



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

NOTICE OF ADOPTED AMENDMENT

July 3, 2007

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 002-07



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: July 19, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. 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 ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Jason Locke, DLCD Regional Representative
Jerry Wyatt, City of Dallas

<paa> ya/

PROP **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

In person electronic mailed

DATE STAMP

DEPT OF

JUN 29 2007

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **Dallas**

Local file number: **Zone 1-07**

Date of Adoption: **6/4/2007**

Date Mailed: **6/28/2007**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 1/4/2007

- | | |
|--|---|
| <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".

Amend the zoning map on three parcels from RA-Residential Agriculture to RS-Residential Single Family for a proposed future subdivision.

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

Tax lot 7.5.31A 600 was removed, and the northern portion of 7.5.31A 601 was added.

Plan Map Changed from: _____ to: _____

Zone Map Changed from: **RA-Residential Agriculture** to: **RS-Residential Single Family**

Location: **7.5.30D1002; 7.5.31A602; a portion of 7.5.31A601** Acres Involved: **13**

Specify Density: Previous: _____ New: _____

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <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 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 # 002-01 (15783)

DLCD file No. _____

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

City of Dallas, Polk County

Local Contact: Jerry Wyatt
Address: 187 SE Court Street
City: Dallas

Zip: 97338-

Phone: (503) 831-3565 Extension:

Fax Number: 503-623-2339

E-mail Address: jerry.wyatt@ci.dallas.or.us

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. 1674

An ordinance changing the zoning designation of real property owned by Faith Farms, Inc. and Stephen Mannenbach and Shirley Mannenbach, from Residential Agricultural to Residential Single Family.

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 on Exhibit 1 hereto (Faith Farms, Inc. property), and Exhibit 2 hereto (Mannenbach property) and by this reference incorporated herein, be changed from Residential Agricultural to Residential Single Family; and

WHEREAS, after due notice, the 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, the City Council held a public hearing on the application and at the conclusion thereof found 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 1 and Exhibit 2 hereto is hereby changed from Residential Agricultural to Residential Single Family.

Section 2. The Findings and Conclusions set forth in the staff report on this matter, and File No. ZC 1-07, submitted into the record herein on a May 7, 2007, are hereby adopted and approved as the Findings and Conclusions in support of this zone change.

Read for the first time: May 21, 2007
Read for the second time: June 4, 2007
Passed by the City Council: June 4, 2007
Approved by the Mayor: June 4, 2007


MAYOR

ATTEST:


CITY MANAGER

Order No. 00-509815-22

EXHIBIT "ONE"

The premises are in Polk County and are described as follows:

PARCEL I:

Beginning at an iron rod on the South line of County Road M-20, said rod being 89.76 feet North 89°27' West and 4221.67 feet South 0°11' West and 1002.58 feet North 86°21'23" West from the Northeast corner of Section 30 in Township 7 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; and running thence South 0°16'45" West 694.92 feet to an iron rod; thence South 89°52'37" West 324.16 feet to an iron rod; thence North 0°16'45" East 567.25 feet to the Southwest corner of that tract of land conveyed to Fred and Pearl Quinn by deed recorded in Volume 213, Page 559, Deed Records for Polk County, Oregon; thence North 89°52'37" East 75.00 feet to an iron pipe at the Southeast corner of said Quinn tract; thence North 0°07'23" West 144.13 feet to the South line of County Road M-20; thence South 86°21'23" East 250.60 feet to the point of beginning.

PARCEL II:

All of that tract of land conveyed to Gerald W. Morlan and Gail B. Morlan by deed recorded in Book of Records 205, Page 1091, Deed Records of Polk County, Oregon, lying North of Rickreall Creek (sometimes known as LeCreole Creek).

SAVE AND EXCEPT: Beginning at an iron rod on the South line of County Road M-20, said rod being 89.76 feet North 89°27' West and 4221.67 feet South 0°11' West and 1002.58 feet North 86°21'23" West from the Northeast corner of Section 30 in Township 7 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; and running thence South 0°16'45" West 694.92 feet to an iron rod; thence South 89°52'37" West 324.16 feet to an iron rod; thence North 0°16'45" East 567.25 feet to the Southwest corner of that tract of land conveyed to Fred and Pearl Quinn by deed recorded in Volume 213, Page 559, Deed Records for Polk County, Oregon; thence North 89°52'37" East 75.00 feet to an iron pipe at the Southeast corner of said Quinn tract; thence North 0°07'23" West 144.13 feet to the South line of County Road M-20; thence South 86°21'23" East 250.60 feet to the point of beginning.

ALSO SAVING AND EXCEPTING from Parcels I and II above, all that portion thereof conveyed in the deed to Stephen F. Mannenbach, et ux, recorded October 4, 1993, in BCR 274, Page 1878, Polk County Records, described as follows:

Beginning at the Southeast corner of a tract of land conveyed to William A. Woodrum, et ux, by deed recorded July 27, 1977, in Volume 108, Page 706, Book of Records for Polk County Oregon; thence running North 0°06'28" West along the East line of said Woodrum tract a distance of 887 feet, more or less, to the proposed Southwest corner of Phase 2 of Living Waters Subdivision, Polk County, Oregon; thence East 40 feet; thence South 0°06'28" East 1482.45 feet to the center of Rickreall Creek; thence along the center of said Rickreall Creek, North 57°22'11" West 224.36 feet; thence North 26°13'00" West 400 feet; thence North 47°54'26" West 124.86 feet; thence North 80°24'27" West 152.14 feet to a point on the South line of said Woodrum tract; thence North 89°23'00" East 567.24 feet to the place of beginning.

ALSO SAVING AND EXCEPTING that property lying within the exterior boundary lines of Living Waters Estates, Phases I and II.

EXHIBIT 2

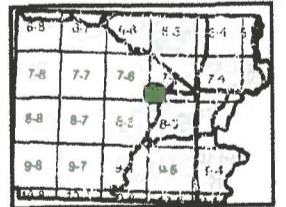
Legal description:

Beginning at the southwest corner of Phase II Living Waters Subdivision, Polk County, Oregon; thence north 90° east; thence south 0°06'28" east 887 feet; thence north 90° west 40 feet; thence north 0°06'28" west 887 feet to the point of beginning.

City of Dallas

7.5.31A

- City Limits
- DALLAS
- Roads
- OTHER
- Taxlot#07
- Taxlot Arrows#07
- Taxlot Boundary#4
- Taxlot#07



1 in. = 465 ft.



1/5/2007

This map was produced using the Polk County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.