



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

03/08/2011

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 003-10

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: Monday, March 21, 2011

This amendment was submitted to DLCD for review 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 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
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE STAMP

DEPT OF

MAR 01 2011

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Dallas**

Local file number: **ZTA10-01**

Date of Adoption: **2/22/11**

Date Mailed: **2/28/11**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 10/15/10

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".
 General clean-up, revising driveway width standards and Property Line Adjustment sections.

Does the Adoption differ from proposal? NO

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

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 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 file No. 003-10 (18563) [16539]

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

City of Dallas

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**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on **light green paper if available**.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available**. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail **plan.amendments@state.or.us**.

<http://www.oregon.gov/LCD/forms.shtml>

Updated December 16, 2010

Jason

ORDINANCE NO. 1733

An Ordinance amending provisions of the Dallas Development Code; and repealing conflicting provisions.

WHEREAS, the Dallas City Council has determined that it is timely and appropriate to make certain technical and editorial amendments to the Dallas Development Code adopted by Ordinance No. 1710, on December 21, 2009, and effective January 22, 2010; and

WHEREAS, the City duly notified the Oregon Department of Land Conservation and Development of the proposed Development Code amendment not less than 45 days prior to the first evidentiary hearing and the Department did not object to the changes;

WHEREAS, after required public involvement, notices and public hearings before the Dallas Planning Commission and Dallas City Council, the City Council, on January 17, 2011, preliminarily approved the proposed amendments to the Dallas Development Code; and

WHEREAS, the City Council found and hereby finds that the proposed Dallas Development Code amendments conform to the Dallas Comprehensive Plan, as amended, and applicable Statewide Planning Goals, and it is in the public interest to adopt them; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

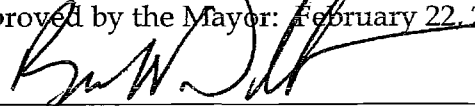
Section 1. Those amendments to Sections 1.2.070, 2.2.090(F)(3), 2.2.100(C)(1), and 4.3.140, and Tables 2.2.020, 2.3.020(B), 2.3.020, and 2.4.020, of the Dallas Development Code, as set forth on Exhibit A, attached hereto and by reference incorporated herein, are hereby adopted and approved.

Section 2. The findings and conclusions of the staff report recommending the adoption of the foregoing amendments, attached hereto as Exhibit B, and by reference incorporated herein, are hereby adopted and approved as the findings and conclusions of the City Council.

Section 3. All conflicting provisions of Ordinance No. 1710, establishing and adopting the Dallas Development Code, are hereby repealed upon the effective date of this ordinance.

Read for the first time: February 1, 2011
Read for the second time: February 22, 2011

Passed by the City Council: February 22, 2011
Approved by the Mayor: February 22, 2011



BRIAN W. DALTON, MAYOR

ATTEST:


JERRY WYATT, CITY MANAGER

Ordinance - Page 2

EXHIBIT A

Amendments to Dallas Development Code. (New matter appears underlined and in italics; matter to be deleted appears lined-out.)

1.2.070 Pre-Existing Approvals

- A. **Legality of Pre-existing Approvals.** Developments and uses for which approvals were granted prior to January 22, 2010 may occur pursuant to such approvals, except that modifications to those approvals shall comply with Chapter 4.6. Modifications to Approved Plans and Conditions of Approval, as applicable.
- B. **Subsequent Development Applications.** All developments and uses commencing on or after January 22, 2010 shall conform to the provisions of the Code applicable and effective at that time.

Table 2.2.020

Utility Corridors (e.g., regional gas pipelines, electrical transmission lines, etc.), except those existing prior to <u>January 22, 2010</u> , are permitted.	CU	CU	CU
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Non-Conforming Uses. Uses and structures lawfully established prior to January 22, 2010 may continue pursuant to Chapter 5.2 Non-Conforming Situations. The City may require upon annexation rezoning that uses conform to the current code requirements for the zone in which they are located.

2.2.090 (F)(3)

- a. *Certified Green Buildings/Green Developments.* Green building certification supports sustainability through objective, third party review of building designs. Project proposals that meet the certification criteria (any level) under an ANSI-approved green building rating system (e.g., LEED-Homes, LEED-New Construction, LEED-Neighborhood Development; or National Green Building Standard for single family homes or Earth Advantage certified) for at least twenty percent (20%) of the dwellings in the development shall receive two (2) density bonus points in addition to points awarded under subsections b-q, below. While the applicant shall provide evidence that the project substantially conforms to the criteria for green certification through Site Design Review, however, certification is not required.

2.2.100 (C)(1)

- d. Garage Openings. Garage openings shall not exceed fifty percent (50%) of

Table 2.3.030 – Development Standards for Mixed-Use Commercial Districts (pgs 66 and 67)

Table 2.4.020

Residential Uses (Household Living and Group Living) allowed, if: - Lawfully existing as of <u>January 22, 2010</u> - New dwelling - Caretaker dwelling	P CU P	New dwellings may be permitted without CU with a Master Planned Development. Only one caretaker dwelling per site is allowed and must be accessory to a primary permitted use.
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4.3.140 Property Line Adjustments

A Property Line Adjustment is the modification of lot boundaries where no additional parcel or lot is created, and includes lot consolidations ~~or removed~~. The application submission and approval process is as follows:

C. **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. Parcel Creation. No additional parcel or lot is created or removed by the lot line adjustment;

DALLAS CITY COUNCIL EXHIBIT B
REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 4a	Topic: ZTA10-01 Development Code Amendments
Prepared By: Jason Locke, Community Development Director	Meeting Date: January 18, 2011	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Jerry Wyatt		

RECOMMENDED ACTION: Direct staff to prepare an Ordinance adopting the proposed Dallas Development Code amendments.

BACKGROUND: In December of 2009, the City Council adopted the new Dallas Development Code. It became effective on January 22, 2010. At the time of adoption, staff explained that the document would be reviewed and, if there were issues, amendments would be proposed. After a year of administering the Development Code, there were some issues that came up, both substantive and typographical. In general, the new Development Code has provided clearer standards and processes, and has been well received by the public who have utilized it. The Planning Commission held a public hearing on this matter on December 14, 2010. The staff report to the Planning Commission is attached, and includes the proposed amended Development Code pages. **Proposed amendments are in underlined italic.**

FISCAL IMPACT:
None.

- ATTACHMENTS:**
- 1) Staff report and proposed Development Code amendments
 - 2) Planning Commission minutes from December 14, 2010
 - 3) Hearing Notice



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AND DEVELOPMENT

ATTENTION: Plan Amendment Specialist
Department of Land Conservation and
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635 Capitol Street NE, Suite 150
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A-QDSM1 97301

