



Oregon

Theodore R. Kubongoski, 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



NOTICE OF ADOPTED AMENDMENT

06/24/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Dallas Plan Amendment
DLCD File Number 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, July 11, 2014

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-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 Acknowledgment or 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 above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jason Locke, City of Dallas
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative

<paa> YA

DLCD FORM 2



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

FOR DLCD USE	001-14
File No.:	(20250)
Received:	[17912]
6/20/2014	

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

Jurisdiction: City of Dallas

Local file no.: **ZC/CPA 14-01**

Date of adoption: June 18, 2014

Date sent: 6/20/2014

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

Yes: Date (use the date of last revision if a revised Form 1 was submitted): March 6, 2014

No

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

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

NO

Local contact (name and title): Jason Locke

Phone: 503.831.3565

E-mail: jason.locke@dallasor.gov

Street address: 187 SE Court Street

City: Dallas

Zip: 97338-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

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

For a change to a comprehensive plan map:

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

Change from C	to R	3.66 acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 7.5.29DD TL 701, 1202(part) and 1212

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

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

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

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

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

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

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

For a change to a zoning map:

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

Change from RL	to RM	Acres: .26
Change from GC	to RM	Acres: 3.66
Change from	to	Acres:
Change from	to	Acres:

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

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 7.5.29DD TL 701, 1202(part) and 1212

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

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

ORDINANCE NO. 1766

An Ordinance amending the Dallas Comprehensive Plan Map for certain real property owned by Dallas Mennonite Retirement Community, Inc. and Jasper Crossing, LLC from Commercial to Residential; and declaring an emergency.

WHEREAS, Dallas Mennonite Retirement Community, Inc. and Jasper Crossing, LLC submitted an application to amend the Comprehensive Plan Map for the real property which is described generally as 3.66 acres located west of NW Jasper Street and north of West Ellendale Avenue, south of Dallas Retirement Village, being all of tax lot 1212 (Map 7.5.29DD TL 1212), owned by Dallas Mennonite Retirement Community, Inc., and the northerly 1.0 acre portion of tax lot 1202 (Map 7.5.29DD TL 1202), owned by Jasper Crossing, LLC, as more particularly described on Exhibit A, attached hereto and by reference incorporated herein, from Commercial to Residential; and

WHEREAS, after due notice, on April 8, 2014, 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 June 2, 2014, 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 Comprehensive Plan, and that the application should be granted; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The application of the owners of the property described on Exhibit A, attached hereto, to amend the Comprehensive Plan Map for the property from Commercial to Residential be, and it hereby is, approved.

Section 2. The map attached hereto and marked Exhibit B is hereby adopted as the amended Comprehensive Plan Map for said property.

Section 3. The Findings and Conclusions set forth in the staff report on this matter, submitted into the record herein on June 2, 2014, a copy of which is attached hereto as Exhibit C and by this reference incorporated herein, are hereby adopted and approved as the Findings and Conclusions in support of this Comprehensive Plan Map amendment.

Section 4. Pursuant to Dallas Charter Section 23, this ordinance, upon being read first in full and then by title, shall be enacted at a single meeting on the date set forth below, by unanimous vote of all the council members present.

Section 5. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this ordinance shall take effect on its passage.


Read for the first time: June 18, 2014
Read for the second time: June 18, 2014
Passed by the City Council: June 18, 2014
Approved by the Mayor: June 18, 2014




BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

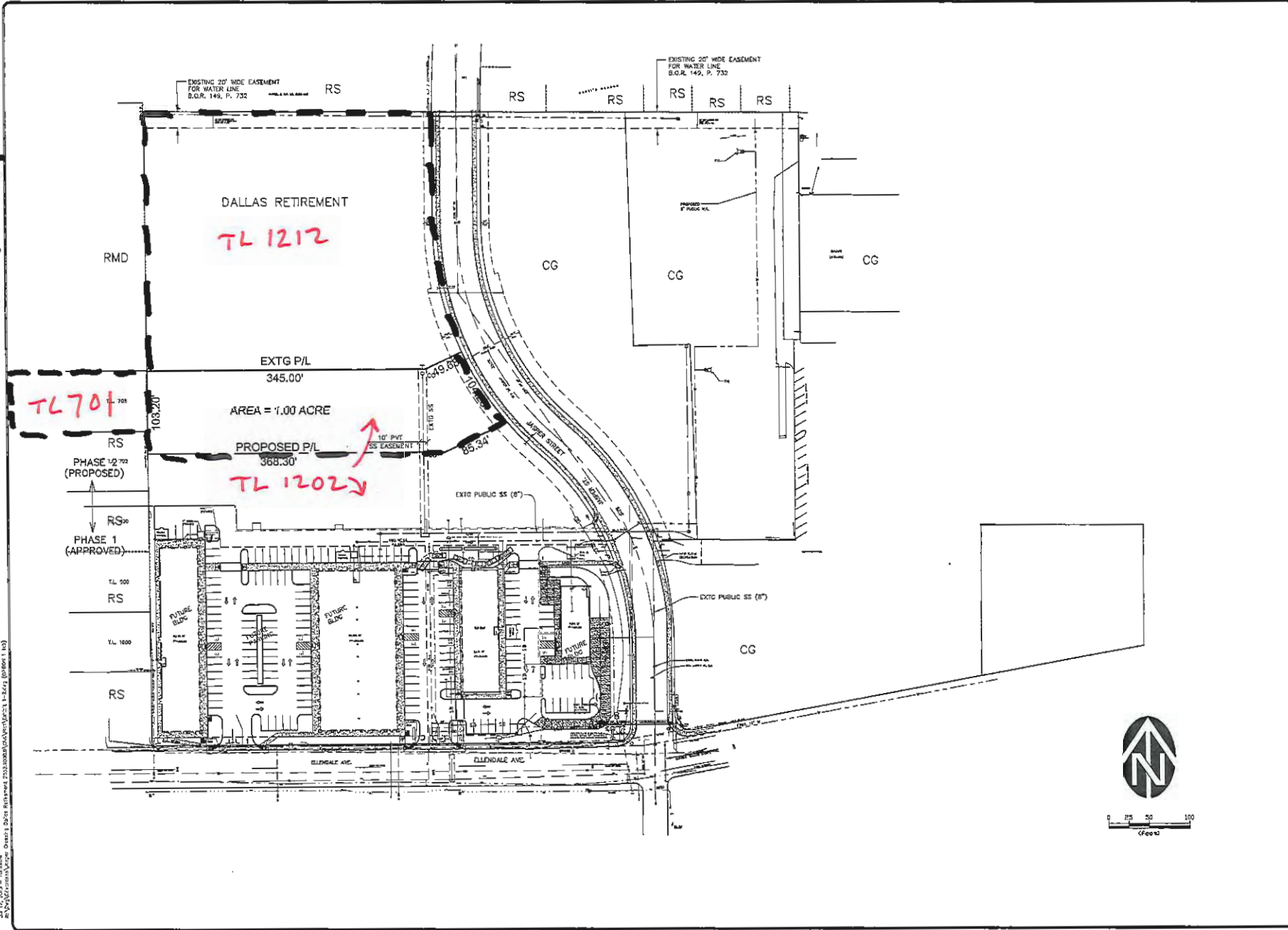


RONALD W. FOGGIN,
CITY MANAGER



LANE P. SHETTERLY
CITY ATTORNEY

EXHIBIT A



All work shall be in accordance with the latest edition of the International Building Code, International Residential Code, and International Fire Code, unless otherwise specified.

WESTON ENGINEERING, INC. ENGINEERING PROFESSIONAL FIRM 1841 North Raleigh Dr., Ste. 204, Waco, Texas, 76702 Phone: (817) 868-1174 Fax: (817) 868-3115 E-mail: weston@weston-engineering.com	
SALEM, OR JASPER CROSSING SUBDIVISION DALLAS RETIREMENT EXHIBIT OPTION #1	SHEET C1 OF 2 JOB NUMBER 2552.1000.0
SCALE HORIZ. 1" = 50' VERT. "	REVIEW DATE: JULY 2013
DR. EDWARDSON	DATE: JULY 2013

EXHIBIT B

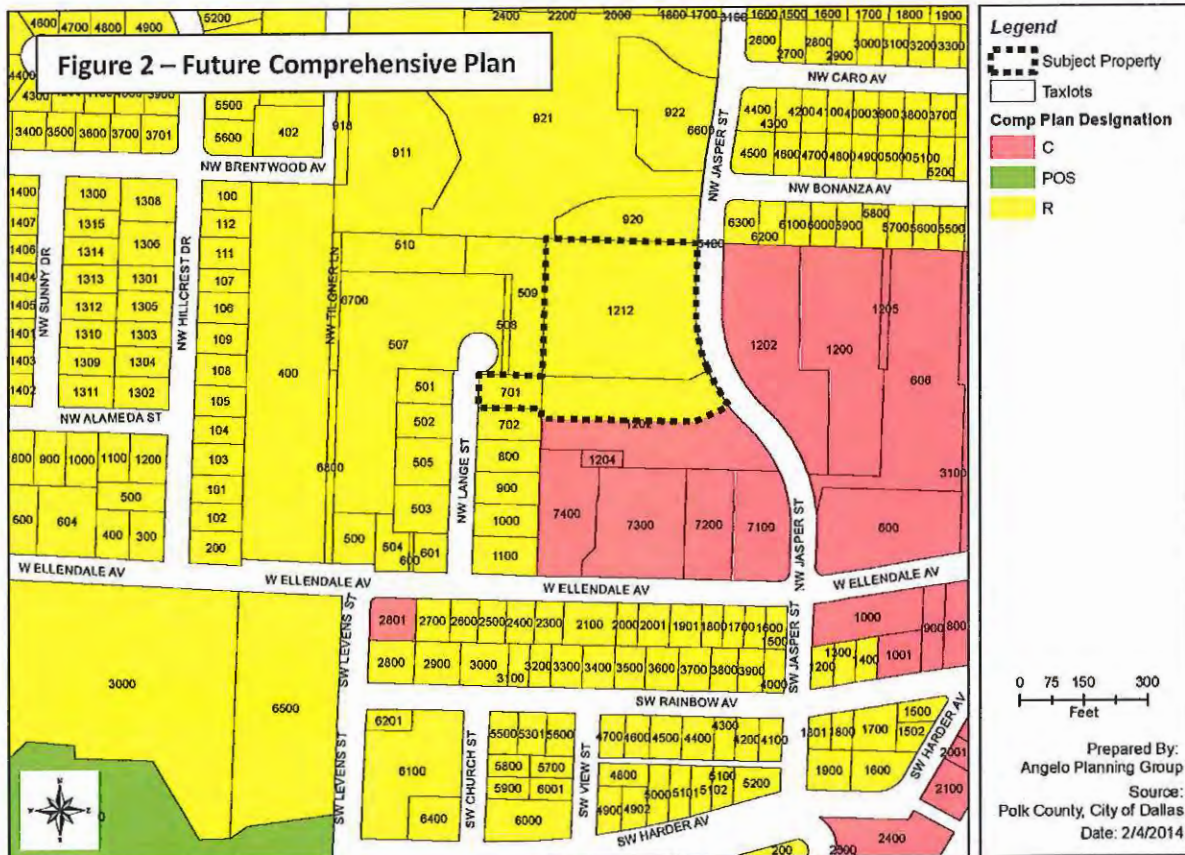
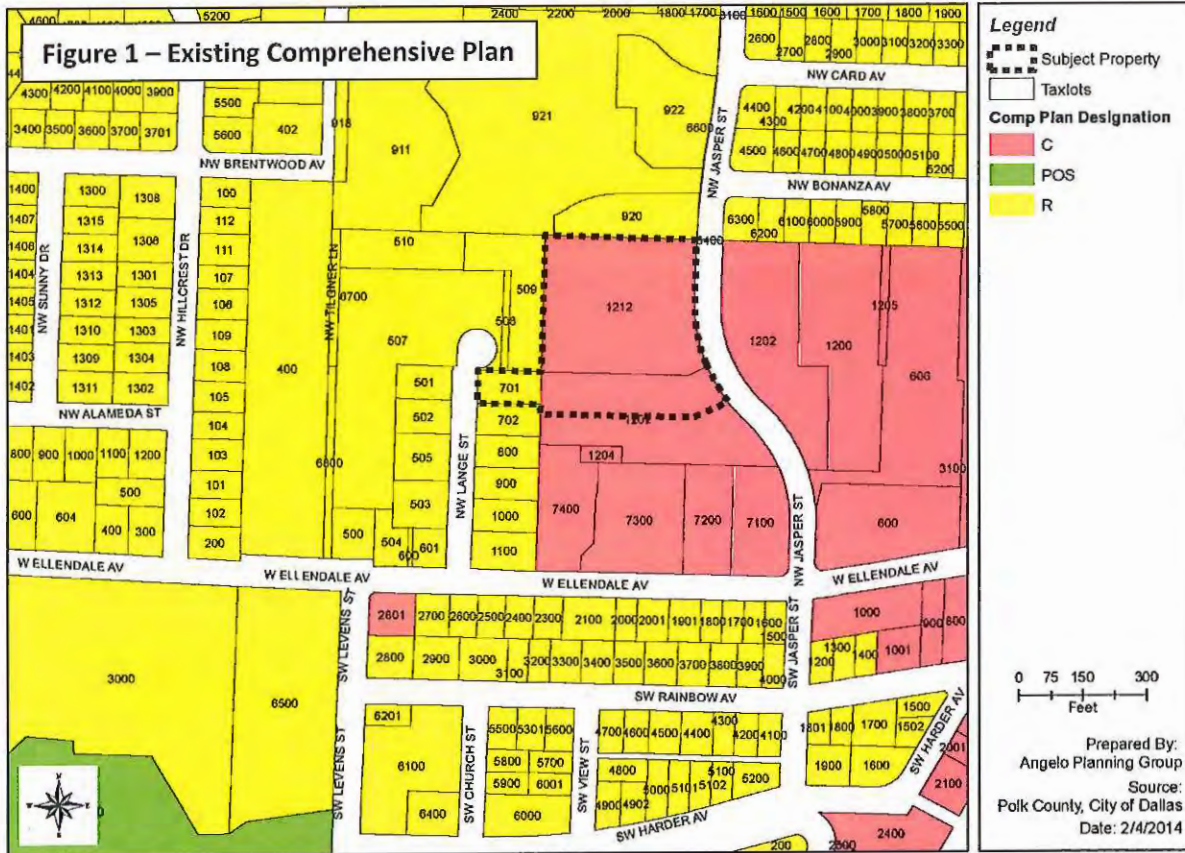


EXHIBIT C

CITY OF DALLAS
City Council

APPLICATION COMPLETE:
MARCH 6, 2014

STAFF REPORT
DATE: MAY 23, 2014

FILE NO.	ZC/CPA14-01
HEARING DATE	JUNE 2, 2014 7:00 P.M. CITY HALL COUNCIL CHAMBERS 187 SE COURT STREET DALLAS, OREGON 97338
OWNER(S)	DALLAS MENNONITE RETIREMENT COMMUNITY, INC. AND JASPER CROSSING, LLC
APPLICANTS AGENT	ANGELO PLANNING GROUP
REQUEST	ZONE CHANGE FROM GENERAL COMMERCIAL TO RESIDENTIAL MEDIUM DENSITY AND COMPREHENSIVE PLAN MAP AMENDMENT FROM COMMERCIAL TO RESIDENTIAL FOR 3.92 ACRES
LOCATION	WEST OF NW JASPER STREET AND NORTH OF W ELLENDALE AVENUE SOUTH OF DALLAS RETIREMENT VILLAGE
RECOMMENDATION	APPROVAL

**CITY OF DALLAS
PLANNING COMMISSION
COMMUNITY DEVELOPMENT
DEPARTMENT STAFF REPORT**



BACKGROUND INFORMATION: The subject property is located on the south side of Dallas Retirement Village (DRV) on the west side of NW Jasper Street. The subject area is 3.92 acres and is comprised of 2 ownerships, Dallas Mennonite Retirement Community (DRV) owns the northern lot, and Jasper Crossing LLC owns the southerly portion. The subject area is currently designated Commercial (C) on the Comprehensive Plan Map and zoned General Commercial (CG). (Note, there is one parcel of .26 acres, Taxlot 701, that is currently designated as Residential by the Comprehensive Plan, and is proposed to be rezoned from Residential Low Density (RL) to Residential Medium Density (RM)).

The subject area was originally planned for commercial development as part of the Jasper Crossing development. However, that development has not happened as planned and the northern portion of the lot was sold to DRV a few years ago. The access to the subject property occurs via NW Jasper Street, which is a fully improved City street (minor collector). The subject area is and can be fully serviced with City utilities. The property to the east is vacant, the property to the north is developed with DRV duplex units, the property to the west is zoned RM and contains DRV duplexes and single family dwellings. The property to the south is zoned CG and is a combination of vacant land and developed commercial buildings.

On April 8, 2014, the Planning Commission held a public hearing on this matter, and has recommended approval of the application.

PROPOSAL: The applicant is proposing to change the Comprehensive Plan Map designation from Commercial to Residential, and change the zoning from General Commercial to Residential Medium Density (RM) in order to accommodate an expansion of DRV living units.

The applicant states these are the 2 main reasons:

1. The minimum residential density requirements of the CG zone are higher than what is feasible and appropriate for DRV. Under the Dallas Development Code, new residential uses in the CG zone must be a minimum of 24 dwelling units per acre. This standard would require a minimum of 94 dwelling units on the site – much higher than what is needed. The scale and character of DRV, and the market demand for senior living, are much more aligned with medium density zoning. The specific program and plan will be further defined as part of a future Design Review application.

2. Under the CG zoning, DRV would need to apply for a Conditional Use Permit adding cost and land use processing for the applicant, City and community. There is no additional benefit to adding a conditional use, or multiple conditional use reviews over time, for expansion of the village. The City's Design Review process works well, and will provide appropriate review of both the design and compatibility with surrounding properties.

APPROVAL CRITERIA:

Type IV Legislative Criteria (4.1.040)

G. **Decision-Making Criteria.** The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:

1. **Approval of the request is consistent with the Statewide Planning Goals;**

Applicable Statewide Planning Goals:

Goal 9: Economic Development

Findings: The applicant addresses the requirements of Goal 9 based on the most recent Comprehensive Plan information. The key findings related to Goal 9 are that the city has used its commercial land efficiently, with a significant amount of redevelopment occurring, and that if the proposal is approved, there will be 19.5 acres of vacant land and 18.6 acres of redevelopable commercial land in the CG and CBD zones, for a total of 38.1 acres of land in these two zoning designations. This does not include the approximately 40 acres of commercial land designated in the LaCreole, Barberry, and Wyatt mixed use nodes. Furthermore, the applicant provides additional reasons as to why this proposal will not negatively impact the economic development potential, including the sites' relatively low visibility, a significant amount of adjacent vacant commercial land, a positive impact on other commercial properties, and the potential provision of additional employment that will be created if the proposal is approved and the property subsequently developed.

Goal 10: Housing

Goal 10 states that: Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.

Findings: The applicant states that the proposal will enhance the provision of a unique and needed housing type in the City of Dallas at a reasonable density as part of the DRV concept.

Conclusion: It can be found, based on the findings above and the information and analysis contained in the application, that the proposal is consistent with the Statewide Planning Goals.

2. Approval of the request is consistent with the Comprehensive Plan;

Findings: The Dallas Comprehensive Plan designation for the subject property is Industrial. There are a number of Comprehensive Plan policies that are required to be addressed in order to change that designation.

CHAPTER 2: A SUSTAINABLE DALLAS ECONOMY

2.2 Manpower Development Policies

3. Encourage the creation of job opportunities for residents in the Dallas area within new and present businesses and industries.

Finding: DRV is a major employer in Dallas, with approximately 280 employees today. The proposed amendments will enable expansion that will support creating jobs in short term construction, facilities operations, and for support businesses.

2.4 Commercial Land Use

2. Recognize and promote the Central Business District (CBD) as the principal commercial and cultural center of the community.

Finding: The reduction of CG land will reduce competition for the CBD and support its role as the principal commercial center in Dallas.

2.5 Other Commercial Zones

3. Discourage "strip" commercial development along arterial streets, by concentrating commercial uses in the CBD and in defined neighborhood commercial "nodes."

Finding: The proposed amendment will reduce commercial development along the north side of W. Ellendale Avenue, and shift commercial demand to properties in the CBD and nodes.

CHAPTER 3: LIVABLE RESIDENTIAL NEIGHBORHOODS

3.1 Locational & Design Policies

Residential neighborhood areas shall be planned and developed consistent with the following design requirements:

1. *Each residential neighborhood shall be located within 1.5 miles of planned general or neighborhood commercial development.*
2. *Each residential neighborhood shall be served by a grid street system, which minimizes the use of cul-de-sacs, double-frontage lots and walled subdivisions.*

3. *Each residential neighborhood shall provide its fair share of multi-family housing, consistent with Residential Policy 3.2.*
4. *Land planned for multi-family housing shall be located adjacent to planned commercial areas or along arterial and collector streets, and shall be reserved exclusively for that purpose.*
5. *Pedestrian and bicycle access shall be provided between commercial, open space and residential uses in all new development.*
6. *Public or private park land shall be provided in proportion to residential development and in accordance with Chapter 4.5 (Level-of-Service).*

Finding: The proposed RM designation is a transitional zone between CG in the Ellendale Avenue corridor and RL areas to the north and west. It is consistent with Policy 3.1's neighborhood design requirements because it is: close to existing and planned commercial development; provides street connectivity for the neighborhood; provides senior multi-family housing; provides housing adjacent to a collector street (NW Jasper Street); provides direct, convenient and pleasant routes for walking and biking; and, provides common open spaces as part of the campus design.

3.4 Innovative Techniques

To ensure that affordable, higher density housing is provided consistent with the conservation of existing neighborhoods and identified natural resources, the following policies shall be implemented through the provisions of the Dallas Development Code:

1. Minimum as well as maximum residential densities shall be required in all residential zones to ensure that buildable residential land within the Dallas UGB is used efficiently and the public costs of providing urban services are minimized. The following minimum densities shall apply to each net buildable acre (i.e., 43,560 square feet of buildable area, exclusive of streets, recreational areas, designated open space and public utilities):

- a) RL 04-09 dwelling units per net buildable acre*
- b) RM 06-16 dwelling units per net buildable acre*
- c) RH 10-40 dwelling units per net buildable acre*

Finding: The expanded facilities at DRV will readily meet the minimum density requirements of the RM zone. The RM zone allows 6-12 units per acre, and up to 16 units per acre with low-impact development practices.

CHAPTER 4: PARKS & OPEN SPACE

Parks and Open Space Goal

To conserve and protect the community's natural and scenic resources and to ensure that new development helps to provide for the outdoor recreational needs of its residents.

Finding: DRV has a campus setting, with ample landscaping, public spaces, and outdoor areas for passive recreation suitable to the resident senior community. The expansion of DRV will continue this concept of providing for the outdoor needs of the DRV residents.

CHAPTER 6: URBAN GROWTH MANAGEMENT

Urban Growth Management Goal

To ensure that urban development does not occur in the absence of the full range of urban services, and that “rural” development outside the City Limits does not interfere with the efficient urban development in the future.

6.2.1-4. Only lands that can be provided with the full range of urban facilities will be considered for annexation or rezoning.

Response: The subject property has the full range of urban facilities, as demonstrated by the public facilities review by Westech Engineering in Exhibit B of the applicants submittal.

3. The property and affected area is presently provided with adequate public facilities and services, including transportation, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.

Findings: To address this criterion, the applicant engaged Kittelson and Associates to prepare a transportation review and Westech Engineering to prepare a public facilities review. The transportation review is addressed in Section 3 of this application and included in Exhibit B. The public facilities review is stated in the following findings and included in Exhibit C of the applicants submittal.

There is an existing 8 inch sanitary sewer line in NW Lange Street to serve the western part of the project and an existing private 6 inch sanitary sewer line on the SE corner of the property that abuts NW Jasper Street and can serve the eastern undeveloped portion of the project. The private sanitary sewer line drains into an existing 8 inch public sanitary sewer line that is located in the Jasper Crossing subdivision. Private sanitary sewer line extensions from the existing public and private sanitary sewer lines will be required to serve the proposed project and can be provided concurrently with the development of the property.

The existing DRV is fully served with several storm drain laterals that drain west to a 24 inch storm drain line that flows south in NW Tilgner Dr to W Ellendale Avenue. The undeveloped expansion area west of NW Jasper Street and south and east of the existing

DRV is also served by an 18 inch public storm drain line in Jasper Street NW and a 12 inch service stubbed onsite. Upon development, the project will need to provide stormwater detention per City Standards to meet the Development Code. Therefore, there are adequate existing public stormwater facilities to serve the proposed development. Additional private stormwater infrastructure will be required to serve the site and will be constructed concurrently with the development of the property.

There is a 10 inch public water line in NW Lange Street that runs north on the DRV property and turns east along the existing parcel (TL 1212 & 509, map 7.5.29DD) north property line in a 20 ft public water line easement. The public water line continues east under NW Jasper Street and along the neighboring property. This water line has capacity to provide both domestic water use and fire flow demand. Additional private or public facilities such as water meters, water mains, and fire hydrants may be required to meet all City and fire code requirements. As such, these facilities are provided for in adopted City plans and required water line extensions or taps can be constructed concurrently with the development of the property.

The existing DRV facilities take access off of the SE corner of the intersection of NW Brentwood Ave and NW Tilgner Lane on the west, one access from W Ellendale Avenue and NW Lange Street to the south and two access point off of NW Jasper Street to the east. Circulation throughout the DRV from the public streets is provided by private streets and walking paths.

Conclusion: The property and affected area is presently provided with adequate public facilities and services, including transportation, stormwater, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.

Land Use Map and Text amendments 4.7.030(B)

B. **Criteria for Quasi-Judicial Amendments.** A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Approval of the request is consistent with the Statewide Planning Goals;
Finding: See above (1)
2. Approval of the request is consistent with the Comprehensive Plan;
Finding: See above (2)

3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and
Finding: See above(3)
1. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application; and
Findings: The subject property is zoned primarily CG, and is located adjacent to the existing DRV facility, The applicant states, and staff concurs, that the proposal to remove the subject property from a commercial to a residential medium density designation will allow the continuation and expansion of an existing use that is an integral part of the neighborhood, provides economic development opportunities, employment, and needed housing.
5. The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.060.

4.7.060 TRANSPORTATION PLANNING RULE COMPLIANCE

A. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule - TPR) and the Traffic Impact Analysis provisions of Section 4.1.090. “Significant” means the proposal would:

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the Dallas Transportation System Plan; or
Finding: The subject property is served by an existing minor collector, NW Jasper Street. There is no proposal or need to change the functional classification of NW Jasper Street. The nearest arterial is W Ellendale Avenue, which operates at acceptable performance levels.
2. Change the standards implementing a functional classification system; or
Finding: There is no change to the standards implementing the functional classification system.
3. As measured at the end of the planning period identified in the Dallas Transportation System Plan or the adopted plan of any other applicable roadway

authority, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or

Finding: The proposal, as measured at the end of the planning period identified in the Dallas Transportation Plan, will not result in levels of travel or access that are inconsistent with the functional classification of the existing transportation facility.

4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in road authority's adopted plan; or

Finding: The proposal, with the RM designation at full buildout, would generate approximately 1474 fewer vehicle trips per day than the site at full commercial buildout. Therefore, the proposal would not cause an existing or planned facility to fall below the minimum acceptable standard.

5. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the road authority's adopted plan.

Finding: NW Jasper Street and W Ellendale Avenue do not currently, nor are they projected to perform below minimum acceptable standards as a result of the proposal.

6. Where the City lacks specific transportation policies or standards, the City Council shall be consulted, as provided under Section 4.1.050 (Type IV Legislative Review).

Finding: Not applicable.

OVERALL TPR FINDING: Based on the above findings, the proposal would not result in a significant effect on an existing or planned transportation facility.

CONCLUSION: Based on the applicants' findings, and the findings and conclusions above, and the Planning Commission recommendation, it can be found that this proposal meets all the applicable criteria.

RECOMMENDATION:

Approve (ZC/CPA14-01), the proposed Comprehensive Plan Map amendment from Commercial to Residential and zone change from General Commercial to Residential Medium density (RM) and from RL to RM on taxlot 701 and direct staff to prepare the required Ordinances for approval at the June 16 meeting. Staff is also recommending, given the fact that there have been 2 public hearings on this matter with no opposition, the Council allow 1st and 2nd reading of the ordinances on June 16, and declare an emergency, therefore allowing the Zone Change and Comp Plan amendments to become effective immediately.

ORDINANCE NO. 1767

An Ordinance changing the zoning designation for certain real property owned by Dallas Mennonite Retirement Community, Inc. and Jasper Crossing, LLC from Commercial to Residential Medium Density and from Residential Low Density to Residential Medium Density; and declaring an emergency.

WHEREAS, Dallas Mennonite Retirement Community, Inc. and Jasper Crossing, LLC submitted an application for a zone change for the real property which is described generally as 3.66 acres located west of NW Jasper Street and north of West Ellendale Avenue, south of Dallas Retirement Village, being all of tax lot 1212 (Map 7.5.29DD TL 1212), owned by Dallas Mennonite Retirement Community, Inc., and the northerly 1.0 acre portion of tax lot 1202 (Map 7.5.29DD TL 1202), owned by Jasper Crossing, LLC, from Commercial to Residential Medium Density, and an additional .26 acres, being all of tax lot 701 (Map 7.5.29DD TL 701) owned by Dallas Mennonite Retirement Community, Inc., from Residential Low Density to Residential Medium Density, all as more particularly described on Exhibit A, attached hereto and by reference incorporated herein; and

WHEREAS, after due notice, on April 8, 2014, 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 June 2, 2014, 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 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 as all of tax lot 1212 (Map 7.5.29DD TL 1212) and the northerly 1.0 acre portion of tax lot 1202 (Map 7.5.29DD TL 1202), and as more particularly shown on Exhibit A attached hereto, and as shown on the map attached hereto as Exhibit B, is hereby changed from Commercial to Residential Medium Density.

Section 2. The zoning designation of the real property described as all of tax lot 701 (Map 7.5.29DD TL 701, and as more particularly shown on Exhibit A attached hereto, and as shown on the map attached hereto as Exhibit B, is hereby changed from Residential Low Density to Residential Medium Density.

Section 3. The Findings and Conclusions set forth in the staff report on this matter, submitted into the record herein on June 2, 2014, a copy of which is attached hereto as Exhibit C and by this reference incorporated herein, are hereby adopted and approved as the Findings and Conclusions in support of this Comprehensive Plan Map amendment.

Section 4. Pursuant to Dallas Charter Section 23, this ordinance, upon being read first in full and then by title, shall be enacted at a single meeting on the date set forth below, by unanimous vote of all the council members present.

Section 5. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this ordinance shall take effect on its passage.

Read for the first time: June 18, 2014
Read for the second time: June 18, 2014
Passed by the City Council: June 18, 2014
Approved by the Mayor: June 18, 2014



BRIAN W. DALTON, MAYOR

ATTEST:



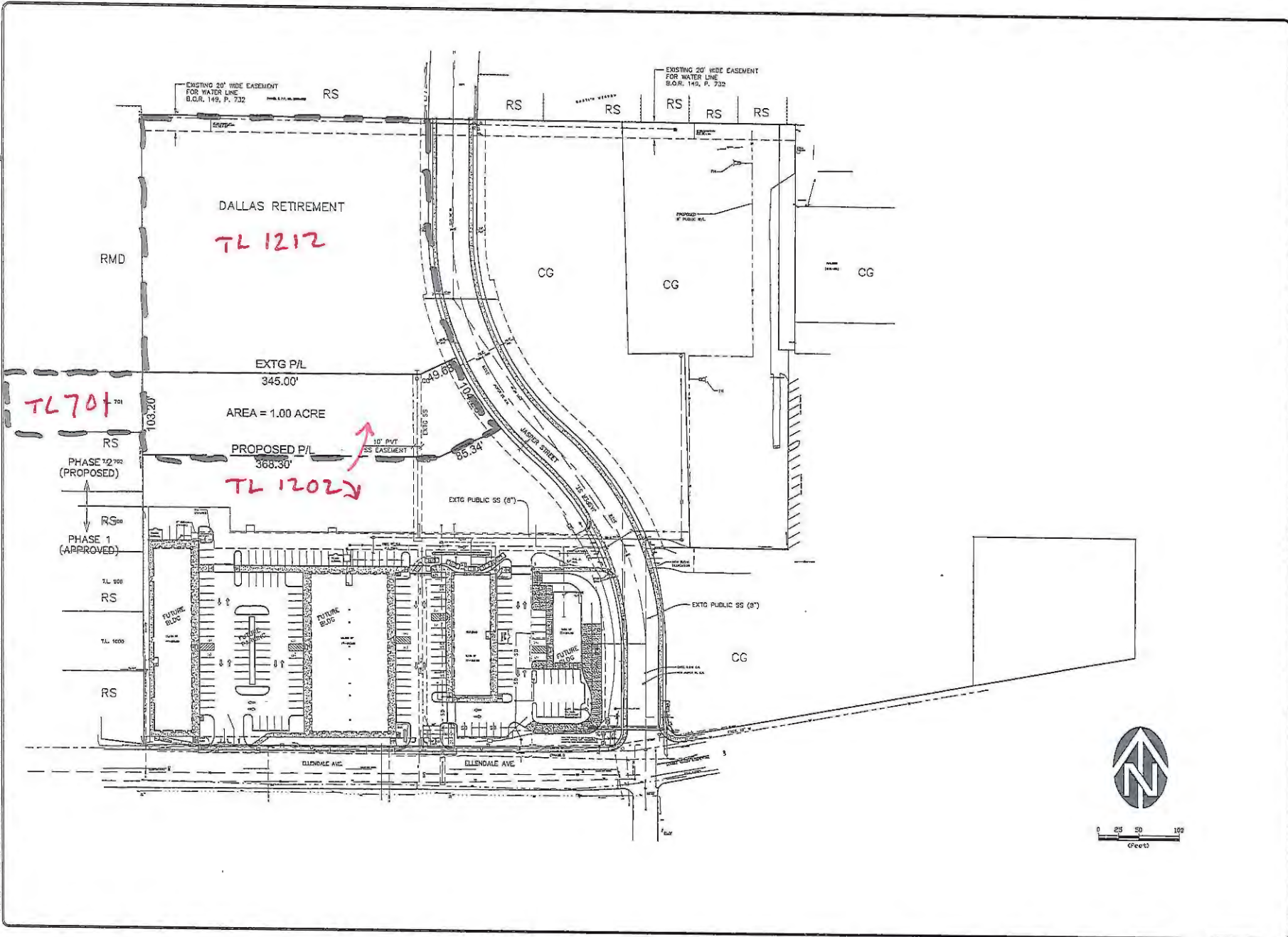
RONALD W. FOGGIN,
CITY MANAGER

APPROVED AS TO FORM:



LANE P. SHETTERLY
CITY ATTORNEY

EXHIBIT A



JUL 10, 2013 - 10:57 AM
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SCALE HORIZ. 1" = 50' VERT. - DES. DATE DRG. DATE CHK. DATE DATE: JULY 2013		REVIEW 	WESTECH ENGINEERING, INC. CONSULTING ENGINEERS AND PLANNERS 2552.1000.0, 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th Phone (409) 555-1111 Fax (409) 555-3333 E-mail: wll@westech-engineering.com	SALEM, OR JASPER CROSSING SUBDIVISION DALLAS RETIREMENT EXHIBIT OPTION #1	SHEET C1 of 2 JOB NUMBER 2552.1000.0	BY DESCRIPTION DATE
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EXHIBIT B

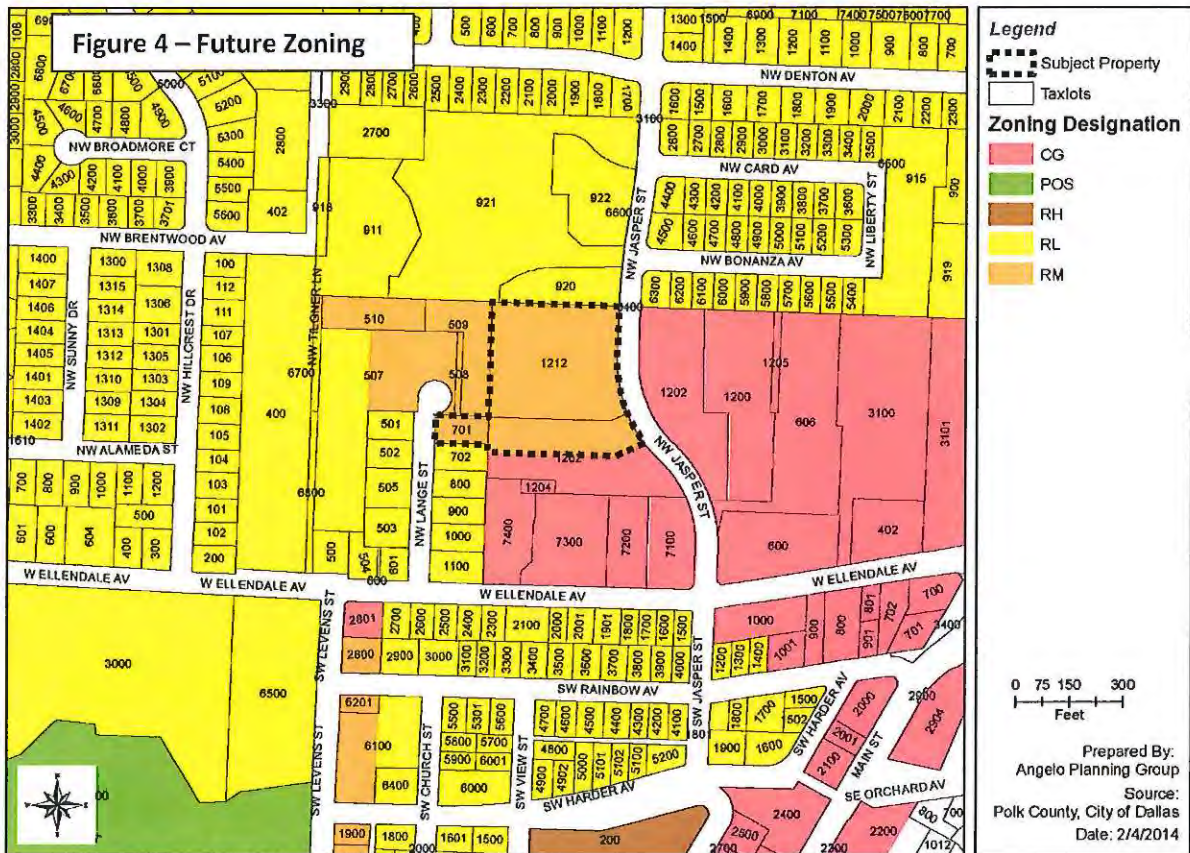
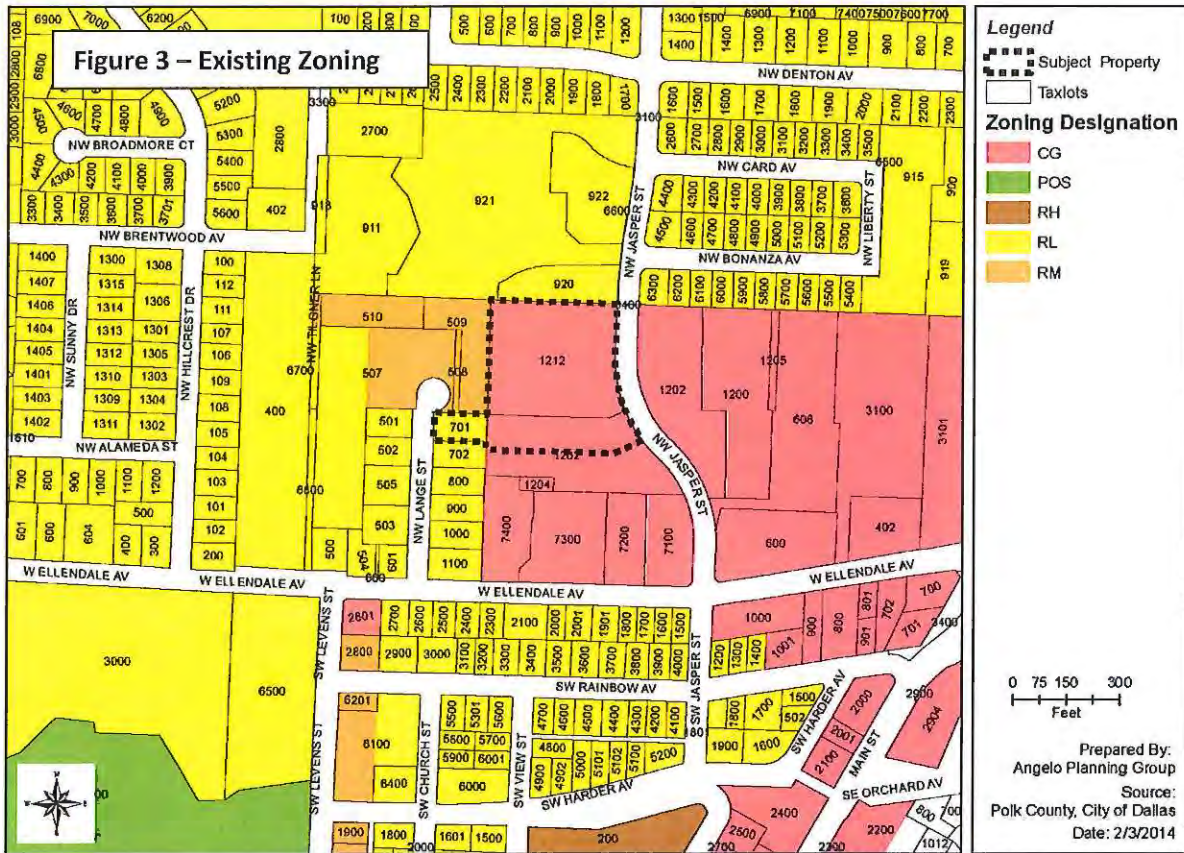


EXHIBIT C

CITY OF DALLAS
City Council

APPLICATION COMPLETE:
MARCH 6, 2014

STAFF REPORT
DATE: MAY 23, 2014

FILE NO.	ZC/CPA14-01
HEARING DATE	JUNE 2, 2014 7:00 P.M. CITY HALL COUNCIL CHAMBERS 187 SE COURT STREET DALLAS, OREGON 97338
OWNER(S)	DALLAS MENNONITE RETIREMENT COMMUNITY, INC. AND JASPER CROSSING, LLC
APPLICANTS AGENT	ANGELO PLANNING GROUP
REQUEST	ZONE CHANGE FROM GENERAL COMMERCIAL TO RESIDENTIAL MEDIUM DENSITY AND COMPREHENSIVE PLAN MAP AMENDMENT FROM COMMERCIAL TO RESIDENTIAL FOR 3.92 ACRES
LOCATION	WEST OF NW JASPER STREET AND NORTH OF W ELLENDALE AVENUE SOUTH OF DALLAS RETIREMENT VILLAGE
RECOMMENDATION	APPROVAL

**CITY OF DALLAS
PLANNING COMMISSION
COMMUNITY DEVELOPMENT
DEPARTMENT STAFF REPORT**



BACKGROUND INFORMATION: The subject property is located on the south side of Dallas Retirement Village (DRV) on the west side of NW Jasper Street. The subject area is 3.92 acres and is comprised of 2 ownerships, Dallas Mennonite Retirement Community (DRV) owns the northern lot, and Jasper Crossing LLC owns the southerly portion. The subject area is currently designated Commercial (C) on the Comprehensive Plan Map and zoned General Commercial (CG). (Note, there is one parcel of .26 acres, Taxlot 701, that is currently designated as Residential by the Comprehensive Plan, and is proposed to be rezoned from Residential Low Density (RL) to Residential Medium Density (RM)).

The subject area was originally planned for commercial development as part of the Jasper Crossing development. However, that development has not happened as planned and the northern portion of the lot was sold to DRV a few years ago. The access to the subject property occurs via NW Jasper Street, which is a fully improved City street (minor collector). The subject area is and can be fully serviced with City utilities. The property to the east is vacant, the property to the north is developed with DRV duplex units, the property to the west is zoned RM and contains DRV duplexes and single family dwellings. The property to the south is zoned CG and is a combination of vacant land and developed commercial buildings.

On April 8, 2014, the Planning Commission held a public hearing on this matter, and has recommended approval of the application.

PROPOSAL: The applicant is proposing to change the Comprehensive Plan Map designation from Commercial to Residential, and change the zoning from General Commercial to Residential Medium Density (RM) in order to accommodate an expansion of DRV living units.

The applicant states these are the 2 main reasons:

1. The minimum residential density requirements of the CG zone are higher than what is feasible and appropriate for DRV. Under the Dallas Development Code, new residential uses in the CG zone must be a minimum of 24 dwelling units per acre. This standard would require a minimum of 94 dwelling units on the site – much higher than what is needed. The scale and character of DRV, and the market demand for senior living, are much more aligned with medium density zoning. The specific program and plan will be further defined as part of a future Design Review application.

2. Under the CG zoning, DRV would need to apply for a Conditional Use Permit adding cost and land use processing for the applicant, City and community. There is no additional benefit to adding a conditional use, or multiple conditional use reviews over time, for expansion of the village. The City's Design Review process works well, and will provide appropriate review of both the design and compatibility with surrounding properties.

APPROVAL CRITERIA:

Type IV Legislative Criteria (4.1.040)

G. **Decision-Making Criteria.** The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:

1. Approval of the request is consistent with the Statewide Planning Goals;

Applicable Statewide Planning Goals:

Goal 9: Economic Development

Findings: The applicant addresses the requirements of Goal 9 based on the most recent Comprehensive Plan information. The key findings related to Goal 9 are that the city has used its commercial land efficiently, with a significant amount of redevelopment occurring, and that if the proposal is approved, there will be 19.5 acres of vacant land and 18.6 acres of redevelopable commercial land in the CG and CBD zones, for a total of 38.1 acres of land in these two zoning designations. This does not include the approximately 40 acres of commercial land designated in the LaCreole, Barberry, and Wyatt mixed use nodes. Furthermore, the applicant provides additional reasons as to why this proposal will not negatively impact the economic development potential, including the sites' relatively low visibility, a significant amount of adjacent vacant commercial land, a positive impact on other commercial properties, and the potential provision of additional employment that will be created if the proposal is approved and the property subsequently developed.

Goal 10: Housing

Goal 10 states that: Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.

Findings: The applicant states that the proposal will enhance the provision of a unique and needed housing type in the City of Dallas at a reasonable density as part of the DRV concept.

Conclusion: It can be found, based on the findings above and the information and analysis contained in the application, that the proposal is consistent with the Statewide Planning Goals.

2. Approval of the request is consistent with the Comprehensive Plan;

Findings: The Dallas Comprehensive Plan designation for the subject property is Industrial. There are a number of Comprehensive Plan policies that are required to be addressed in order to change that designation.

CHAPTER 2: A SUSTAINABLE DALLAS ECONOMY

2.2 Manpower Development Policies

3. *Encourage the creation of job opportunities for residents in the Dallas area within new and present businesses and industries.*

Finding: DRV is a major employer in Dallas, with approximately 280 employees today. The proposed amendments will enable expansion that will support creating jobs in short term construction, facilities operations, and for support businesses.

2.4 Commercial Land Use

2. *Recognize and promote the Central Business District (CBD) as the principal commercial and cultural center of the community.*

Finding: The reduction of CG land will reduce competition for the CBD and support its role as the principal commercial center in Dallas.

2.5 Other Commercial Zones

3. *Discourage "strip" commercial development along arterial streets, by concentrating commercial uses in the CBD and in defined neighborhood commercial "nodes."*

Finding: The proposed amendment will reduce commercial development along the north side of W. Ellendale Avenue, and shift commercial demand to properties in the CBD and nodes.

CHAPTER 3: LIVABLE RESIDENTIAL NEIGHBORHOODS

3.1 Locational & Design Policies

Residential neighborhood areas shall be planned and developed consistent with the following design requirements:

1. *Each residential neighborhood shall be located within 1.5 miles of planned general or neighborhood commercial development.*
2. *Each residential neighborhood shall be served by a grid street system, which minimizes the use of cul-de-sacs, double-frontage lots and walled subdivisions.*

3. *Each residential neighborhood shall provide its fair share of multi-family housing, consistent with Residential Policy 3.2.*
4. *Land planned for multi-family housing shall be located adjacent to planned commercial areas or along arterial and collector streets, and shall be reserved exclusively for that purpose.*
5. *Pedestrian and bicycle access shall be provided between commercial, open space and residential uses in all new development.*
6. *Public or private park land shall be provided in proportion to residential development and in accordance with Chapter 4.5 (Level-of-Service).*

Finding: The proposed RM designation is a transitional zone between CG in the Ellendale Avenue corridor and RL areas to the north and west. It is consistent with Policy 3.1's neighborhood design requirements because it is: close to existing and planned commercial development; provides street connectivity for the neighborhood; provides senior multi-family housing; provides housing adjacent to a collector street (NW Jasper Street); provides direct, convenient and pleasant routes for walking and biking; and, provides common open spaces as part of the campus design.

3.4 Innovative Techniques

To ensure that affordable, higher density housing is provided consistent with the conservation of existing neighborhoods and identified natural resources, the following policies shall be implemented through the provisions of the Dallas Development Code:

1. Minimum as well as maximum residential densities shall be required in all residential zones to ensure that buildable residential land within the Dallas UGB is used efficiently and the public costs of providing urban services are minimized. The following minimum densities shall apply to each net buildable acre (i.e., 43,560 square feet of buildable area, exclusive of streets, recreational areas, designated open space and public utilities):

- a) RL 04-09 dwelling units per net buildable acre*
- b) RM 06-16 dwelling units per net buildable acre*
- c) RH 10-40 dwelling units per net buildable acre*

Finding: The expanded facilities at DRV will readily meet the minimum density requirements of the RM zone. The RM zone allows 6-12 units per acre, and up to 16 units per acre with low-impact development practices.

CHAPTER 4: PARKS & OPEN SPACE

Parks and Open Space Goal

To conserve and protect the community's natural and scenic resources and to ensure that new development helps to provide for the outdoor recreational needs of its residents.

Finding: DRV has a campus setting, with ample landscaping, public spaces, and outdoor areas for passive recreation suitable to the resident senior community. The expansion of DRV will continue this concept of providing for the outdoor needs of the DRV residents.

CHAPTER 6: URBAN GROWTH MANAGEMENT

Urban Growth Management Goal

To ensure that urban development does not occur in the absence of the full range of urban services, and that “rural” development outside the City Limits does not interfere with the efficient urban development in the future.

6.2.1-4. Only lands that can be provided with the full range of urban facilities will be considered for annexation or rezoning.

Response: The subject property has the full range of urban facilities, as demonstrated by the public facilities review by Westech Engineering in Exhibit B of the applicants submittal.

3. The property and affected area is presently provided with adequate public facilities and services, including transportation, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.

Findings: To address this criterion, the applicant engaged Kittelson and Associates to prepare a transportation review and Westech Engineering to prepare a public facilities review. The transportation review is addressed in Section 3 of this application and included in Exhibit B. The public facilities review is stated in the following findings and included in Exhibit C of the applicants submittal.

There is an existing 8 inch sanitary sewer line in NW Lange Street to serve the western part of the project and an existing private 6 inch sanitary sewer line on the SE corner of the property that abuts NW Jasper Street and can serve the eastern undeveloped portion of the project. The private sanitary sewer line drains into an existing 8 inch public sanitary sewer line that is located in the Jasper Crossing subdivision. Private sanitary sewer line extensions from the existing public and private sanitary sewer lines will be required to serve the proposed project and can be provided concurrently with the development of the property.

The existing DRV is fully served with several storm drain laterals that drain west to a 24 inch storm drain line that flows south in NW Tilgner Dr to W Ellendale Avenue. The undeveloped expansion area west of NW Jasper Street and south and east of the existing

DRV is also served by an 18 inch public storm drain line in Jasper Street NW and a 12 inch service stubbed onsite. Upon development, the project will need to provide stormwater detention per City Standards to meet the Development Code. Therefore, there are adequate existing public stormwater facilities to serve the proposed development. Additional private stormwater infrastructure will be required to serve the site and will be constructed concurrently with the development of the property.

There is a 10 inch public water line in NW Lange Street that runs north on the DRV property and turns east along the existing parcel (TL 1212 & 509, map 7.5.29DD) north property line in a 20 ft public water line casement. The public water line continues east under NW Jasper Street and along the neighboring property. This water line has capacity to provide both domestic water use and fire flow demand. Additional private or public facilities such as water meters, water mains, and fire hydrants may be required to meet all City and fire code requirements. As such, these facilities are provided for in adopted City plans and required water line extensions or taps can be constructed concurrently with the development of the property.

The existing DRV facilities take access off of the SE corner of the intersection of NW Brentwood Ave and NW Tilgner Lane on the west, one access from W Ellendale Avenue and NW Lange Street to the south and two access point off of NW Jasper Street to the east. Circulation throughout the DRV from the public streets is provided by private streets and walking paths.

Conclusion: The property and affected area is presently provided with adequate public facilities and services, including transportation, stormwater, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.

Land Use Map and Text amendments 4.7.030(B)

- B. **Criteria for Quasi-Judicial Amendments.** A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:
1. Approval of the request is consistent with the Statewide Planning Goals;
Finding: See above (1)
 2. Approval of the request is consistent with the Comprehensive Plan;
Finding: See above (2)

3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and

Finding: See above(3)

1. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application; and
Findings: The subject property is zoned primarily CG, and is located adjacent to the existing DRV facility, The applicant states, and staff concurs, that the proposal to remove the subject property from a commercial to a residential medium density designation will allow the continuation and expansion of an existing use that is an integral part of the neighborhood, provides economic development opportunities, employment, and needed housing.

5. The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.060.

4.7.060 TRANSPORTATION PLANNING RULE COMPLIANCE

A. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule - TPR) and the Traffic Impact Analysis provisions of Section 4.1.090. "Significant" means the proposal would:

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the Dallas Transportation System Plan; or
Finding: The subject property is served by an existing minor collector, NW Jasper Street. There is no proposal or need to change the functional classification of NW Jasper Street. The nearest arterial is W Ellendale Avenue, which operates at acceptable performance levels.
2. Change the standards implementing a functional classification system; or
Finding: There is no change to the standards implementing the functional classification system.
3. As measured at the end of the planning period identified in the Dallas Transportation System Plan or the adopted plan of any other applicable roadway

authority, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or

Finding: The proposal, as measured at the end of the planning period identified in the Dallas Transportation Plan, will not result in levels of travel or access that are inconsistent with the functional classification of the existing transportation facility.

4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in road authority's adopted plan; or

Finding: The proposal, with the RM designation at full buildout, would generate approximately 1474 fewer vehicle trips per day than the site at full commercial buildout. Therefore, the proposal would not cause an existing or planned facility to fall below the minimum acceptable standard.

5. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the road authority's adopted plan.

Finding: NW Jasper Street and W Ellendale Avenue do not currently, nor are they projected to perform below minimum acceptable standards as a result of the proposal.

6. Where the City lacks specific transportation policies or standards, the City Council shall be consulted, as provided under Section 4.1.050 (Type IV Legislative Review).

Finding: Not applicable.

OVERALL TPR FINDING: Based on the above findings, the proposal would not result in a significant effect on an existing or planned transportation facility.

CONCLUSION: Based on the applicants' findings, and the findings and conclusions above, and the Planning Commission recommendation, it can be found that this proposal meets all the applicable criteria.

RECOMMENDATION:

Approve (ZC/CPA14-01), the proposed Comprehensive Plan Map amendment from Commercial to Residential and zone change from General Commercial to Residential Medium density (RM) and from RL to RM on taxlot 701 and direct staff to prepare the required Ordinances for approval at the June 16 meeting. Staff is also recommending, given the fact that there have been 2 public hearings on this matter with no opposition, the Council allow 1st and 2nd reading of the ordinances on June 16, and declare an emergency, therefore allowing the Zone Change and Comp Plan amendments to become effective immediately.