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Police Chief  
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Engineering Director  
Fred Braun

City Recorder  
Emily Gagner

# Dallas City Council Agenda

Monday, October 17, 2011, 7:00 p.m.

Mayor Brian Dalton, Presiding

Dallas City Hall

187 SE Court Street

Dallas, Oregon 97338

*All persons addressing the Council will please use the table at the front of the Council. All testimony is electronically recorded. If you wish to speak on any agenda item, please sign in on the provided card.*

<u>ITEM</u>	<u>RECOMMENDED ACTION</u>
1. ROLL CALL	
2. PLEDGE OF ALLEGIANCE	
3. QUESTIONS OR COMMENTS FROM THE AUDIENCE <i>This time is provided for citizens to address the Council or introduce items for Council consideration on any matters.</i>	
4. PUBLIC HEARINGS  <i>Public comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.</i>  Annexation of 65.96 +/- acres in the northeast quadrant of the City of Dallas adjacent to East Ellendale Avenue to the north and abutting city limits on the southern and eastern boundaries, and withdrawal from Southwestern Polk County Rural Fire Protection District. <b>p. 3</b>	
5. CONSENT AGENDA  <i>The following items are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered separately.</i>  a. Approval of October 3, 2011, City Council Minutes <b>p. 104</b>	
6. ITEMS REMOVED FROM CONSENT AGENDA	
7. REPORTS OR COMMENTS FROM THE COUNCIL MEMBERS	
8. REPORTS FROM CITY MANAGER AND STAFF	
a. Introduction of and report from CSO Diane Lanxon	Information
b. Sewer debt refinancing update <b>p. 107</b>	Information
c. Fish Trap and Haul Program update <b>p. 108</b>	Information
d. Adoption of Council Goals <b>p. 109</b>	Motion

# Dallas City Council Agenda

## Page 2

### Our Vision

*Our vision is to foster an environment in which Dallas residents can take advantage of a vital, growing, and diversified community that provides a high quality of life.*

### Our Mission

*The mission of the City of Dallas is to maintain a safe, livable environment by providing open government with effective, efficient, and accountable service delivery.*

### Our Motto

*Commitment to the Community.  
People Serving People.*

Dallas City Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Manager's Office, 503-831-3502 or TDD 503-623-7355.

e. Other

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9. RESOLUTIONS

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10. FIRST READING OF ORDINANCE

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11. SECOND READING OF ORDINANCE

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12. OTHER BUSINESS

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13. ADJOURNMENT

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STAFF REPORT  
DATE: OCTOBER 5, 2011

FILE NO.	ANN11-01
HEARING DATE	OCTOBER 17, 2011 7:00 P.M. CITY HALL COUNCIL CHAMBERS 187 SE COURT STREET DALLAS, OREGON 97338
OWNER	Various
APPLICANT	THE FIFE GROUP, INC.
REQUEST	ANNEX 65.96+/- ACRES INTO THE CITY
LOCATION	NORTHEAST QUADRANT OF THE CITY OF DALLAS ADJACENT TO EAST ELLENDALE AVENUE TO THE NORTH; SOUTHERN AND EASTERN BOUNDARIES ABUT CITY LIMITS
RECOMMENDATION	APPROVE THE ANNEXATION AND DIRECT STAFF TO PREPARE AN ORDINANCE DECLARING THE ANNEXATION

CITY OF DALLAS  
CITY COUNCIL  
COMMUNITY DEVELOPMENT  
DEPARTMENT STAFF REPORT



HEARING DATE: OCTOBER 17, 2011  
APPLICATION TYPE: ANNEXATION  
OWNER: VARIOUS  
APPLICANT: THE FIFE GROUP, INC.  
LOCATION: NORTHEAST QUADRANT OF THE CITY OF DALLAS  
ADJACENT TO EAST ELLENDALE AVENUE TO THE NORTH;  
SOUTHERN AND EASTERN BOUNDARIES ABOUT CITY LIMITS

**BACKGROUND INFORMATION:**

The Dallas Planning Commission held a public hearing on this matter on September 13, 2011, and has recommended approval.

The City was petitioned by The FIFE Group, Inc. to annex 65.96+/- acres (the remaining property contained in the Barberrry Node Mixed Use Zone) located in the northeast quadrant of the City (see attached map). Annexations are controlled by Dallas Development Code Section 4.10 and ORS. A proper application and required fee were duly received.

All of the land in the proposed annexation area is designated as the Barberrry Neighborhood Mixed Use Node in the Dallas Comprehensive plan and is also designated as such in the Dallas Development Code Chapter 2.6. Ordinarily, there is an accompanying zone change with the annexation request, but not in this case. The effect of this is that the property will be annexed into the City, will be included in the City Limits, but will retain the existing Polk County zoning, which functions as a holding zone applied to properties inside the UGB that prevents divisions and other uses incompatible with future urbanization, and, in this case, the Barberrry Node Master Plan requirements (see attached).

Once annexed into the City, all current uses can continue as they are today, but all new uses will be reviewed by the city for compatibility with the Barberrry Neighborhood Commercial Mixed Use Node. Prior to any development of any part of the proposed annexation area, any applicant is required to produce a detailed development plan for the entire area or specific areas, which requires adherence to the legislatively adopted Barberrry Mixed Use Node plan. When a detailed development plan is approved, the appropriate zoning will

automatically be applied to the property that is the subject of the detailed development plan. It will be important to include all the affected property owners in any future development planning / rezoning process. The detailed development plan must also, in addition to land uses, design, and parks and open space, include infrastructure planning as well. The applicant has provided significant findings related to the proposal in their application packet, which is attached.

**Process:** This annexation is being processed under ORS 222.170(2) the “double majority” rule. This method may be utilized if more than half the landowners consent to the annexation and one half of the electors residing in the territory consent to the annexation. The applicant has secured a majority of landowners and electors in the proposed annexation area.

**APPROVAL CRITERIA:** THE APPLICABLE CRITERIA ARE CONTAINED IN DDC SECTION 4.10 - ANNEXATIONS; SECTION 4.10.025 - APPROVAL CRITERIA

An annexation may be approved if the proposed request conforms, or can be made to conform through the imposition of conditions with the following approval criteria:

A. The land is within the City’s Urban Growth Boundary.

*Finding:* The proposed annexation area is entirely within the City of Dallas’ Urban Growth boundary.

B. The proposed zoning for the annexed area is consistent with the Comprehensive Plan, and a project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.

*Finding:* The proposed zoning for the annexation area is determined and defined by DDC Chapter 2.6 – Mixed Use Master Plan Districts; Section 2.6.040 – Development Standards – Barberrry Mixed Use Nodes and the City of Dallas Comprehensive Plan Chapter 3; Section 3.2 - Master Planned Neighborhood / Multi Family Nodes; Sub-section 3.2.2 Barberrry Mixed Use. The annexation application states the applicant’s intention to adhere to the zoning requirements. In fact, the development of any property in the Barberrry Node will be required to meet all the standards contained in Chapter 2.6.

C. The land is currently contiguous with the present City Limits.

*Finding:* The proposed annexation area is contiguous to the current and existing boundaries of the City of Dallas.

D. Adequate City facilities can and will be provided to and through the subject property, including water, sanitary sewer, and storm drainage. *Finding: Adequate water, sanitary sewer, and storm drainage facilities are available adjacent to the proposed annexation area, and prior planning and development has ensured the adequacy of public facilities. The applicant states that these existing, adjacent facilities are of adequate capacity for expansion into and through the annexation area so as to be compliant with the Barberrry Mixed Use Node planning requirements and the legislatively adopted Barberrry Mixed Use Node plan.*

E. The annexation is consistent with the annexation policies contained in the Comprehensive Plan.

*Finding: The annexation policies of the Comprehensive Plan are contained in Chapter 6.2 of the Comprehensive Plan, and are as follows:*

### **6.2.1 CONVERSION TO URBAN USES**

Land within the Urban Growth Boundary shall be considered available over the planning period for urban uses. The conversion of urbanizable land to urban uses shall occur only through the annexation and zone change processes, and shall be based upon consideration of the following factors:

1. The City will encourage the development of available land within its corporate limits before expansion into urbanizable areas. *The City actively encourages development of land within the City Limits both through infill and new development. The combination of uses in the Barberrry Node, half of which has already been annexed, would allow for that development.*
2. The availability of sufficient buildable land to ensure market choice for commercial, industrial, single-family, multi-family and public land uses within the Dallas City Limits. *The proposed annexation area contains land zoned for neighborhood Commercial and medium/high density residential only in accordance with the Barberrry Node Master Plan. There are potential shortages of neighborhood commercial, and medium and high density residential land within the City limits. The annexation of this land would ensure market choice and availability.*
3. The orderly, economic and timely provision of public facilities and services as prescribed in Chapter 7, Public Facilities Plan. *The orderly, timely, and economic provision of utilities in accordance with Chapter 7 will be achieves, as the area in question has been pre-planned and existing infrastructure abutting the annexation has been sized and installed appropriately.*
4. Only lands that can be provided with the full range of urban facilities will be considered for annexation or rezoning. *The land in question can be supplied with the full range of urban services as discussed above, and the Barberrry Node requirements require the development of parks, open space, as well as a school site.*

5. The City shall not permit "panhandle" annexations, except in extraordinary circumstances such as health hazard annexations. *The proposed annexation is not a "panhandle" annexation.*

F. Within Mixed Use Nodes, annexation shall only be permitted in conjunction with a Master Plan application pursuant to DDC Chapter 4.5. **Finding:** *DDC Chapter 2.6 – Mixed Use Master Plan Districts; Section 2.6.020 – Applicability; Sub-section C. states that an adopted Mixed Use Master Plan satisfies the requirements for a Concept Development Plan as required in DDC Chapter 4.5 – Master Plan Developments. There are three required steps to planned development approval, which may be reviewed individually or combined for concurrent review as follows: 1.) The approval of a planned development overlay zone and concept plan. This requirement has been satisfied by the legislatively adopted Barberry Mixed Use Node plan; 2.) The approval of a detailed development plan; and 3.) the approval of a preliminary subdivision plat(s) and /or site design review applications. The last two steps are yet to be developed by the applicant, but are not necessary for consideration to recommend approval of the proposed annexation.*

**STAFF RECOMMENDATION:**

**Based upon compliance with applicable criteria, staff recommends approval of the annexation. Should the City Council concur, they should direct staff to prepare an Ordinance declaring the annexation.**

RESPECTFULLY SUBMITTED,

Jason Locke

Community Development/Operations Director



City of Dallas  
Planning Commission  
Council Chambers - City Hall  
September 13, 2011 - 7:00 p.m.

## **DRAFT**

### **MINUTES**

#### **CALL TO ORDER**

Vice President Dave Pederson called the meeting to order at 7:00 p.m.

#### **ROLL CALL**

Commissioners Present: Dave Pederson, Bob Wilson, Carol Kowash, David Shein, and Paul Holstege

Commissioners Absent: Chuck Lerwick

Staff present: City Attorney Teresa Oziah, Community Development Director Jason Locke, Planner John Swanson, and Recording Secretary Patti Senger.

#### **APPROVAL OF MINUTES**

Vice President Dave Pederson presented the minutes of the regular meeting of August 9, 2011. Commissioner Robert Wilson made a motion to approve the minutes as presented. Commissioner David Shein seconded the motion. The motion passed unanimously.

#### **PUBLIC COMMENT**

There was no public comment.

#### **PUBLIC HEARINGS**

Vice President Pederson explained the purpose of the hearing was to make a recommendation to the Council. He reviewed the process used to testify and the general outline of the meeting.

#### **STAFF REPORT**

Jason Locke gave details of the proposed annexation explaining that it consisted of 66 acres in the Barberry Mixed Use Node located along east Ellendale Avenue, abutting to Hawthorne and Fir Villa Road. The area to the south had already been annexed in and partially developed. The subject property was planned and zoned for medium density housing on the south side and neighborhood commercial to the north. He stated that this annexation was brought forth under ORS22, using the double majority rule. He reviewed some elements of the plan and addressed concerns of going from Polk County to City jurisdiction indicating changes would be minimal and the City would not require compliance with agriculture or animals until development occurred. Mr. Locke stated there would be no through traffic from the Node to Ellendale via Hawthorne in the foreseeable future. He indicated there was not a surplus of neighborhood commercial or higher density residential land and this would bring that in as well. He addressed the criteria staff used to make the recommendation including location in the urban growth boundary and consistency with the Comprehensive Plan. It contained allowable zoning and adequate facilities for water, sanitary, and storm. In summary, Mr. Locke stated that staff recommended the approval of the Barberry Node Annexation to City Council from the Planning Commission.

Vice President Pederson asked if there were any other questions. Councilor Shein asked for clarification on the type of commercial activity in the node. Mr. Locke explained that the footprint size of the buildings would be limited primarily to serve people in that node rather than pull them over to that node and that was regulated in the Development Code.

#### **APPLICATION PRESENTATION**

Paul Trahan of the Fife Group, 12775 West View Drive, Dallas, Oregon, stated that they represent the majority of property owners in the Barberry Node. He complimented Mr. Locke's staff report and explained that the node currently falls into double jurisdiction (city and county) and suggested bringing the node into city limits was the best way to get it into a single jurisdiction. He noted the plans include a school and indicated there were issues with the school district when a school lies outside city boundaries.

#### **PUBLIC QUESTIONS OR COMMENTS**

Rick Wallace, of River Drive, Dallas, Oregon, stated that his father owns the property located at 350 Hawthorne Avenue. He asked about the buffer zone shown on the map. Mr. Locke explained buffer zone shows 100' around the proposed property for notification purposes only, and that all of the homes within that buffer zone would receive notices by mail about this annexation.

Darrell Gish, of 490 Hawthorne Avenue, Dallas, Oregon stated that currently an easement that runs along the back of property. Mr. Locke responded that this annexation would not affect any of the established easements. Mr. Gish asked if there would be a traffic light at the intersection of Hawthorne Avenue and Ellendale Avenue. Mr. Locke stated that traffic load would determine when a traffic light would be warranted, noting that it was a state highway.

There were no other questions or comments.

#### **REBUTTAL**

Mr. Trahan stated that the proposed annexation would not have an impact on the easements and they were clearly identified as 10' easements on the plats which would not be removed unless all of the property owners agreed to vacate. He also clarified that the state highway had control of a future traffic light on Ellendale Avenue.

#### **PUBLIC HEARING CLOSED**

Commissioner Kowash asked about the timeline for the traffic signal determination and Mr. Locke responded that it would be set by the state. Councilor Shein confirmed that the easement was not for emergency services. There was discussion about the connection of Hawthorne the county portion of Hawthorne with the City portion of Hawthorne and Mr. Locke suggested the right-of-way would have to be widened.

Councilor Wilson made a motion to recommend approval of the Barberry Node Annexation to City Council, Commissioner Shein seconded, and it was approved unanimously.

#### **OTHER BUSINESS**

There was no other business.

#### **COMMISSIONER COMMENTS**

Commissioner Shein asked if there was a rough sense of how this might affect the City's population and Mr. Locke responded it could generate a 15% increase, or roughly 1,500 -2,000 people.

**STAFF COMMENTS**

Mr. Locke reported that the Court Street Urban Renewal project was underway, that we will we will address the Sign Code at a later date, and reported that Wal-Mart had not turned in an expansion application at this time.

**ADJOURNMENT**

The Meeting was adjourned at 7:34 p.m.

**APPROVED:**

\_\_\_\_\_  
President

\_\_\_\_\_  
Date

490 SE Hawthorne  
Dallas, OR 97338

August 29, 2011

Community Development Department  
Dallas Development Code Section: 4.10.030  
RE: Annexation of 70 acres in Barberry Node  
The FIFE Group, Inc.

To Whom It May Concern:

On August 18<sup>th</sup>, Hawthorne Ave. north was paved but not completed. We made a telephone call the very next day inquiring why there was a portion left unpaved. The answer that was given was that there wasn't enough money to completely cover the 1/2 mile. We were told that the rest of our street would be put on priority for the next fiscal year.

The purpose of this letter is to express areas of concern that we and our neighbors living on the north end of Hawthorne have. These are mostly based on the assumption that at the time of completion, the barricade could possibly be removed and connect south Hawthorne with north Hawthorne.

We would like to make you aware of the dangers of doing this. The traffic on Ellendale has increased considerably and at certain times of day it is nearly impossible to make a safe left hand turn. Sometimes there can be 3 or more cars waiting at the stop sign – and this is with just the few who live on this dead end portion. If the north Hawthorne and south Hawthorne were connected, the line of cars would be horrific and the pressure on the driver at the head of the line could cause him to take dangerous chances and enter Ellendale traffic unsafely.

As far as the 70 acre annexation proposal, we think it would be much more prudent to continue to fill in the existing lots already in the city limits. It makes no sense to open up acres of lots with a sparse scattering of homes built **and** occupied. We believe it would be wise of you to consider the state of our economy and potential for real growth to actually happen. We would not support any vote that would approve of this annexation. We will be at the public hearing on September 13<sup>th</sup>. We would appreciate any comments you may have regarding this potential hazard.

Thank you,



Darrell & June Gish

09-01-11A11:24 RCVD





**CITY OF DALLAS**  
**NOTICE OF PUBLIC HEARING**

The Dallas Planning Commission will hold a public hearing on Tuesday, September 13, 2011, at 7:00 p.m., in the Council Chambers at City Hall, 187 SE Court Street, Dallas, Oregon, on a proposed annexation of approximately 70 acres located in the Barberry Node (south of E. Ellendale Ave. between Fir Villa and Hawthorne) *see map on reverse*. The applicant has proposed using the double majority procedure as defined in ORS 221.170(2). This is a Legislative matter, and the Planning Commission will be making a recommendation to the City Council on this matter.

The Planning Commission will consider testimony which addresses the proposed annexation. Testimony may be submitted in writing to the Dallas Community Development Department, City Hall, Dallas, Oregon 97338, or in writing or orally at the public hearing. The public hearing will be conducted in a manner that permits testimony from all interested parties. All persons wishing to testify must sign in and be recognized by the Chair.

Written comments submitted to the Community Development Department by September 5, 2011, will be included with the staff report. Written comments submitted after that date will be forwarded to the Planning Commission at the public hearing. The staff report will be available for inspection at the Community Development Department at least seven days prior to the hearing. Copies of the staff report, the application, and all documents and evidence submitted by or on behalf of the applicant, and copies of the applicable criteria are available for inspection at the Community Development Department at no cost and copies will be provided at a reasonable cost.

Dallas City Hall is handicapped-accessible. Any requests for accommodation should be made at least 48 hours before the meeting to the Community Development Department, 503-831-3565 or TDD 503-623-7355.

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**NATURE OF REQUEST:**                      **Annexation of 70 acres in the Barberry Node**

**APPLICANT:**                                **The FIFE Group, Inc.**

**APPLICABLE CRITERIA:**                **Dallas Development Code Section 4.10.030**

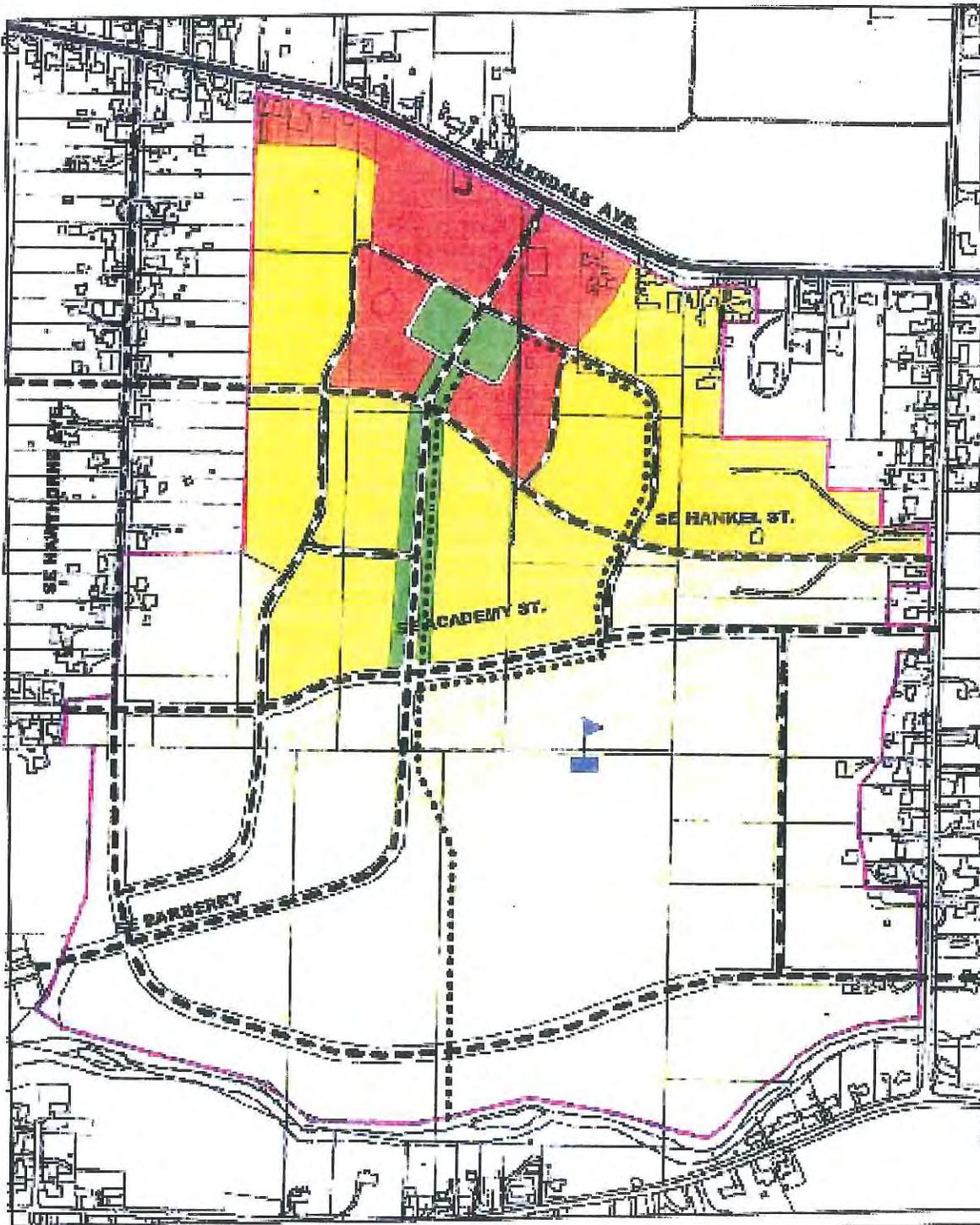
**STAFF CONTACT FOR ADDITIONAL INFORMATION:** Jason Locke, Community Development Director, 503.831.3565 or TDD phone 503.623.7355.

Dated:                      August 19, 2011  
Mailed:                    August 19, 2011  
Posted:                    August 19, 2011  
Published:                August 31, 2011



Jason Locke, Community Development Director  
City of Dallas, Oregon

# BARBERRY NODE "TEARDROP" MAP ADOPTED



## Barberry Node

*ADOPTED*

### PROPOSED LAND USE AND TRANSPORTATION

#### LEGEND



Land Use	
	Commercial 17.5 Acres
	Mid-Family 28.9 Acres
	Park / Open Area 13.0 Acres
	Schools
	Single Family 109.1 Acres
	Small Lot SF 27.3 Acres
	Blue/Pedestrian Way

	Barberry Node Study Area
	Building Foot Prints
	Parcels
Streets	
	Arterial
	Collector
	Local
TOTAL (Gross) - 230 ac	



**2.6.040 Development Standards - Barberrry Mixed Use Node**

The Dallas Comprehensive Plan, Volume I, Goals and Policies, includes specific policies that must be met within the Barberrry Mixed Use Node. This section incorporates these policies as performance standards that must be met by the applicants for development within each Mixed Use Node. Policy 3.2.2 sets forth specific performance standards for the area “South of E Ellendale between Fir Villa and Hawthorne Avenue”.

A. **Land Uses.** Land uses shall be consistent with the applicable zoning district and shall approximate the following numeric standards (does not include streets or unbuildable areas):

**Table 2.6.040 Barberrry Mixed Use Node Land Use Allocation**

Land Uses	Net Buildable Acres (approximate)	Number of Dwelling Units / Gross Square Feet (approximate)
Neighborhood Commercial	10	110,000 sq. ft <sup>1</sup>
Multiple Family Residential	20	320 units <sup>2</sup>
Small Lot Single Family	22	154 units <sup>3</sup>
Single Family Residential	75	375 units <sup>4</sup>
School & Park Facilities	45	N/A
<b>Total</b>	<b>172</b>	<b>674 Units</b>

20  
23

- 1 Based on a floor area ratio (FAR) range of 0.25.
- 2 Based on a density range of 16 dwelling units per net buildable acre.
- 3 Based on a density of 7 dwelling units per net buildable acre.
- 4 Based on a density of 4 dwelling units per net buildable.

B. **Neighborhood Commercial.** Neighborhood Commercial uses shall be allowed consistent with the provisions of the Neighborhood Commercial zoning district.

1. The neighborhood commercial node located in the Barberrry Master Planning Area shall be implemented by the Neighborhood Commercial zoning district, and shall minimize the distance Dallas citizens must travel for routine shopping needs.
2. Approximately 15 gross acres (10 net acres exclusive of streets and plaza area) of Neighborhood Commercial land south of E Ellendale Avenue, between Fir Villa and Hawthorne Avenue, shall be designated Neighborhood Commercial.
3. In addition to meeting setback, buffering and lot coverage standards of the underlying neighborhood commercial zoning district, the master plan shall reserve at least 10 percent of the Neighborhood Commercial area for use as a central, open, publicly-accessible plaza.
4. The small shopping center shall be designed to serve the east Dallas neighborhood and the maximum square footage of the “anchor” use or building shall be limited to 50,000 square feet of floor area (a large grocery store); other uses are limited to 25,000 square feet each.

5. Uses that serve an area outside the immediate neighborhood, such as car dealerships or large department or discount stores, shall be prohibited.
6. Primary vehicular access to the neighborhood commercial center shall take place from Barberry Avenue; vehicular access shall not occur directly from E Ellendale Avenue.
7. All commercial development shall be subject to the standards of the Dallas Development Code (Chapter 2.3) and shall encourage pedestrian access from residential areas to the neighborhood commercial center. Direct pedestrian access to store fronts shall be required and parking lots shall be placed to the side or rear of buildings.

**C. Multi-Family Residential.** Multi-family residential uses shall be allowed consistent with the provisions of the Medium Density Residential zoning districts.

1. The Barberry Mixed-use node shall designate and reserve at least twenty (20) buildable acres, exclusively for Medium Density Residential use (including streets and open space) near the planned intersection of Barberry Avenue and E Ellendale Avenue.
2. In addition to meeting setback, buffering and lot coverage standards of the underlying residential zoning district, the master plan shall include at least ten percent (10%) percent of the multiple-family area for active recreational play areas.

**D. Open Space.** The “illustrative master plan” shows where land for open space and schools could be provided as required by the Dallas Comprehensive Plan, Volume I, Chapter 4, Parks and Open Space, and this chapter.

1. Land within the Barberry Mixed Use Node shall not be annexed to the City of Dallas without assurances that a school site and neighborhood park will be provided in a timely fashion, at a specific location, to support planned development in the Barberry Mixed Use Node.
2. Developed active recreational play areas and commercial plazas shall be recognized as helping to meet the relevant level-of-service standards prescribed in Chapter 4 of the Dallas Comprehensive Plan.

**E. Transportation and Circulation.** Multi-family residential development shall be connected to adjacent Neighborhood Commercial, park and open space and single-family residential land with a combination of grid streets and access ways that actively encourage bicycle, pedestrian, automobile and delivery truck access.

1. All connectivity standards of Chapter 3.1 of the Dallas Development Code shall be met.
2. Prior to granting land use permits for any new commercial or multi-family development in the Barberry Mixed Use Node, the Commission shall approve a street plan to connect Barberry Avenue to E Ellendale Avenue.

3. Prior to occupancy of any commercial or multi-family development, Barberry Avenue shall be fully improved along the subject property frontage, in accordance with City development standards.
  4. The Master Development Plan shall be coordinated with the Oregon Department of Transportation (ODOT), and approved by the Commission, before a zone change to Commercial Neighborhood (CN) or Residential Medium Density (RM) may be approved.
- F. **Phasing.** Development within the Barberry Mixed Use Node shall occur from the southeast (the west end of SE Barberry Avenue) towards the north and west, in phases. Commercial development in the north-central area depends upon connecting SE Barberry Avenue through to E Ellendale Avenue, and extending SE Rickreall Drive through to SE Fir Villa Road. Sites must be identified for parks, consistent with the Comprehensive Plan, before this area is rezoned.



June 21, 2011

Jason Locke  
Community Development Director  
City of Dallas  
187 S.E. Court St.  
Dallas, OR 97338

RE: Annexation Application – Barberry Node

Dear Jason:

Attached please find our application for the above together with a check in the amount of \$3,000.00. After your review should you require any additional information, please don't hesitate to contact me.

Sincerely,



Paul K. Trahan  
Vice President

Enc:

City of Dallas  
187 SE Court St.  
Dallas OR 97338

Ph: 503 831-3571  
Fax: 503 623-2339



File No: APN11-01  
Date Received: 6/23/2011  
Fee \$: 3000.00  
Received By: CF  
Complete App. Date: 7/29/11  
Hearing Date: PC-9/13/11

## ANNEXATION APPLICATION-TYPE IV

NOTE: A Pre-application conference is required before application is submitted

### OWNER(S)

Name(s): See Attached Exhibits for list of Property Owners

Mailing Address: \_\_\_\_\_

Owner Phone: Home \_\_\_\_\_ Mobile \_\_\_\_\_

E-Mail \_\_\_\_\_

### APPLICANT(S): (If not owner)

Name(s): The FIFE Group, Inc

Mailing Address: P.O. Box 968, Dallas, OR 97338

Owner Phone: Office (503) 831-6136 Mobile (503) 559-5373

E-Mail Pault@jwffowler.com

Project Description: Barberry Node

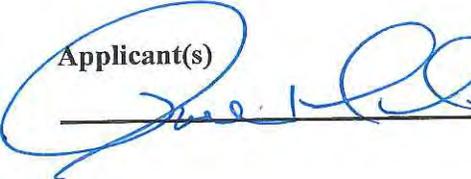
Site Address: See Attached Total Land Area: See Attached

Assessors Map/Tax lot #: See Attached Zoning: See Attached

Present Use of Property: See Attached

I hereby certify the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge:

Signatures (Required):

Owner(s)	Date	Applicant(s)	Date
See Attached			6/2/2011

**APPLICATION CHECKLIST:**

All items must be submitted unless waived by the Planning Official. When an application is submitted, the City will notify you in writing within 30 days as to whether the application is complete or what information is required to make the application complete.

**4.10.020 Application**

Except for annexations initiated by the council pursuant to section 4.10.025, application for annexation shall include the following information:

- A. Consent to annexation which is non-revocable for a period of one year from its date. Attached
- B. Agreement to deposit an amount sufficient to retire any outstanding indebtedness of special districts defined in ORS 222.510. N/A
- C. Boundary description and map prepared by a registered land surveyor that conforms to ORS 308.225. Such description and map shall be prepared. The boundaries shall be surveyed and monumented as required by statute subsequent to Council approval of the proposed annexation. See Attached
- D. Written findings addressing the criteria in 4.10.030. See Attached
- E. Application by the property owner for a zone change and Comprehensive Plan amendment, if required.

**4.10.050 Statutory Procedure**

The applicant for the annexation shall also declare which procedure, under ORS Chapter 222, the applicant proposes that the City Council use, and supply evidence that the approval through this procedure is likely.

#### **4.10.030 Approval Criteria**

An annexation may be approved if the proposed request for annexation conforms, or can be made to conform through the imposition of conditions, with the following approval criteria:

- A. The land is within the City's Urban Growth Boundary.
- B. The proposed zoning for the annexed area is consistent with the Comprehensive Plan, and a project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.
- C. The land is currently contiguous with the present City Limits.
- D. Adequate City facilities can and will be provided to and through the subject property, including water, sanitary sewer, and storm drainage.
- E. The annexation is consistent with the annexation policies contained in the Comprehensive Plan.
- F. Within Mixed Use Nodes, annexation shall only be permitted in conjunction with a Master Plan application submitted pursuant to Chapter 4.5.

#### **4.10.035 Boundaries**

When an annexation is initiated by a private individual, the Planning Official may include other parcels of property in the proposed annexation to make a boundary extension more logical and to avoid parcels of land which are not incorporated but are partially or wholly surrounded by the City of Dallas. The Planning Official, in a report to the Planning Commission and Council, shall justify the inclusion of any parcels other than the parcel for which the petition is filed. The purpose of this section is to permit the Planning Commission and Council to make annexations extending the City's boundaries more logical and orderly.

**Rev 2/20/10**

**CITY OF DALLAS, STATE OF OREGON  
CONSENT TO ANNEXATION**

To: City Council, City of Dallas, Oregon

From: OWNER NAME(s): \_\_\_\_\_  
MAILING ADDRESS: \_\_\_\_\_  
ADDRESS OF LAND TO BE ANNEXED \_\_\_\_\_  
PROPERTY TAX ACCOUNT NO.: T7S, R5W, Section \_\_\_\_\_ T.L. \_\_\_\_\_

Pursuant to ORS 222.170, the undersigned, being the owner(s) of Property identified above, desire(s) to receive benefits and services provided to the residents of the City of Dallas, Oregon, and therefore does/do hereby consent to the annexation of the designated parcel(s) of land. This Consent is given in consideration of City benefits services that either have been or will be applied to the described property.

I/We acknowledge receipt of a copy of an Annexation Plan that shows the boundaries of the territory to be annexed and the proposed land use planning designations for property in the territory.

I/We further understand that once annexed into the City of Dallas, the property listed above shall be subject to all applicable laws, rules and regulations of the City.

Note: This Consent to Annexation is irrevocable for the period it is in effect. Under ORS 222.173, only statements of consent to annexation which are filed within any one-year period shall be effective, unless a separate written agreement waiving the one-year period or prescribing some other period of time has been entered into between an owner of land or an elector and the city.

Owner	Date
_____	_____
Owner	Date
_____	_____
Owner	Date
_____	_____
Owner	Date
_____	_____

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# REQUEST FOR ANNEXATION OF TERRITORY

## THE FIFE GROUP, LLC

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### LIST OF EXHIBITS

EXHIBITS 1-20	OWNERSHIP INFORMATION AND DEEDS
EXHIBIT 21	DOUBLE MAJORITY WORKSHEET
EXHIBIT 22	ANNEXATION CONSENT FORMS AND WAIVERS
EXHIBIT 23	LETTERS FROM POLK COUNTY ASSESSOR AND RECORDER'S OFFICE RE: NUMBER OF ELECTORS IN TERRITORY AND ASSESSED VALUES
EXHIBIT 24	TAX LOT MAPS
EXHIBIT 25	AERIAL PHOTOGRAPHS OF TERRITORY CITY OF DALLAS ZONING MAP CITY OF DALLAS COMPREHENSIVE PLAN MAP POLK COUNTY ZONING MAP POLK COUNTY COMPREHENSIVE PLAN MAP
EXHIBIT 26	MAP SHOWING CONTIGUOUS PROPERTY
EXHIBIT 27	LEGAL DESCRIPTION
EXHIBIT 28	ANNEXATION MAP (MAP OF TERRITORY TO BE ANNEXED)
EXHIBIT 29	SITE DEVELOPMENT PLAN/CONCEPT PLAN/GENERAL LAND USE PLAN (TEARDROP MAP)

**I. PROPOSAL SUMMARY.**

**A. GENERAL INFORMATION.**

OWNERS OF TERRITORY: *See Exhibits 1-20.*

APPLICANT: The FIFE Group, Inc.  
Attn: Paul K. Trahan  
PO Box 968  
Dallas, OR 97338

APPLICANT REPRESENTATIVE: Andrew H. Stamp  
Andrew H. Stamp, P.C.  
Kruse-Mercantile Professional Offices, Suite 16  
4248 Galewood Street  
Lake Oswego, OR 97035

TAX LOT NUMBERS: T7S R5W Sec. 27c Tax Lot 6001  
T7S R5W Sec. 27c Tax Lot 6002  
T7S R5W Sec. 27c Tax Lot 6003  
T7S R5W Sec. 27c Tax Lot 6004  
T7S R5W Sec. 27c Tax Lot 6300  
T7S R5W Sec. 27c Tax Lot 6400  
T7S R5W Sec. 27c Tax Lot 6500  
T7S R5W Sec. 27c Tax Lot 6600  
T7S R5W Sec 27cc Tax Lot 100  
T7S R5W Sec. 27cc Tax Lot 101  
T7S R5W Sec. 27d Tax Lot 400  
T7S R5W Sec. 27d Tax Lot 500  
T7S R5W Sec. 27d Tax Lot 600  
T7S R5W Sec. 27d Tax Lot 700  
T7S R5W Sec. 27d Tax Lot 701  
T7S R5W Sec. 27d Tax Lot 802  
T7S R5W Sec. 34a Tax Lot 600  
T7S R5W Sec. 34b Tax Lot 200  
T7S R5W Sec. 34b Tax Lot 201  
T7S R5W Sec. 34bbTax Lot 700

TOTAL AREA: Approximately 65.96 acres

COUNTY COMPREHENSIVE PLAN: Urban Reserve

CURRENT COUNTY ZONING: Suburban Residential, Multi-Family, and Commercial

**B. REQUEST.**

The applicant requests approval of an annexation of 20 parcels totaling approximately 69.96 acres of land, more or less. These 20 properties are, when considered as a whole, contiguous with the current City of Dallas boundary.

The property is located within the City of Dallas's Urban Growth Boundary and currently has a Polk County zoning designation of "Suburban Residential." See Exhibit 25. The territory is currently designated as "Urban Reserve" on the Polk County Comprehensive Plan Map. *Id.*

The conceptual development plan included with this application (the "Teardrop Map") shows how the property may feasibly be developed upon annexation. Exhibit 29. The Teardrop Map is adopted as a part of the City of Dallas Comprehensive Plan and has been acknowledged as being consistent with the Statewide Planning Goals. While it is anticipated that the precise location of land uses will change somewhat as the refinement plan for this area is developed, the types and acreage ratios of the various development types will remain consistent with the Teardrop Map. It follows that since this annexation application proposes future development which will be consistent with the Teardrop Map, the annexation will also therefore be in compliance with the Comprehensive Plan and Statewide Planning Goals. As discussed below, public facilities and services are in fact available to serve the subject properties.

The following narrative and the attached exhibits describe the subject property and demonstrate compliance with the applicable annexation criteria.

**C. SITE DESCRIPTION.**

Generally speaking, the subject property is located on the northeast edge of the City of Dallas, just outside of the city limits. The southern and eastern boundary lines of the subject property abut the city limits.

The land in the territory to be annexed exhibits relatively flat topography with a slight downward slope to the South. There are no special or noteworthy topographic features, hills, vistas, or natural resources.

The existing uses of the land in the territory are summarized below:

- T7S R5W Sec. 27c Tax Lot 6001: Commercial Use
- T7S R5W Sec. 27c Tax Lot 6002: Commercial Use
- T7S R5W Sec. 27c Tax Lot 6003: Commercial Use
- T7S R5W Sec. 27c Tax Lot 6004: Commercial Use
- T7S R5W Sec. 27c Tax Lot 6300: Commercial Use
- T7S R5W Sec. 27c Tax Lot 6400: Ag / Farm Use
- T7S R5W Sec. 27c Tax Lot 6500: Ag / Farm Use
- T7S R5W Sec. 27c Tax Lot 6600: Ag / Farm Use

T7S R5W Sec 27cc Tax Lot 100: Commercial Use  
T7S R5W Sec. 27cc Tax Lot 101: Commercial Use  
T7S R5W Sec. 27d Tax Lot 400: Ag / Farm Use  
T7S R5W Sec. 27d Tax Lot 500: Ag / Farm Use  
T7S R5W Sec. 27d Tax Lot 600: Rural Residential  
T7S R5W Sec. 27d Tax Lot 700: Rural Residential  
T7S R5W Sec. 27d Tax Lot 701: Residential Site (Housing Authority / Urban Renewal)  
T7S R5W Sec. 27d Tax Lot 802: Urban Residential  
T7S R5W Sec. 34a Tax Lot 600: Ag / Farm Use  
T7S R5W Sec. 34b Tax Lot 200: Ag / Farm Use  
T7S R5W Sec. 34b Tax Lot 201: Ag / Farm Use  
T7S R5W Sec. 34bb Tax Lot 700: Rural Residential

**D. SURROUNDING AREA.**

The following tables identify land uses, utilities, and the area surrounding the subject property.

Direction	Comp Plan	Zoning District	Use
North	Commercial/ Residential	(County) SR	Rural residential / Agriculture / Commercial
East	Residential/	(County) SR	low density residential / drive-in movie Theatre
South	Residential	(City) RL	Low density Residential / Agriculture
West	Residential	(City) RL	Residential

Utilities Service	Provider	Size	Locations
Water	City of Dallas	10"	S.E. Barberry Ave
		8"	S.E. Shetterly Dr.
		10"	E. Ellendale Ave
		8"	S.E. Fir Villa /Academy
Sewer	City of Dallas	10"	S.E. Barberry Ave
		8"	S.E. Shetterly Dr.
Storm Drainage	City of Dallas	12"	S.E. Barberry Ave
		12"	S.E. Shetterly Dr.

## II. PROCEDURAL ISSUES & APPLICATION REQUIREMENTS FOR TYPE III DECISIONS.

The City of Dallas's Development Code requires all annexations to be processed via a Type IV procedure. See DDO 4.10.015; Table 4.1010. According to DDO 4.1.010(B)(4), a Type IV procedure is the procedure by which legislative land use matters are decided.

In *Strawberry Hill 4 Wheelers v. Benton Co. Bd. of Comm.*, 287 Or 591, 602-03, 601 P2d 769 (1979) the Oregon Supreme Court set forth three factors which are intended to help distinguish a quasi-judicial decision from a legislative decision. The three *Strawberry Hill 4 Wheelers* factors can be summarized as questions, as follows:

1. Is the process bound to result in a decision?
2. Is the decision bound to apply preexisting criteria to concrete facts?
3. Is the action directed at a closely circumscribed factual situation or a relatively small number of persons?

*Sullivan v. Polk County*, 49 Or LUBA 543, 548 (2005); *Patterson v. City of Independence*, 48 Or LUBA 155 (2004); *Thomas v. City of Veneta*, 44 Or LUBA 5 (2003). The more definitely the questions are answered in the negative, the more likely the decision under consideration is a legislative land use decision. *Valerio v. Union County*, 33 Or LUBA 604, 607 (1997). Each of the factors must be weighed, and no single factor is determinative. *Estate of Gold v. City of Portland*, 87 Or App 45, 740 P2d 812 (1987).

In this case, it is arguable that the proposed annexation is "quasi-judicial" under state law. In this case, the proposed annexation the decision is "bound" to result in a decision. See DDO 4.1.050(H)(4); *Dean v. City of Oakland*, 33 Or LUBA 806 (1997). The decision is bound to apply pre-existing criteria to concrete facts. See DDO 4.10.030. And finally, the action is directed at what LUBA or the Courts might consider to be a closely circumscribed factual situation and a relatively small number of persons.<sup>1</sup> For this reason, the City should err on the side of caution and utilize quasi-judicial procedures.

For the reader's convenience, the applicable approval criteria have been listed below in **bold italic print, 12 pt Arial Narrow font**. The proposed findings and conclusions are presented after each individual criterion, in 12 pt Times New Roman Font.

### **DDO 4.1.040(B). Application Requirements.**

- 1. Application forms. Type III applications shall be made on forms provided by the City Planning Official; if a Type II application is referred to a Type III hearing, either voluntarily by the applicant or staff, or upon appeal, no new application is required.**

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<sup>1</sup> This case presents a set of facts that falls within a gray area under existing case law.

**Response:** A city application form is provided.

**2. Submittal Information. When a Type III application is required, it shall:**

**a. Include the information requested on the application form;**

**Response:** All of the information requested via the City's annexation form has been provided.

**b. Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each approval, e.g., Chapters 4.2 (Land Use Review and Site Design Review), 4.3 (Land Divisions), 4.6 (Modifications), 4.8 (Code Interpretations), and 4.9 (Miscellaneous Permits); and**

**Response:** An application narrative has been provided.

**c. Be accompanied by the required fee.**

**Response:** A check for the required fees is enclosed. The fee for this annexation is \$3000.00 because the proposal involves the annexation of more than one acre of land.

**d. Be accompanied by a list of property owners of record within one hundred (100) feet of the subject site (by tax map and lot number) and mailing labels for the same.**

**Response:** City planning staff has stated that it will create the list of adjacent property owners mailing labels.

**III. APPROVAL CRITERIA & APPLICABLE LAWS.**

**A. STATE STATUTES AND COMMON LAW.**

State law establishes some basic substantive standards for all annexations. For example, ORS 222.111(1) requires that the territory to be annexed must be located either "contiguous" to the city or "separated from it only by a public right of way or by a stream, bay, lake or other body of water." In this case, the territory to be annexed is contiguous to the existing City boundary. See Exhibit 26.

There is also a judicially-imposed "reasonableness" requirement applicable to all annexations. See *Portland Gen. Elec. Co. v. City of Estacada*, 194 Or 145, 291 P2d 1129 (1952); *Marion County Fire Dist. #1 v. Marion-Polk County Boundary Comm'n*, 19 Or App 108, 526 P2d 1031 (1974); *Kane v. Paulus*, 41 Or App 455, 459, 599 P2d 1154 (1979), *rev den*, 288 Or 113 (1979); *Rivergate Residents Ass'n v. PMALGBC*, 70 Or App 205, 689 P2d 326 (1985), *rev den*, 298 Or 553 (1985); *DLCD v. City of St. Helens*, 138 Or App 222, 907 P2d 259 (1995). However, the above-cited cases and their progeny typically deal with so-called "cherry-stem" or "pan handle"

annexations, an issue not triggered by this application.

Because of the way ORS Ch 222 is organized and written, the “general” or “default” annexation process is an “annexation by vote” of the electors in the territory to be annexed. All other annexation methods being considered “exceptions” to this general method. A City Council may elect to dispose of the election in the territory to be annexed (otherwise required under 222.111(5), ORS 222.120(4)(a) and ORS 222.160) by instead utilizing one of the three “consent” methods. In this case, the applicant is seeking to use the “double majority” annexation method. This method may be utilized if more than one-half of the landowners<sup>2</sup> consent to the annexation and ½ of the electors residing in the territory consent to the annexation. ORS 222.170(2).<sup>3</sup>

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<sup>2</sup> Note: ORS 222.120(7) provides as follows:

For the purpose of this section, ORS 222.125 and 222.170, “owner” or “landowner” means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel’s land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

<sup>3</sup> ORS 222.170 provides:

**222.170 Effect of consent to annexation by territory; proclamation with and without city election.** (1) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.

(2) The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if a majority of the electors registered in the territory proposed to be annexed consent in writing to annexation and the owners of more than half of the land in that territory consent in writing to the annexation of their land and those owners and electors file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.

(3) If the city legislative body has not dispensed with submitting the question to the electors of the city and a majority of the votes cast on the proposition within the city favor annexation, or if the city legislative body has previously dispensed with submitting the question to the electors of the city as provided in ORS 222.120, the legislative body, by resolution or ordinance, shall set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

As demonstrated in Exhibits 21 and 22, the number of consenting landowners exceeds the number of non-consenting landowners. The applicant and other consenting landowners comprise more than one-half of the more than 50% of the land. In addition, 6 or the 8 electors have consented to this annexation. ORS 222.170. See Exhibit 22.

## B. STATEWIDE PLANNING GOALS.

Annexation is a planning responsibility under ORS 197.175(1) and is subject to compliance with the statewide planning goals. *Petersen v. City of Klamath Falls*, 279 Or 249, 566 P2d 1193 (1977). Thus, to the extent they are applicable, the applicant demonstrates compliance with the Statewide Planning Goals as follows:

Goal 1 – Citizen Involvement. Citizen involvement is always applicable to quasi-judicial applications such as this. Statewide Planning Goal 1 is met via the implementation of the provisions in the acknowledged City of Dallas Development Ordinance (DDO) that relate to citizen participation. This application will be reviewed by staff, the Dallas Planning Commission and the Dallas City Council. At least two public hearings will be conducted with notice and opportunity to be heard presented as required by the DDO. The property will be posted with notice as well as mailed notice to surrounding property owners and affected governmental agencies. At the public hearings anyone wishing to present relevant testimony or documentary evidence will be allowed to do so. Adequate citizen involvement is guaranteed in this case.

Goal 2 – Land Use Planning. The DCP and DDO are acknowledged to be in compliance with statewide planning goals and guidelines. Goal 2's coordination obligation will be met because the applicant and City shall seek public comment from any affected unit of government, including the County and any special district whose boundaries overlap with the site. The application does not trigger the Goal 2 exception standards, because no exceptions to any goals are required.

Goals 3 & 4 - Farm and Forest. The subject property has been deemed to be urbanizable because it is inside an urban growth boundary (UGB). Therefore, neither Goal 3 nor Goal 4 applies to this land.

Goal 5 – Open Spaces, Scenic and Historic areas, and Natural Resources - The subject property is not designated as an open space, scenic, or historic area and has no natural resources to protect. There are no natural resources located on the subject property. There are no wetlands or floodplains in the territory. There are no landslide hazard areas. There are no historic resources or cultural areas located or identified on the site. There are no identified mineral or aggregate

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(4) Real property that is publicly owned, is the right of way for a public utility, telecommunications carrier as defined in ORS 133.721 or railroad or is exempt from ad valorem taxation shall not be considered when determining the number of owners, the area of land or the assessed valuation required to grant consent to annexation under this section unless the owner of such property files a statement consenting to or opposing annexation with the legislative body of the city on or before a day described in subsection (1) of this section.

resources on the site. The site is not located downtown or in a neighborhood conservation district. Therefore this goal is satisfied.

Goal 6 – Air, Water and Land Resources Quality - The end use of this property will be for residential and commercial use. This development will not create any industrial emissions. Storm water will be detained on-site and through the existing storm drainage system and future on-site drainage. There are no significant water demands, and no potential for pollution. This application will not affect in any way the air, water or land resources. Therefore, this goal is met.

Goal 7 – Areas Subject to Natural Disasters and Hazards - There are no identified landslide areas on the subject property. There are no identified wetlands or floodplains on the subject property. The property is basically flat and ready for development to occur. Goal 7 is complied with by this application.

Goal 8 – Recreational Needs - The subject property is proposed primarily for commercial uses and housing. However, the Barberry Node “teardrop” map shows a 15 acre park / recreational area. A school site will be provided either within the territory to be annexed or on nearby property, as shown on the teardrop map. This goal is satisfied.

Goal 9 - Economic Development. The Barberry Node “Teardrop” Map is acknowledged to be compliance with Statewide Planning Goal 9. It requires this territory to provide 17.5 acres of commercial development from the land in the Node. Because the development that will result from this annexation must be consistent with the Teardrop Map, the approval of this annexation does not prevent or otherwise impair the City of Dallas’s compliance with Statewide Planning Goal 9.

Goal 10 – Housing. Goal 10 was significantly weakened by the case of *GMK Developments et al v. City of Madras*, 57 Or LUBA 81 (2008), *aff’d*, 225 Or App 1, 199 P3d 882 (2008), as least as applied to Cities with populations under 25,000. After *GMK Developments*, a city is not required to contemporaneously remedy an identified housing shortfall which it has identified over its 20-year planning period. Since the City can defer fixing any identified Goal 10 problem until a later proceeding, such as periodic review., no annexation could possibly violate Goal 10. In fact, it appears that post-*GMK Developments*, Goal 10’s only remaining direct applicability is at periodic review.

In this case, no Goal 10 deficiency is anticipated in any event. This annexation application will allow the landowners to apply for zone changes and development permits which will provide needed housing to the City of Dallas.

Goal 11 – Public Facilities and Services. This application would not change any of the public facility requirements previously identified to serve the Barberry Node Master Plan. This annexation creates no additional need for public services beyond what was identified and approved in the original Barberry Node Master Plan. Therefore, the effect of this proposal on the City’s continued Goal 11 compliance is neutral.

Goal 12 – Transportation. This application proposes development that is consistent with the

Barberry Node Master Plan (aka “Teardrop” Map). The Teardrop Map shows the need for a series of collectors and arterials providing access and connectivity within the Barberry Node. This application proposes future development that is consistent with the Teardrop Map. Because the Teardrop Map has been acknowledged to be compliance with the Statewide Planning Goal 12, this annexation application is also in compliance with Goal 12.

Goal 13 – Energy. This application is neutral from an energy consumption and efficiency standpoint, as compared to the adopted and acknowledged Barberry Node Master Plan.

Goal 14 – Urbanization. The land is considered “urbanizable” because it is in a UGB. Goal 14 discusses urbanizable land as follows:

**Urbanizable Land.** Land within urban growth boundaries shall be considered available for urban development consistent with plans for the provision of urban facilities and services. Comprehensive plans and implementing measures shall manage the use and division of urbanizable land to maintain its potential for planned urban development until appropriate public facilities and services are available or planned.

This policy is fully implemented by the DCP and DDO. Other applicable Goal 14 policies include:

2. The size of the parcels of urbanizable land that are converted to urban land should be of adequate dimension so as to maximize the utility of the land resource and enable the logical and efficient extension of services to such parcels.
3. Plans providing for the transition from rural to urban land use should take into consideration as to a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.
4. Comprehensive plans and implementing measures for land inside urban growth boundaries should encourage the efficient use of land and the development of livable communities.

These policies are fully implemented by the DCP and DDO, as reflected in the Barberry Node Master Plan.

**C. CITY OF DALLAS ANNEXATION STANDARDS.**

**4.10.020 Application**

**Except for annexations initiated by the council pursuant to section 4.10.025, application for annexation shall include the following information:**

**A. Consent to annexation which is non-revocable for a period of one year from its date.**

**Response:** Signed consents to annexation forms from the landowners associated with the applicant's property are enclosed at Exhibit 22.

**B. Agreement to deposit an amount sufficient to retire any outstanding indebtedness of special districts defined in ORS 222.510.**

**Response:** Not applicable.

**C. Boundary description and map prepared by a registered land surveyor that conforms to ORS 308.225.<sup>4</sup> Such description and map shall be prepared. The boundaries shall be surveyed and**

<sup>4</sup> **308.225 Boundary change or proposed boundary change; procedure.** (1) In preparing the assessment roll in any year, a county assessor shall disregard changes or proposed changes described in subsections (3), (4) and (5) of this section in the boundary lines of any taxing district levying ad valorem property taxes if the description and map showing changes or proposed changes are not filed in final approved form, in accordance with and at the time required by subsection (2) of this section.

(2)(a) If a boundary change is made or proposed, the person, governing body, officer, administrative agency or court making the determination that the boundary change is final shall file with the county assessor and the Department of Revenue the legal description of the boundary change or proposed change and an accurate map showing the change or proposed change in final approved form, prior to the next March 31.

(b)(A) Except as is otherwise provided in subparagraph (B) of this paragraph the legal description of the boundary change shall consist of a series of courses in which the first course shall start at a point of beginning and the final course shall end at that point of beginning. Each course shall be identified by bearings and distances and, when available, refer to deed lines, deed corners and other monuments, or, in lieu of bearings and distances, be identified by reference to:

- (i) Township, range, section or section subdivision lines of the U.S. Rectangular survey system.
- (ii) Survey center line or right of way lines of public roads, streets or highways.
- (iii) Ordinary high water or ordinary low water of tidal lands.
- (iv) Right of way lines of railroads.
- (v) Any line identified on the plat of any recorded subdivision defined in ORS 92.010.
- (vi) Donation land claims.
- (vii) Line of ordinary high water and line of ordinary low water of rivers and streams, as defined in ORS

274.005, or the thread of rivers and streams.

(B) In lieu of the requirements of subparagraph (A) of this paragraph, boundary change areas conforming to areas of the U. S. Rectangular survey may be described by township, section, quarter-section or quarter-quarter section, or if the areas conform to subdivision lots and blocks, may be described by lot and block description.

(c) A map shall be provided to the filing body by the county assessor or the department within 14 days after the filing body notifies the assessor and department that a boundary change is being proposed. The boundary line shall then be accurately entered thereon by the person, body, officer or agency making the filing.

(d) The description and map shall be filed in final approved form not later than March 31 of the assessment year to which the change applies. Proposed boundary changes shall be certified to the county assessor and the department in the same manner as boundary changes. If the taxing district is located in more than one county, the description

**monumented as required by statute subsequent to Council approval of the proposed annexation.**

**Response:** A boundary map is included at Exhibit 25. The legal description for portion of the Barberry Node to be annexed is as follows:

Beginning at the Southwest corner of Lot 1, Block "B", Hawthorne Acres, Volume 4, Page 16, Book of Town Plats, Polk County Records, located in the Northeast Quarter of Section 34, township 7 South, Range 5 West, Willamette Meridian, City of Dallas, Polk County, Oregon; thence along the East right of way of Hawthorne Avenue North 500.00 feet; thence East 434.00 feet to the East line of Hawthorne Acres; thence along said East line North 1844.00 feet to the South right of way of Dallas - Rickreall High Way No. 223; thence along said right of way the following courses; South 79°09'07" East 268.99 feet; 143.15 feet along a 542.96 foot radius curve to the right (the cord of which bears South 71°35'57" East 142.73 feet); South 64°42'07" East 1416.64 feet; South 89°47'44" East 308.94 feet; thence leaving said right of way South 00°26'00" East 174.50 feet; thence North 89°57'00" West 130.00 feet; thence South 00°26'00" East 457.65 feet; thence West 158.00 feet; thence South 514.00 feet; thence South 89°34'07" West 660.00 feet; thence North 00°25'55" West 608.32 feet; thence South 89°34'05" West 648.63 feet; thence South 00°10'16" West 1361.43 feet; thence North 89°56'03" West 401.05 feet; thence North 00°00'05" West 281.73 feet; thence West 434.00 feet to the point of beginning. Containing 65.96 acres more or less.

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and map shall be filed with the assessor in each county and with the department within the time provided in this subsection.

(3) For purposes of this section, boundary change means the change that occurs in the boundaries of a district by reason of:

- (a) The formation of a new district;
- (b) The consolidation or merger of two or more districts or parts thereof;
- (c) The annexation of territory by a district;
- (d) The withdrawal of territory from a district; or
- (e) The dissolution of a district.

(4) For purposes of this section, the establishment of tax zones within a district constitutes a boundary change.

(5) For the purposes of this section, a proposed change means a boundary change which has not become final or effective by March 31, but which is certain to become final or effective prior to July 1 of the same year.

(6) Each description and map filed under subsection (2) of this section shall be submitted to the Department of Revenue and approved or disapproved within 30 days of receipt.

(7) Within five days of its determination, the Department of Revenue shall mail to each county assessor with whom a filing has been made and to the filing body notice of its approval or disapproval under subsection (6) of this section. If disapproved, the department shall explain what steps must be taken to correct the description or map, and shall cooperate with the filing body in helping it meet the requirements of this section, and whenever possible, the filing date of March 31. Corrected descriptions and maps must then be resubmitted to the department, and approved, and filed with the assessor or assessors.

(8) The filing of the description and map under this section is for assessment and taxation purposes only and does not affect or relate to filing for any other purpose. [Amended by 1965 c.411 §1; 1969 c.151 §1; 1973 c.501 §1; 1975 c.595 §1; 1981 c.804 §38; 1983 c.426 §1; 1991 c.459 §94; 1997 c.541 §157; 2001 c.246 §11; 2001 c.553 §8]

**D. Written findings addressing the criteria in 4.10.030.**

**Response:** See Below.

**§4.10.030 APPROVAL CRITERIA**

**An annexation may be approved if the proposed request for annexation conforms, or can be made to conform through the imposition of conditions, with the following approval criteria:**

**A. The land is within the City's Urban Growth Boundary.**

**Response:** The territory proposed for annexation is currently within the City of Dallas Urban Growth Boundary. See Comprehensive Plan and Zoning Maps at Exhibit 25.

**B. The proposed zoning for the annexed area is consistent with the Comprehensive Plan, and a project, if proposed concurrently with the annexation, is an allowed use within the proposed zoning.**

**Response:** Compliance with the City of Dallas Comprehensive Plan is discussed below.

Note: When a local criterion requires a land use decision to be consistent with the comprehensive plan, it does not necessarily turn all parts of the comprehensive plan into an approval standard. *McGowan v. City of Eugene*, 24 Or LUBA 540, 546 (1993); *Neuenschwander v. City of Ashland*, 20 Or LUBA 144, 154 (1990); *Bennett v. City of Dallas*, 17 Or LUBA 450, 456, *aff'd* 96 Or App 645, 773 P2d 1340 (1989). Courts will frequently consider the text and context of cited parts of comprehensive plans and conclude that the alleged comprehensive plan standard was not an applicable approval standard. *Stewart v. City of Brookings*, 31 Or LUBA 325, 328 (1996); *Friends of Indian Ford v. Deschutes County*, 31 Or LUBA 248 258 (1996); *Wissusik v. Yamhill County*, 20 Or LUBA 246, 254-55 (1990).

Even if the comprehensive plan includes provisions that can operate as approval standards, those standards are not necessarily relevant to all quasi-judicial land use permit applications. *Bennett v. City of Dallas*, 17 Or LUBA at 456.

**C. The land is currently contiguous with the present City Limits.**

**Response:** The territory proposed for annexation is contiguous to at least 13 lots located within the corporate boundary of the City of Dallas. See Map at Exhibit 26.

**D. Adequate City facilities can and will be provided to and through the subject property, including water, sanitary sewer, and storm drainage.**

**Response:**

Water. An 8 inch DI water main is stubbed out at the northern terminus of S.E. Shetterly Drive, just north of its intersection with SE Academy Street. A 10 inch DI water main is stubbed out at the northern terminus of S.E. Barberry Street, just north of its intersection with SE Academy Street. A 10-inch water main is located in E. Ellendale Road. An 8-inch water main is located in SE Fir Villa Road.

Sanitary Sewer: An 8 inch Schedule 3034 sanitary sewer main is stubbed out at the northern terminus of S.E. Shetterly Drive, just north of its intersection with SE Academy Street. A 10 inch Schedule 3034 sanitary sewer main is stubbed out at the northern terminus of S.E. Barberry Drive, just north of its intersection with SE Academy Street.

Storm Drainage. A 12 inch PVC storm drainage main is stubbed out at the northern terminus of S.E. Shetterly Drive, just north of its intersection with SE Academy Street. A 12 inch PVC storm drainage main is stubbed out at the northern terminus of S.E. Barberry Drive, just north of its intersection with SE Academy Street

***E. The annexation is consistent with the annexation policies contained in the Comprehensive Plan.***

**Response:** The annexation policies contained in the Comprehensive Plan are considered below.

***F. Within Mixed Use Nodes, annexation shall only be permitted in conjunction with a Master Plan application submitted pursuant to Chapter 4.5.***

**Response:** The Barberry Master Plan (Teardrop Map) has already been approved by the City of Dallas. See Below.

#### **4.10.050 Statutory Procedure**

***The applicant for the annexation shall also declare which procedure, under ORS Chapter 222, the applicant proposes that the City Council use, and supply evidence that the approval through this procedure is likely.***

**Response:** The applicant is proposing to dispense with the election in the territory proposed for annexation, and instead use the “double majority” consent annexation process. The applicant has demonstrated that the standards for a consent annexation are met. *See Exhibits 21 and 22.*

### **D. CITY OF DALLAS COMPREHENSIVE PLAN CRITERIA**

#### **City of Dallas Comprehensive Plan Vol. I: Goals and Policies - Economic Policy 2.6**

**2. *Barberry & Wyatt Mixed Use Nodes: Two master-planned Neighborhood Commercial nodes are shown on the Dallas Comprehensive Plan Map to accommodate long-term commercial needs and to minimize the distance Dallas citizens must travel for routine shopping needs.***

**a) Barberry Mixed Use Node: Approximately 15 acres of Neighborhood Commercial land south of E Ellendale Avenue, between Fir Villa and Hawthorne Avenue.**

**b) Wyatt Mixed Use Node: Approximately 5 acres of Neighborhood Commercial land north of the intersection of W Ellendale Avenue and Wyatt Avenue.**

**c) Each of these commercial nodes must be preceded and supported by substantial multi-family development and open space, and must be provided with adequate public facilities, as required by Policy 3.2.**

**d) In addition to meeting setback, buffering and lot coverage standards of the underlying neighborhood commercial zoning district, the master plan shall reserve at least 10% of the Neighborhood Commercial area for use as a central, open, publicly-accessible plaza.**

**Response:** This policy is applicable to future development applications, not annexations. A condition of approval can be added to the annexation approval to ensure future compliance with this requirement.

**3. Master-planned commercial developments shall only be approved following a thorough analysis of traffic and public facilities impacts. Transportation and public facilities improvements required as a result of this analysis shall be paid for by the commercial developer.**

**Response:** This policy is applicable to development approvals, not annexations. Nonetheless, ODOT has provided the applicant with a letter stating that is not interested in reviewing a TIA until a zone change or PAPA is proposed. ODOT correctly notes that compliance with the TPR will need to be established at that time. A condition of approval can be added to the annexation approval to ensure future compliance with this requirement.

**4. Zone changes from Low Density Residential to Commercial are limited to the three identified commercial areas. Parcel-by-parcel commercial zone changes are not permitted in the absence of a master development plan, showing the relationships among neighboring land uses and transportation systems.**

**Response:** This policy is applicable to zone changes, not annexations. A condition of approval can be added to the annexation approval to ensure future compliance with this requirement.

### **Residential Neighborhood Policies**

**The following policies must be explicitly considered when reviewing annexation, zone change and quasi-judicial development applications:**

#### **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.**

**Response:** The proposed annexation will result in residential development that is consistent with the approved Barberrry Node Master Plan. The Barberrry Node Master Plan proposes both a residential neighborhood area with an integrated school and park facility, as well as a general commercial development component. This criterion is met.

**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.**

**Response:** While the precise design of the street system has yet to be developed, the general layout of the Barberrry Node Master Plan is consistent with a street grid system.

**3. Each residential neighborhood shall provide its fair share of multi-family housing, consistent with Residential Policy 3.2.**

**Response:** The Barberrry Node Master Plan (Teardrop map) shows the majority of the territory to be annexed as part of this annexation process as being reserved for commercial and high-density residential housing. While the precise mix between single family residential and multi-family residential housing for this territory is yet to be determined, this annexation can be conditioned with the requirement that a fair share of multi-family housing will be required.

**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.**

**Response:** The Barberrry Node Master Plan (Teardrop Map) shows multi -family housing being located adjacent to the planned commercial area between Ellendale Avenue and SE Hankel Street.

**5. Pedestrian and bicycle access shall be provided between commercial, open space and residential uses in all new development.**

**Response:** This is a development standard which is not applicable to annexations. A condition of approval can be added to the annexation approval to ensure future compliance with this requirement.

**6. Public or private park land shall be provided in proportion to residential development and in accordance with Chapter 4.5 (Level-of-Service).**

**Response:** The Barberrry Node Master Plan (Teardrop map) shows a 15 acre public park located in the territory to be annexed. The proposed annexation proposes future development that will be consistent with the Teardrop Map. A condition of approval can be added to the annexation approval to ensure future compliance with this requirement.

**7. Identified river and stream corridors, wetlands, flood hazard, steep hillsides and slide hazard areas where building would be hazardous shall be considered unbuildable, and shall be used to define neighborhood boundaries.**

**Response:** There are no identified river and stream corridors, wetlands, flood hazard, steep hillsides, or slide hazard areas in the territory to be annexed. This criterion is not applicable.

**8. High density residential zoning shall be limited to the area immediately adjacent to the Central Business District and neighborhood shopping centers.**

**Response:** The Barberry Node Master Plan (Teardrop Map) addresses where high-density residential uses shall be located. This criterion is met.

**9. Redevelopment of the second and third stories of buildings in the Central Business District for residential and commercial uses shall be encouraged.**

**Response:** This criterion is not applicable.

### **3.2 Master Plan Districts**

**A master plan of development, consistent with Residential Neighborhood Policies, shall be required and shall be approved by the Planning Commission prior to the approval of a zone change or annexation.**

**Response:** The Barberry Node Master Plan (Teardrop Map) has been adopted for this area. In addition, the Planning Commission has a

#### **3.2.2 Barberry Mixed Use Node: South of E Ellendale Avenue, between Fir Villa and Hawthorne Avenue**

**a) In addition to Neighborhood Commercial (see Policy 2.6) and Low Density Residential land, designate and reserve exclusively for Medium Density Residential use 20 additional buildable multi-family acres, near the planned intersection of Barberry Avenue and E Ellendale Avenue.**

**Response:** The Barberry Node Master Plan (Teardrop Map) shows at least 20 additional acres of multi-family zoned land near the planned intersection of Barberry Ave and E. Ellendale Ave.

**b) Multi-Family residential development shall be connected to adjacent Neighborhood Commercial and Low Density Residential land with a combination of grid streets and accessways that encourage bicycle, pedestrian, automobile and delivery truck access.**

**Response:** This is a development standard that is not directly applicable to annexations. A condition of approval can be added to the annexation approval to ensure future compliance with this requirement.

**c) Prior to the approval of any commercial development in the Barberrry Avenue node: at least 50% of the planned multi-family development shall be occupied; Barberrry Avenue shall be fully improved and connected to LaCreole Drive north of Rickreall Creek; and a traffic signal shall be installed at the intersection of Barberrry Avenue and E Ellendale Avenue.**

**Response:** This is a development standard that is not applicable to annexations. A condition of approval can be added to the annexation approval to ensure future compliance with this requirement.

**d) The small shopping center shall be designed to serve the east Dallas neighborhood and the maximum square footage of the "anchor" use or building shall be limited to 50,000 square feet of floor area (a large grocery store); other uses are limited to 25,000 square feet each.**

**Response:** This is a development standard that is not applicable to annexations. A condition of approval can be added to the annexation approval to ensure future compliance with this requirement.

**e) Uses that are not limited to the immediate neighborhood, such as car dealerships or large department or discount stores shall not be permitted, as prescribed in the Dallas Development Code.**

**Response:** This requirement can be added as a condition of approval to the annexation.

**f) Primary vehicular access to the neighborhood commercial center shall take place from Barberrry Avenue; vehicular access shall not occur directly from E Ellendale Avenue.**

**Response:** This requirement can be added as a condition of approval to the annexation.

**g) In order to encourage pedestrian access to neighborhood commercial centers, the Dallas Development Code shall include design standards which encourage direct pedestrian access to store fronts and placement of parking lots to the side or rear of buildings.**

**Response:** This is not an approval standard but rather a directive to the City Council. It is not applicable in this case.

**h) In addition to meeting setback, buffering and lot coverage standards of the underlying residential zoning district, the master plan shall include at least 10% of the multiple-family area for active recreational play areas.**

**Response:** The Barberrry Master Plan (Teardrop Map) does not address this issue. However, this requirement can be added as a condition of approval to the annexation.

**i) The master plan shall demonstrate how land for open space or schools in proportion to planned commercial acreage will be provided, as indicated in Chapter 4, Parks and Open Space. Developed active recreational play areas shall be recognized as helping to meet the relevant level-of-service standards prescribed in Chapter 4.**

**Response:** The Barberry Master Plan (Teardrop Map)

### **3.3 Phasing & Adequate Public Facilities**

**Residential development shall be phased and provided with adequate sanitary sewer, water, storm drainage, transportation and park and recreational facilities, as prescribed in Chapter 7, Public Facilities Plan.**

**Response:** This is a development standard that is not applicable to annexations. A condition of approval can be added to the annexation approval to ensure future compliance with this requirement.

**In addition:**

**1. Except in areas identified for more intensive development, existing high-quality residential areas and housing stock within the community shall be maintained and conserved.**

**Response:** This standard is not directly applicable to this annexation request. There is nothing about this annexation that would lead to existing neighborhoods being not “maintained” or not “conserved.”

**2. The development of close-in vacant land, readily serviceable by a full range of urban services shall have a higher priority than development of peripheral land that cannot be provided, efficiently, with a full range of urban services.**

**Response:** The territory proposed for annexation includes a large amount of land that constitutes “close in vacant land,” and therefore should have priority for development.

**3. Vacant land within the current City limits shall have a higher priority than unincorporated areas.**

**Response:** The territory being proposed for annexation is adjacent to large undeveloped acreage in common ownership. This annexation would allow these areas to be developed as a unified whole, thereby lowering costs and increasing the ability to successfully master plan the area.

**4. Except in documented health hazard situations, annexation shall occur in areas where services can be most easily extended, as prescribed in Chapter 7, the Public Facilities Plan.**

**Response:** As discussed elsewhere in this application, water, sewer, transportation and storm water services are all stubbed out at or near the south end of the territory proposed for annexation, and therefore services can easily be extended north into the territory to be annexed.

### **Park and Open Space Policies**

**The following policies must be explicitly considered when reviewing annexation, zone change and quasi-judicial development applications. Major developments shall be carefully reviewed for**

*possible detrimental effects on the environment from pollution or disturbance of natural habitat and for the visual impacts of their proposed design.*

#### **4.1 Natural, Scenic and Historic Resources Policies**

*1. A riparian buffer shall be established and protected along Rickreall and Ash Creeks, as prescribed in the Dallas Development Code. This undisturbed area shall be surveyed and protected through deed restrictions or other appropriate means, prior to development approval.*

*2. Dallas will encourage the development of an integrated trail system to provide recreational opportunities and to link open space and park areas through the planned development process.*

**Response:** This does not create an approval standard for annexation.

*3. Rickreall and Ash Creeks shall be protected from pollution.*

**Response:** The proposed annexation is not adjacent to or otherwise affect Rickreall Creek or Ash Creek. Storm drainage from future development in the territory will be pre-treated in accordance with applicable DEQ and City Standards before being directed to Rickreall Creek.

*4. Steeply-sloped areas shall be preserved in their natural state to the maximum extent possible through hillside development standards in the Dallas Development Code.*

**Response:** The subject site contains no steeply-sloped areas. This code standard is therefore inapplicable.

*5. Identified scenic, recreational, or historic sites shall be protected to the maximum extent possible through clear and objective standards in the Dallas Development Code.*

**Response:** This is not an approval standard for annexations, but rather is a directive to the City Council. In any event, the territory proposed for annexation does not contain any identified scenic or historic sites. There is an identified recreational site (a park) shown on the teardrop map, which will be further master planned and provided to the City at the time of development.

*6. The City shall seek state funding to conduct a "Local Wetlands Inventory." Wetlands identified on that inventory shall be fully protected unless the economic, environmental, social and energy consequences of allowing conflicting uses have been fully examined in accordance with OAR Division 23, and incorporated into the Dallas Comprehensive Plan.*

**Response:** This is not an approval standard for an annexation, and is therefore inapplicable.

#### **4.2 Park Systems Development Fees**

*In order to provide for park development and to assure new development participates in the need for parks, the City maintains a trust fund used exclusively for the acquisition, development, and*

**improvement of park or other recreational lands and related facilities. The fund is established in accordance with the Dallas City Code, Chapter 4.620-4.665.**

**Response:** This is not an approval standard for an annexation, and is therefore inapplicable.

#### **4.3 School Playgrounds and Athletic Fields**

**Where an assured source of funding is available, school sites may be used to meet the Level of Service (LOS) standards required by Parks and Open Space Policy 4.5. Therefore, it is the policy of the City:**

- 1. To encourage the use of public school facilities in a manner which will result in the increased availability of recreational opportunity to nearby residents.**
- 2. Where public funding is not available, the City and the School District may accept private funding improvements and maintenance of school recreational facilities, where necessary to comply with adopted LOS park standards.**
- 3. Policies 1 and 2 above may be accomplished by a cooperative agreement between the City and the Dallas School District for joint development and use of school property.**

**Response:** The above statements are not approval standards for an annexation, and are therefore inapplicable.

**4. The area north of Rickreall Creek, between LaCreole Middle School and Whitworth Elementary School, should be developed as a community park to serve the East Dallas area and complement recreational facilities associated with area schools. A paved bike/pedestrian path system should be constructed to connect the two schools.**

**Response:** Not applicable.

#### **4.4 Specific Park Needs**

**1. The Parks & Open Space Map #5 identifies areas that are park deficient, and which require additional developed park land in order to meet the LOS standards identified in Policy 4.5.**

**Response:** The Barberry Node Master Plan ("Teardrop Map") shows a 15-acre park / open space site in the Barberry Node, which will meet or exceed the LOS standard identified in Policy 4.5

**2. Additional property should be acquired for Birch Park as finances permit.**

**Response:** Not applicable.

**3. The area south of Oakdale Avenue is presently undeveloped and overlooks the Ash Creek waterway. While the acquisition and development of this property would be less costly than those on Stump Street, the area is not as favored because of topography and location.**

**Response:** Not applicable.

**4. In order to meet passive recreation needs (the opportunity to picnic, stroll, or simply sit and enjoy pleasant surroundings), the plan proposes the establishment of a Rickreall Creek Trail connecting (at a minimum) the City park to the proposed East Dallas Community Park. Eventually, the trail might form a segment of a regional trail system connecting the Coast Range to the Willamette River.**

**Response:** Not applicable.

**5. Golf courses may be approved as a result of a comprehensive plan amendment from the existing plan designation to "Parks & Open Space." Such amendments shall consider the impact of reducing the land supply in the relevant land use category.**

**Response:** No golf course is proposed. Not applicable.

#### **4.5 Classifications of Park Facilities and Level-of-Service (LOS) Standards**

**Dallas' park system is classified into community parks, neighborhood parks, mini-parks and viewpoints. The availability of park and recreation facilities is a major consideration in the phasing of residential development, and in the consideration of residential zone changes, annexations and quasi-judicial land use applications. Level of service (LOS) standards for community and neighborhood parks, or privately-developed substitutes, are provided below.**

##### **4.5.1 Community Parks**

**Community parks serve a number of neighborhoods or, in some cases, an entire town. The typical community park varies from 20 to 80 acres in size but at a minimum should contain 2.5 acres/1,000 population served. The community park offers a much wider range of facilities than the more local, neighborhood park. Facilities usually included are: organized play fields for baseball, soccer, and football; tennis courts; multi-use play areas; picnic tables and cooking facilities; and trails, paths, and natural areas. A community park usually serves the function of a neighborhood park to adjacent residential areas and should be located within a half-mile of new residential development, unless private park facilities are provided.**

**Service Level Standard: 2.5 acres per 1,000 population**

**Response:** The Barberry Node Master Plan ("Teardrop map") shows a 15-acre park / open space site in the Barberry Node. This would support a population of 6,000, which is far greater population than what is expected based on the proposed development densities in the Barberry Node.

##### **4.5.4 Greenways**

**Greenways are linear parks intended for passive recreation and conserve identified natural resource sites, such as river or stream corridors. Greenways typically include adequate parking, handicapped-accessible trails, park benches, and shelters. Typically, greenways are provided**

*through the planned development or subdivision process, and may be maintained by the public, a homeowners' association, or a trust.*

*A community or neighborhood park shall be located with-in walking distance (0.5 miles) of new residential development*

**Service Level Standard:**

*Fully developed greenways may be used to meet the community or neighborhood park LOS standard, when provided by the developer on a 2:1 developed acre basis, through the planned development process.*

**Response:** The Barberry Node Master Plan ("Teardrop Map") shows a greenway corridor along a portion of Barberry Street.

#### **4.5.5 Viewpoints**

*Viewpoints are small landscaped areas, usually located next to arterial streets or scenic drives, which provide a scenic vista of the City and the region. Desirable improvements include: adequate parking, landscaped open space, and benches. Viewpoints may also be accompanied by an information display such as a map or local history plaque.*

**Service Level Standard:**

*Fully developed viewpoints may be used to meet the community or neighborhood park LOS standard, when provided by the developer on a 1:1 developed acre basis, through the planned development process.*

**Response:** No viewpoints are proposed or required.

### **Urban Growth Management Policies**

#### **6.1 Establishment & Change of the Dallas Urban Growth Boundary**

\*\*\*\*\*

*4. Urban land uses, extension of urban services and annexation of land to the City shall not be permitted outside the UGB, unless concurrent amendments to both the City and County Comprehensive Plan are approved consistent with the Statewide Planning Goals.*

**Response:** The proposed annexation involves territory located inside the UGB. Therefore, this criterion is not applicable.

#### **6.2.1 Conversion to Urban Uses**

*Land within the Urban Growth Boundary shall be considered available over the planning period for urban uses. The conversion of urbanizable land to urban uses shall occur only through the*

**annexation and zone change processes, and shall be based upon consideration of the following factors:**

**Response:** The “factors” listed below are not approval standards, but are rather issues that must be considered and balanced.

**1. The City will encourage the development of available land within its corporate limits before expansion into urbanizable areas.**

**Response.** There are no available large tracts of undeveloped commercial land located in the existing City limits that are suitable for forming the basis of a node. The Barberry Node Teardrop Map has already been approved by the City Council.

**2. The availability of sufficient buildable land to ensure market choice for commercial, industrial, single-family, multi-family and public land uses within the Dallas City Limits.**

**Response:** The territory proposed for annexation constitutes one of the largest contiguous expanses of vacant buildable land in the City of Dallas, and therefore is more likely to ensure a market choice for commercial and residential land.

**3. The orderly, economic and timely provision of public facilities and services as prescribed in Chapter 7, Public Facilities Plan.**

**Response:** As discussed elsewhere in this application, all of the major required services are stubbed out at the territory proposed for annexation.

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

**Response:** The land proposed for annexation can be serviced with the full range of urban services.

**5. The City shall not permit "panhandle" annexations, except in extraordinary circumstances such as health hazard annexations.**

**Response:** The territory proposed for annexation does not form the shape of a “pan handle” or “cherry-stem,” and therefore this factor is not applicable.

### **7.1 Public Facilities Policies**

#### **7.1.1 General Public Facilities & Services Policies**

**2. Urban public facilities and services shall be extended outside the City Limits through the annexation process.**

**Response:** The application proposes an annexation, and therefore this policy is met.

**6. The City of Dallas shall direct and phase urban development to identified geographic areas within the UGB through the annexation process, based on the timely and efficient provision of the key public facilities and services.**

**Response:** The issue of timely and efficient provision of the key public facilities and services is discussed elsewhere in this narrative.

## **7.2 Level-of-Service (LOS) Standards**

**1. The Dallas Development Code shall establish "level-of-service" standards that must be met in order for new development to be approved. LOS standards shall be included in the Master Planning, Land Division and Planned Development chapters of DDC and are interpreted by engineering policies on file with the City Engineer.**

**Response:** Section 7.2 states a directive to City staff. It does not create a mandatory approval standard that is applicable to an annexation application. An annexation, by its very definition, does not propose "new development." *Clark v. City of Albany*, 142 Or App 207, 211-212, 921 P2d 406 (1996) ("Annexation" is ordinarily taken to mean "the acquisition of territory or land by a nation, state or municipality; the legal incorporation of a town or city into another town or city." *Black's Law Dictionary* 88 (6th ed 1990). The term does not encompass "development" of the land or any other particular decision as to the specific uses to which land may be put; it establishes merely which governmental authority has jurisdiction over the development of the land.).

**2. Plans showing how public facilities deficiencies identified in this chapter and on accompanying public facilities maps will be corrected and financed shall be provided to the City's satisfaction prior to annexation, approval of master plans, rezoning, or site plan review approval.**

**Response:** There are no public facility deficiencies with regard to the territory to be annexed.

**3. Prior to annexation, zone change or development approval, the City must make an affirmative determination that adequate sanitary sewer, water, storm drainage, transportation and park services are available to service the area to be annexed or rezoned, or the site to be developed.**

**Response:** According to City staff, there are adequate services available to service the area to be annexed:

**sanitary sewer,**

As discussed elsewhere in this application narrative, an 8- inch Schedule 3034 sanitary sewer main is stubbed out at the northern terminus of S.E. Shetterly Drive, just north of its intersection with SE Academy Street. A 10 inch Schedule 3034 sanitary sewer main is stubbed out at the northern terminus of S.E. Barberrry Drive, just north of its intersection with SE Academy Street.

**water,**

As discussed elsewhere in this application narrative, an 8-inch DI water main is stubbed out at the northern terminus of S.E. Shetterly Drive, just north of its intersection with SE Academy Street. A 10-inch DI water main is stubbed out at the northern terminus of S.E. Barberry Street, just north of its intersection with SE Academy Street. A 10-inch water main is located in E. Ellendale Road. An 8-inch water main is located in SE Fir Villa Road.

***storm drainage,***

As discussed elsewhere in this application narrative, a 12 inch PVC Storm Drainage main is stubbed out at the northern terminus of S.E. Shetterly Drive, just north of its intersection with SE Academy Street. A 12 inch PVC Storm Drainage main is stubbed out at the northern terminus of S.E. Barberry Drive, just north of its intersection with SE Academy Street

***transportation.***

The Barberry Node Master Plan (Teardrop Map) shows a series of street extensions traversing the territory proposed for annexation, including extensions of S.E. Barberry Ave, S.E. Shetterly Ave, and S.E. Henkel Street. To the south of the proposed territory, S.E. Academy Street will be extended to the east so that it intersects with S.E. Fir Villa Road. The annexation of this territory will allow the property owners and developers to submit more detailed proposals showing how transportation infrastructure will be provided to this area. It is anticipated that commercial development proposed in the Barberry node will result in the need for additional transportation infrastructure, but it is expected that these improvements will be relatively minor in nature, and will likely fall within the constitutional limitations established by *Dolan v. City of Tigard*. To the extent any required transportation improvements are not roughly proportional to the impacts created by specific development proposed anticipated within this territory, SDC credits may be used to finance any shortfalls.

***park services.***

The Barberry Node Master Plan (“Teardrop map”) shows a 15-acre park / open space site in the Barberry Node, which will meet or exceed the LOS standard identified in Policy 4.5.

***4. Master Plans shall be required prior to annexation or planned development approval, and must show how key urban services can be provided in an efficient and timely manner, at levels prescribed in the Public Facilities Plan or applicable master sewer, water, transportation, parks, school facility or storm drainage master plans.***

**Response:** The adopted “Teardrop Map” constitutes a Master Plan for purposes of this section.

**IV. CONCLUSION**

This burden of proof statement demonstrates compliance with the City of Dallas’s annexation

criteria. The attached exhibits provide additional information regarding the proposal and support the request for annexation.

1

LIST OF PROPERTY OWNERS IN TERRITORY TO BE ANNEXED

Owner	Mailing Address	Tax Lot (All in T7S R5W W.M.)	Size	Assessed Value (AV)	Consent (Y/N)
1. Jongar, LLC	P.O. Box 734 Dayton, OR 97114	Sec. 27c Tax Lot 6001	0.44 acres	\$ 112,340	
2. Jongar, LLC	P.O. Box 734 Dayton, OR 97114	Sec. 27c Tax Lot 6002	0.36 acres	\$ 51,160	
3. Jongar, LLC	P.O. Box 734 Dayton, OR 97114	Sec. 27c Tax Lot 6003	0.23 acres	\$ 65,220	
4. Jongar, LLC	P.O. Box 734 Dayton, OR 97114	Sec. 27c Tax Lot 6004	0.26 acres	\$ 33,480	
5. Jupiter Comm. Corp.	3207 Luray Terr NW Portland, OR 97210	Sec. 27c Tax Lot 6300	4.21 acres	\$ 196,970	
6. Fowler Liv. Trust	P.O. Box 818 Dallas OR 97338	Sec. 27c Tax Lot 6400	6.62 acres	\$ 3,860	
7. Meadow Inv. Corp.	P.O. Box 968 Dallas, OR 97338	Sec. 27c Tax Lot 6500	13.26 acres	\$ 7,733	
8. Quiring, E. Jay, and Ruthie	250 Oak Villa Road Dallas, OR 97338	Sec. 27c Tax Lot 6600	0.40 acres	\$ 11,080	
9. Meadow Inv. Corp.	P.O. Box 968 Dallas OR 97338	Sec. 27d Tax Lot 400	6.20 acres	\$ 41,972	
10. Elder, Gilbert P. & Betty J.	1725 Ellendale Ave E Dallas, OR 97338	Sec. 27d Tax Lot 500	3.11 acres	\$ 100,620	
11. Hedlund, Scott & Lunde, Lori	1775 Ellendale Ave E Dallas, OR 97338	Sec. 27d Tax Lot 600	1.89 acres	\$ 223,940	
12. Sims, Eddie E & Emma Dean	1815 Ellendale Ave E Dallas, OR 97338	Sec. 27d Tax Lot 700	1.38 acres	\$ 145,560	
13. Housing Authority Urb Ren. AG/PCO	P.O. Box 467 Dallas, OR 97338	Sec. 27d Tax Lot 701	1.00 acres	\$ 107,890	
14. Parks, Elwin Wayne & Georgia A.	P.O. Box 802 Dallas, OR 97338	Sec. 27d Tax Lot 802	0.52 acres	\$ 120,510	
15. Cetto Luella J & Cetto GL Family Trust	520 Hawthorne Ave SE Dallas, OR 97338	Sec. 34bb Tax Lot 700	4.98 acres	\$ 191,970	
16. Meadow Inv. Corp.	P.O. Box 968 Dallas OR 97338	Sec. 34a Tax Lot 600	8.80 acres	\$ 6,092	
17. Green, Thomas L & Cynthia M.	17810 Old Military Road Dallas, OR 97338	Sec. 34b Tax Lot 200	6.43 acres	\$ 5,197	
18. Fowler Living Trust	P.O. Box 818 Dallas, OR 97338	Sec. 34b Tax Lot 201	6.15 acres	\$ 4,165	
19. Jongar, LLC	P.O. Box 734 Dallas, OR 97338	Sec. 27cc Tax Lot 100	0.04 acres	\$ 560	
20. Jongar, LLC	P.O. Box 734 Dallas, OR 97338	Sec. 27cc Tax Lot 101	0.06 acres	\$ 4,830	

21

## DOUBLE MAJORITY WORKSHEET

Name of Property Owner	Address of Property Owner	Acreage	Tax Lot (All T7S, R5W)	Signed Petition (Y/N)
Jongar, LLC	P.O. Box 734 Dayton, OR 97114	0.44	Sec. 27c Tax Lot 6001	
"	"	0.36	Sec. 27c Tax Lot 6002	
"	"	0.23	Sec. 27c Tax Lot 6003	
"	"	0.26	Sec. 27c Tax Lot 6004	
"	"	0.04	Sec 27cc Tax Lot 100	
"	"	0.06	Sec. 27cc Tax Lot 101	
Fowler Liv. Trust	P.O. Box 818 Dallas, OR 97338	6.62	Sec. 27c Tax Lot 6400	Y
"	"	6.15	Sec. 34b Tax Lot 201	Y
Meadow Inv. Corp.	P.O. Box 968 Dallas, OR 97338	13.26	Sec. 27c Tax Lot 6500	Y
"	"	6.20	Sec. 27d Tax Lot 400	Y
"	"	8.80	Sec. 34a Tax Lot 600	Y
Quiring, E. Jay, and Ruthie	250 Oak Villa Road Dallas, OR 97338	0.40	Sec. 27c Tax Lot 6600	
Elder, Gilbert P. & Betty J.	1725 Ellendale Ave E Dallas, OR 97338	3.11	Sec. 27d Tax Lot 500	Y
Jupiter Comm. Corp.	3207 Luray Terr NW Portland, OR 97210	4.21	Sec. 27c Tax Lot 6300	
Hedlund, Scott & Lunde, Lori	1775 Ellendale Ave E Dallas OR 97338	1.89	Sec. 27d Tax Lot 600	Y
Sims, Eddie E & Emma Dean	1815 Ellendale Ave E Dallas OR 97338	1.38	Sec. 27d Tax Lot 700	Y
Housing Authority Urb Ren. AG/PCO	P.O. Box 467 Dallas OR 97338	1.00	Sec. 27d Tax Lot 701	
Parks, Elwin Wayne & Georgia A.	P.O. Box 802 Dallas OR 97338	0.52	Sec. 27d Tax Lot 802	
Cetto Luella J & Cetto GL	520 Hawthorne Ave SE Dallas OR 97338	4.98	Sec. 34bbTax Lot 700	
Green, Thomas L & Cynthia M.	17810 Old Military Road Dallas OR 97338	6.43	Sec. 34b Tax Lot 200	Y

## SUMMARY

### OWNERS OF MAJORITY OF LAND IN TERRITORY:

Total amount of acreage in territory to be annexed: 66.32

Total amount of acreage in territory to be annexed owned by consenting landowners: 53.74

Percentage of acreage owned by owners who signed Consent 81.03 (>50% required)

### MAJORITY OF LAND IN TERRITORY:

Total number of Electors: 8

Total number of Electors who signed Petition: 6

Percentage of number of Electors who signed Petition: 75% (>50% required)

### Statutory Authority for "Double Majority" Consent Annexation:

ORS 222.170(2): The legislative body of the city need not call or hold an election in any contiguous territory proposed to be annexed if a majority of the electors registered in the territory proposed to be annexed consent in writing to annexation and the owners of more than half of the land in that territory consent in writing to the annexation of their land and those owners and electors file a statement of their consent with the legislative body on or before the day:

(a) The public hearing is held under ORS 222.120, if the city legislative body dispenses with submitting the question to the electors of the city; or

(b) The city legislative body orders the annexation election in the city under ORS 222.111, if the city legislative body submits the question to the electors of the city.

ORS 222.120 (7): For the purpose of this section, ORS 222.125 and 222.170, "owner" or "landowner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

22

39

**CITY OF DALLAS, STATE OF OREGON  
CONSENT TO ANNEXATION**

To: City Council, City of Dallas, Oregon

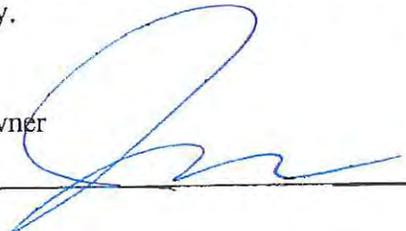
From: OWNER NAME(s): Fowler Living Trust  
MAILING ADDRESS: P O Box 818, Dallas, OR 97338  
ADDRESS OF LAND TO BE ANNEXED: 7-5-27C TL 6400,7-5-34B TL 201  
PROPERTY TAX ACCOUNT NO.: 565689

Pursuant to ORS 222.170, the undersigned, being the owner(s) of Property identified above, desire(s) to receive benefits and services provided to the residents of the City of Dallas, Oregon, and therefore does/do hereby consent to the annexation of the designated parcel(s) of land. This Consent is given in consideration of City benefits services that either have been or will be applied to the described property.

I/We acknowledge receipt of a copy of an Annexation Plan that shows the boundaries of the territory to be annexed and the proposed land use planning designations for property in the territory.

I/We further understand that once annexed into the City of Dallas, the property listed above shall be subject to all applicable laws, rules and regulations of the City.

Note: This Consent to Annexation is irrevocable for the period it is in effect. Under ORS 222.173, only statements of consent to annexation which are filed within any one-year period shall be effective, unless a separate written agreement waiving the one-year period or prescribing some other period of time has been entered into between an owner of land or an elector and the city.

Owner   
\_\_\_\_\_

Date 6/3/2011  
\_\_\_\_\_

Owner  
\_\_\_\_\_

Date  
\_\_\_\_\_

Owner  
\_\_\_\_\_

Date  
\_\_\_\_\_

Owner  
\_\_\_\_\_

Date  
\_\_\_\_\_

**CITY OF DALLAS, STATE OF OREGON  
CONSENT TO ANNEXATION**

To: City Council, City of Dallas, Oregon

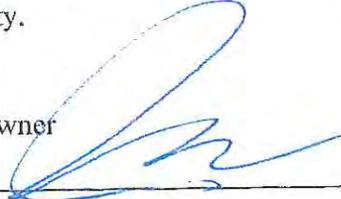
From: OWNER NAME(s): Meadows Investment Corp  
MAILING ADDRESS: PO Box 968, Dallas, OR 97338  
ADDRESS OF LAND TO BE ANNEXED: Same as Above  
PROPERTY TAX ACCOUNT NO.: 7-5-27C T.L. 6500, 7-5-27D TL 400, 7-5-34A TL  
600

Pursuant to ORS 222.170, the undersigned, being the owner(s) of Property identified above, desire(s) to receive benefits and services provided to the residents of the City of Dallas, Oregon, and therefore does/do hereby consent to the annexation of the designated parcel(s) of land. This Consent is given in consideration of City benefits services that either have been or will be applied to the described property.

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Owner		Date	<u>6/3/2011</u>
Owner	_____	Date	_____
Owner	_____	Date	_____

**CITY OF DALLAS, STATE OF OREGON  
CONSENT TO ANNEXATION**

To: City Council, City of Dallas, Oregon

From: OWNER NAME(s): Scott Hedlund and Lori Hedlund  
MAILING ADDRESS: 1775 E Ellendale Ave, Dallas, OR 97338  
ADDRESS OF LAND TO BE ANNEXED: Same as Above  
PROPERTY TAX ACCOUNT NO.: T7S, R5W, Section 27D T.L. 600

Pursuant to ORS 222.170, the undersigned, being the owner(s) of Property identified above, desire(s) to receive benefits and services provided to the residents of the City of Dallas, Oregon, and therefore does/do hereby consent to the annexation of the designated parcel(s) of land. This Consent is given in consideration of City benefits services that either have been or will be applied to the described property.

I/We acknowledge receipt of a copy of an Annexation Plan that shows the boundaries of the territory to be annexed and the proposed land use planning designations for property in the territory.

I/We further understand that once annexed into the City of Dallas, the property listed above shall be subject to all applicable laws, rules and regulations of the City.

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Owner  
SA

Date  
5-25-11

Owner  
[Signature]

Date  
5-25-11

Owner  
\_\_\_\_\_

Date  
\_\_\_\_\_

Owner  
\_\_\_\_\_

Date  
\_\_\_\_\_

CITY OF DALLAS, STATE OF OREGON  
CONSENT TO ANNEXATION

To: City Council, City of Dallas, Oregon

From: OWNER NAME(s): **Gilbert Elder and Betty Elder**  
MAILING ADDRESS: **1725 E Ellendale Ave, Dallas, OR 97338**  
ADDRESS OF LAND TO BE ANNEXED: **Same as Above**  
PROPERTY TAX ACCOUNT NO.: T7S, R5W, Section 27D T.L. 500

Pursuant to ORS 222.170, the undersigned, being the owner(s) of Property identified above, desire(s) to receive benefits and services provided to the residents of the City of Dallas, Oregon, and therefore does/do hereby consent to the annexation of the designated parcel(s) of land. This Consent is given in consideration of City benefits services that either have been or will be applied to the described property.

I/We acknowledge receipt of a copy of an Annexation Plan that shows the boundaries of the territory to be annexed and the proposed land use planning designations for property in the territory.

I/We further understand that once annexed into the City of Dallas, the property listed above shall be subject to all applicable laws, rules and regulations of the City.

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Owner  
Gilbert P. Elder Jr.

Date  
May 20, 2011

Owner  
Betty J. Elder

Date  
May 20, 2011

Owner  
\_\_\_\_\_

Date  
\_\_\_\_\_

Owner  
\_\_\_\_\_

Date  
\_\_\_\_\_

**CITY OF DALLAS, STATE OF OREGON  
CONSENT TO ANNEXATION**

To: City Council, City of Dallas, Oregon

From: OWNER NAME(s): Eddie Sims and Emma Sims  
MAILING ADDRESS: 1815 E Ellendale Ave, Dallas, OR 97338  
ADDRESS OF LAND TO BE ANNEXED: Same as Above  
PROPERTY TAX ACCOUNT NO.: T7S, R5W, Section 27D T.L. 700

Pursuant to ORS 222.170, the undersigned, being the owner(s) of Property identified above, desire(s) to receive benefits and services provided to the residents of the City of Dallas, Oregon, and therefore does/do hereby consent to the annexation of the designated parcel(s) of land. This Consent is given in consideration of City benefits services that either have been or will be applied to the described property.

I/We acknowledge receipt of a copy of an Annexation Plan that shows the boundaries of the territory to be annexed and the proposed land use planning designations for property in the territory.

I/We further understand that once annexed into the City of Dallas, the property listed above shall be subject to all applicable laws, rules and regulations of the City.

Note: This Consent to Annexation is irrevocable for the period it is in effect. Under ORS 222.173, only statements of consent to annexation which are filed within any one-year period shall be effective, unless a separate written agreement waiving the one-year period or prescribing some other period of time has been entered into between an owner of land or an elector and the city.

Owner E E Sims Date 5/20/2011

Owner EMMA J. SIMS Date 5/20/2011

Owner \_\_\_\_\_ Date \_\_\_\_\_

Owner \_\_\_\_\_ Date \_\_\_\_\_

**CITY OF DALLAS, STATE OF OREGON  
CONSENT TO ANNEXATION**

To: City Council, City of Dallas, Oregon

From: OWNER NAME(s): Thomas L & Cynthia M Green  
MAILING ADDRESS: 17810 Old Military Road, Dallas, OR 97338  
ADDRESS OF LAND TO BE ANNEXED: 7-5-34bb Tax Lot 200  
PROPERTY TAX ACCOUNT NO.: T7S, R5W, Section 34bb T.L. 200

Pursuant to ORS 222.170, the undersigned, being the owner(s) of Property identified above, desire(s) to receive benefits and services provided to the residents of the City of Dallas, Oregon, and therefore does/do hereby consent to the annexation of the designated parcel(s) of land. This Consent is given in consideration of City benefits services that either have been or will be applied to the described property.

I/We acknowledge receipt of a copy of an Annexation Plan that shows the boundaries of the territory to be annexed and the proposed land use planning designations for property in the territory.

I/We further understand that once annexed into the City of Dallas, the property listed above shall be subject to all applicable laws, rules and regulations of the City.

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Owner Thomas L. Green Date 6-3-2011

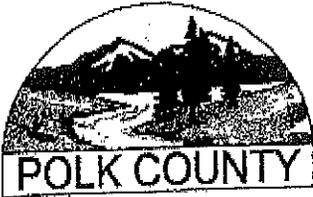
Owner Cynthia M. Green Date June 3, 2011

Owner \_\_\_\_\_ Date \_\_\_\_\_

Owner \_\_\_\_\_ Date \_\_\_\_\_

23

46



# POLK COUNTY

**CLERK & RECORDER**

 POLK COUNTY COURTHOUSE \* 850 MAIN STREET \* DALLAS, OREGON 97338  
 503-623-9217 \* FAX 503-623-0717 \* ungar.valerie@co.polk.or.us

**VALERIE UNGER**  
 County Clerk

May 12, 2011

 Andrew H. Stamp, P.C.  
 Attorney at Law  
 4248 Galewood St  
 Lake Oswego OR 97035

Dear Mr. Stamp,

As requested, here is a list of electors in the territory proposed to be annexed into the City of Dallas:

- |     |         |                                                               |
|-----|---------|---------------------------------------------------------------|
| 1.  | TL 6001 | No registered voters                                          |
| 2.  | TL 6002 | No registered voters                                          |
| 3.  | TL 6003 | No registered voters                                          |
| 4.  | TL 6004 | No registered voters                                          |
| 5.  | TL 6300 | No registered voters                                          |
| 6.  | TL 6400 | No registered voters                                          |
| 7.  | TL 6500 | No registered voters                                          |
| 8.  | TL 6600 | No registered voters                                          |
| 9.  | TL 100  | No registered voters                                          |
| 10. | TL 101  | No registered voters                                          |
| 11. | TL 400  | No registered voters                                          |
| 12. | TL 500  | Elder, Gilbert and Elder, Betty 1725 E Ellendale Ave, Dallas  |
| 13. | TL 600  | Hedlund, Scott and Hedlund, Lori 1775 E Ellendale Ave, Dallas |
| 14. | TL 700  | Sims, Eddie and Sims, Emma 1815 E Ellendale Ave, Dallas       |
| 15. | TL 701  | No registered voters                                          |
| 16. | TL 802  | No registered voters                                          |
| 17. | TL 600  | No registered voters                                          |
| 18. | TL 200  | No registered voters                                          |
| 19. | TL 201  | No registered voters                                          |
| 20. | TL 700  | Cetto, Gerald and Cetto, Luella 520 Hawthorne Ave, Dallas     |

Sincerely,

 Valerie Unger  
 Polk County Clerk

ANDREW H. STAMP, P.C.  
ATTORNEY AT LAW  
Kruse-Mercantile Professional Offices, Suite 16  
4248 Galewood St.  
Lake Oswego, OR 97035

Admitted in Oregon.

Tele: 503.675.4318  
Fax: 503.675.4319  
andrewstamp@comcast.net

MAY 10, 2011

VIA U.S. MAIL

Polk County Assessor  
Polk County Courthouse  
Dallas, OR 97338

RECEIVED  
MAY 12 2011  
POLK CO. ASSESSOR

*Re: Assessed value of property to be annexed*

Dear Assessor:

The City of Dallas is considering the annexation of the territory shown in the following map:

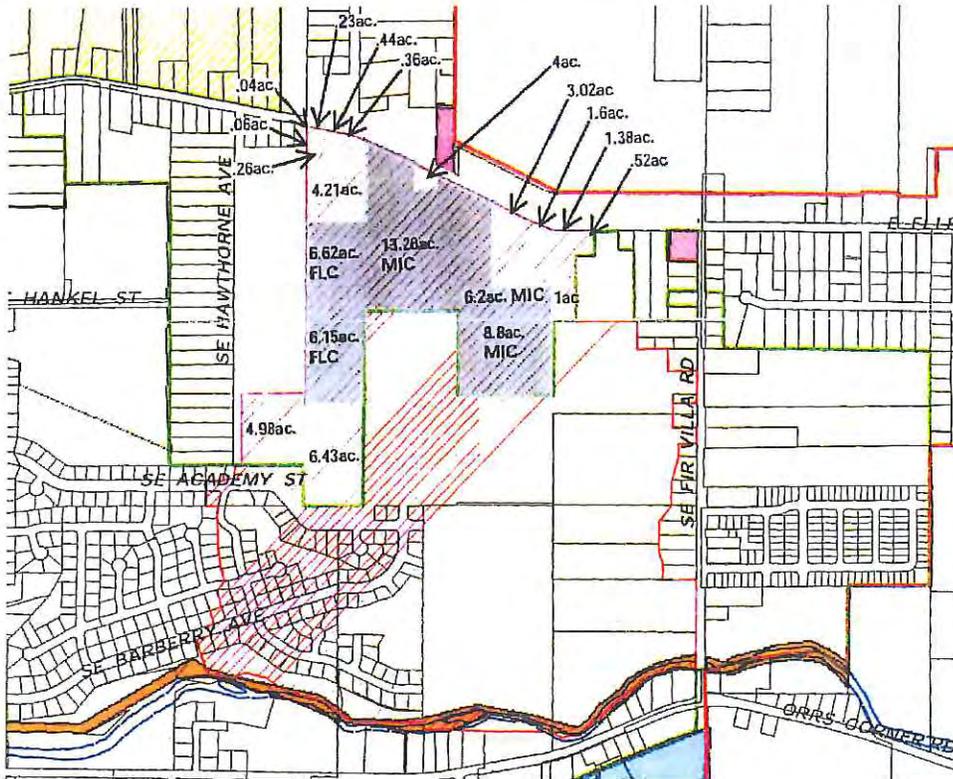


Figure 1: Map of Territory Proposed for Annexation.

The territory being considered for annexation includes the following real property:

*2011 Assessed Values Subject to change*

- |     |                               |         |
|-----|-------------------------------|---------|
| 1.  | T7S R5W Sec. 27c Tax Lot 6001 | 112 340 |
| 2.  | T7S R5W Sec. 27c Tax Lot 6002 | 51 160  |
| 3.  | T7S R5W Sec. 27c Tax Lot 6003 | 65 220  |
| 4.  | T7S R5W Sec. 27c Tax Lot 6004 | 33 480  |
| 5.  | T7S R5W Sec. 27c Tax Lot 6300 | 196 970 |
| 6.  | T7S R5W Sec. 27c Tax Lot 6400 | 38 60   |
| 7.  | T7S R5W Sec. 27c Tax Lot 6500 | 77 33   |
| 8.  | T7S R5W Sec. 27c Tax Lot 6600 | 11 080  |
| 9.  | T7S R5W Sec 27cc Tax Lot 100  | 520     |
| 10. | T7S R5W Sec. 27cc Tax Lot 101 | 4830    |
| 11. | T7S R5W Sec. 27d Tax Lot 400  | 41 972  |
| 12. | T7S R5W Sec. 27d Tax Lot 500  | 100 620 |
| 13. | T7S R5W Sec. 27d Tax Lot 600  | 22 3940 |
| 14. | T7S R5W Sec. 27d Tax Lot 700  | 14 5560 |
| 15. | T7S R5W Sec. 27d Tax Lot 701  | 10 7890 |
| 16. | T7S R5W Sec. 27d Tax Lot 802  | 120 510 |
| 17. | T7S R5W Sec. 34a Tax Lot 600  | 6092    |
| 18. | T7S R5W Sec. 34b Tax Lot 200  | 5 197   |
| 19. | T7S R5W Sec. 34b Tax Lot 201  | 41 85   |
| 20. | T7S R5W Sec. 34bb Tax Lot 700 | 191 970 |

Pursuant to ORS 222.030,<sup>1</sup> we hereby request a statement from your office showing the assessed value of the taxable property in the territory identified above for the current fiscal year.

Sincerely,

Sincerely,

ANDREW H. STAMP, P.C.

*Andrew H Stamp*  
Andrew H. Stamp

*Received  
Assessor's Office  
5/10/11*

AHS:ahs

cc: Paul Trahan The Fife Group, LLC (Via email)

<sup>1</sup> ORS 222.030 provides:

**222.030 Assessor to furnish statement of assessed valuation of territory to be annexed.** When a change of the boundaries of a city through the annexation of territory is proposed pursuant to ORS 199.410 to 199.519, or 222.111 to 222.180 or city charter, the assessor of the county or counties wherein the territory to be annexed is located, shall furnish upon official request within 20 days, a statement showing for the current fiscal year the assessed valuation of the taxable property in the territory to be annexed.

24

50

IMPORTANT  
This Map for Assessment  
and Taxation Purposes  
ONLY

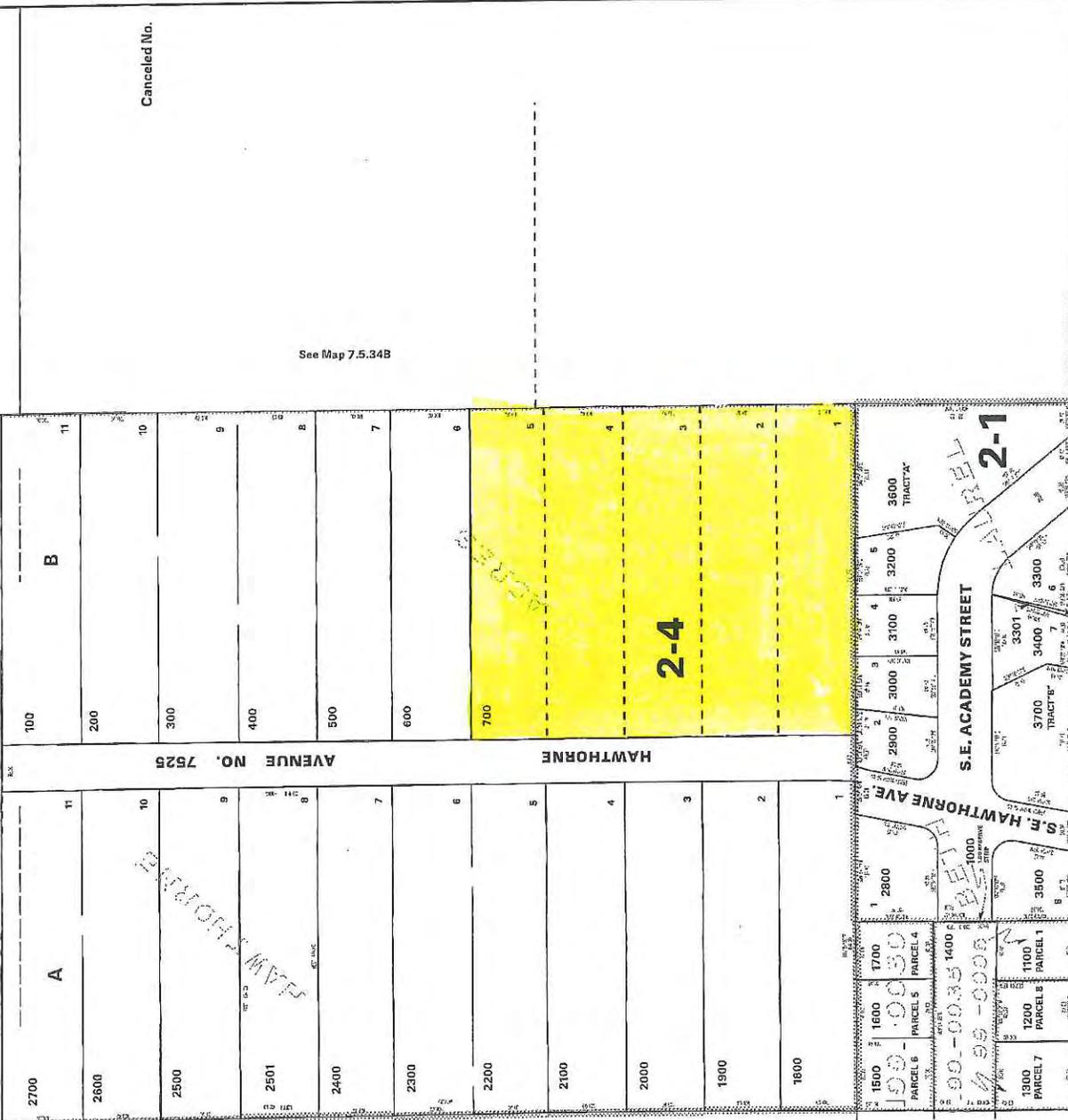
28 27  
33 34

NW1/4 NW1/4 S 34 T7S R5W WM  
POLK COUNTY

Scale 1" = 100'

See Map 7.5.27CC

7.5.3



Canceled No.

See Map 7.5.34B

See Map 7.5.34A

See Map 7.5.34A

See Map 7.5.34B

See Map 7.5.34BD

12/18/10

7.5.34

15

7.5.7

SW1/4 SW1/4 S 17S R5W WM  
POLK COUNTY  
Scale 1" = 100'

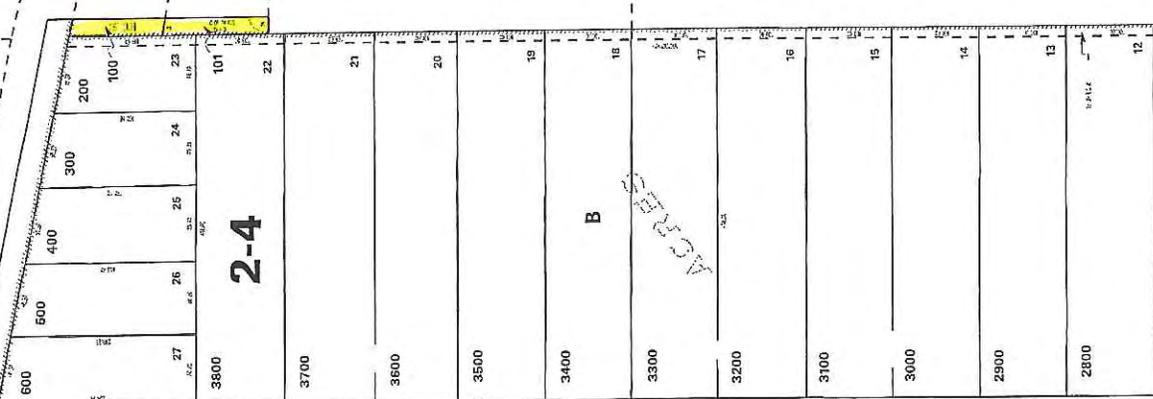
See Map 7.5.27C

7.5.27C  
Canceled No.

DALLAS RICKREALL HWY. 223

NO. 223

IMPORTANT  
This Map for Assessment  
and Taxation Purposes  
ONLY  
HWY.



See Map 7.5.27C

See Map 7.5.28D

See Map 7.5.348B

ST 28 | 27  
33 | 34

7.5.27CC

52

IMPORTANT  
This Map for Assessment  
and Taxation Purposes  
ONLY

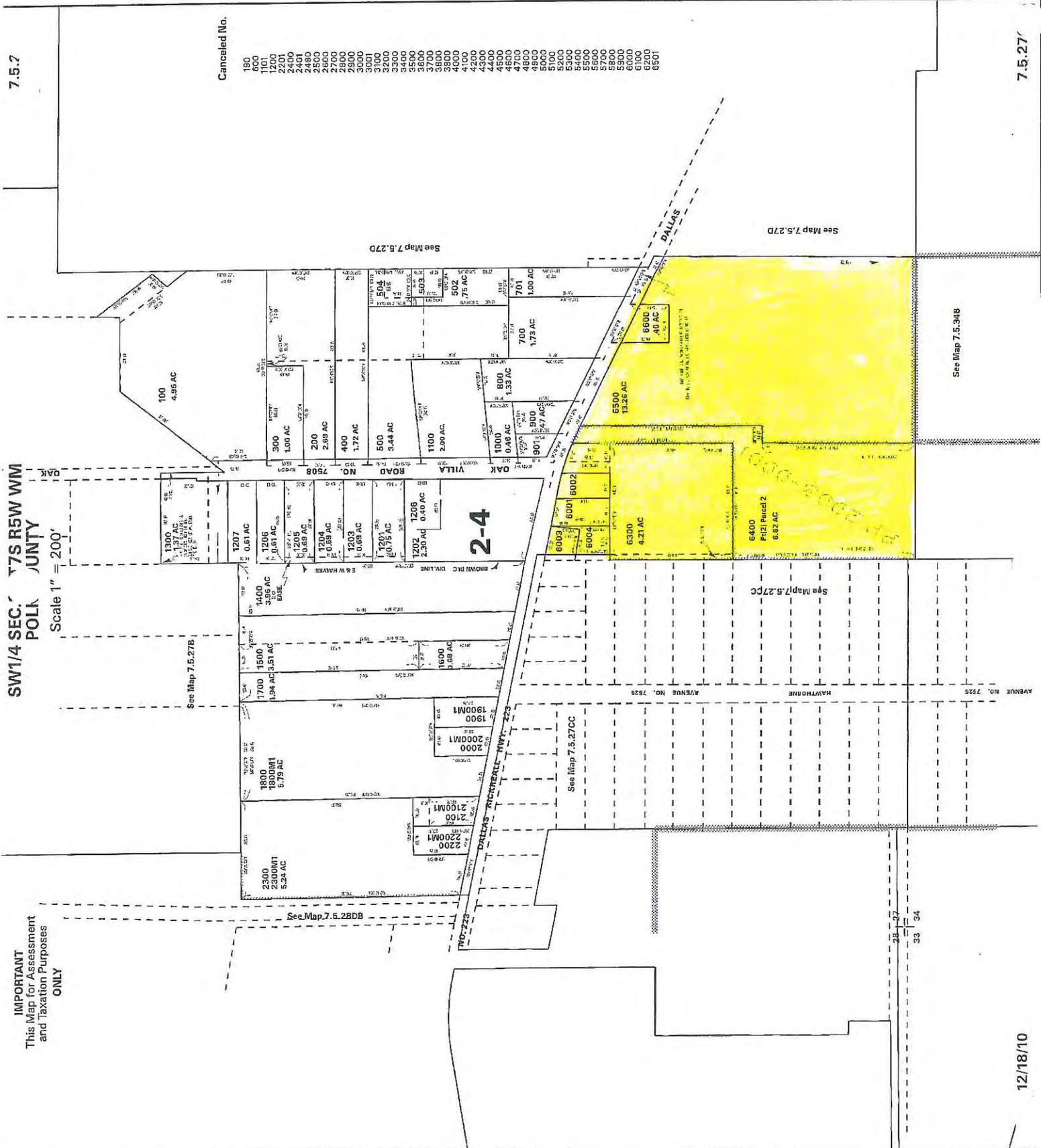
SW 1/4 SEC. 7 S R5W WM  
POLK COUNTY

Scale 1" = 200'

7-5.7

Cancelled No.

- 160
- 170
- 180
- 190
- 200
- 210
- 220
- 230
- 240
- 250
- 260
- 270
- 280
- 290
- 300
- 310
- 320
- 330
- 340
- 350
- 360
- 370
- 380
- 390
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- 410
- 420
- 430
- 440
- 450
- 460
- 470
- 480
- 490
- 500
- 510
- 520
- 530
- 540
- 550
- 560
- 570
- 580
- 590
- 600
- 610
- 620
- 630
- 640
- 650



12/18/10

7-5.27

53

7.5.

NW1/4 SEC 17S R5W WM  
POLK COUNTY

Scale " = 200'

Cancelled No.

- 300
- 400
- 500
- 600
- 700
- 800
- 900
- 1000
- 1100
- 1200
- 1300
- 1400
- 1500
- 1600
- 1700
- 1800
- 1900
- 2000
- 2100
- 2101
- 2102
- 2104
- 2105
- 2106
- 2107
- 2108
- 2201
- 2202
- 2203
- 2204
- 2301
- 2302
- 2306
- 2307
- 2400
- 2401

See Map 7.5.27C

100 AC  
21.00 AC

201  
Parcel 2  
615 AC

200  
Parcel 1  
615 AC

2-4

PR 2003 0201

2-1

See Map 7.5.34A

2600  
0.18 AC

2-1

2502  
5.18 AC

See Map 7.5.34B

See Map 7.5.34C

See Map 7.5.33D

See Map 7.5.34C

See Map 7.5.33AD

See Map 7.5.33AA

See Map 7.5.34BB

IMPORTANT  
This Map for Assessment  
and Taxation Purposes  
ONLY

32 37  
33 34

See Map 7.5.34CA

7 E 34 D

7.5.7

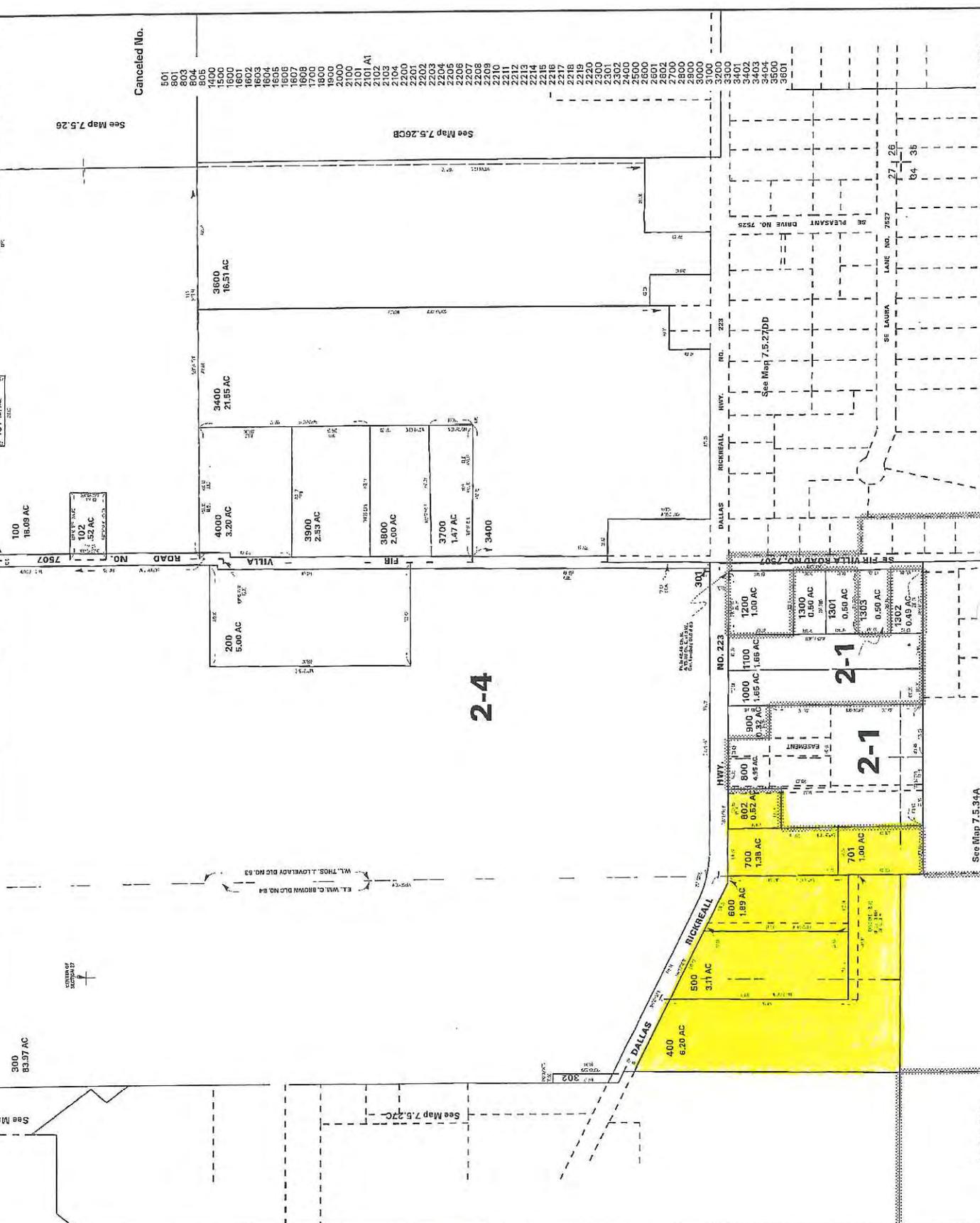
SE1/4 SEC. 7S R5W WM POLK COUNTY

Scale 1" = 200'

W.M. CORNER THOMAS, LOVELADY DE NO. 53

IMPORTANT This Map for Assessment and Taxation Purposes ONLY

See Map 7.5.27B



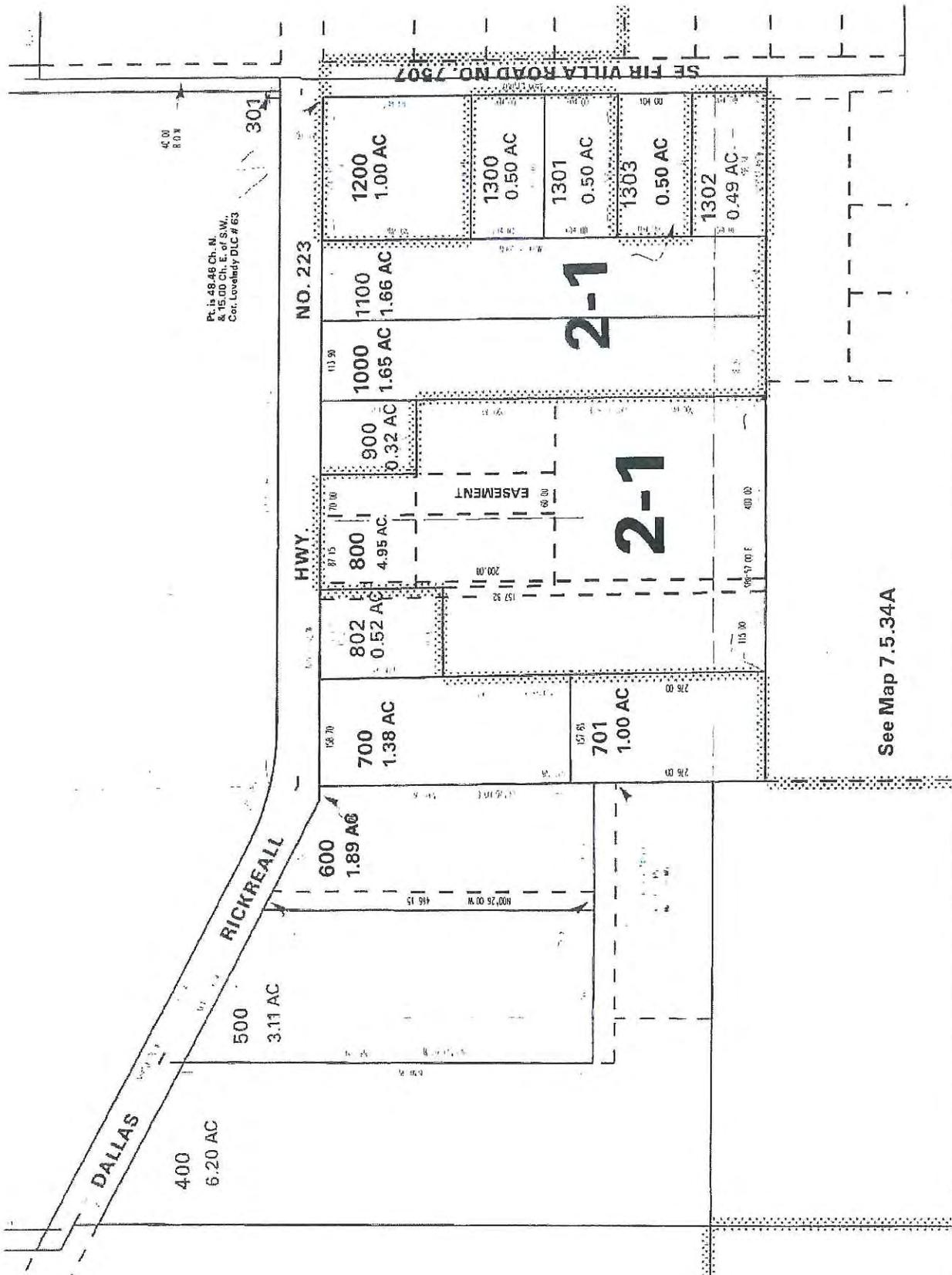
7.5.27

See Map 7.5.34A

12/18/10

55





57

7.5.34B

NW1/4 SEC. 34 T7S R5W WM  
POLK COUNTY

Scale 1" = 200'

See Map 7 5 27C

100  
21.00 AC

281  
6.15 AC

Cancelled No.

- 300
- 400
- 500
- 600
- 700
- 800
- 900
- 1000
- 1100
- 1200
- 1300
- 1400
- 1500
- 1600
- 1700
- 1800
- 1900
- 2000
- 2100
- 2101
- 2102
- 2103
- 2104
- 2105
- 2106
- 2107
- 2108
- 2109
- 2201
- 2202
- 2203
- 2300
- 2301
- 2302
- 2303
- 2400
- 2401

2-1

2-4

200  
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See Map 7 5 34B

See Map 7 5 34A

See Map 7 5 33AA

See Map 7 5 33AD

See Map 7 5 34BC

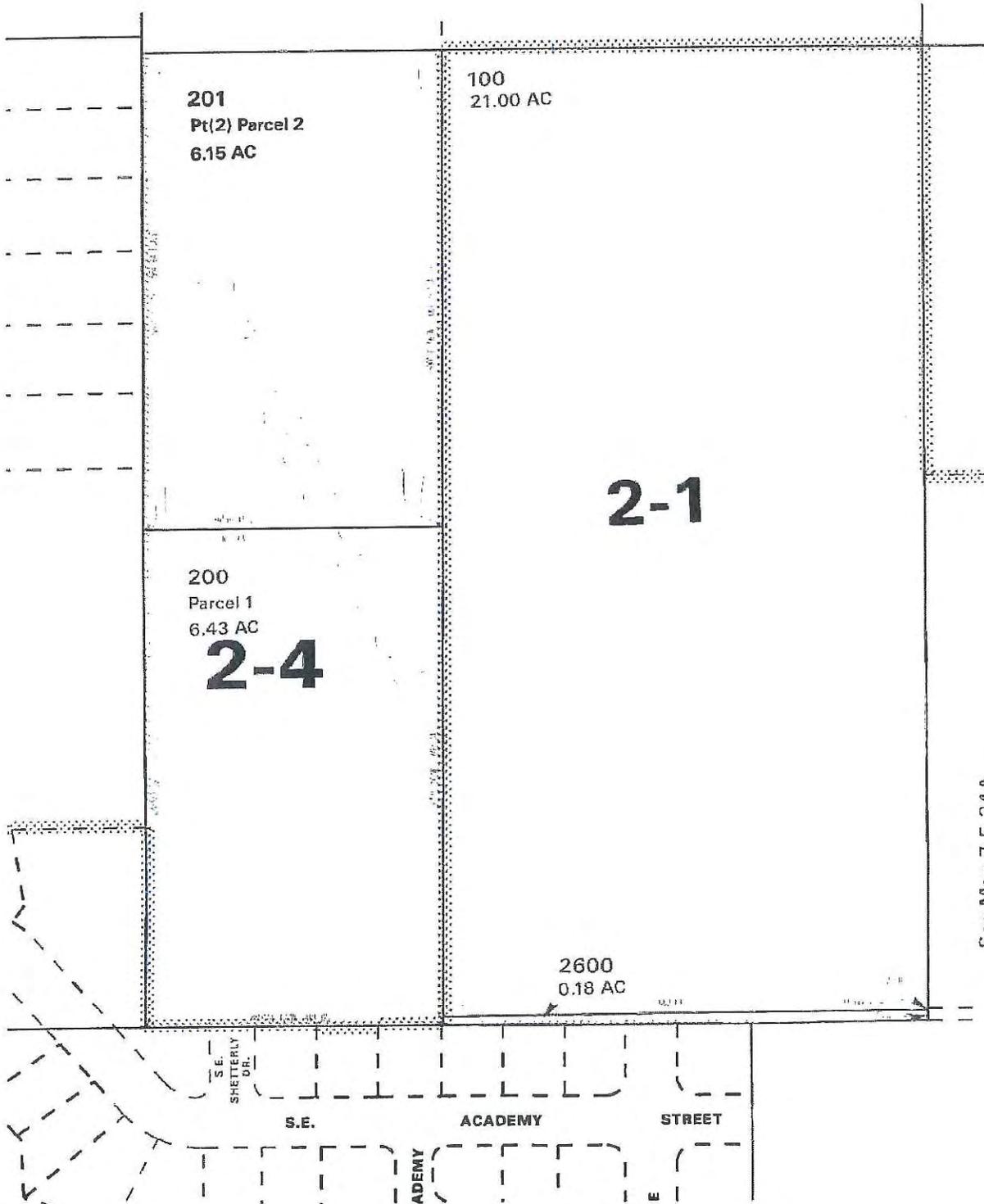
See Map 7 5 33D

See Map 7 5 34CA

01/19/11

7.5.34B

58

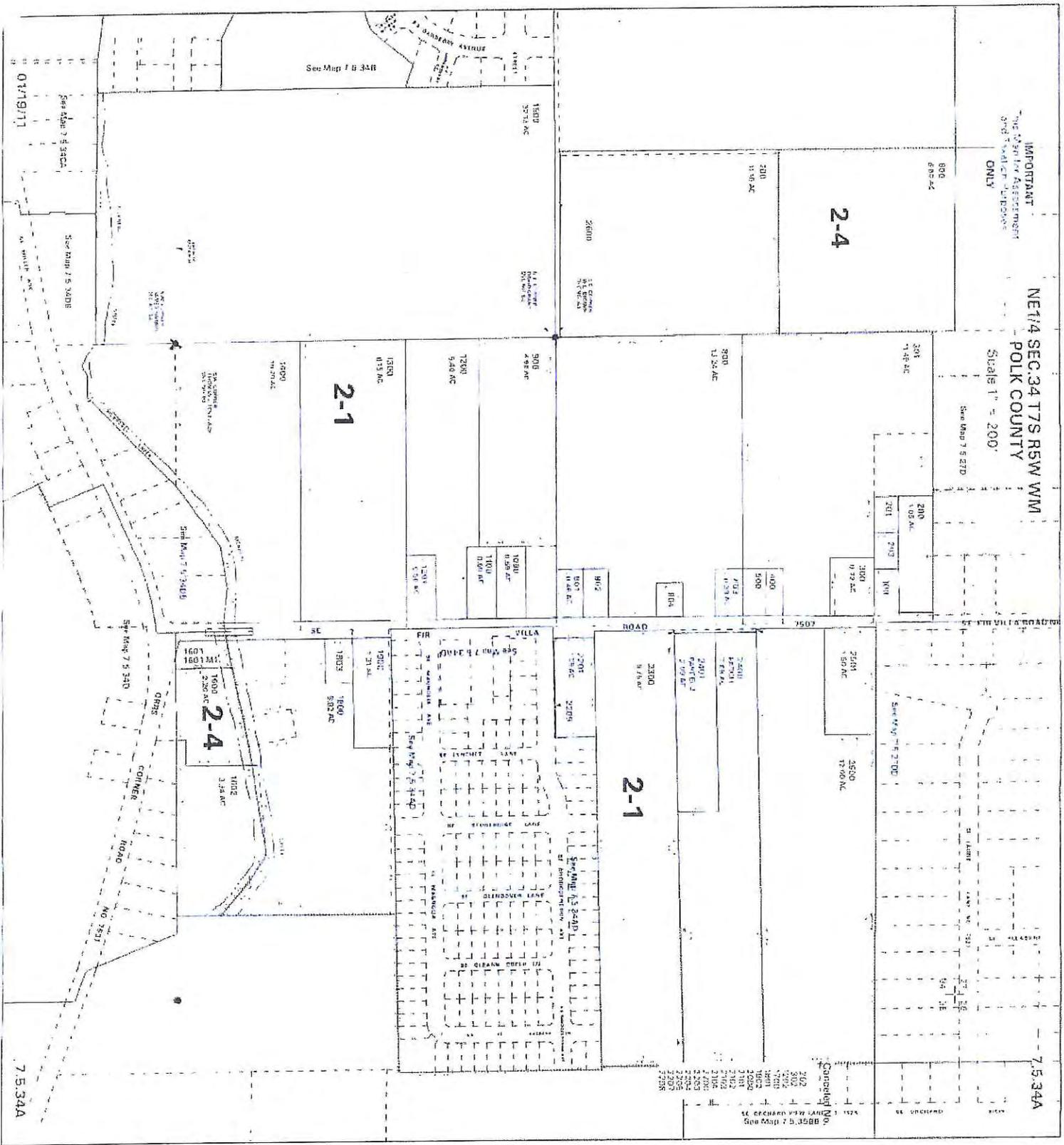


59

IMPORTANT  
This is a preliminary assessment  
and is subject to change  
ONLY

NET/4 SEC. 34 T7S R5W W1M  
POLK COUNTY  
Scale 1" = 200'

See Map 7 5 27D



07/19/11

See Map 7 5 34B

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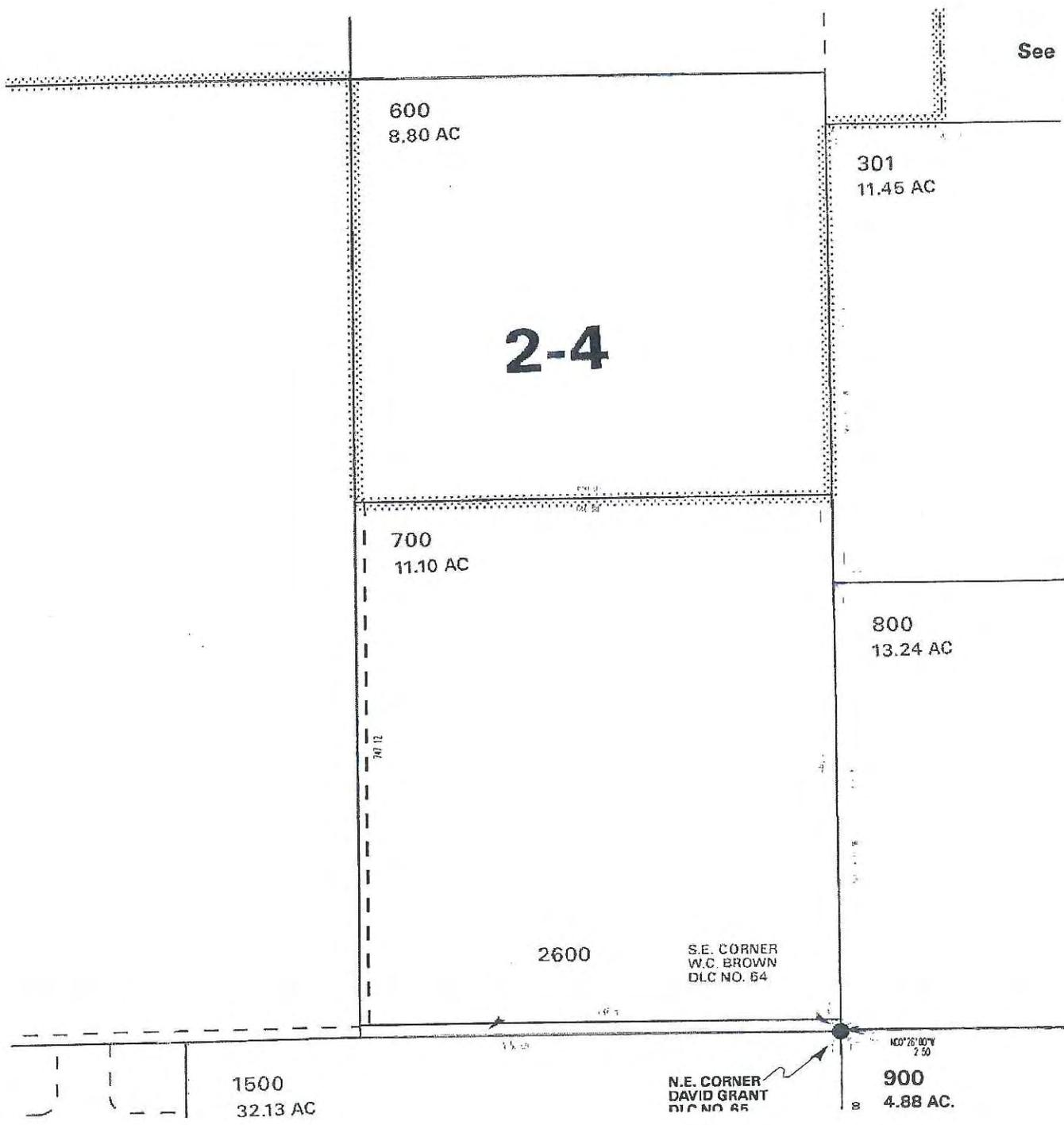
2-4

7.5-34A

7.5-34A

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7.5.34BB

NW1/4 NW1/4 SL.34 T7S R5W WM  
POLK COUNTY

Scale 1" = 100'

See Map 7.5.34BB

Cancelled No.

See Map 7.5.34B

2700	A	11	B	11
2600		10		10
2500		9		9
2501		8		8
2400		7		7
2300		6		6
2200		5		5
2100		4		4
2000		3		3
1900		2		2
1800		1		1

AVENUE NO. 752B

HAWTHORNE

2-4

2-1

S.E. ACADEMY STREET

S.W. HAWTHORNE AVE.

3600 TRACT A

1400

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2800

2900

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SEE SHEET 1

See Map 7.5.34BB

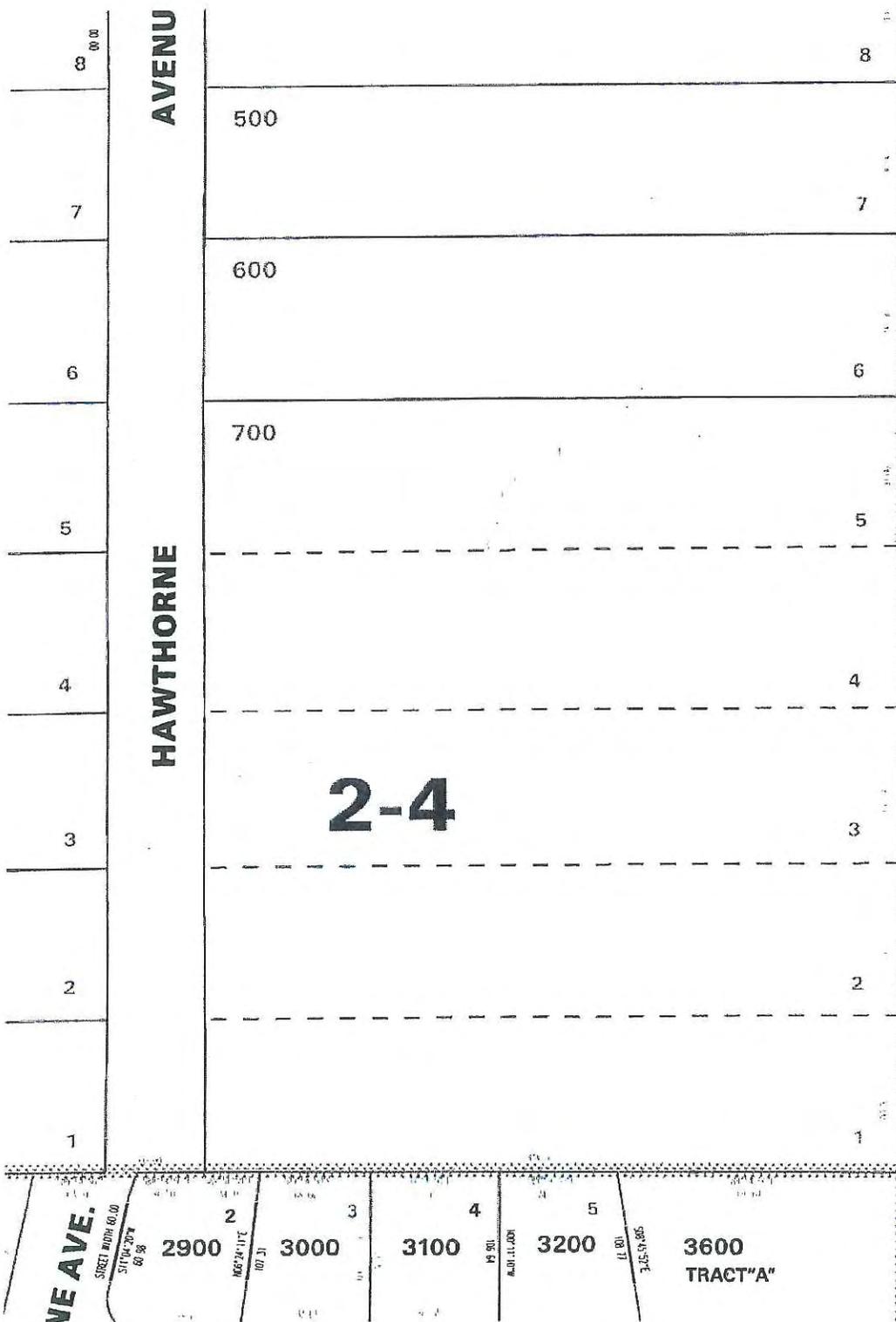
See Map 7.5.34C

See Map 7.5.34A

IMPORTANT  
This Map for Assessment  
and Taxation Purposes  
ONLY

26 1 27

62



See Map 7.5.34B

63

**SE 1/4 SEC. 2, T7S R5W WM  
POLK COUNTY**

Scale 1" = 200'  
See Map 7.5.27A

**IMPORTANT**  
This Map for Assessment  
and Taxing Purposes  
ONLY

See Map 7.5.27B

3500  
83.90 AC

100  
10.95 AC

102  
10 AC

ROAD

See Map 7.5.26

See Map 7.5.26CB

See Map 7.5.27DB

Cancelled No.

- 501
- 801
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- 803
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- 1400
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3400  
21.05 AC

4400  
3.20 AC

5800  
2.75 AC

3800  
2.67 AC

2700  
4.47 AC

3400

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See Map 7.5.34A

01/19/11

7.5.27D

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Google

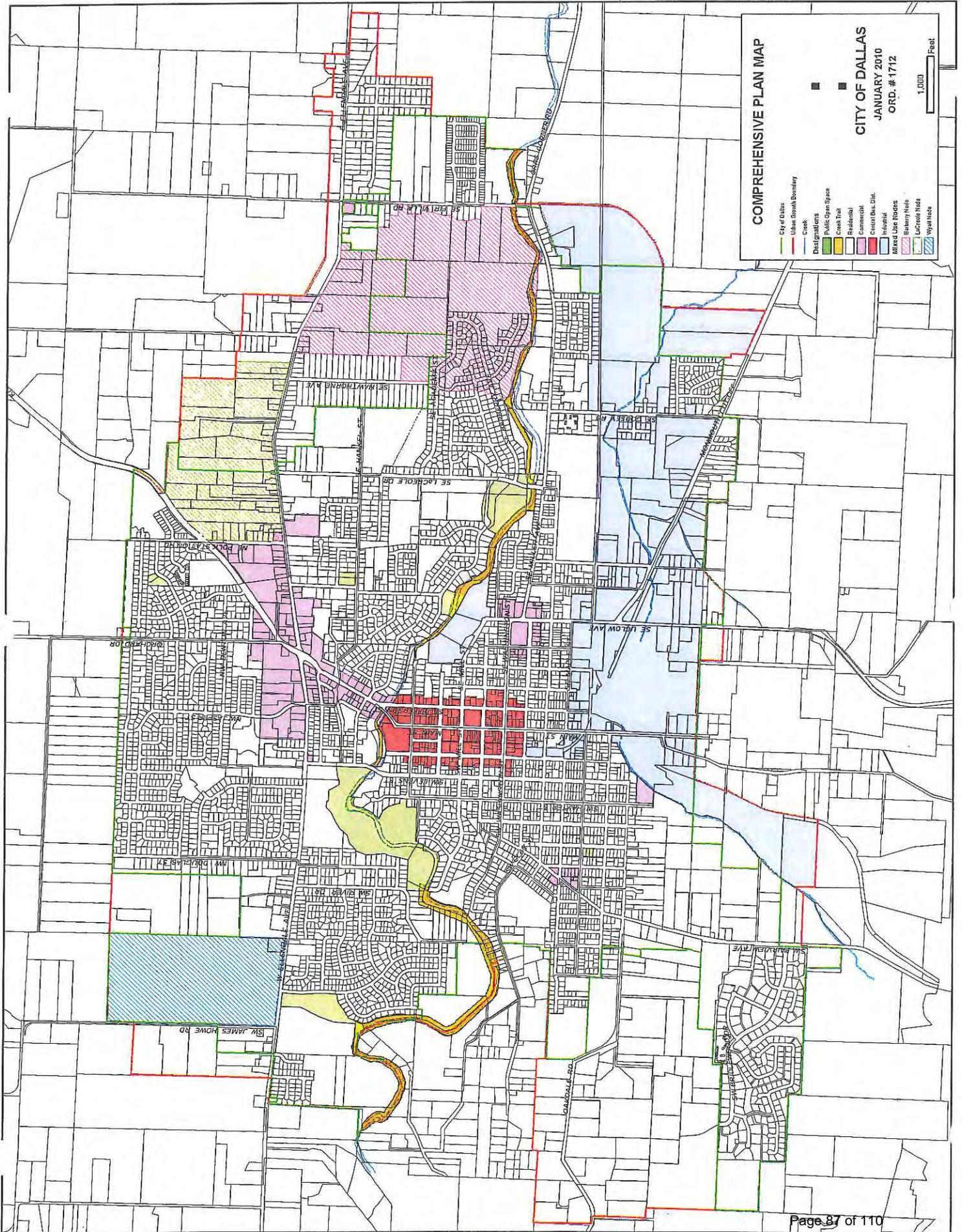
Eye alt 7593.0

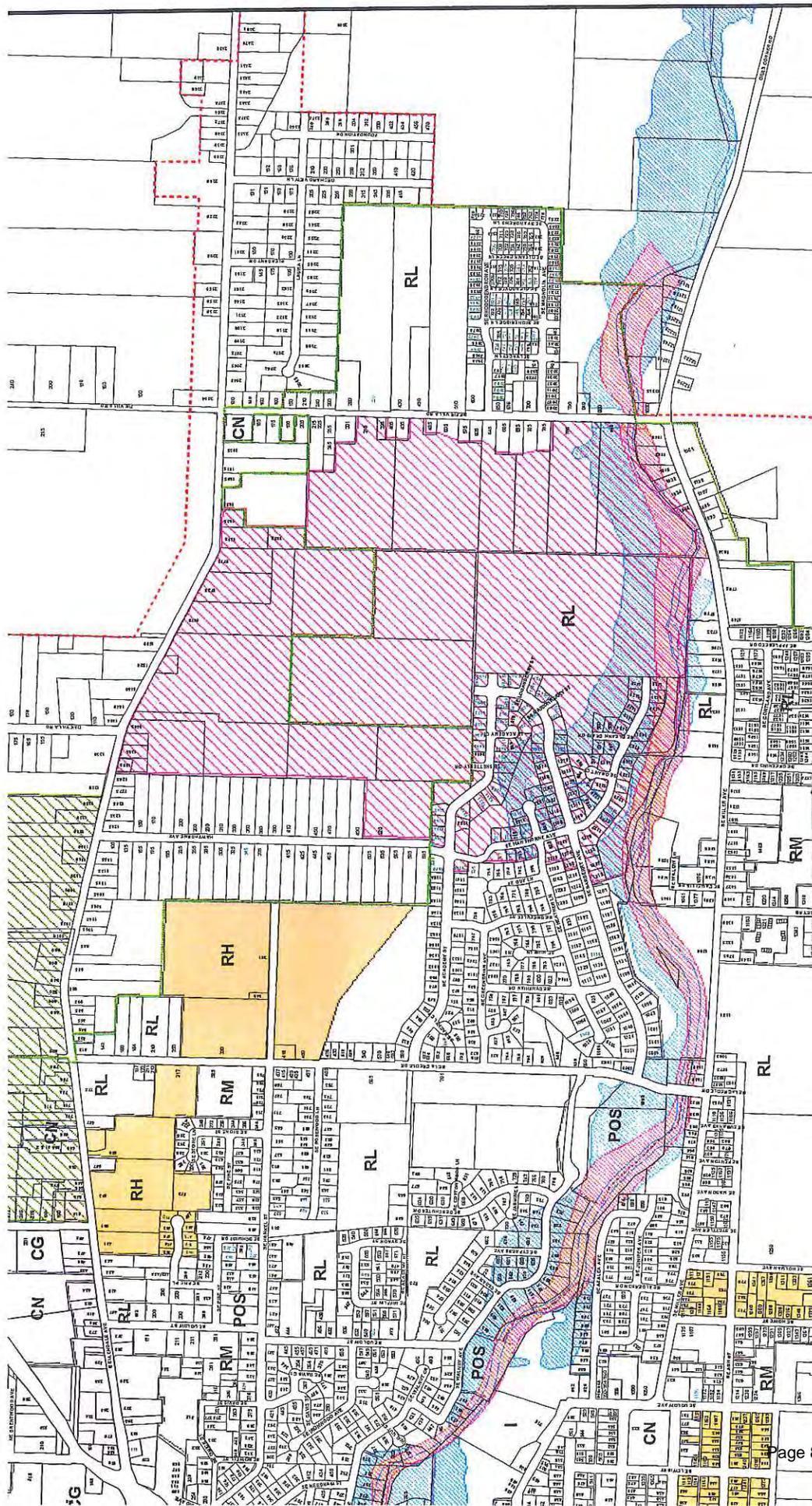
© 2011 Google  
Image State of Oregon  
44°55'28.47"N 123°17'2.50"W elev 390.0

Image Date: Jun 28, 2005

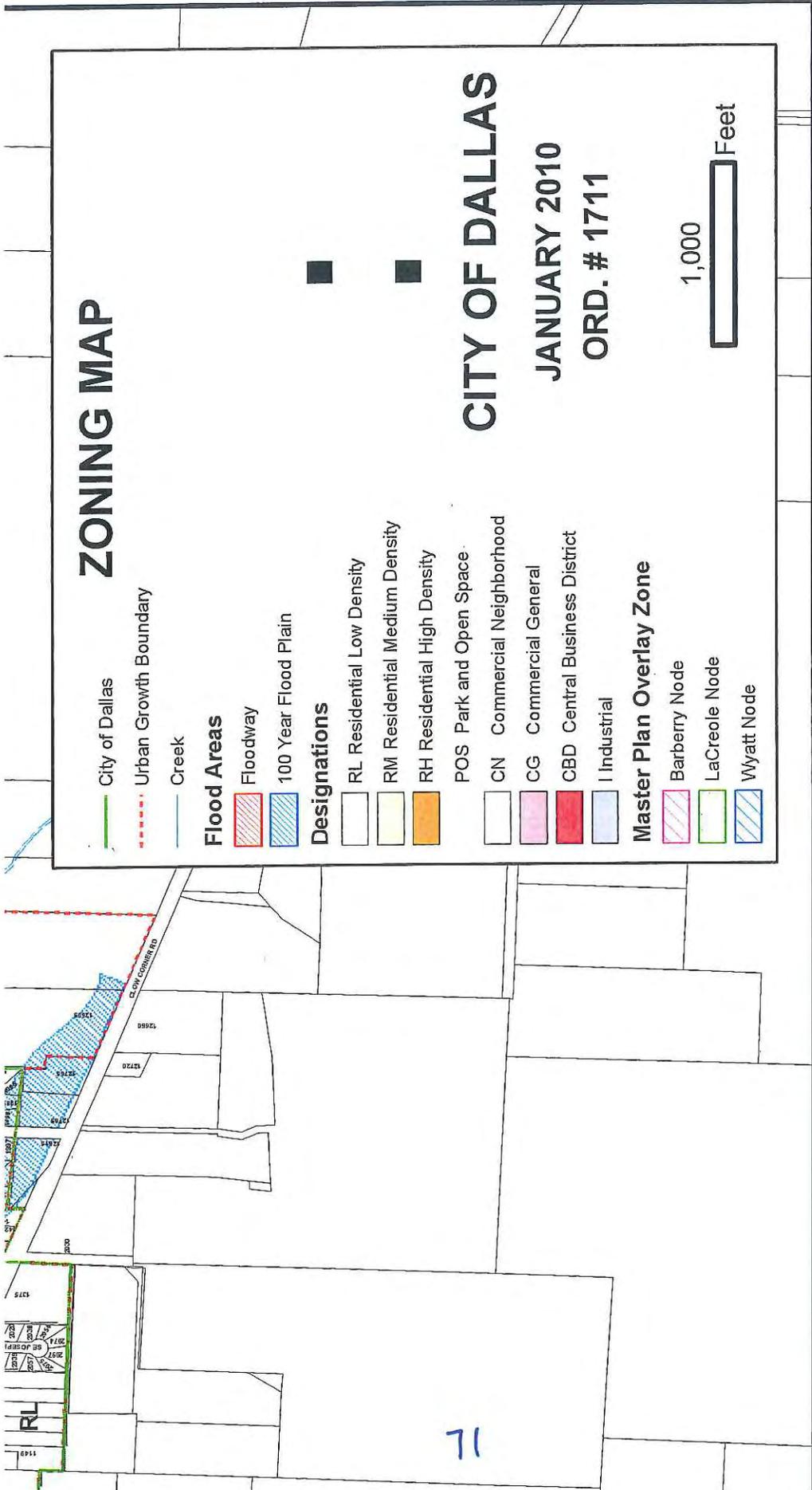








*City of Dallas Zoning Map*



# ZONING MAP

# CITY OF DALLAS

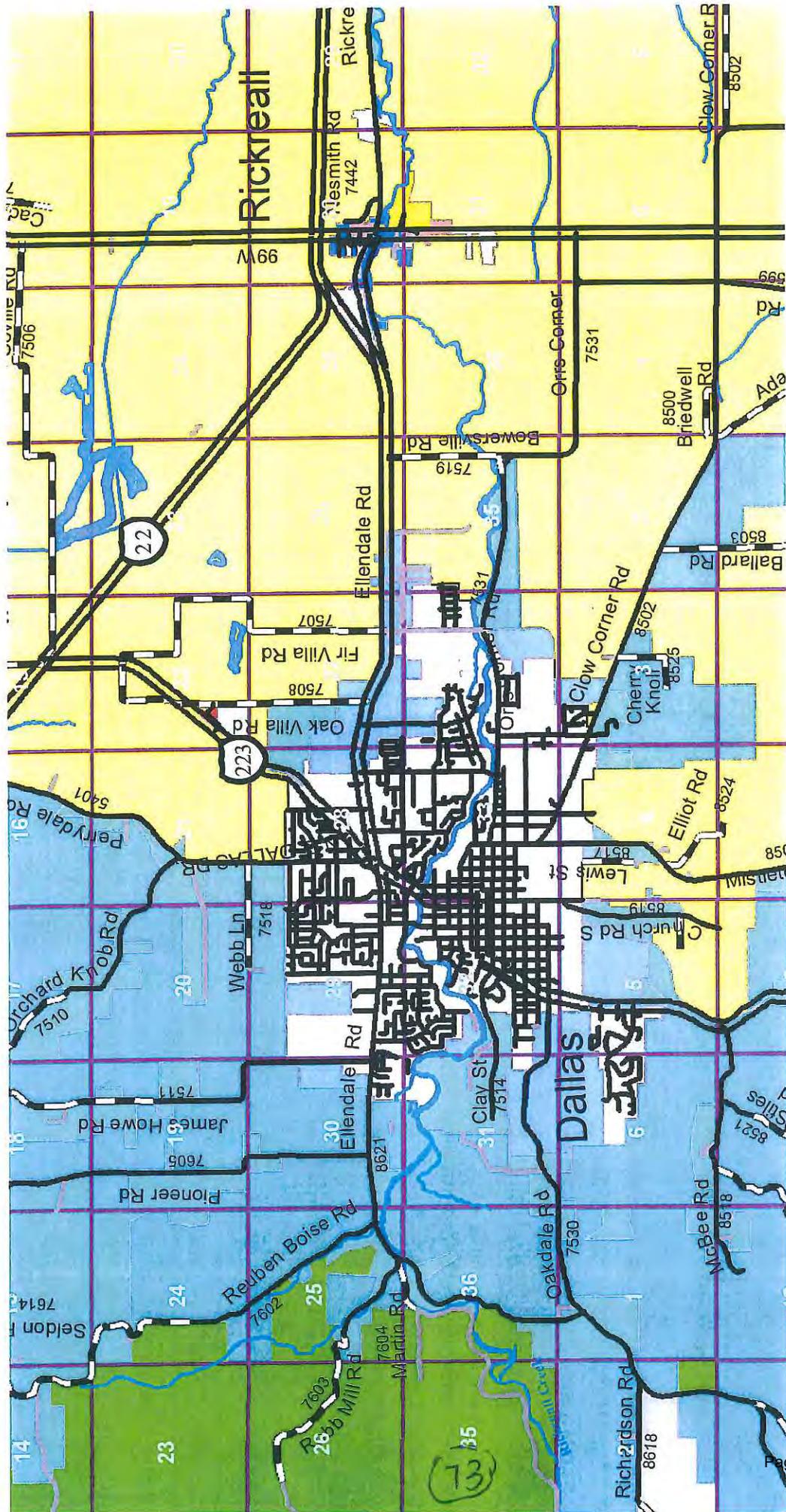
JANUARY 2010

ORD. # 1711



- City of Dallas
- Urban Growth Boundary
- Creek
- Flood Areas**
  - Floodway
  - 100 Year Flood Plain
- Designations**
  - RL Residential Low Density
  - RM Residential Medium Density
  - RH Residential High Density
  - POS Park and Open Space
  - CN Commercial Neighborhood
  - CG Commercial General
  - CBD Central Business District
  - I Industrial
- Master Plan Overlay Zone**
  - Barberry Node
  - LaCreole Node
  - Wyatt Node





*Polk County Comprehensive Plan (Close up of City of Dallas) and territory proposed for Annexation*



Table 100 - Road Index

Table 101 - Legend

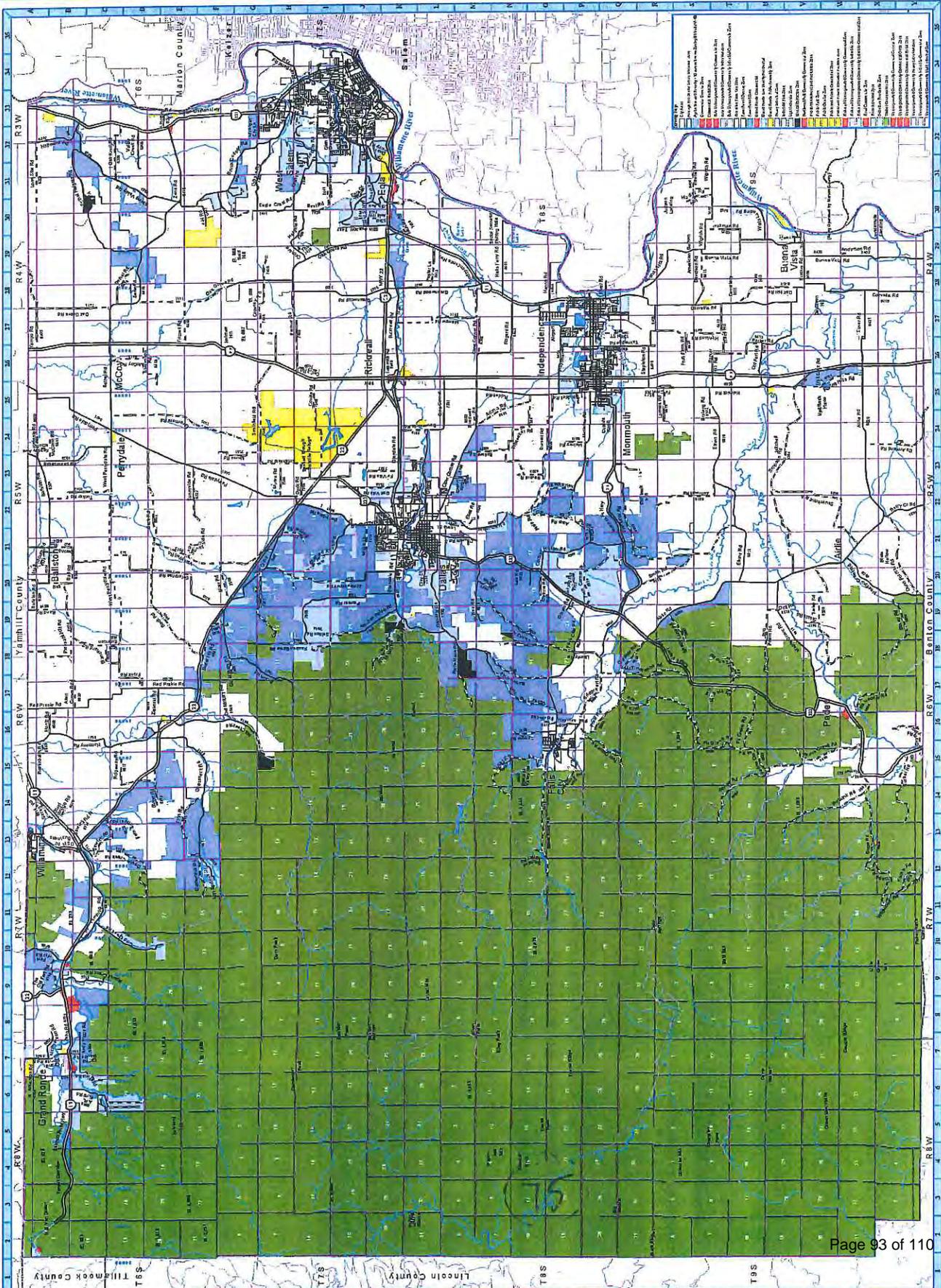
Table 102 - Scale in Miles

Table 103 - Scale in Feet

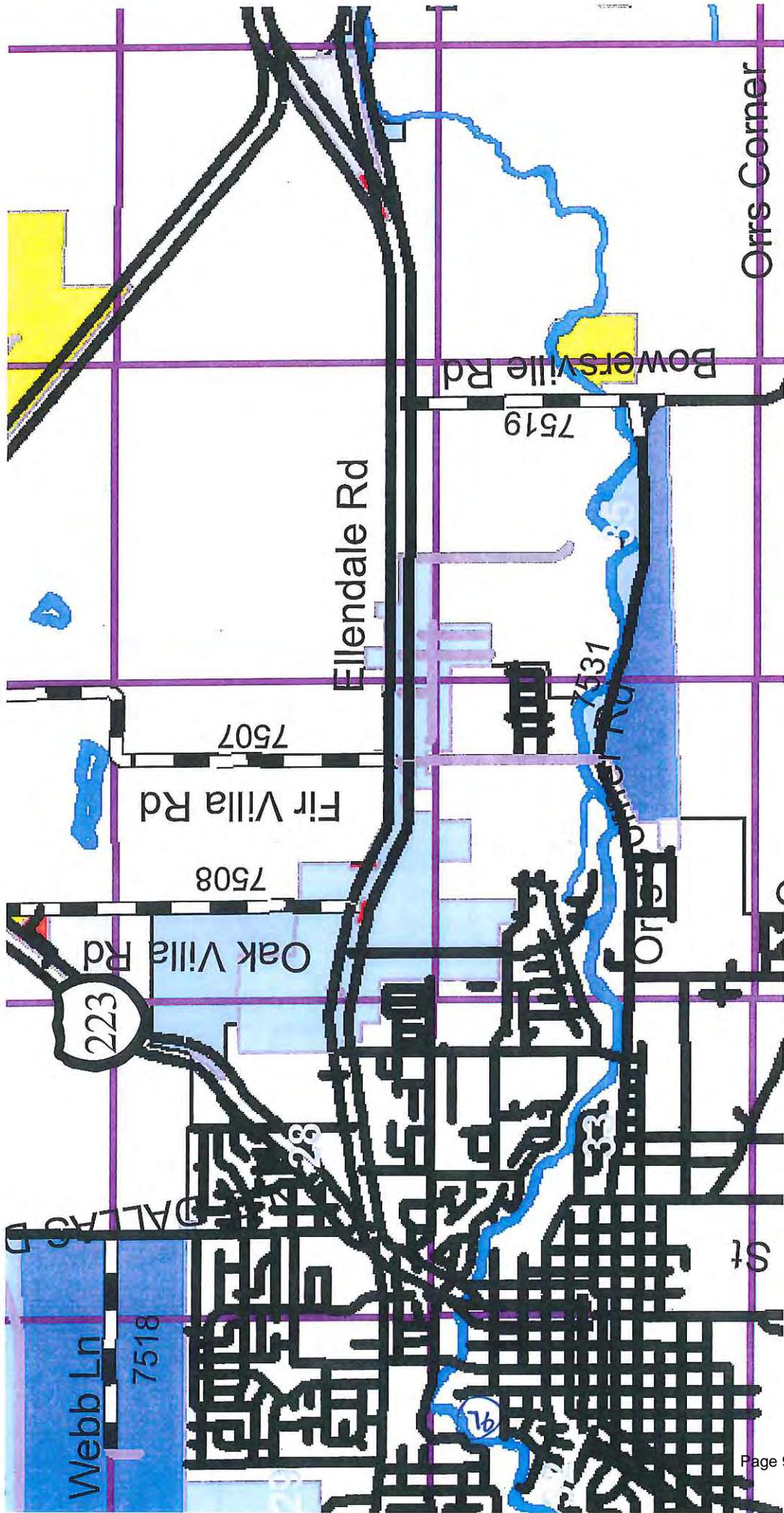
Table 104 - North Arrow

Table 105 - Polk County Zoning Map

Table 106 - Polk County, Oregon



*Polk County Zoning Map*

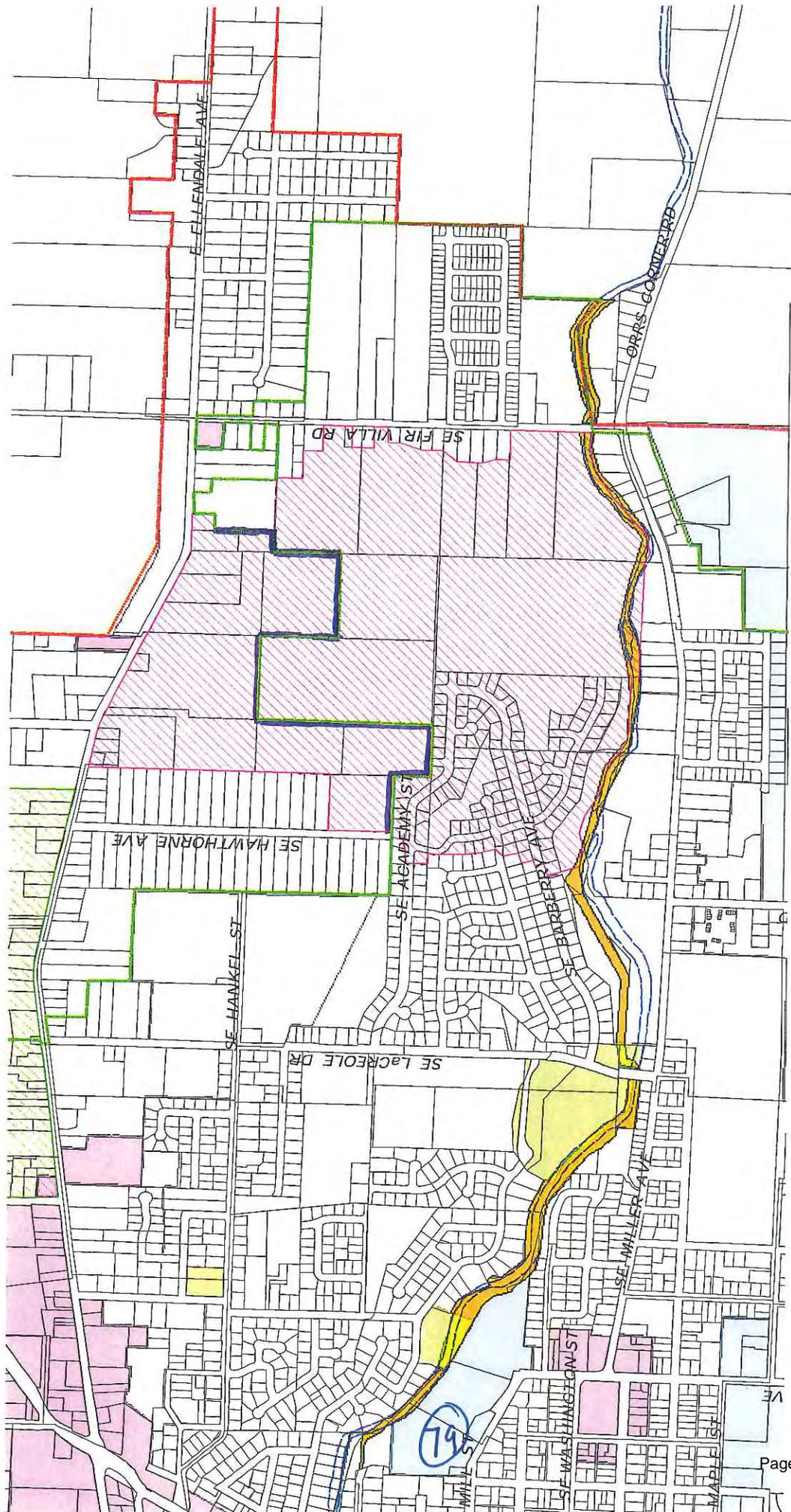


Polk County Zoning Map (Close up showing territory to be Annexed.)



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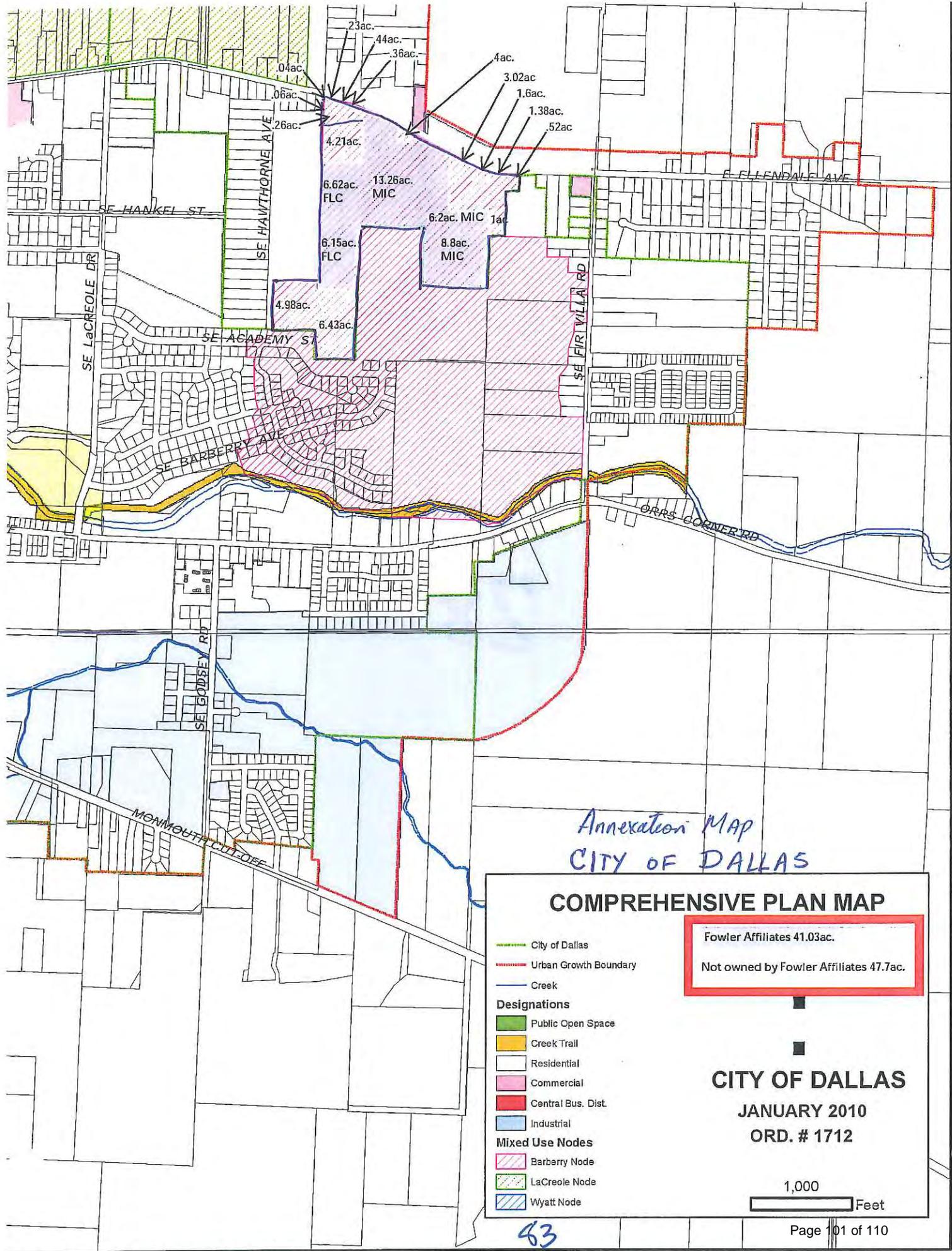
80

## Legal Description for Portion of Barberry Node to be Annexed.

Beginning at the Southwest corner of Lot 1, Block "B", Hawthorne Acres, Volume 4, Page 16, Book of Town Plats, Polk County Records, located in the Northeast Quarter of Section 34, township 7 South, Range 5 West, Willamette Meridian, City of Dallas, Polk County, Oregon; thence along the East right of way of Hawthorne Avenue North 500.00 feet; thence East 434.00 feet to the East line of Hawthorne Acres; thence along said East line North 1844.00 feet to the South right of way of Dallas - Rickreall High Way No. 223; thence along said right of way the following courses; South 79°09'07" East 268.99 feet; 143.15 feet along a 542.96 foot radius curve to the right (the cord of which bears South 71°35'57" East 142.73 feet); South 64°42'07" East 1416.64 feet; South 89°47'44" East 308.94 feet; thence leaving said right of way South 00°26'00" East 174.50 feet; thence North 89°57'00" West 130.00 feet; thence South 00°26'00" East 457.65 feet; thence West 158.00 feet; thence South 514.00 feet; thence South 89°34'07" West 660.00 feet; thence North 00°25'55" West 608.32 feet; thence South 89°34'05" West 648.63 feet; thence South 00°10'16" West 1361.43 feet; thence North 89°56'03" West 401.05 feet; thence North 00°00'05" West 281.73 feet; thence West 434.00 feet to the point of beginning. Containing 65.96 acres more or less.

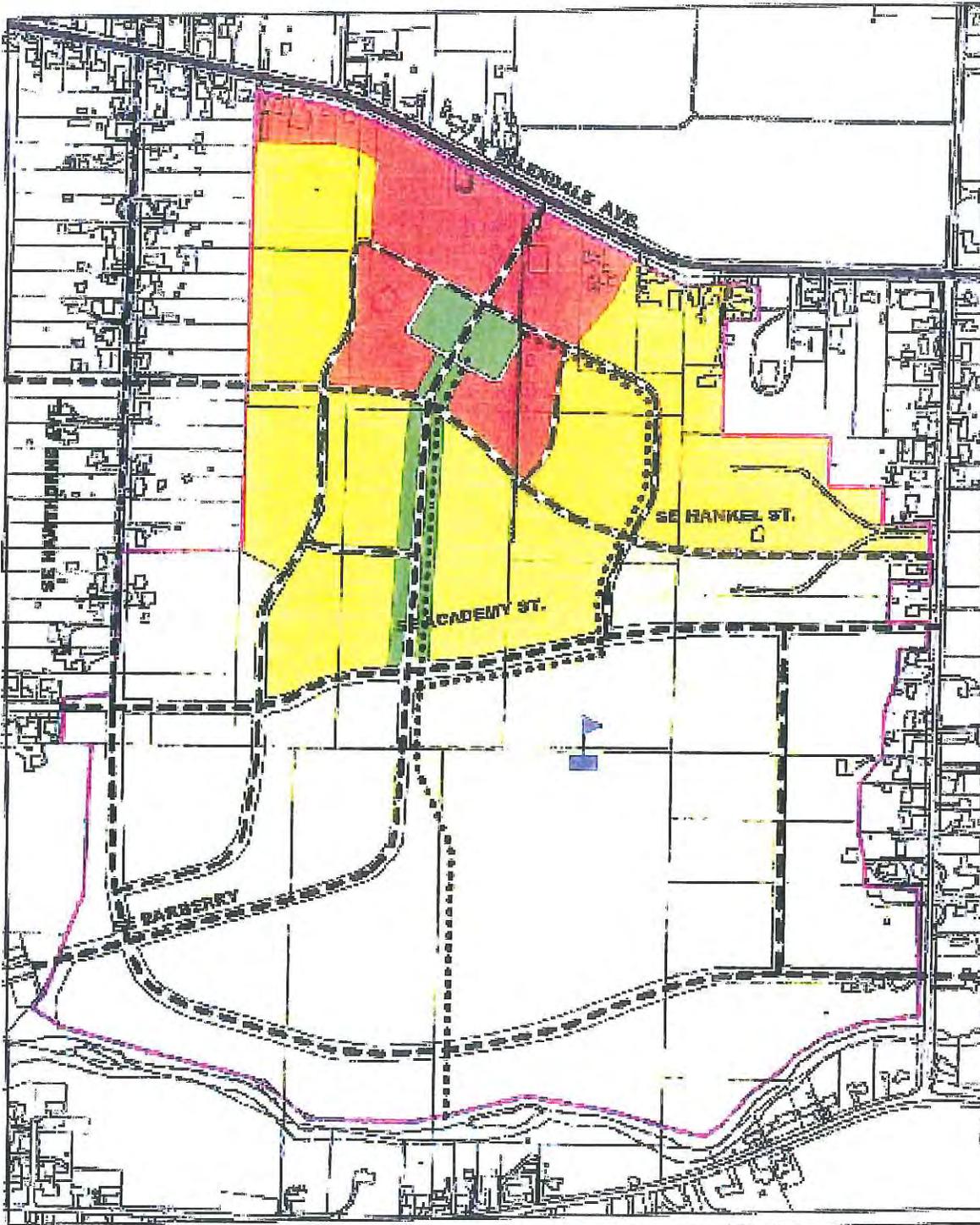
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**Barberry Node**

*ADOPTED*

**PROPOSED LAND USE AND TRANSPORTATION**

**LEGEND**



Land Use	
	Commercial 17.5 Acres
	MU-7 Family 28.9 Acres
	Park / Open Area 18.0 Acres
	Schools
	Single Family 109.1 Acres
	Small Lot SF 27.3 Acres
	Blue/Pedestrian Way

	Barberry Node Study Area
	Building Foot Prints
	Parcels
<b>Streets</b>	
	Arterial
	Collector
	Local
TOTAL (2009) - 230 ac	

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The Dallas City Council met in regular session on Monday, October 3, 2011, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Brian Dalton presiding.

#### **ROLL CALL AND PLEDGE OF ALLEGIANCE**

Council members present: Council President Wes Scroggin, Councilor Jim Fairchild, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Mark McDonald, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr.

Also present were: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Administrative Services Director Robert Spivey, Police Chief John Teague, and Recording Secretary Emily Gagner.

Mayor Brian Dalton led the Pledge of Allegiance.

Mayor Dalton reminded the Council that Dallas was once called Prune City USA and he shared a Prune City recipe book from 1923.

#### **QUESTIONS OR COMMENTS FROM THE AUDIENCE**

David Solvedt and Jamey Scott spoke to the Council regarding the issue of riding bikes in the skate park. Mr. Scott stated he really wanted to be able to legally ride bike in the skate park. He added the bikers had been given an area in the park but the sprinkler system washed it out. He noted everywhere else they rode in the park was dangerous for pedestrians. Mr. Scott indicated the skate park was a safer environment for the bikers, adding there had been cases where people had been hurt there, but they were doing illegal things. He stated he and others had been riding there every summer and no one had been hurt yet. Mr. Solvedt indicated there were 15 to 25 other kids that supported this and there was nowhere else to do it in Dallas. Mr. Scott stated he was not asking to release to the public the information that bikers would be allowed in the skate park because of the potential danger. He asked that the no bikes in the skate park rule just not be enforced so the bikers weren't potentially going to get arrested.

Mayor Dalton explained the Council was reviewing the situation, adding the Council would take their comments seriously and appreciated their input.

Chelsea Pope, Executive Director of Dallas Area Chamber of Commerce and Visitor Center reported that business was going very well in Dallas. She explained the Chamber had started Weekly Wednesdays to provide networking opportunities and they were averaging 25-30 people. She noted there were several new businesses coming to town and invited the Councilors to several upcoming ribbon cuttings.

Ms. Pope announced Homecoming week and explained the following Friday was a community-wide Pride day.

Ms. Pope reported that the Bounty Market was over, noting it was a rough season with the weather and economy. She stated the construction work in front of their office was going very well and commended Mr. Locke, his crew, and the contractors for their hard work and adept handling of any situations that arose.

Beth Jones, Director of Bambinos, explained that her outreach ministry worked with low income families from pregnancy through high school. She reported that her organization offered sports scholarships to ensure that low income children could participate in sports. She noted she was asking other businesses to offer scholarships for Pop Warner and Dallas Basketball Association.

#### **PUBLIC HEARINGS**

There were none.

#### **CONSENT AGENDA**

Mr. Shetterly explained the Councilors were given an additional page to the OLCC application, noting it was the driving record of the applicant that was referred to but not copied by OLCC when it was forwarded to the City.

1 Councilor Lawson asked to remove the Building and Grounds Committee meeting minutes from  
2 the consent agenda.

3 It was moved by Councilor Marshall and seconded by Councilor McDonald to approve the  
4 Consent Agenda as presented with the Building and Grounds Committee discussion removed.  
5 The motion carried unanimously.

6 Item approved by the Consent Agenda: a) approve the September 6, 2011, City Council minutes;  
7 b) approve the September 19, 2011, City Council minutes; c) acknowledge report of the  
8 September 26, 2011, Administrative Committee meeting; and d) recommend approval of OLCC  
9 License for new outlet at Aces Up Poker Club, 147 SW Court Street.

#### 10 **ITEMS REMOVED FROM CONSENT AGENDA**

11 Councilor Lawson reviewed the minutes of the September 26 Building and Grounds Committee  
12 meeting regarding the skate park rules. She explained it was brought to the Committee's attention  
13 that there had had been a lot of difficulties finding a location for the BMX bikers to ride, adding  
14 they also discussed the difficulty of combining bikes with skateboards at the skate park. She  
15 indicated the Committee asked staff to identify some possible locations for a BMX track and  
16 bring those back to the Committee for review. She added the Parks and Recreation Board had  
17 been discussing skate parks and had a couple ideas. She assured the gentlemen who spoke earlier  
18 in the meeting that the Council and Park Board were aware of the issues and were working on  
19 finding a solution.

#### 20 **REPORTS OR COMMENTS FROM COUNCIL**

21 Mayor Dalton asked the Councilors to hold off discussing the details of the League of Oregon  
22 Cities Conference, as the upcoming workshop would be a discussion of that conference.

#### 23 **REPORTS FROM CITY MANAGER AND STAFF**

#### 24 **OTHER**

25 Mr. Wyatt explained Dallas and the Chamber of Commerce were partnering with eight local  
26 wineries for a "passport" event to promote Polk County wineries. He noted the wineries were  
27 working together for the first time and were hoping to make this an annual event. He indicated  
28 the wine aspect was important for economic development in the area.

29 Mr. Wyatt asked Councilor Jones for an update on the Bambinos auction that was held at Eola  
30 Hills. Councilor Jones explained it was very successful, with 80-90 people in attendance. She  
31 reported they raised \$2,600 for Bambinos and noted she is helping 110 families. Councilor  
32 Lawson stated she went and it was a beautiful event. She encouraged everyone to attend the next  
33 year.

34 Mr. Wyatt reported that the sewer debt refinancing was successful and he was pleased to  
35 announce the City would receive approximately \$820,000 in savings over the next seven years.  
36 He noted that was substantially more than the \$300,000 they originally anticipated.

#### 37 **RESOLUTIONS**

#### 38 **FIRST READING OF ORDINANCE**

#### 39 **SECOND READING OF ORDINANCE**

#### 40 **OTHER BUSINESS**

41 Councilor McDonald indicated that in other communities, BMX bikers shared the skate park  
42 facilities, noting he always observed that when the kids get out there and are left to their own  
43 devices, they seem to get along well. He commented the City needed to encourage that type of  
44 alternative sport. He proclaimed his support of allowing the BMX guys access to the skate park  
45 while the City tried to figure out where to put them.

46 Mr. Shetterly clarified that unless the Council changed the ordinance, bikes were not allowed in

1 the skate park per Dallas City Code.

2 Council President Scroggin stated that when the skate park was built, there was a reason bikes  
3 were excluded. Councilor Fairchild indicated at the time, the Council felt bikes would cause  
4 damage to the park. Councilor Lawson stated the impression the skate boarding guys gave the  
5 Park Board was that the park was getting damaged from bikes and indicated staff may want to  
6 look at that. Councilor Woods recommended the Council and staff find a good place for the  
7 bikers. Councilor Jones pointed out the skate park was quite small to have both bikers and skate  
8 boarders.

9 Mayor Dalton recognized the Dallas Superintendent, Christy Perry, and the new Chair of the  
10 School Board, Luann Myers, who were in the audience. He thanked them for coming.

11 There being no further business, the meeting adjourned at 7:26 p.m.

12 Read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

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\_\_\_\_\_

Mayor

ATTEST:

\_\_\_\_\_

City Manager

DRAFT

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 8 b</b>	<b>Topic:</b> Sewer Bond Refinancing Update
<b>Prepared By:</b> Cecilia Ward	<b>Meeting Date:</b> October 17, 2011	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

Information Only

BACKGROUND:

On September 6, 2011, the City Council passed Resolution 3234, authorizing the issuance and sale of full faith and credit obligations, Series 2011, determining it is in the City's best interest to refund all or any of the refundable obligations. After further review, staff determined to payoff the Sewer OECDD Loan remaining principal of \$240,655 to avoid refinancing fees and refinance only the DEQ loan. The City refinanced a total of \$7,285,000. The bonds were sold on September 29, 2011, at a interest rate of 1.695609%, saving the City **\$820,000** over the remaining life of the loan (through 2017/2020).

FISCAL IMPACT:

Savings of **\$820,000** to the Sewer Fund.

ATTACHMENTS:

None

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 8 c</b>	<b>Topic:</b> Fish Trap & Haul Program Update
<b>Prepared By:</b> Fred Braun	<b>Meeting Date:</b> October 17, 2011	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

None

BACKGROUND:

Last year the Rickreall Watershed Council (RWC) was successful in obtaining a grant to fund purchase of a fish trap to collect and transport salmon from the base of the Mercer Reservoir Dam into the reservoir. Staff has been informed that volunteers working with the RWC will place the trap and begin collecting and transporting salmon no later than October 15.

The volunteers have contacted Forest Capital and secured permission for this annual activity. City staff has removed the stream flow measuring devices that could otherwise interfere with this effort. The flow measuring devices are generally removed in early October in accordance with the City's water rights certificates.

FISCAL IMPACT:

None

ATTACHMENTS:

None

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 8 d</b>	<b>Topic:</b> Adoption of Council Goals
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> October 17, 2011	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

If the Council so desires, a motion could be made to adopt the attached goals.

BACKGROUND:

The Council has had several workshops to develop and discuss the Council Goals. The attached list of goals is the result of those meetings.

Council Goals provide direction to staff and can drive policy decisions. Goals also help Councilors communicate to their constituents what are priorities and why.

FISCAL IMPACT:

The goals help staff develop the budget and determine where funds should be spent

ATTACHMENTS:

Proposed Dallas City Council Goals

## Dallas Council Goals

Provide an exceptional level of core services funded by sustainable sources

Focus on infrastructure maintenance and improvements

Focus on fiscal responsibility, including a balanced budget and adequate reserves

Continue to improve community interaction and public engagement in city government

Develop a proactive approach toward enhancing community pride

Work together with city partners to enhance the viability of the community

Promote economic development programs that create employment opportunities in the community

Ensure city government reflects respect for others and embodies the values of the community

Ensure that the aesthetic appeal of Dallas continues to meet or exceed the expectations of the residents

Adopted October xx, 2011