans and dedicate a minimum of eight-foot wide Public Utility Easement behind the right-of-way along both sides of SW 13th Street, the east side of SW Alder Street, and the west side of Highway 99W before submittal of building permits.
69. The Applicant shall prepare a storm drainage and erosion control plan by an engineer registered in the State of Oregon in accordance with DMC 17.305.050.D. for review by the City Engineer. Obtain a 1200C erosion control permit from Oregon DEQ prior to commencing construction.
70. The Applicant shall provide documentation that the private storm line is no longer active and is abandoned. If no longer active the easement shall be extinguished and a copy of the recorded document provided to the City before issuance of a building permit. If the line is active a new easement shall be recorded showing the line not under the new 5,000 square foot commercial building and the old easement extinguished and a copy of the recorded documents provided to the City before issuance of a building permit.
71. The Applicant shall prepare a stormwater report prepared in accordance with the ODOT hydraulics manual for review and approval to ODOT. A copy of the ODOT approval shall be submitted to the City before issuance of a City Type B permit for public improvements.
72. The Applicant shall submit a final stormwater drainage report and plan prepared by an engineer registered in the state of Oregon prior to permit approval. The Applicant shall coordinate, design, and obtain City Type B permit approval per City Standards prior to construction.

### *Signs*

73. The Applicant will be required to submit separate sign permit applications for conformance with Chapter 17.306 prior to installation of any freestanding or wall signs.

### **Property Consolidation – North PC 24-17**

1. The Applicant shall coordinate with the Yamhill County Surveyor on the final legal description prior to recording with Yamhill County.
2. The Applicant shall upon the city's approval of the proposed property line adjustment, record the property line adjustment documents with Yamhill County within 60 days of approval (or the decision expires), and file a survey of the property line adjustment with the Yamhill County surveyor.
3. The Applicant shall submit a copy of the recorded property line adjustment documents to the city within 15 days of recording and prior to issuance of any building permits on the reconfigured lots.

### **Property Consolidation – South PC 24-18**

1. The Applicant shall coordinate with the Yamhill County Surveyor on the final legal description prior to recording with Yamhill County.
2. The Applicant shall upon the city's approval of the proposed property line adjustment, record the property line adjustment documents with Yamhill County within 60 days of approval (or the decision expires), and file a survey of the property line adjustment with the Yamhill County surveyor.
3. The Applicant shall submit a copy of the recorded property line adjustment documents to the city within 15 days of recording and prior to issuance of any building permits on the reconfigured lots.

#### **Code Adjustment – Parking CA 24-22**

1. The Applicant shall prepare a shared parking agreement for submittal and review by the City Attorney in accordance with DMC 17.304.040.B. Once the shared parking agreement is approved the Applicant shall record the document with Yamhill County and provide a copy of the recorded document to the City.
2. The Applicant would have one year to apply for a building permit or start site improvements. The adjustment approval shall expire if not acted upon by the property owner (Applicant) within one year of approval. Where the owner (Applicant) has applied for a building permit or final plat, or has made site improvements consistent with an approved development plan (e.g., site development review or preliminary subdivision plan), the city planning official may extend the approval without a separate land use action.

#### **Code Adjustment – Windows CA 24-23**

1. The Applicant would have one year to apply for a building permit or start site improvements. The adjustment approval shall expire if not acted upon by the property owner (Applicant) within one year of approval. Where the owner (Applicant) has applied for a building permit or final plat, or has made site improvements consistent with an approved development plan (e.g., site development review or preliminary subdivision plan), the city planning official may extend the approval without a separate land use action.

#### **Variance – SW 13<sup>th</sup> Street V 24-19**

1. The Applicant shall revise plans to remove the east mid-block pedestrian crossing and submit revised plans for approval before issuance of a public improvement permit or building permits.
2. The Applicant would have one year to apply for a public improvement permit or start site improvements. The adjustment approval shall expire if not acted upon by the property owner (Applicant) within one year of approval. Where the owner (Applicant) has applied for a building permit or final plat, or has made site improvements consistent with an approved development plan (e.g., site development review or preliminary subdivision plan), the city planning official may extend the approval without a separate land use action.

#### **Variance – Windows V 24-20**

1. The Applicant would have one year to apply for a building permit or start site improvements. The adjustment approval shall expire if not acted upon by the property owner (Applicant) within one year

of approval. Where the owner (Applicant) has applied for a building permit or final plat, or has made site improvements consistent with an approved development plan (e.g., site development review or preliminary subdivision plan), the city planning official may extend the approval without a separate land use action.

**Variance – Building Height and Stories V 24-30**

1. The Applicant would have one year to apply for a building permit or start site improvements. The adjustment approval shall expire if not acted upon by the property owner (Applicant) within one year of approval. Where the owner (Applicant) has applied for a building permit or final plat, or has made site improvements consistent with an approved development plan (e.g., site development review or preliminary subdivision plan), the city planning official may extend the approval without a separate land use action.