



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

June 30, 2008



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Dallas Plan Amendment  
DLCD File Number 001-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 11, 2008**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Darren Nichols, DLCD Community Services Division Manager  
Steve Oulman, DLCD Regional Representative  
Jason Locke, City of Dallas

<paa> ya

FORM **2**

# DLCD

## Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **Dallas**

Local file number: **Zone 1-08**

Date of Adoption: **6/16/2008**

Date Mailed: **6/19/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 3/14/2008

- |                                                            |                                                           |
|------------------------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment     | <input checked="" type="checkbox"/> Zoning Map Amendment  |
| <input type="checkbox"/> New Land Use Regulation           | <input type="checkbox"/> Other:                           |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Zone change from RA-Residential Agriculture to RMD-Residential Medium Density for a parcel in a master plan mixed use node adopted 2/19/08.

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

The Notice of Proposed Amendment listed the zone change to RHD-Residential High Density. The actual zone change approved was to RMD-Residential Medium Density. Applicable statewide planning goal #14 was added.

Plan Map Changed from:

to:

Zone Map Changed from: **RA-Res Agriculture**

to: **RMD-Res Medium Density**

Location: **Tax Lot 7.5.29 505**

Acres Involved: **15**

Specify Density: Previous: **6 units/acre**

New: **Min 16 units/acre**

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                          |                                     |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                 | <b>6</b>                 | <b>7</b>                 | <b>8</b>                 | <b>9</b>                 | <b>10</b>                | <b>11</b>                | <b>12</b>                | <b>13</b>                | <b>14</b>                           | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

*DLCD# 001-08 (16771)*

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**DLCD file No.** \_\_\_\_\_

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

City of Dallas

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Local Contact: **Jason Locke**

Phone: (503) 831-3565 Extension:

Address: **187 SE Court Street**

Fax Number: **503-623-2339**

City: **Dallas**

Zip: **97338-**

E-mail Address: **jason.locke@ci.dallas.or.us**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:  

**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 1687

An Ordinance changing the zoning designation of a parcel of real property owned by Raymond Baker and Daniel Carver from Residential Agricultural to Residential Medium Density.

WHEREAS, the above-referenced owners submitted a zone change application to the City requesting that the zoning designation of the real property which is described as 15.7 acres located in the Southeasterly portion of the Wyatt Mixed Use Node, as more particularly shown on the map attached hereto as Exhibit A and by this reference incorporated herein, be changed from Residential Agricultural to Residential Medium Density; and

WHEREAS, after due notice, on April 8, 2008, the Dallas Planning Commission held a public hearing on the application and at the conclusion thereof recommended to the City Council that the application be granted; and

WHEREAS, after due notice, on May 19, 2008, the City Council held a public hearing on the application and at the conclusion thereof found that there was substantial evidence that the application met the requirements of the Dallas Development Code and was in compliance with the Comprehensive Plan and that the application should be granted; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The zoning designation of the real property described on Exhibit A hereto is hereby changed from Residential Agricultural to Residential Medium Density.

Section 2. The Findings and Conclusions set forth in the staff report on this matter, submitted into the record herein on May 19, 2008, a copy of which is attached hereto as Exhibit B and by this reference incorporated herein, are hereby adopted and approved as the Findings and Conclusions in support of this zone change.

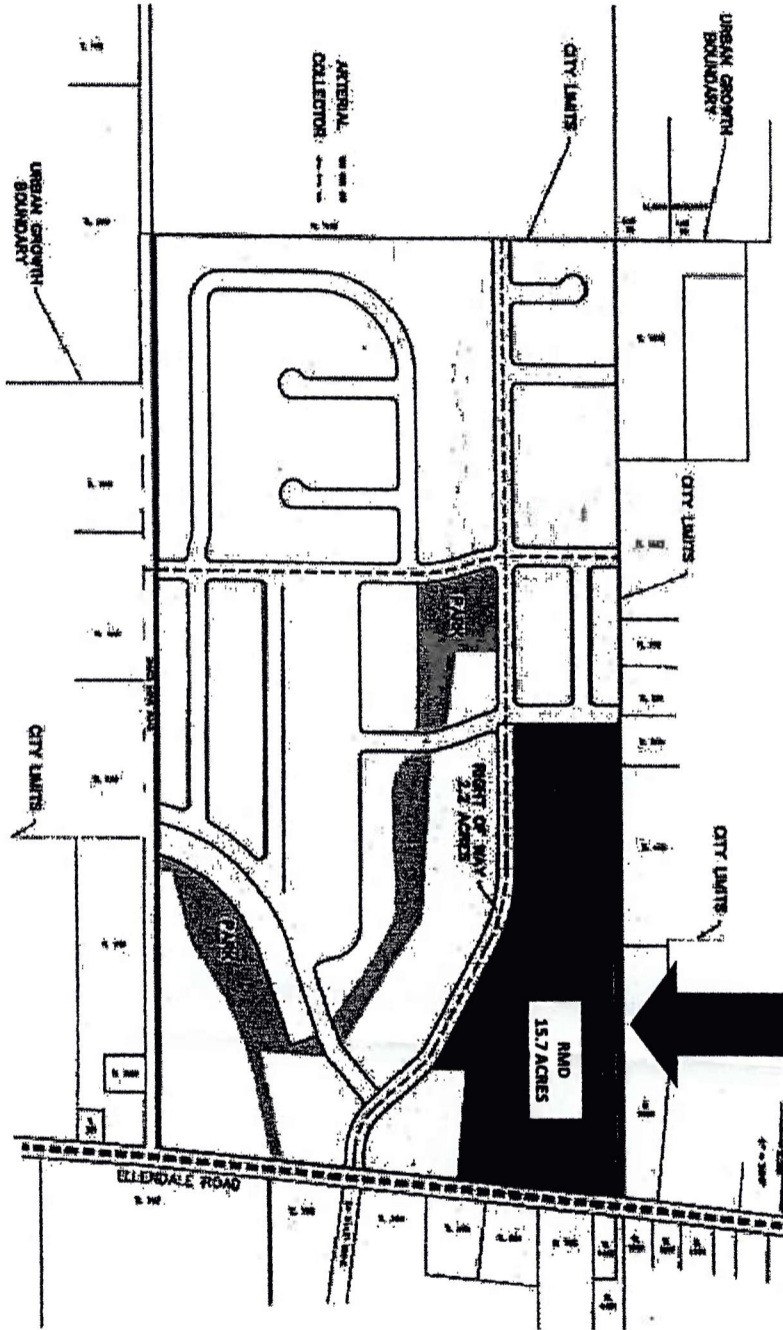
Read for the first time: June 2, 2008  
Read for the second time: June 16, 2008  
Passed by the City Council: June 16, 2008  
Approved by the Mayor: June 16, 2008

  
JAMES B. FAIRCHILD, MAYOR

ATTEST:

  
JERRY WYATT, CITY MANAGER

Exhibit A



**Zone Change**  
From: RA - Residential Agriculture  
TO: RMD - Residential Medium Density

**EXHIBIT B**

**CITY COUNCIL FINDINGS OF FACT  
AND CONCLUSIONS**

**HEARING DATE:** MAY 19, 2008  
**OWNERS:** RAYMOND BAKER & DANIEL CARVER  
**APPLICATION:** ZONE CHANGE  
**LOCATION:** 1130 W. ELLENDALE AVENUE

<b>HEARING DATE:</b>	<b>MAY 19, 2008</b>
<b>APPLICATION TYPE:</b>	<b>ZONE CHANGE</b>
<b>OWNERS:</b>	<b>Baker / Carver</b>
<b>LOCATION:</b>	<b>TAX LOT 7.5.29 505</b>
<b>COMPREHENSIVE PLAN MAP LAND USE DESIGNATION:</b>	<b>RM – RESIDENTIAL MEDIUM DENSITY</b>
<b>SIZE</b>	<b>15.7 ACRES</b>

**REQUEST:**

The applicant is requesting a zone change for a 15.7 acre portion of Tax Lot 7.5.29 505 from RA Residential Agricultural to RMD Residential Medium Density.

**BACKGROUND:**

This request is based on a prior Comprehensive Plan Amendment adopted by the City Council on February 19, 2008. The Planning Commission recommended Approval of this zone change at their April 8, 2008 meeting.

**PUBLIC NOTICE:**

The City has provided public notice identifying the owner/applicant, describing the project, location, and the scheduled date of the public hearing. The notice has been mailed to all property owners within 100 feet of the subject property and published in the Itemizer-Observer.

**APPROVAL CRITERIA: SECTION 3.7.40 OF THE DALLAS DEVELOPMENT CODE**

No Comprehensive Plan Map (including street designations) or Zoning Map boundary shall be amended except upon a finding of compliance with this section. In order for a zone change application to be deemed complete the applicant shall address each of the criteria listed below in a written narrative. The applicant shall bear the burden of proof by demonstrating with substantial evidence that each of the following criteria has been satisfied:

(1) **Zone Changes That Implement the Comprehensive Plan.** Where a zone change is proposed in conformance with the Comprehensive Plan Map, the applicant must submit a site plan and demonstrate conformance with the following criteria:

- (a) The applicant shall analyze alternative sites capable of meeting the purported need, considering the land needs assessment in Volume II of the Dallas Comprehensive Plan. This analysis shall demonstrate that there is a shortage of designated land within the City limits available to meet the purported need, and that changing the zone will not result in a shortage of land in any other plan designation.

**Finding:** The proposed zone change to Residential Medium Density (RMD) is consistent with the Comprehensive Plan Map Amendment approved by the City Council in February 2008, which designated this portion of the site RM. Staff has prepared an analysis of existing vacant RMD land and projections for future needs in accordance with the Comprehensive Plan. The analysis shows that there are approximately 14.7 acres of vacant RMD land, all of which is located in the central and east parts of the city. There is no vacant RMD land on the west side of the city. At an average density of 10 dwelling units/acre, the existing vacant land can accommodate approximately 147 dwelling units. Volume II of the Dallas Comprehensive Plan shows a need for 78 acres of Multi-family land through 2020. The existing 14.7 acres of RMD land plus approximately 5 acres of vacant RHD land demonstrates that there is a shortage of approximately 20 acres of multi-family land through 2020. The proposed zone change would decrease that shortage to approximately 5 acres, without creating a shortage of land in any other plan designation.

**CONCLUSION:** It has been found that the proposed zone change is in conformance with the requirements of the Comprehensive Plan.

(b) Adequate public facilities are available to meet increased demand for services that may result from potential development allowed on the rezoned site. The applicant shall demonstrate that:

- i) All public facilities projects identified in Chapter VII of the Dallas Comprehensive Plan which serve the area where the zone change is proposed have been constructed or are programmed to serve the site within the next five years; and that the required public facilities improvements will be in place and operational in conjunction with the development of the site.

**Finding:** All projects identified in Chapter VII of the Comprehensive Plan are either constructed (water, sanitary sewer, streets and sidewalk) or will be constructed as development occurs in the Wyatt Node.

- ii) Sanitary sewer, water and storm drainage collection and distribution systems are adequate to handle the increased loads required by the rezoning, as determined by the Director of Public Works.

**Finding:** The Director of Public Works has determined that the applicable systems, including water, sanitary sewer, and storm drainage, are or can be made adequate to handle the increased loads as development occurs in the Wyatt Node.

- iii) Streets serving the proposed site are adequate to accommodate increased vehicular, bicycle and pedestrian traffic safely and efficiently. To make this determination, the City may require that the applicant prepare a transportation impact study which demonstrates, at a minimum, that no street link or intersection affected by the proposed subdivision will exceed LOS (level-of-service) D during peak morning or evening demand periods or LOS C during non-peak demand periods. This traffic impact study must consider the proposed development and probable development within the area served by each street link or intersection for at least a 10-year period. *Finding: Based on the information and analysis contained in the TSP, it does not appear that the proposed development resulting from this the zone change will exceed LOS D for the 10-year period. However, as part of the development of the Master Plan for the node, staff will require a Traffic Impact Analysis to ensure that the proposed development does not exceed standards, and meets the requirements of the Transportation Planning Rule (TPR) relating to significant impacts.*
- iv) Where street, utility, sidewalk, or bicycle improvements are roughly proportional to the impacts from proposed development that will likely result from the proposed zone change, and these improvements are required in City plans, then the applicant shall agree in writing to install the required improvements at the developer's expense. *Finding: There are no improvements required as a result of the zone change. Public improvements will be provided as the Wyatt Node develops.*

**CONCLUSION: It has been found that adequate public facilities are available or will be available to meet increased demand for services that may result from potential development allowed on the rezoned site.**

**DECISION:**

The City Council hereby approves this zone change request with the following conditions:

1. Prior to the issuance of certificates of occupancy for the RMD development on this portion of the site, the applicant shall submit to the City a Master Plan and Zone Change application for the entire Wyatt Node in accordance with the Dallas Comprehensive Plan and Development Code.
2. The applicant shall apply for and receive approval for all infrastructure and buildings associated with this portion of the Wyatt Node in accordance with the procedures contained in the Dallas Development Code.





**City of Dallas**  
P.O. Box 67  
Dallas, Oregon 97338

PRESORTED  
FIRST CLASS



UNITED STATES POSTAGE  
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02 1A \$ 00.590  
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ATTN: PLAN AMENDMENT SPECIALIST  
DEPT OF LAND CONSERVATION & DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM OR 97301-2540