



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

03/24/2014

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 001-13

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, April 11, 2014

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
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative

<paa> YA



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

FOR DLCD USE

File No.: 001-13 (2011)
[17812]
Received: 3/21/2014

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.: **CPA/ZC13-01**

Date of adoption: March 17, 2014

Date sent: March 18, 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): 12/2/13

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 I to R .2 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): 1505 SE Jonathan Ave

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 I	to RM	Acres: .2
Change from	to	Acres:
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): 1505 SE Jonathan Ave

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

Identify supplemental information that is included because it may be useful to inform DLCD 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. 1761

An Ordinance amending the Dallas Comprehensive Plan Map for a parcel of real property owned by Gary and Bertha Fitzwater from Industrial to Residential.

WHEREAS, Fowler Home, LLC and the above-named owners, Gary Fitzwater and Bertha Fitzwater, submitted an application to amend the Comprehensive Plan Map for the real property which is described generally as .23 acres located on the south side of SE Jonathan Avenue, as more particularly described on Exhibit A, attached hereto and by reference incorporated herein, from Industrial to Residential; and

WHEREAS, after due notice, on January 14, 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 February 18, 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 Industrial to Residential, 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 2. The Findings and Conclusions set forth in the staff report on this matter, submitted into the record herein on February 18, 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.

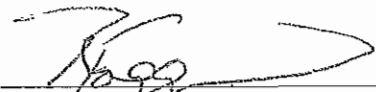
Read for the first time: March 3, 2014
Read for the second time: March 17, 2014
Passed by the City Council: March 17, 2014
Approved by the Mayor: March 17, 2014



BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:



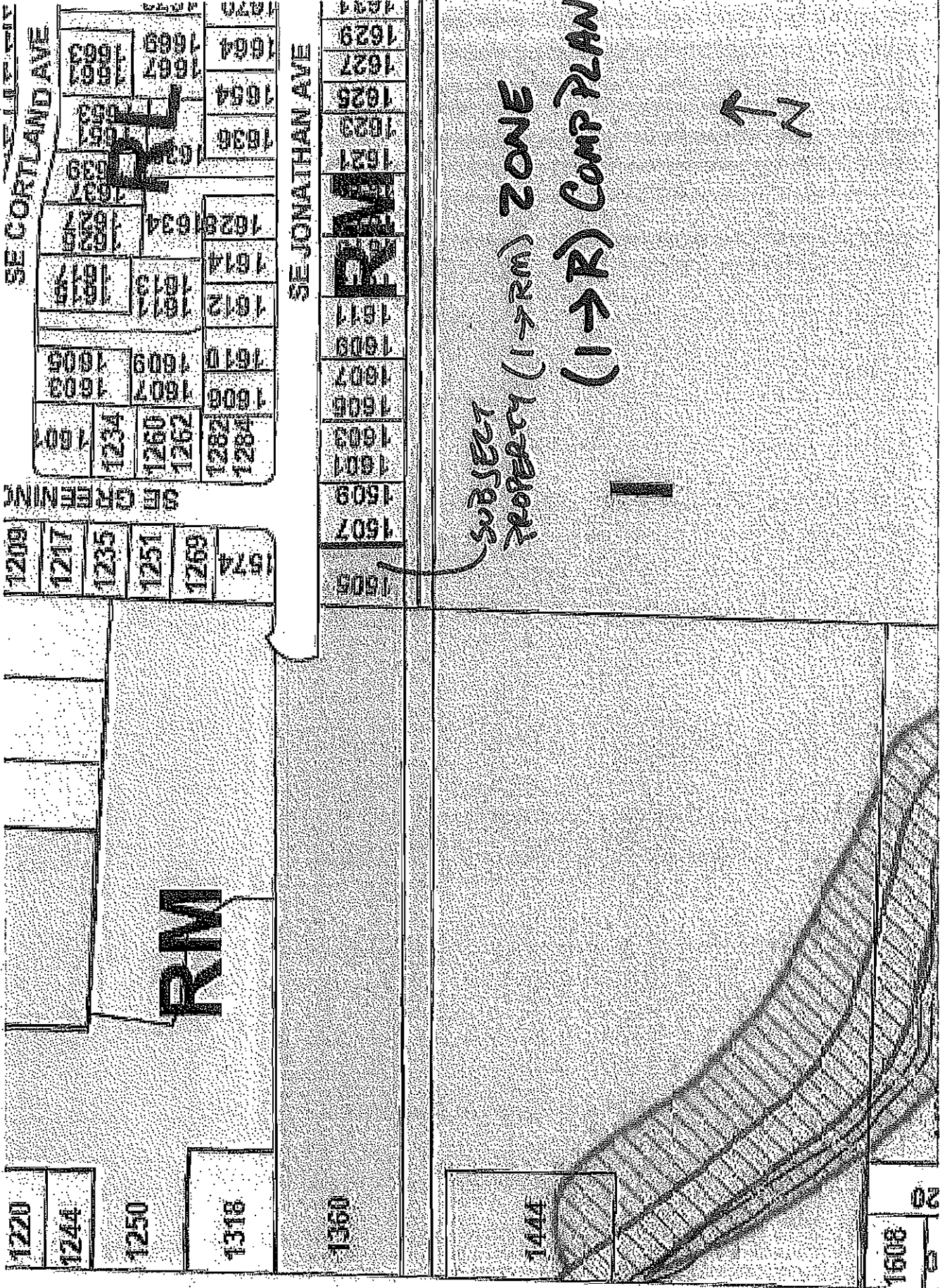
RONALD W. FOGGIN,
CITY MANAGER



LANE P. SHETTERLY
CITY ATTORNEY

EXHIBIT A
Lot 63 of Applegate Landing, Phase 3

EXHIBIT B



ORDINANCE NO. 1762

An Ordinance changing the zoning designation of a parcel of real property owned by Gary and Bertha Fitzwater from Industrial to Residential Medium Density.

WHEREAS, the Fowler Homes, LLC and the above-named owners, Gary Fitzwater and Bertha Fitzwater, submitted a zone change application to the City requesting that the zoning designation of the real property which is described generally as .23 acres located on the south side of SE Jonathan Avenue, as more particularly described on Exhibit A, attached hereto and by reference incorporated herein, and as shown on the map attached hereto as Exhibit B and by this reference incorporated herein, be changed from Industrial to Residential (Medium Density); and

WHEREAS, after due notice, on January 14, 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 February 18, 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 on Exhibit A attached hereto, and as shown on the map attached hereto as Exhibit B, is hereby changed from Industrial to Residential Medium Density.

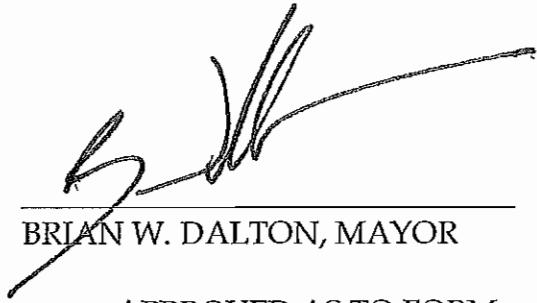
Section 2. The Findings and Conclusions set forth in the staff report on this matter, submitted into the record herein on February 18, 2014, a copy of which is attached hereto as Exhibit C and by this reference incorporated herein, are hereby adopted and approved as the Findings and Conclusions in support of this zone change.

Read for the first time: March 3, 2014

Read for the second time: March 17, 2014

Passed by the City Council: March 17, 2014

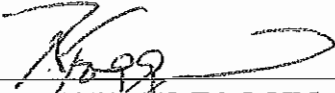
Approved by the Mayor: March 17, 2014



BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:



RONALD W. FOGGIN,
CITY MANAGER



LANE P. SHETTERLY
CITY ATTORNEY

EXHIBIT A
Lot 63 of Applegate Landing, Phase 3

EXHIBIT B

