



AGENDA
City of Dallas Planning Commission
TUESDAY, January 14, 2014 - 7:00 p.m.
City Hall Council Chambers
187 SE Court Street

- Planning Commission**
- President
Chuck Lerwick
- Vice President
David Shein
- Commissioner
Chris Castelli
- Commissioner
Denise Jones
- Commissioner
Carol Kowash
- Commissioner
Les Oehler
- Commissioner
Bob Wilson
- Staff**
- Community Development Director
Jason Locke
- City Attorney
Lane Shetterly
- Planner
John Swanson
- Recording Secretary
Patti Senger
1. CALL TO ORDER
 2. ROLL CALL
 3. APPROVAL OF MINUTES - Regular meeting of December 10, 2013 **Page 2**
 4. PUBLIC COMMENT – This is an opportunity for citizens to speak to items not on the agenda (3 minutes per person please.)
 5. PUBLIC HEARINGS
CPA/ZC 13-01 Comprehensive Plan Map Amendment/Zone Change **Page 5**
from I to RM
Location: 1505 SE Jonathan Ave Applicant: Fitzwater
 6. OTHER BUSINESS
Sign Code process
 7. COMMISSIONER COMMENTS
 8. STAFF COMMENTS
 9. ADJOURN

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.

For questions or comments on the agenda, contact: John Swanson at 503.831.3572 or john.swanson@ci.dallas.or.us



**City of Dallas
Planning Commission
Council Chambers - City Hall
December 10, 2013 - 7:00 p.m.**

DRAFT

MINUTES

1 **CALL TO ORDER**

2 President Chuck Lerwick called the meeting to order at 7:00 p.m.

3 **ROLL CALL**

4 Commissioners Present: Chuck Lerwick, Carol Kowash, Les Oehler, David Shein, Denise Jones,
5 and Robert Wilson.

6 Absent: Chris Castelli

7 Staff present: City Attorney Lane Shetterly, Planner John Swanson, and Recording
8 Secretary Patti Senger.

9 **APPROVAL OF MINUTES**

10 President Chuck Lerwick presented the minutes of the regular meeting of November 12, 2013.
11 Commissioner Shein moved to approve the minutes as presented. The motion passed unanimously.

12 **PUBLIC COMMENT**

13 Gene Henshaw, 2424 SW Oakwood Drive, Dallas, Oregon, advised the Planning Commission that local
14 merchants were concerned about the sign code revisions. He asked when the decision would be made.
15 Mr. Swanson indicated it would not be at this meeting but the timeline for a decision would be
16 discussed tonight. President Lerwick asked if he was pleased with the process so far and Mr. Henshaw
17 indicated he was pleased but there were still unresolved issues.

18 Jim Williams, 1187 SE Barberry Avenue, Dallas, Oregon, announced that he was the chair of the
19 Chamber of Commerce Public Policy Committee and explained the group looked at issues confronting
20 the business community. He reported that Gene Henshaw had been active in that committee and
21 worked with 15 Dallas businesses concerning the sign code. He advised he would like the sign code to
22 be simple, clearly written for interpretation, and provide business owners opportunities to advertise,
23 direct, and inform consumers. He recommended holding off making a decision until January to allow
24 the Public Policy Committee time to prepare information to bring back to the Planning Commission and
25 indicated the additional input would be beneficial. He clarified he did not want it to be a business
26 solution, but a community solution. He wondered why not allow home businesses in residential
27 neighborhoods to have signs, and suggested some of those businesses would not take advantage of a

28 sign but they should be able to have the option. Mr. Williams noted his observation that the new
29 banners on Main Street were decorations and that banner signs were nothing more than decorations.
30 He asked why regulate those and what the difference was between a decoration and an advertisement.
31 He stated the need to find a way for offsite directional signage and mentioned kiosks. He summarized
32 that he was looking forward to working with the Planning Commission to develop a fair sign code for
33 Dallas.

34 OTHER BUSINESS

35 Planner John Swanson explained that Community Development Director Jason Locke was unable to be
36 at the meeting. He stated they would continue discussion about the sign code revisions and work to
37 develop a plan to move forward that allowed time for public comment and discussion. He provided a
38 handout that overviewed how the changes came about. He confirmed that there would be only
39 discussion and no decisions at this meeting. He stated the main points from the staff were to remove
40 the sign code from the Municipal Code to the Development Code, address the new technology used in
41 signs, apply sign code language used in other jurisdictions and to be understandable for users of the sign
42 code including business, residential, and administration. He stated that the parts that were working
43 were not changed. He summarized that developing a code that staff did not have the manpower or
44 finances to enforce would defeat the purpose.

45 Mr. Swanson stated that the next step would be to hold a town hall meeting and advertise it on the
46 website and other avenues. He suggested holding it after the January Planning Commission meeting
47 and before the February Planning Commission meeting. This provided time for the public to make
48 comments, staff time to incorporate those recommendations, and get it ready to pass along to City
49 Council. He noted it could take longer than that and the dates were flexible.

50 Carol Kowash announced she liked the idea of a town hall meeting and David Shein concurred. The
51 consensus of the Commission was to hold a town hall meeting in mid-January.

52 President Lerwick asked about security system signs in residential areas and Lane Shetterly indicated
53 they would be identified in the code under “exempt”. President Lerwick asked about community
54 activity signs in neighborhoods and Mr. Swanson stated that currently they would need to apply for
55 permission for a community oriented event sign in a neighborhood. Mr. Shetterly suggested listing
56 those as exempt as well.

57 Mr. Shein asked about ground-mounted signs requiring both a Sign Permit and a Building Permit. Mr.
58 Shetterly indicated they would be required in the state building codes and suggested confirming that
59 with Ted Cuno, the Building Official. Mr. Swanson explained that larger signs required engineering to
60 deal with wind load and safety. Mr. Shein perceived this as a public relations issue that created the
61 perception that the City was hard to work with more paperwork and more hoops. Mr. Swanson
62 explained that from the customer service side, they did those concurrently and tracked them together
63 for approval at the same time. He mentioned that if the sign was lower than six feet, it did not require a
64 Building Permit.

65 Mr. Shein asked about political signs and Mr. Swanson explained that the only substantive change was
66 the addition of a maximum sign size of eight square feet. He added that there was no limit to how many
67 signs they could use. There was further discussion if the maximum size was for one or both sides. Mr.
68 Shetterly pointed out that was outlined in the draft sign code and the area of only one side was counted.

69 Mr. Wilson stressed the importance of due diligence in getting the public to a town hall meeting. He
70 explained the need to get their input and allow time for the Commission members to digest the
71 information. Mr. Shein noted this tied in with the work they would be doing on the Comprehensive Plan
72 with the very first goal being citizen participation. Mr. Wilson complimented the draft document and its
73 importance as a tool. Ms. Kowash mentioned scheduling would be important.

74 Mr. Henshaw asked about giving testimony at a town hall meeting. Mr. Swanson indicated folks would
75 be able to ask questions. In answer to a question, Mr. Swanson stated that the agenda for the town hall
76 meeting would be discussed in the January Planning Commission meeting. Les Oehler said that he
77 would like to review the format prior to the public announcement.

78 There was discussion about when the Chamber of Commerce Public Policy Committee should give their
79 input. Mr. Shetterly stated the next Planning Commission meeting would not be a public hearing so the
80 meeting after the town hall, either February or March of 2014. Mr. Williams clarified that any
81 organization had the option to make comments formally at the Planning Commission public hearing.
82 Mr. Swanson affirmed that was correct. Mr. Swanson reiterated that the decisions would not be made
83 lightly and they would take the required amount of time to consider all of the input. The goal was a final
84 product that would satisfy as many people as possible.

85 President Lerwick asked about how to get the public to the town hall meeting. He pointed out the
86 businesses had an obvious vested interested where the public may not realize their interest until after
87 the fact. Mr. Swanson indicated that the organized groups had it on their radar and that every means
88 possible would be used and mentioned flyers in utility bills, the website, Facebook, and trying to get an
89 article in the newspaper. Mr. Wilson stated the Commission members could invite people too.
90 Audience member Joe Koubek interjected the importance of picking a date now because deadlines for
91 getting information into the utility bill were coming up. He suggested a Saturday would be better for
92 the public even if staff did not prefer that.

93 COMMISSIONER COMMENTS

94 Denise Jones stated she would like to discuss the kiosk idea more. Mr. Swanson stated that tied in with
95 what the Urban Renewal District Advisory Committee (URDAC) was doing downtown.

96 STAFF COMMENTS

97 Mr. Swanson announced that there would be an application for a Comprehensive Plan Amendment and
98 Zone Change on the agenda for the January 2014 Planning Commission meeting.

99 The meeting adjourned at 7:41 p.m.

APPROVED:

President

Date

STAFF REPORT
DATE: JANUARY 2, 2014

FILE NO.	ZC/CPA13-01
HEARING DATE	JANUARY 14, 2014 7:00 P.M. CITY HALL COUNCIL CHAMBERS 187 SE COURT STREET DALLAS, OREGON 97338
OWNER	GARY AND BERTHA FITZWATER
APPLICANT	FOWLER HOMES LLC
REQUEST	ZONE CHANGE AND COMPREHENSIVE PLAN MAP AMENDMENT FROM INDUSTRIAL TO RESIDENTIAL (MEDIUM DENSITY) FOR .2 AC LOT
LOCATION	1505 SE JONATHAN AVE
RECOMMENDATION	APPROVAL

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



BACKGROUND INFORMATION: The subject property is located on the south side of SE Jonathan Ave and is comprised of 1 previously platted lot in the Applegate Landing Subdivision that is currently zoned Industrial (I). The 13 platted lots to the east have already been rezoned to RM and are developed . The Comprehensive Plan designation is Industrial. The access to the subject property occurs via SE Greening Drive and SE Applesed Drive. SE Jonathan Ave is a fully improved city street.

The property to the east is developed with a duplex, the property to the west is zoned Industrial and contains self-storage units. The property to the north is a residential subdivision that is fully built out and contains detached single-family dwellings and duplexes. The property to the south is zoned Industrial and contains RR tracks.

PROPOSAL: The applicant is proposing to change the Comprehensive Plan Map Designation from Industrial to Residential, and change the zoning from Industrial (I) to Residential Medium Density (RM) in order to accommodate smaller lot housing types.

APPROVAL CRITERIA:

Type IV Legislative Criteria (4.1.040)

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

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

Goal 9: Economic Development

*The Goal 9 Administrative Rule requires that conversion of 2 or more acres of Industrial land meet the requirements of **OAR 660-009-0010***

(4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:

(a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or

(b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or

(c) Adopt a combination of the above, consistent with the requirements of this division.

Findings: The proposed change will not affect 2 acres or more. Therefore, the requirements of

Conclusion: The conversion of this property from industrial to residential use is not required to satisfy OAR 660-009-0010

Goal 10: Housing

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

Finding: The City of Dallas recently adopted a new Development Code that significantly changed the allowed housing types in various residential zones. The RM zone (Residential Medium Density) now allows more housing types beyond just apartments, including row houses, zero lot line housing, and small lot housing types in order to encourage development of needed housing types within the city. There is currently very little vacant RM-zoned land outside of designated Mixed-Use Nodes.

Conclusion: The proposal would provide an additional .2 acres of RM zoned land to provide a much needed housing type, single family attached or detached small lot housing at a price level affordable for the citizens of Dallas.

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

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

ECONOMIC GOALS:

2.1 Industrial Development Policies

1. Encourage the future development of industrial facilities, primarily ones that would have a limited environmental effect upon the community and which do not place excessive demands on the City's infrastructure.
2. Require all existing and future industries to locate within the City Limits and to conform to existing federal and state environmental laws.

3. Encourage the diversification of industries in Dallas to reduce the chance of economic depression because of an economic slump in one industry.
4. Encourage the development of an industrial or business park within the Dallas City Limits.
5. Provide for a choice among suitable industrial and business park sites.
6. Encourage the development of agriculture-related industries.

Findings: The proposal removes .2 acres of unsuitable Industrial land from the City of Dallas industrial land inventory. This will not impact the provision of choice among suitable sites.

2.3 Industrial Land Use Policies

1. Preserve prime industrial sites and reserve suitable land to provide a choice among sites for new industrial development prior to actual demand.
2. Support the Ash Creek Water Control District in order to maximize use of the Ash Creek Industrial area.
3. Encourage the use of the industrial park concept by requiring master planning rather than piecemeal development of industrial sites and areas.
4. Where appropriately buffered, designate multi-family residential land near industrial sites to minimize travel distance from employment centers to housing.
5. Encourage the continued growth of the service-related industries.

Findings: The proposal removes .2 acres of unsuitable Industrial land from the City of Dallas industrial land inventory. This will not impact the provision of choice among suitable sites, will provide a buffer from Industrial land to the south, and will have no impact on the growth of service-related industries.

HOUSING GOALS

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

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.

Findings: The subject property is currently served by SE Jonathan Ave, City water, sanitary sewer, and storm drainage. The proposed use would utilize these existing services, which have adequate capacity to serve the uses allowed in the RM zone. Therefore, being land that is close-in and serviceable, is of a higher priority than land on the periphery.

Conclusion: The proposal is consistent with the Dallas Comprehensive Plan.

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

Findings: The subject property is currently served by SE Jonathan Ave, City water, sanitary sewer, and storm drainage. The proposed use would utilize these existing services, which have adequate capacity to serve the uses allowed in the RM zone.

Conclusion: The subject property is presently provided with adequate public facilities and services.

Land Use Map and Text amendments 4.7.030(B)

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

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

Finding: See G1 above

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

Finding: See G2 above

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

Finding: The subject property is currently served by SE Jonathan Ave, City water, sanitary sewer, and storm drainage. The proposed use would utilize these existing services, which have adequate capacity to serve the uses allowed in the RM zone.

4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application; and *Findings: The subject property is zoned Industrial, and is located in a residential neighborhood. The applicant states, and staff concurs, that this is an inconsistency on both the comprehensive plan map and zoning map, and that redesignating the property to residential with the proposed RM zoning will adequately correct the inconsistency and is, in fact, more in line with the Comprehensive Plan.*
5. The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.060.

4.7.060 TRANSPORTATION PLANNING RULE COMPLIANCE

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

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the Dallas Transportation System Plan; or *Finding: The subject property is served by an existing local street, SE Jonathan Ave. There is no proposal or need to change the functional classification of SE Jonathan Ave. The nearest major collector is SE Miller Ave, which operates at acceptable performance levels.*
2. Change the standards implementing a functional classification system; or *Finding: There is no change to the standards implementing the functional classification system.*
3. As measured at the end of the planning period identified in the Dallas Transportation System Plan or the adopted plan of any other applicable roadway authority, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or

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

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

Finding: The proposal, with the RM designation at full buildout, would generate an additional 1-2 peak hour trips on to SE Miller Ave. SE Miller Ave. is a major collector with significant additional capacity. Therefore, the proposal would not fall below the minimum acceptable standard.

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

Finding: SE Miller Ave. does not currently, nor is it projected to perform below minimum acceptable standards as a result of the proposal.

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

Finding: Not applicable.

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

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

RECOMMENDATION:

That the Planning Commission recommend approval of the proposed Comprehensive Plan Map amendment from Industrial to Residential and zone change from Industrial to Residential Medium density (RM) at 1505 SE Jonathan Ave.

Jason Locke

Community Development Department Director



Polk County Web Maps v. 2.0

Disclaimer: This map was produced using Polk County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation.

Printed 01/08/2014

1209	1234	1601
1217	1260	1603
1235	1262	1605
1251	1282	1607
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	1614	1615
	1614	1617
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	1663	1663

SE GREENING

1220	1244	1250	1318	1360	1444	1608	20
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RM

1505	1507	1509	1601	1603	1605	1607	1609	1611	1612	1614	1625	1627	1629	1631
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SE JONATHAN AVE

1505	1507	1509	1601	1603	1605	1607	1609	1611	1612	1614	1625	1627	1629	1631
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SUBJECT PROPERTY (I → RM)



CITY OF DALLAS
NOTICE OF PUBLIC HEARING

The Dallas Planning Commission will hold a public hearing on Tuesday, January 14, 2013, at 7:00 p.m., in the Council Chambers at City Hall, 187 SE Court Street, Dallas, Oregon, on an application for Comprehensive Plan Map amendment and Zone Change on a .2 ac property located at **1505 SE Jonathan Ave**. The designation is proposed to be changed from Industrial (I) to Residential Medium Density (RM)

The Planning Commission will consider testimony which addresses the criteria for a Zone Change and Comprehensive Plan map amendment as prescribed by the City of Dallas Development Code. 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 January 7, 2014, 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.

Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.

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.

NATURE OF REQUEST: Zone Change and Comprehensive Plan Map Amendment from Industrial to Residential (Medium Density) at 1505 SE Jonathan Ave

APPLICABLE CRITERIA: SECTION 4.7.030 of the Dallas Development Code

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

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER, ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER. The recipient of this notice is hereby responsible promptly to forward a copy of this notice to every person with a documented interest, including a renter or lessee.

Dated: December 20, 2013
Posted: December 20, 2013
Published: December 26, 2013

Jason Locke, Community Development Director
City of Dallas, Oregon

City of Dallas
187 SE Court St.
Dallas OR 97338

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



File No: 2C/CPA 1301
Date Received: 11-15-2012
Fee \$: 5000
Received By: PA
Complete App. Date: 12/3/13
Hearing Date: 1/19/14-PC

COMPREHENSIVE PLAN MAP/TEXT AMENDMENT APPLICATION

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

OWNER(S)

Name(s): Fitzwater Gary L & Bertha M
Mailing Address: 520 SW Nottingham Ln, Dallas, OR 97338
Owner Phone: Home _____ Mobile _____
E-Mail _____

APPLICANT(S): (If not owner)

Name(s): Fowler Homes, LLC (Trahan Consulting)
Mailing Address: PO Box 441, Dallas, OR 97338
Owner Phone: Home _____ Mobile (503) 383-5043
E-Mail pault.trahanconsulting@gmail.com

Description of Request: Comprehensive Plan Amendment and Zone Change

With Zone Change: Y N Zone Change from I to RM

Site Address: 1505 Jonathan (Lot 63 Applegate Landing III) Total Land Area: .23 Acres

Assessors Map/Taxlot #: 7-5-34CA Tax Lot 8700 Current Zoning: I

Present Use of Property: Empty Lot

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
<u><i>Harry J. Schwartz</i></u>	<u><i>11-6-13</i></u>	_____	_____
<u><i>Bertha M. Fitzmaurice</i></u>	<u><i>11/6/13</i></u>	_____	_____

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.

- Property deed and deed restrictions.** Copy of the deed and all existing and proposed restrictions or covenants, including those for access control.

- If Map Amendment; include a map showing the extent of the proposed change. If Text Amendment, attach existing and proposed text.**

- Narrative.** Letter or narrative report documenting compliance with the applicable approval criteria contained below.

Address the following Criteria in Narrative:

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

I. FACT SHEET

Subject Property: Lot 63 – Applegate Phase III

Requested Action: Comprehensive Plan Amendment and Zone Change

Tax Maps: 7-5-34CA Tax Lot 8700

Site Size: .23 acres (10,088 sf)

Address: 1505 SE Jonathan

Comprehensive Plan Designation: I (Industrial)

Zoning: I (Industrial)

Owner/Applicant:
Contact: Gary L & Bertha M Fitzwater
520 SW Nottingham Ln
Dallas, OR 97338

Applicants
Representative: Trahan Consulting
Paul Trahan
PO Box 441
Dallas, OR 97338
Ph. (503) 383-5043
Paul.t.trahanconsulting@gmail.com

Engineer of Record: Project Deliver Group
Keith Whisenhunt, PE
3150 22nd Street SE
Salem, Oregon 97302
Ph. (503) 364-4004

Section 2 Compliance Narrative

Background Information

The subject property is located on the south side of SE Jonathan Ave and is referred to as Lot 63 of Applegate Landing Phase III. Lot 63 was part of 14 lots along the south side of Jonathan Avenue. In March 2010, the Planning Commission held a hearing pertaining to the 13 lots to the east of lot 64 and the Applicant was The FIFE Group, Inc. (ZC/CPA10-01); Lot 64 was not included as part of that application because it had separate ownership. Prior to the adoption of the new Development Code and Zoning Map, the zoning was Light Industrial (IL). The Comprehensive Plan designation is Industrial. The subject property consists of approximately 10,088 square feet or .23 of an acre. The access to the subject property occurs via SE Greening Drive and SE Appleseed Drive. SE Jonathan is a fully improved city street with this property being the only lot without sidewalk on the south side.

The property to the north and east is residential and fully developed, while the property to the south is zoned Industrial, is currently vacant and is separated from the subject property by railroad tracks and accompanying right-of-way. The property to the west is zoned Industrial and contains self-storage units.

Request

The applicant is requesting a change to the Comprehensive Plan Map designation from Industrial to Residential and to change the zoning from Industrial (I) to Residential Medium Density (RM) in order to accommodate smaller lot housing types.

Approval Criteria

Type IV Legislative Procedure (4.1.50)

A. Pre-Application Conference. *A pre-application conference is required for all Type IV applications initiated by a party other than the City of Dallas. The requirements and procedures for a pre-application conference are described in Section 4.1.060.C.*

Applicant's Response: The applicant together with Staff held the required Pre-Application conference on Thursday, October 31st.

B. Timing of Requests. *The City may establish a schedule for when it will accept legislative code amendment or plan amendment requests. The City Council may initiate its own legislative proposals at any time. Legislative requests are not subject to the 120-day review period under ORS 227.178.*

Applicant's Response: This criterion does not require applicant's response.

C. Application Requirements.

1. Application forms. Type IV applications shall be made on forms provided by the City Planning Official.

2. Submittal Information. The application shall contain:

- a. The information requested on the application form;
- b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
- c. The required fee; and
- d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.

Applicant's Response: Included with this submittal is the Application form provided by Staff and all the information contained in section C-2.

D. Notice of Hearing.

1. Required hearings. A minimum of two (2) hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications.

2. Notification requirements. Notice of public hearings for the request shall be given by the City Planning Official in the following manner:

a. At least twenty (20) days, but not more than forty (40) days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any Land Use District Change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:

(1) Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment);

(2) Any affected governmental agency;

(3) Any person who requests notice in writing;

(4) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;

(5) Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.

b. At least ten (10) days before the scheduled Planning Commission public hearing date, and fourteen (14) days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City.

c. The City Planning Official shall:

- (1) For each mailing of notice, file an affidavit of mailing in the record as provided by subsection a; and
- (2) For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b.

d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least forty-five (45) days before the first public hearing at which public testimony or new evidence will be received. The notice to DLCD shall include a DLCD Certificate of Mailing.

e. Notifications for annexation shall follow the provisions of this Chapter.

Applicant's Response: This criterion does not require applicant's response.

3. Content of notices. The mailed and published notices shall include the following information:

a. The number and title of the file containing the application, and the address and telephone number of the City Planning Official's office where additional information about the application can be obtained;

b. The proposed site location;

c. A description of the proposed site and the proposal in enough detail for people to determine what change is proposed, and the place where all relevant materials and information may be obtained or reviewed;

d. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the Council and available at City Hall (See Section 4.1.050.E); and

e. Each mailed notice required by Section 4.1.050.D shall contain the following statement: "Notice to mortgagee, lien holder, vendor, or seller: The City of Dallas Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

Applicant's Response: This criterion does not require applicant's response.

4. Failure to receive notice. *The failure of any person to receive notice shall not invalidate the action, providing:*

- a. Personal notice is deemed given where the notice is deposited with the United States Postal Service;*
- b. Published notice is deemed given on the date it is published.*

Applicant's Response: This criterion does not require applicant's response.

E. Hearing Process and Procedure.

1. *Unless otherwise provided in the rules of procedure adopted by the City Council:*

a. *The presiding officer of the Planning Commission and of the City Council shall have the authority to:*

- (1) Regulate the course, sequence, and decorum of the hearing;*
- (2) Direct procedural requirements or similar matters; and*
- (3) Impose reasonable time limits for oral presentations.*

b. *No person shall address the Commission or the Council without:*

- (1) Receiving recognition from the presiding officer; and*
- (2) Stating their full name and address.*

c. *Disruptive conduct such as applause, cheering, or display of signs shall be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.*

2. *Unless otherwise provided in the rules of procedures adopted by the Council, the presiding officer of the Commission and of the Council shall conduct the hearing as follows:*

a. *The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and whether the decision which will be made is a recommendation to the City Council or the final decision of the Council;*

b. *The City Planning Official's report and other applicable staff reports shall be presented;*

c. *The public shall be invited to testify;*

d. The public hearing may be continued to allow additional testimony or it may be closed; and

e. The body's deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present.

Applicant's Response: This criterion does not require applicant's response.

F. Continuation of the Public Hearing. The Planning Commission or the City Council may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.

Applicant's Response: This criterion does not require applicant's response.

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

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

Applicants Response:

GOAL 1: CITIZEN INVOLVEMENT

CITIZEN INVOLVEMENT: Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

Component 1 – To provide for widespread citizen involvement citizen involvement. The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process. The committee for citizen involvement [CCI] shall be responsible for assisting the governing body with development of a program that promotes and enhances citizen involvement in land-use planning, assisting in the implementation of the citizen involvement program and evaluating the process being used for citizen involvement.

Applicant's response: The City of Dallas has a Planning Commission, which consists of a cross-section of citizens. From time to time, the city will seek citizen involvement committees to assist the governing body with a particular land use action or modification(s) to the city's Development Code. Staff takes notes of recommendations from the CCI and presents the comments in the form of a draft to the Planning Commission. Additionally, the City of Dallas has a process by which citizens are notified of particular land use action and then afforded the opportunity to submit either written or verbal comments pertaining to that land use action. This process ensures that citizens have the opportunity to be involved in the land use process. Component 1 of the Statewide Planning Goal 1 has been met, exceeded or can be met through the process.

Component 2 – To assure effective two-way communication with citizens. Mechanisms shall be established which provide for effective communication between citizens and elected and appointed officials.

Applicant's response: Throughout the land use process, citizens are encouraged to participate in the land use process. After receiving notice of a land use that may have an impact upon citizens or by merely reading the agenda posted on line; citizens have the ability to comment either verbally at a scheduled hearing or to supply written comment to the recorded. Both of these methods are made part of the record and reviewed by staff and made available to Planning and City Commissioners. Component 2 of the Statewide Planning Goal 1 has been met, exceeded or can be met through the process.

Component 3 – To provide the opportunity for citizens to be involved in all phases of the planning process. Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures. Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures.

Applicant's response: Throughout the planning process, the city holds workshops wherein the citizens of Dallas are invited to attend and comment. On some occasions, Citizen groups are formed and their comments are submitted to staff to formulate a draft plan for review and approval by the Planning Commission and City Council. Component 3 of the Statewide Planning Goal 1 has been met, exceeded or can be met through the process.

Component 4 – Technical Information – To assure that technical information is available in an understandable form. Information necessary to reach policy decisions shall be available in a simplified, understandable form. Assistance shall be provided to interpret and effectively use technical information. A copy of all technical information shall be available at a local public library or other location open to the public.

Applicant's response: Files containing the entire record are available to the public at City Hall. Staff is also available to assist citizens with questions and understanding the particular land use action affecting them. Component 4 of the Statewide Planning Goal 1 has been met, exceeded or can be met through the process.

Component 5 – Feedback Mechanisms – To assure that citizens will receive a response from policy-makers. Recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response from policy-makers. The rationale used to reach land-use policy decisions shall be available in the form of written record.

Applicant's response: The City of Dallas keeps minutes of every meeting including workshops. Any citizen rather a participant or not, has access to the record by contacting staff or looking on the City's web site. Citizens may go to city hall and review the file; however should the citizen wish a copy of the file, there is a small fee charged. Component 5 of the Statewide Planning Goal 1 has been met, exceeded or can be met through the process.

Component 6 – To insure funding for the citizen involvement program. Adequate human, financial, and informational resources shall be allocated for the citizen involvement program. These allocations shall be an integral component of the planning budget. The governing body shall be responsible for obtaining and providing these resources.

Applicant's response: The city maintains sufficient human, financial, and informational resources to ensure that the citizen involvement program will remain a part of the overall land use process. Component 6 of the Statewide Planning Goal 1 has been met, exceeded or can be met through the process.

GOAL 2: LAND USE PLANNING

Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a Comprehensive Plan, and that suitable implementation ordinances to put the Plan's policies into effect must be adopted. It requires that plans be based on factual information; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to Statewide Planning Goals and Guidelines. An exception may be taken when a Statewide Planning Goal cannot or should not be applied to a particular area or situation.

Applicant's response: The applicant is seeking a Comprehensive Plan amendment together with a request for the Residential Medium Density (RM) zoning designation, which if approved will require suitable ordinances to ensure the implementation of the newly modified Comprehensive Plan. This application does not seek any exceptions allowed under this Goal. The applicant submits that this goal can be satisfied or exceeded.

GOAL 3: AGRICULTURAL LANDS

Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through exclusive farm use (EFU) zoning per Oregon Revised Statutes Chapter 215.

Applicant's response: The property which is the subject of this application is within the City of Dallas and currently has a zoning designation of (I) or Industrial. Goal 3 specifically excludes land within "acknowledged urban growth boundaries" as being Agricultural Land as defined. Therefore the Applicant submits that this criterion does not apply.

GOAL 4: FOREST LANDS

Goal 4 defines "forest lands" and requires local governments to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses." Comprehensive plans and zoning provide certainty to assure that forest land will be available now and in the future for the growing and harvesting of trees.

Applicant's response: The proposed amendment does not affect the inventory of forest lands. Thus, this goal is not applicable to this application.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

To protect natural resources and conserve scenic and historic areas and open spaces

Goal 5 defines "Natural Resources" and requires Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability. Goal 5 provides guidelines for planning and implementation for identifying and inventorying natural resources.

Applicant's Response: The requested amendment does not affect the any natural resources. Thus, this goal is not applicable to this application.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state

All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.

Waste and Process Discharges -- refers to solid waste, thermal, noise, atmospheric or water pollutants, contaminants, or products therefrom. Included here also are indirect sources of air pollution which result in emissions of air contaminants for which the state has established standards.

Applicant's Response: The requested amendment does not impact air, water or land resources quality. Thus, this goal is not applicable to this application.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

A. NATURAL HAZARD PLANNING

1. Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.

2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires.

Local governments may identify and plan for other natural hazards.

Applicant's Response: The requested amendment would not place people or property in increase risk from natural hazards.

Applicants Response: This request is for a Comprehensive Plan Amendment and a Zone Change. If approved, there will be no additional impact to people from Natural Hazards.

GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

RECREATION PLANNING

The requirements for meeting such needs, now and in the future, shall be planned for by governmental agencies having responsibility for recreation areas, facilities and opportunities: (1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements. State and federal agency recreation plans shall be coordinated with local and regional recreational needs and plans.

DESTINATION RESORT SITING

Comprehensive plans may provide for the siting of destination resorts on rural lands subject to the provisions of state law, including ORS 197.435 to 197.467, this and other Statewide Planning Goals, and without an exception to Goals 3, 4, 11, or 14.

Applicants Response: The requested Comprehensive Plan Amendment and Zone Change is for .23 acres for residential development. Therefore this goal would not apply to this application.

GOAL 9: ECONOMIC DEVELOPMENT

Intent and Purpose

The intent of the Land Conservation and Development Commission is to provide an adequate land supply for economic development and employment growth in Oregon. The intent of this division is to link planning for an adequate land supply to infrastructure planning, community involvement and coordination among local governments and the state. The purpose of this division is to implement Goal 9, Economy of the State (OAR 660-015-0000(9)), and ORS 197.712(2)(a) to (d). This division responds to legislative direction to assure that comprehensive plans and land use regulations are updated to provide adequate opportunities for a variety of economic activities throughout the state (ORS 197.712(1)) and to assure that comprehensive plans are based on information about state and national economic trends (ORS 197.717(2)).

Applicant's response: Every urban area evaluates its needs for land to serve commercial and industrial development. The community then must plan for enough land to meet those needs.

As a result, every city in Oregon now has the supply of land it needs to sustain a healthy local economy. As such, the subject property as currently zoned does not provide adequate opportunities for economic development. Industrial development within a residential subdivision simply does not make for good planning practices. Conversely, by approving this application; construction of residential units will restore some of the jobs lost within our local economy.

The City of Dallas completed Periodic Review in 2006. A major component of that project was an Economic Opportunities Analysis that identified the need for large industrial sites. In fact, that same EOA indicated that there was a surplus of small industrial sites. While the proposal seeks to remove .23 acres of industrial land from the city supply, the configuration and location of the property does not lend itself to developing the type of employment opportunities outlined in the EOA. The property is composed of a single lot, approximately 10,088 square feet. It's located on the southern edge of an existing subdivision, can only be accessed through local residential streets that serve the subdivision, and are directly across the street from existing residential uses. The ability to buffer the industrial uses would be difficult, and therefore the ability to minimize the adverse impacts associated with an industrial use on the adjacent residential uses would be virtually impossible. Such impacts would include lighting, truck traffic, noise, odor, and parking. In the previous application, the applicant has stated that their ability to market and or develop the lots for industrial purposes has been unsuccessful, primarily due to the size and location of the lots and the potential negative impacts on the surrounding neighborhood.

GOAL 10: HOUSING

Purpose: *To provide for the housing needs of citizens of the state. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent level which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.*

Applicant's response: Oregon has done away with the practice of banning certain kinds of housing in a community. Cities must allow a variety of housing locations, types, and densities. Cities shall also continue to keep adequate supplies of lands available and suitable for residential uses. With the approval of this application, the applicant can provide a product that is unique in appearance and yet affordable for those affected by today's down turn in our economy.

The City of Dallas recently adopted a new Development Code that significantly changed the allowed housing types in various residential zones. The RM zone (Residential Medium Density) now allows more housing types beyond just apartments, including row houses, zero lot line housing, and small lot housing types in order to encourage development of needed housing types within the city. There is currently very little vacant RM-zoned land outside of designated Mixed- Use Nodes. The proposal would provide an additional .23 acres of RM zoned land to provide a much needed housing type; single family attached or detached small lot housing at a price level affordable for the citizens of Dallas. Approval of the request would be consistent with the Comprehensive Plan.

GOAL 11: PUBLIC FACILITIES AND SERVICES

Purpose: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development*

Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan.

Applicants Response: All public facilities are available to the subject property; therefore this goal does not apply to this request.

GOAL 12: TRANSPORTATION

Purpose - *To provide and encourage a safe, convenient and economic transportation system*

Applicants Response: This request is to amend the comprehensive plan and change the zone of .23 acres located in a developed subdivision. This lot is the only lot that still remains with the Industrial Zone designation. Goal 12 does not apply to this request.

GOAL 13: ENERGY CONSERVATION

Purpose - *To conserve energy*

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

Applicants Response: If approved, the applicant intends to construct two residential homes utilizing the current building code which, provide for energy conservation; therefore, this goal can be met.

GOAL 14: URBANIZATION

Purpose - *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

Applicants Response: The City through its planning process is able to provide an orderly and efficient transition from rural to urban land use. This request is to amend the Comprehensive plan and change the zone on a single lot within a residential subdivision. The applicant believes that this goal is satisfied by the planning process.

GOAL 15: WILLAMETTE RIVER GREENWAY

Purpose - To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Applicants Response: The subject property is not located with the Willamette River Greenway; therefore this criterion does not require a response.

GOAL 16: ESTUARINE RESOURCES

Purpose - To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

Applicants Response: The subject property is not located within a Estuarine Resources; therefore, this criterion does not apply.

GOAL 17: COASTAL SHORELANDS

Purpose - To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

Applicants Response – The subject property does not contained within the Coastal Shorelands; therefore, this criterion does not apply.

GOAL 18: BEACHES AND DUNES

To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

Applicants Response – The subject property does not contain any "Beaches or Dunes"; therefore, this criterion does not apply.

GOAL 19: OCEAN RESOURCES

Purpose - To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.

Applicants Response: The subject property does not contain any Ocean Resources; therefore, this Criterion does not apply.

Type IV Legislative Procedure (4.1.50) (Continued)

H. Approval Process and Authority.

1. The Planning Commission shall:

a. After notice and a public hearing, vote on and prepare a recommendation to the City Council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and

b. Within fourteen (14) business days of determining a recommendation, the presiding officer shall sign the written recommendation, and it shall be filed with the City Planning Official.

2. Any member of the Planning Commission who votes in opposition to the Planning Commission's majority recommendation may file a written statement of opposition with the City Planning Official before the Council public hearing on the proposal. The City Planning Official shall send a copy to each Council member and place a copy in the record;

3. If the Planning Commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal within sixty (60) days of its first public hearing on the proposed change, the City Planning Official shall:

a. Report the failure together with the proposed change to the City Council; and

b. Provide notice and put the matter on the City Council's agenda for the City Council to hold a public hearing make a decision. The Commission shall take no further action.

4. The City Council shall:

a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application;

b. Consider the recommendation of the Planning Commission; however, the City Council is not bound by the Commission's recommendation; and

c. Act by ordinance, which shall be signed by the Mayor after the Council's adoption of the ordinance.

Applicant's Response: This Criterion does not require a response from the applicant

I. Vote Required for a Legislative Change.

1. A vote by a majority of the qualified voting members of the Planning Commission present is required for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.

2. A vote by a majority of the qualified members of the City Council present is required to decide any motion made on the proposal.

Applicant's Response: This Criterion does not require a response from the applicant

J. Notice of Decision. *Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development, within five (5) business days after the City Council decision is filed with the City Planning Official. The City shall also provide notice to all persons as required by other applicable laws.*

Applicant's Response: This Criterion does not require a response from the applicant

K. Final Decision and Effective Date. *A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.*

Applicant's Response: This Criterion does not require a response from the applicant

L. Record of the Public Hearing.

1. A verbatim record of the proceeding shall be made by stenographic, mechanical, or electronic means. It is not necessary to transcribe an electronic record verbatim, but the meeting minutes shall be filed in hardcopy form with the City Recorder. The minutes and other evidence presented as a part of the hearing shall be part of the record;

2. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;
3. The official record shall include:
 - a. All materials considered by the hearings body;
 - b. All materials submitted by the City Planning Official to the hearings body regarding the application;
 - c. The verbatim record made by the stenographic, mechanical, or electronic means; the minutes of the hearing; and other documents considered;
 - d. The final ordinance;
 - e. All correspondence; and
 - f. A copy of the notices that were given as required by this Chapter.

Applicant's Response: This Criterion does not require a response from the applicant

Comprehensive Plan Elements

Chapter 2: A sustainable Dallas Economy (Volume 1)

Economic Goals

The City's overall economic goal is to continue as a sustainable community in order to enhance the quality of life for all Dallas citizens. This goal is best achieved by increasing economic opportunities without threatening environmental quality or eroding the region's natural resource base.

- A. Maintain the existing and encourage the future development of a sound economic base in Dallas by providing for adequate and diversified industries, retail and wholesale establishments and service related industries.
- B. Encourage new industrial development that serves the needs of the Dallas Community and is designed to minimize impacts on Dallas residential neighborhoods, consistent with the policies of the Dallas Comprehensive Plan.
- C. Maintain the Central Business District as the dominant commercial cultural center of the community.
- D. Encourage a broad variety of commercial activities in the Dallas area in convenient and desirable locations to serve the public.

- E. *Provide for small-scale, neighborhood commercial centers that complement the Central Business District and which minimize routine travel from home to shopping.*

Applicants Response: This request if approved will supply additional economic opportunities for construction related industries. The applicant believes that this goal has been met or can be met with approval of this request.

Economic Policies

2.1 Industrial Development Policies

1. *Encourage the future development of industrial facilities, primarily ones that would have a limited environmental effect upon the community and which do not place excessive demands on the City's infrastructure.*
2. *Require all existing and future industries to locate within the City Limits and to conform to existing federal and state environmental Laws.*
3. *Encourage the diversification of industries in Dallas to reduce the chance of economic depression because of an economic slump in one industry.*
4. *Encourage the development on an industrial or business park within the Dallas City Limits.*
5. *Provide for a choice among suitable industrial and business park sites.*
6. *Encourage the development of agriculture-related industries.*

Applicant's Response: This request; if approved, will remove .23 acres of unsuitable Industrial land from the City's industrial land inventory. The Applicant believes that will not impact the provision of choice among suitable sites.

2.3 Industrial land Use Policies

1. *Preserve prime industrial sites and reserve suitable land to provide a choice among sites for new industrial development prior to actual demand.*
2. *Support the Ash Creek Water Control District in order to maximize use of the Ash Creek Industrial area.*
3. *Encourage the use of the industrial park concept by requiring master planning rather than piecemeal development of industrial sites and areas.*
4. *Where appropriately buffered, designate multi-family residential land near industrial sites to minimize travel distance from employment centers to housing.*
5. *Encourage the continued growth of the service-related industries.*

Applicant's Response: This request; if approved, will remove .23 acres of unsuitable Industrial land from the City's industrial land inventory. This will not impact the provision of choice among suitable sites, will provide a buffer from Industrial land to the south and will have no impact on the growth of service-related industries.

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

Applicant's Response: The subject property is currently served by SE Jonathan Ave, City water, sanitary sewer, and storm drainage. The proposed use would utilize these existing services, which have adequate capacity to serve the uses allowed in the RM zone. Therefore, the applicant believes that land that is close-in and serviceable, is of a higher priority than land on the periphery.

Dallas Development Code Chapter 4.7 - Land Use District Map and Text Amendments

4.7.030 Quasi-Judicial Amendments

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

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

Applicant's Response: The City of Dallas completed Periodic Review in 2006. A major component of that project was an Economic Opportunities Analysis that identified the need for large industrial sites. In fact, that same EOA indicated that there was a surplus of small industrial sites. While the proposal seeks to remove .23 acres of industrial land from the city supply, the configuration and location of the property does not lend itself to developing the

type of employment opportunities outlined in the EOA. The property is composed of a subdivided lot, approximately 10,088 sq. ft. It is located on the southern edge of an existing subdivision, can only be accessed through local residential streets that serve the subdivision, and is directly across the street from residential uses. The ability to buffer the industrial uses would be difficult, and therefore the ability to minimize the adverse impacts associated with an industrial use on the adjacent residential uses would be virtually impossible. Such impacts would include lighting, truck traffic, noise and odor, and parking. Previously, the applicant has stated that their ability to market and or develop the lots they owned, for industrial purposes has been unsuccessful, primarily due to the size and location of the lots and the potential negative impacts on the surrounding neighborhood.

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

Applicant's Response: The Dallas Comprehensive Plan designation for the subject property is Industrial. There are a number of Comprehensive Plan policies that are required to be addressed in order to change that designation. The applicant has addressed these policies previously in the submittal; therefore, this criterion has been met.

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

Applicant's Response: The subject property is currently served by SE Jonathan Ave, City water, sanitary sewer, and storm drainage. The proposed use would utilize these existing services, which have adequate capacity to serve the uses allowed in the RM zone. The applicant believes this criterion has been met.

4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application; and

Applicant's Response: The subject property is zoned Industrial, and is located in a residential neighborhood. The applicant states, and staff concurs, that this is an inconsistency on both the comprehensive plan map and zoning map, and that re-designating the property to residential with the proposed RM zoning will adequately correct the inconsistency and is, in fact, more in line with the Comprehensive Plan. The applicant believes that this criterion has been met.

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

4.7.060 Transportation Planning Rule Compliance

A. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use district

change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule - TPR) and the Traffic Impact Analysis provisions of Section 4.1.090. "Significant" means the proposal would:

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the Dallas Transportation System Plan; or

Applicant's Response: The subject property is served by an existing local street, SE Jonathan Ave. There is no proposal or need to change the functional classification of SE Jonathan Ave. The nearest major collector is SE Miller Ave, which operates at acceptable performance levels.

2. Change the standards implementing a functional classification system; or

Applicant's Response: There is no change to the standards implementing the functional classification system.

3. As measured at the end of the planning period identified in the Dallas Transportation System Plan or the adopted plan of any other applicable roadway authority, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or

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

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

Applicant's Response: The proposal, with the RM designation at full buildout, would generate approximately 1.0 peak hour trips in the PM with .3 peak hour trips in the AM on to SE Miller Ave. SE Miller Ave., is a major collector with significant additional capacity. Therefore, this application if approved, would not significantly impact the level of operation of SE Miller Ave.

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

Applicant's Response: SE Miller Ave. does not currently, nor is it projected to perform below minimum acceptable standards as a result of this request.

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

Applicant's Response: This criterion does not apply to this request.

**POLK COUNTY WEBMAPS
Real Property Map Summary for the
Current Tax Year**

Account Info

Map Taxlot:	7534CA 8700	Property Class:	<u>100</u>
Account Number:	<u>520373 (Report)</u>	RMV Property Class:	<u>100</u>
Acres:	0.23	MA:	03
Sq Ft:	10088	SA:	16
Primary Situs:		NH:	000
		Value Unit:	29680-1

Owner Info

Owner: **FITZWATER GARY L & BERTHA M ETAL**
 Mailing Address: **520 SW NOTTINGHAM LN DALLAS, OR 97338**

Value Summary Info (AV:Assessed Value, RMV:Real Market Value)

Taxcode:	AV Land:	AV Impr.:	AV Total:	RMV Land:	RMV Impr.:	RMV Total:
0201	35440	0	35440	57200	0	57200
			=====			=====
Grand Total			35440			57200

Property Info

Number Houses: **0** Number Buildings: **0**

Sales Info

Book/Year: **2012** Document Type: **BARGAIN & SALE**
 Page: **11412** Date: **11/5/2012**
 Source ID: Price: **\$30000**

Note: The above sales information may include additional tax lots.

Legal Info

Subdivision: Lot: Block:

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

Canceled No.
4201
4800
5200
5700
7300
7400
7500
7600

See Map 7.5.34A

See Map 7.5.34DB

See Map 7.5.34CB

See Map 7.5.34C

