



AGENDA
City of Dallas
Planning Commission
Tuesday, June 11, 2024 - 7:00 p.m.
City Hall Council Chambers
187 SE Court Street

**Planning
Commission**

President
John Swanson

Vice President
Andy Groh

Commissioner
Carol Kowash

Commissioner
Tory Banford

Commissioner
John Schulte

Commissioner
Rich Spofford

Commissioner
Mary Newell

Staff

City Attorney
Lane Shetterly

City Planner
Chase Ballew

Recording Secretary
Benjamin Curry

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES - Regular meeting of May 14, 2024
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
 - SUB 23-02 Crystal Estates – JenRae Properties, LLC
25 Lot Subdivision at 7.5.33bc / Taxlot #105
 - ANX 24-02/ZC 24-01 325 James Howe Road – Tokola Properties
10 acre multi-family development at Tax ID #s 575205 and 162320
 - SDR 24-03 Polk County Behavioral Health – Polk County, OR
2 Story Office Building at 182 SW Academy
7. OTHER BUSINESS
8. COMMISSIONER COMMENTS
9. STAFF COMMENTS
10. ADJOURN

Next meeting will be 07/09/2024

To Join In Person: 187 SE Court Street, Dallas, OR 97338

To Watch Online: www.dallasor.gov/community/page/dallasyoutube

To Participate Virtually: Call +1 253 215 8782 - Meeting ID: 213 855 0622

If you are watching online and want to submit a comment either in the public comment period or during the Public Hearing comment period, you must telephone: +1 253 215 8782
Meeting ID: 213 855 0622

If you are unable to access the meeting by telephone or by computer, please contact the Administration Department (503-831-3502) at least 48 hours in advance to request alternative accommodation.

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

For questions or comments on the agenda, contact: Chase Ballew at 503.831.3570 or chase.ballew@dallasor.gov.

MINUTES

1 **1. CALL TO ORDER**

2 President John Swanson called the meeting to order at 7:00 p.m.
3

4 **2. ROLL CALL**

5 **Commissioners Present:** John Swanson, Andy Groh, John Schulte, Mary Newell, Rich Spofford
6 Tory Banford, Carol Kowash

7 **Staff Present:** Chase Ballew, City Planner; Tom Gilson, Public Works Supervisor; Troy Skinner,
8 Building Official; Benjamin Curry, Recorder
9

10 **3. APPROVAL OF MINUTES**

11 Mr. Swanson presented the minutes of the regular meeting of April 9th, 2024.

12 Ms. Newell made a motion to approve the minutes as written, Mr. Groh seconded the motion. The
13 motion passed unanimously.
14

15 **4. PUBLIC COMMENT (3 minutes per person)**

16 There were none.
17

18 **5. PUBLIC HEARING – A**

19 **SUB 24-02 West Valley Industrial Park – Ken Perkins**

20 Mr. Swanson opened the public hearing at 7:03 p.m. He introduced the agenda item, the rules for
21 public testimony, and the quasi-judicial proceedings to follow. No ex-parte contact or conflicts of
22 interest were declared.
23

24 **STAFF REPORT**

25 Mr. Ballew read from the staff report and summarized the application and the criteria for approval.
26 Staff recommends that SUB 24-02 be approved as written with conditions.

27 Mr. Swanson inquired about the designation of the proposed streets. Mr. Ballew said they would be
28 considered shared access ways and that the code does not allow for the designation of private
29 streets.

30 Ms. Kowash asked about maintenance responsibility for the streets. Mr. Ballew confirmed that a
31 maintenance agreement would need to be recorded.

32 Mr. Groh and Mr. Ballew discussed the need for a waiver of remonstrance and the development
33 code standards for street width.
34

35 **APPLICANT PRESENTATION**

36 **Ken Perkins – 4925 Livermore Road, Dallas, OR 97338**

37 **Charles Fischer – Locke Engineers 289 E Ellendale Ave #703, Dallas, OR 97338**

38 **Fred Evander – 746 SE Shelton Street, Dallas, OR 97338**

39 Mr. Perkins shared a brief overview of his development history in the City of Dallas and noted that
40 this is his third application before the planning commission for this plot of land. He noted that the
41 previously approved storage facility was redesigned to accommodate the future extension of Ana
42 Avenue. He stated that his original intention was for Ana to be gated for fire safety and to preclude
43 sending industrial traffic through a residential zone. He shared his plan for the industrial lots to be
44 sold, providing owners with the opportunity to invest in their property. Mr. Perkins summarized the
45 design process to date and the different iterations that have been proposed, emphasizing his goal to
46 provide a development that works with the city's needs.

47 Mr. Evander raised concerns with Condition 2.) of the staff report regarding street standards and

48 issues with the language in Condition 4.e) requiring development to meet an undetermined future
49 standard as opposed to the standards at the time of approval.

50 In reference to Fir Villa Road, Mr. Fischer noted that there are no more wetlands credits on the lot to
51 accommodate changes to the access way without the removal of Lot 1.

52
53 **PUBLIC TESTIMONY**

54 There was none.

55
56 **REBUTTAL**

57 No rebuttal was provided due to lack of public testimony.

58 Mr. Swanson closed the Public Hearing at 7:59 p.m.

59
60 **DELIBERATIONS**

61 Mr. Shetterly noted for the record that Chapter 4.3 of the staff report references DDC.3.4.015.J.3
62 which requires that all local and collector streets that stub into a development site shall be extended
63 within the site to provide “through circulation...” which would preclude a gated entrance on Ana
64 Avenue.

65 Ms. Kowash concurred that it’s really clear Ana Avenue will need to go through there in the future
66 and it’s important to approve a design that accommodates it.

67 Mr. Banford shared that he does not strongly support condition 1 which requires that Lot 1 be
68 moved and believes the applicant is doing their due diligence.

69 Mr. Schulte stated it’s a matter of fairness to not require a business to meet an unknown future
70 standard.

71 Mr. Spofford concurred the driveway should have to meet the standards applicable at the time of
72 approval of the application. He believes Ana Avenue will need to be extended and does require
73 through circulation, while a waiver of remonstrance is not favorable, he agrees the burden should be
74 with these properties.

75 Mr. Banford supports using local street standards for the extension of Ana Avenue and does not
76 believe the access off of Clow Corner Road would require the relocation of Lot 1.

77 Mr. Swanson believes the applicant should be required to meet the standards at the time of approval
78 as opposed to a future standard.

79
80 Ms. Kowash made a motion to approve SUB 24-02 with the removal of Condition 2.) And a
81 modification of Condition 4.e) to read “*Concurrent with the final plat the applicant shall record a*
82 *dedication of right of way and a future improvement guarantee/waiver of remonstrance extending*
83 *SE Ana Street to 40ft local street standards through the site to connect with SE Fir Villa.* Mr. Groh
84 seconded the motion. The motion passed unanimously with Mr. Swanson, Mr. Schulte, Ms. Newell,
85 Mr. Groh, Ms. Kowash, Mr. Spofford, and Mr. Banford voting in favor.

86
87 **6. PUBLIC HEARING – B**

88 **CUP 24-02 Childcare Facility – Dallas Retirement Village**

89 Mr. Swanson opened the public hearing at 8:28 p.m. He introduced the agenda item, the rules for
90 public testimony, and the quasi-judicial proceedings to follow. No ex-parte contact or conflicts of
91 interest were declared.

92
93 **STAFF REPORT**

94 Mr. Ballew read from the staff report and summarized the application and the criteria for approval.
95 Staff recommends that CUP 24-02 be approved with conditions as written. He discussed the
96 requirement to provide open space and how two of the lots will impact the area.

97
98 **APPLICANT PRESENTATION**

99 **Dale Pader – Dallas Retirement Village**

100 **Emma Brown – 434 SW Rose Avenue Dallas, OR, 97338**

101 Mr. Pader provided background information on Dallas Retirement Village (DRV), number of
102 employees, and total acreage of its facilities in Dallas. He walked through the details of the proposed
103 plan, and talked about the estimated capacity of the completed project. He noted that the proposed
104 facility will only be for employees and staff of the DRV. He discussed the logistics for pick-up and
105 drop-off, employee parking, and plans for mitigating the traffic impact to the surrounding area. Mr.
106 Pader answered questions from the commission and shared additional details of the plan.
107

108 **PUBLIC TESTIMONY**

109 There was none.
110

111 **REBUTTAL**

112 There was no rebuttal due to lack of public testimony.
113 Mr. Swanson closed the Public Hearing at 8:46 p.m.
114

115 **DELIBERATIONS**

116 Mr. Groh thanked the applicant for the thorough presentation. Mr. Swanson highlighted the need
117 for this service within Dallas and expressed gratitude for the employment opportunities provided by
118 Dallas Retirement Village.

119 Ms. Newel made a motion to approve CUP 24-02 as written in the staff report with conditions of
120 approval. Mr. Banford seconded the motion. The motion passed unanimously with Mr. Swanson,
121 Mr. Spofford, Mr. Schulte, Ms. Newell, Mr. Groh, Ms. Kowash, and Mr. Banford voting in favor.
122

123 **7. OTHER BUSINESS**

124 Mr. Ballew initiated a preliminary discussion of future development code updates. He listed a few
125 topics under consideration including property line setbacks for accessory structures and rules for
126 temporary signs. Staff will bring information with the new proposed language to a future meeting
127 for discussion.
128

129 **8. COMMISSIONER COMMENTS**

130 There were none.
131

132 **9. STAFF COMMENTS**

133 There were none.
134

135 **10. ADJOURN**

136 Mr. Swanson adjourned the meeting at 9:07 p.m. Next meeting: June 11th, 2024, 7:00 p.m.
137

138 **APPROVED**

139 _____
140 John Swanson, Planning Commission President

_____ Date

**CITY OF DALLAS
PLANNING COMMISSION
STAFF REPORT**

Meeting Date: June 11, 2024
Topic: Crystal Estates #SUB 23-02 (previously Jenrae Subdivision)
Application Type: Subdivision
Applicant: Chris Edwardson, Jenrae Properties, represented by VF Law, LLP, Andrew Stamp, Attorney, and MultiTech Engineering, Brandie Dalton, Land Use Consultant
Location: 300 Block of SE Academy Street at Rickreal Creek. Two blocks east of northbound Kings Valley Highway.

RECOMMENDED ACTION

Approval with Conditions

BACKGROUND INFORMATION

Zoning: RM – Residential Medium Density
Comprehensive Plan Map: Residential; Creek Trail
Floodplain: Per Letter Of Map Amendment, FEMA Case # 19-10-1284A, the portion of the subject property in the 100-year floodplain was removed from the 100-year floodplain
Riparian Corridor Property includes the Rickreall Creek Riparian Corridor
Lot Size: 5.12 Acres
Adjacent Land Uses: Single-Family Residential to the North, East (across Rickreall Creek) and West. Industrial to the Southeast and South.
Prior Land Use Approvals: Partition Application #PTN-21-06. Partition Plat 2021-0016.

PROJECT OVERVIEW

Develop a residential subdivision with 25 lots and 17,447.2 square feet (0.40 acre) of open space.

APPROVAL CRITERIA:

4.3.070 - Land Division Preliminary Plat Criteria.

The applicant’s “April 26, 2024 (revised)” Narrative and “Burden of Proof Statement” address the approval criteria. Except as noted below, staff refers to and incorporates the applicant’s written narrative for supportive findings in response to the criteria. The staff report recommends the proposed cul-de-sac and the two privately-owned mid-block lanes, not be accepted, and instead recommends SE Academy Street be continued in a loop which would replace the cul-de-sac and the two mid-block lanes. Additionally, the staff report recommends the Rickreall Creek Trail route be shown and indicated by a fee simple or easement dedication on the Final Plat. The changes due to the revised lot configuration and Rickreall Creek Trail will necessitate revised findings regarding several of the approval criteria.

LAND DIVISION PRELIMINARY PLAT

Land divisions are subject to the approval criteria of Dallas Development Code (DDC), Chapter 4.3.

CRITERION:

DDC 4.3.020.J. - J. Floodplain, Park, and Open Space Dedications. Where land filling and/or development is allowed within or adjacent to regulatory flood plain and the Comprehensive Plan designates the subject flood plain for park, open space, or trail use, the City may require the dedication of sufficient open land area for a greenway and/or trail adjoining or within the flood plain for transportation, storm drainage/water quality, or park purposes in the public interest. When practicable, this area shall include portions at a suitable elevation for the construction of a multi-use pathway in accordance with the City's adopted trails plan or pedestrian and bikeway plans, as applicable. The City shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development's impact to the park and/or trail system, or as may be required for stormwater management.

Findings:

This development is within and adjacent to a regulatory flood plain. The Comprehensive Plan designates the subject flood plain for trail use as the Rickreall Creek Trail. Dedication (fee simple or an easement) for the Rickreall Creek Trail is required per a recommended condition of approval (Condition of Approval 2, c).

CRITERION:

4.3.060 Preliminary Plat Submission Requirements

A. General Submission Requirements. . . . For all subdivisions (four or more lots) the application shall contain all of the information required for a Type III procedure under Section 4.1.040, and the information in subsections 1-4, below:

1. Public Facilities and Services Impact Study. The impact study shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study during the required pre-application conference (Section 4.1.060C). The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, and the sewer system. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users;

Findings:

This development propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems. City standards require the Rickreall Creek Trail. Development impacts include impact on the park system, which includes the Rickreall Creek Trail. Dedication (fee simple or an easement) for the Rickreall Creek Trail is required per a recommended condition of approval (Condition of Approval 2, c).

CRITERION:

4.3.060 Preliminary Plat Submission Requirements

A. General Submission Requirements. . . . For all subdivisions (four or more lots) the application shall contain all of the information required for a Type III procedure under Section 4.1.040, and the information in subsections 1-4, below:

3. In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is directly related to and roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval; and Geologic Report that addresses the soil and geologic conditions of the site.

Findings:

The proposed conditions of approval include dedication (fee simple or an easement) of a 20' ROW for the Rickreall Creek Trail (Condition of Approval 2, c).

The City's analysis is as follows:

1. The City has approximately 5,324,726 SF total city-maintained parks and open space (excludes school sport fields) and a verified 16,612 population (2020 ACS, table DP05). $5,324,726 \text{ SF} / 16,612 \text{ population} = 320.5$ square feet of park & open space per person citywide.
2. The City has 2.47 average persons per household (2020 ACS, table S1101). The subdivision proposes at least 25 new single-family dwellings. $2.47 \times 25 = 62$ new City residents.
3. Overall calculation is $62 \times 320.5 = 19,871$ square feet proportional parks area.
4. If the City were to require both (1) dedication of 20' ROW for the Rickreall Creek Trail and (2) dedication of the entire floodway area below the top of bank, the total dedicated area would only be approximately 18,881. However, the City is not requiring dedication of the floodway area and is only requiring dedication of the 20' ROW for the trail. The total dedication is far less than roughly proportional.

The Applicant's narrative states:

In this case, RCTS is a facility that is used by the entire City. The 2022 population of the City of Dallas is approximately 17,984 persons. The City currently has a "persons per household" figure of 2.47, which is based on 2020 US Census date. The RCTS is planned to be 4.2 miles long at completion, which equates to 22,176 linear feet. ($4.2 \times 5280 \text{ ft}$). Thus, the proportional share of the trail on a person-by person basis is 1.23 ft per person ($22,176 \text{ ft} \div 17,984 \text{ persons} = 1.23 \text{ ft of trail per person}$). The proposed 25-lot development will result in 61.75 residents, using the "persons per household" assumption of 2.47. Thus, a proportional land dedication is 75.95 linear feet of trail ($25 \text{ homes} \times 2.47 \text{ PPH} \times 1.23 \text{ feet per person} = 75.95 \text{ linear feet}$). However, the City's TSP shows at least 350 feet of trail needed across the subject property. This is more than 3x the proportional amount of land the City can require under *Dolan*.

Even using the Applicant's calculation, some dedication is justified—not zero dedication as the Application advocates in contradiction to its own analysis. However, the Applicant omits the crucial consideration of proportionate impact on the City's entire park systems, of which the trail is only a relatively small part.

Even using the Applicant's own numbers for an alternative calculation, when total park area is considered as it should be, the dedication is still proportional:

1. The City has approximately 5,324,726 SF total city-maintained parks and open space (excludes school sport fields) and an estimated 17,984 population (Applicant Number). $5,324,726 \text{ SF} / 17,984 \text{ population} = 296$ square feet of park & open space per person citywide.
2. The City has 2.47 average persons per household (2020 ACS, table S1101). The subdivision proposes at least 25 new single-family dwellings. $2.47 \times 25 = 61.75$ new City residents.
3. Overall calculation is $61.75 \times 296 = 18,278$ square feet proportional parks area.
4. Notably, 18,278 square feet is larger than both: (1) the 6% minimum open space required for the site of 13,382 square feet and (2) the open space proposed by the Applicant of 17,447.2 square feet.

5. If the City were to require both (1) dedication of 20' ROW for the Rickreall Creek Trail and (2) dedication of the entire floodway area below the top of bank, the total dedicated area would only be approximately 18,881, which is just barely larger than 18,278. However, the City is not requiring dedication of the floodway area and is only requiring dedication of the 20' ROW for the trail. The total dedication is far less than roughly proportional.

Finally, to ensure rough proportionality, the City also included in the trial condition that the Applicant can offset the dedication for the trail by reducing the other open space on the site.

CRITERION:

DDC 4.3.070.A.1. - The proposed preliminary plat complies with the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Article, and the applicable chapters and sections of Article 2 (Land Use Districts) and Article 3 (Design Standards) shall apply.

Article 2 (Land Use District) Findings:

DDC 2.2.020. – Allowed Land Uses and Building Types: Table 2.2.020 lists “Single Family House” and “Attached House (2 dwelling units sharing a common wall with each unit on its own lot)” as permitted uses (“P”) in the Residential Medium Density (RM) District. Table 2.2.020 also lists “Accessory Dwelling Unit” as a special use (“S”) in the RM District.

FINDING:

The subject property is in the Residential Medium Density (RM) District. The application proposes Lots 1 (2,366 sq. ft.) and 2 (2,358 sq. ft.), and Lots 3 (2,358 sq. ft.) and 4 (2,652 sq. ft.), to be “Attached House (2 dwelling units sharing a common wall with each unit on its own lot).” Further, it proposes Lots 5 – 25 to be “Single Family House.” The proposed uses are permitted in the RM District. Section 2.2.020 is met.

DDC 2.2.030.A. – General Development Standards, Minimum and Maximum Residential Density: The minimum and maximum residential densities in the RM District are 6 – 16 dwelling units (Table 2.2.030.A), respectively, per net buildable acre after subtracting required right-of-way.

FINDING:

The applicant’s Narrative, p. 16, states, “...the net acreage after subtracting ROW is 3.97 acres. Note that we did not subtract the land which comprises the mid-block lanes as ROW. Therefore, the minimum number of lots required for the site is 22.” Based on the 3.97 acre figure (5.12 ac – 1.15 ac of ROW = 3.97 net acres), the minimum density is 23.82 units, rather than 22 units (3.97 ac x 6 units per net buildable acre = 23.82 units) and the maximum is 63.52 units (3.97 ac x 16 units per net buildable acre = 63.52 units). The proposed number of lots is 25 which is within the 23.82 – 63.52 dwelling unit range. The minimum and maximum residential density standard is met, however, the calculation may change with the reconfiguration necessitated by replacing the cul-de-sac and the mid-block lanes with an extension of SE Academy Street and the easement for the Rickreall Creek Trail.

The area of the two mid-block lanes was not subtracted from the gross site area because they are further explained in the Narrative as being privately-owned, e.g., Narrative, p. 18, the applicant’s findings regarding Section 2.2.050.E.

There are two “mid-block lanes.” They are (1) the 20 foot wide rectangular area extending northwesterly from the cul-de-sac (about 73 ft. x 20 ft. = 1,460 sq. ft.) and (2) the 25 foot wide (about 210 ft. x 25 ft. =

5,250 sq. ft) and the 20 foot wide (about 120 ft. x 20 ft. = 2,400 sq. ft) mid-block lane running northerly and curving northwesterly from the end of the cul-de-sac to the new portion of SE Academy Street. They total about 9,110 sq. ft. or 0.21 acres (1,460 sq. ft. + 5,250 sq. ft. + 2,400 sq. ft. = 9,110 sq. ft.).

DDC 2.2.030.B. – General Development Standards, Minimum Average Lot Area: The application proposes the 25 lots to be developed with “Single-Family House, non-attached” and “Attached House.” The minimum average lot size for a “Single-Family House, non-attached” is 4,000 sq. ft. The minimum average lot size for an “Attached House” is 2,000 sq. ft.

FINDING:

The Narrative, pp. 16, 17, states, “The average lot size in the proposed subdivision is 5,891 square feet, with lots ranging in size from 2,358 to 18,532 square feet.” Lots 1 - 4 are proposed to be developed with attached houses (townhouses) and their average lots size is 2,433 sq. ft. (2,366 + 2,358 + 2,358 + 2,652 = 9,734 sq. ft. / 4 = 2,433 sq. ft.). The 2,433 sq. ft. average lot size is greater than 2,000 sq. ft., therefore, the minimum average lot area is met for the four “Attached House” lots.

The average lot size of Lots 5 – 25 is 6,469 sq. ft. (Lots 5 – 25 total 135,848 sq. ft. / 21 lots = 6,469 sq. ft.). The 6,469 sq. ft. average lot size is greater than 4,000 sq. ft., therefore, the minimum average lot area is met for the 21 “Single-Family House, non-attached” lots.

The minimum average lot area standard is met, however, the calculation may change with the reconfiguration necessitated by replacing the cul-de-sac and the mid-block lanes with an extension of SE Academy Street and the dedication (fee simple or an easement) for the Rickreall Creek Trail.

DDC 2.2.030.C. – General Development Standards, Minimum Lot Width/Depth: The minimum lot width and lot depth for a lot developed with a “Single Family House” are 40 feet and 60 feet, respectively. The minimum lot width and lot depth for a lot developed with an “Attached House” are 20 feet and 30 feet, respectively.

FINDING:

Lots 5 – 25 are each proposed to be developed with a “Single Family House.” Lots 5 – 12 and 14 - 25 are each at least 40 feet wide and 60 feet deep. Lot 13’s minimum width is 29.72 feet which is less than 40 feet and, therefore, does not comply with Section 2.2.030.C. To address the 29.72 foot width, a condition of approval (**Condition of Approval 2, f**) requires all the “Single Family House” lots shown on the Final Plat to be at least 40 feet in width. The width would change with the reconfiguration necessitated by replacing the cul-de-sac and the mid-block lanes with an extension of SE Academy Street and the dedication (fee simple or an easement) for the Rickreall Creek Trail.

Lots 1 – 4 are each proposed to be developed with an “Attached House.” Lots 1 – 4 are each at least 20 feet wide and 30 feet deep. Section 2.2.030.C, is met for Lots 1 – 4.

DDC 2.2.030.D. – General Development Standards, Building/Structure Height: Section 2.2.030.D does not apply because the building height will be reviewed at the time of building permit submittal.

DDC 2.2.030.E. – General Development Standards, Lot Coverage (Impervious Surfaces): Section 2.2.030.E does not apply because the lot coverage will be reviewed at the time of building permit submittal.

DDC 2.2.030.F. – General Development Standards, Minimum Open Space Standards: A subdivision as a whole is required to reserve a minimum of 6% of the gross area (13,381.6 sq. ft.) of the subdivision as open space.

FINDING:

The subject property is 5.12 acres or 223,027 sq. ft. (5.12 ac x 43,560 sq. ft. per acre = 223,027 sq. ft.). Six percent of 223,027 sq. ft. is 13,381.6 sq. ft. (223,027 sq. ft. x .06 = 13,381.6 sq. ft.). The applicant proposes 17,447.2 square feet (0.40 acre) of open space. It is composed of an 1,804 sq. ft. sliver of land labeled as Tract A near the entrance of the subdivision, a 42 sq. ft. area labeled as Tract B near the entrance to the subdivision and a 15,601 square foot rectangular area labeled as Tract C in the southeast corner of the subject property which includes an existing 20 foot wide sanitary sewer easement.

The 17,774.2 sq. ft. area is 7.8% (17,447.2 sq. ft. / 223,027 sq. ft. = .078 x 100 = 7.8%) of the gross area of the subject property which exceeds the minimum 6% figure of 13,381.6 sq. ft. City staff has evaluated Tracts A and B and consistent with the Dallas Development Code, Section 3.4.020(2), the City would accept Tracts A and B as a dedication of public right-of-way (ROW) to reduce the likelihood of deferred maintenance. The City would maintain each area as part of the ROW. The dedication of ROW would reduce the 7.8% of open space by 1,846 sq. ft. resulting in 15,601 sq. ft. of open space or 7.0% (16,501 sq. ft. / 223,027 sq. ft. = .0699 x 100 = 7.0%) of the gross area of the subject property which exceeds the minimum 6% figure of 13,381.6 sq. ft.

Whether the applicant includes the proposed Tracts A and B into the SE Academy Street right-of-way, the amount of open space (7.8% or 7.0%) exceeds the required 6% and Section 2.2.030.F, is met.

City staff also evaluated Tract C and consistent with Dallas Development Code, Section 3.4.020.A (2)-(3), the City does not desire to accept the proposed Tract C open space as a dedication to the City. Instead, a condition of approval is recommended (**Condition of Approval 3, d**) requiring the 16,501 sq. ft. (0.38 ac) Tract C to be reserved as open space. Ongoing ownership and maintenance of the proposed Tract C open space area shall be privately managed. The minimum 6% open space for a subdivision is met, however, the open space calculation may change with the reconfiguration necessitated by replacing the cul-de-sac and the mid-block lanes with an extension of SE Academy Street and the dedication (fee simple or an easement) for the Rickreall Creek Trail. As indicated in the recommended condition of approval (**Condition of Approval 2, c**) for the Rickreall Creek Trail, the Applicant may, if it so chooses, (1) count this dedicated area toward the 6% required open space and also (2) reduce the proposed open space on its plan by an equivalent amount of square footage as is dedicated to the Rickreall Creek Trail and instead expand the square footage of proposed lots adjacent to the open space currently proposed on the Applicant's plan.

2.2.050.A – Housing Density: The allowable residential density range for the RM Zoning District is 6 – 16 dwelling units per net acre.

FINDING:

As above for Section 2.2.030.A, the net acreage after subtracting ROW is 3.97 net acres (5.12 ac – 1.15 ac = 3.97 net acres). Based on the 3.97 acre figure, the minimum density is 23.82 units (3.97 ac x 6 units per net buildable acre = 23.82 units) instead of the 22 units stated in the applicant's Narrative, and the maximum density is 63.52 units (3.97 ac x 16 units per net buildable acre = 63.52 units). The proposed number of lots is 25 which is within the 23.82 – 63.52 dwelling unit range. The minimum and maximum residential density standard is met, however, the calculation may change with the reconfiguration necessitated by replacing the cul-de-sac and the mid-block lanes with an extension of SE Academy Street and the easement for the Rickreall Creek Trail.

Where above, Tracts A and B (1,846 sq. ft. or 0.04ac) are dedicated to the public for ROW, the total dedicated ROW would be 1.19 acres (1.15 ac + 0.04 ac = 1.19 ac) and there would be 3.93 net acres. Based on the 3.93 acre figure, the minimum density is 23.58 units (3.93 ac x 6 units per net buildable acre = 23.58

units) instead of the 22 units stated in the applicant's Narrative, and the maximum density is 62.88 units (3.93 ac x 16 units per net buildable acre = 62.88 units). The proposed number of lots is 25 which is within the 23.58 – 62.88 dwelling unit range. The minimum and maximum residential density standard would be met.

2.2.080 - Housing Variety Standards: Subdivisions of 20 or more lots are required to score at least 12 points towards the Housing Variety Standards, which are earned by having a mix of lot sizes (option 1), and/or by reserving lots for small houses (option 2), and/or by reserving lots for low-income housing (option 3). The maximum points for any single option is 9, so multiple options are required to achieve the 12 points.

The applicant proposes to score 6 points through 'lot size variety' (option 1) (Lots 1 – 4 and 18) and the remaining 6 points by reserving lots for 'small housing types' (option 2) (Lots 1 – 4 and 18). To ensure compliance with this section, a condition of approval is recommended (**Condition of Approval 4, f**) requiring the applicant to record CC&R's or deed restrictions identifying which lots are subject to the dwelling size restriction.

Article 3 (Design Standards) Findings: Chapter 3.1 and 3.2 and 3.4 are applicable to residential subdivisions.

Chapter 3.1 provides standards regarding **access and circulation**. SE Academy Street, and when a future connection is made to SE Oak Street, both streets are local streets. For local streets, Table 3.1.020.F.2 requires a 50 foot minimum access spacing, and Section 3.1.020. F, provides flexibility by stating in part "...that driveways can adjoin each other for single family dwellings and meet this standard" (meaning the 50 foot separation standard).

The definition of "Access Spacing/Intersection Spacing" follows (Section 6.1.030):

The minimum required distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersection street to the closest edge of the pavement of the connection along the traveled way.

The minimum 50 foot access spacing relates to the distance a driveway is from "...an intersection of a public or private street to the nearest driveway or other access connection..."

The applicant's Sheet P101, Cover Sheet, shows the proposed 25 lots and that the lots at the corners of intersecting public/private streets (Lots 5, 6, 20 and 23) are of adequate size for their driveways to be separated a minimum of 50 feet from the intersections. The north/south dimension of Lot 5, at the intersection of SE Academy Street and SE Oak Street, is 63.92 feet, thus the driveway would need to be near the north property line. The east/west dimension of Lot 6, at the intersection of SE Academy Street and SE Oak Street, is 77.32 feet, thus the driveway would need to be near the west property line. The east-west dimension of Lot 20, at the intersection of SE Academy Street and a privately-owned 20 foot wide mid-block lane, is 90.00 feet, thus the driveway would need to be near the east property line. The east/west dimension of Lot 23, at the intersection of SE Academy Street and SE Oak Street, is 55.45 feet from the apex of the intersection arc to the east property line, thus the driveway would need to be near the east property line.

The applicant's Sheet P401, Grading Plan, includes labels (an arrow and "Access Point") showing the approximate driveway access location for Lots 17, 18, 19, 24 and 25. The driveway for Lot 17 is along the cul-de-sac bulb approximately equidistant from the privately-owned mid-block lane extending north (and curving northwest) from the cul-de-sac and the privately-owned mid-block lane extending northwest from the cul-de-sac. It is not clear the proposed driveway for Lot 17 is at least 50 feet from either of the mid-

block lanes. A condition of approval (**Condition of Approval 2, g**) requires the Final Plat to show Lot 17 is capable of providing a driveway a minimum of 50 feet from the mid-block lanes to the east and west.

The driveways for Lots 18 and 19 are proposed to enter onto the northwest end of a 20 foot wide by approximately 75 foot long privately-owned mid-block lane extending northwesterly from the cul-de-sac. The points where the driveways for Lots 18 and 19 would enter the end of the mid-block lane would be separated from the cul-de-sac by more than 50 feet. The driveways for Lots 18 and 19 are proposed to share the mid-block lane. A condition of approval is not recommended that would require the Final Plat to show the mid-block lane as a Tract with a joint maintenance agreement for shared driveways because Condition of Approval 2, b, requires a revised Final Plat be submitted showing a public street without a cul-de-sac or mid-block lanes.

The capability of the subdivision's lots to accommodate driveways compliant with the minimum 50 foot separation will be reviewed when the Final Plat is submitted for approval. The minimum 50 foot separation will also be reviewed for compliance at the time of building permit submittal. The driveway locations may change with the reconfiguration necessitated by replacing the cul-de-sac and the mid-block lanes with an extension of SE Academy Street and the dedication (fee simple or an easement) for the Rickreall Creek Trail.

CRITERION:

DDC 3.1.030. Pedestrian Access And Circulation

A. Site Layout and Design. To provide safe, direct, and convenient pedestrian circulation, all developments, except single-family and duplex dwellings[,] shall provide a continuous pedestrian system within the development site that connects to the public right-of-way, regardless of whether a public sidewalk currently exists. The pedestrian system shall be based on the standards in subsections 1-4, below:

1. Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, if any, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of Section 3.1.020, Vehicular Access and Circulation, and Section 3.4.010, Transportation Standards.

FINDING:

This subdivision is in the RM zone, which “accommodates detached single family homes on small lots and small-scale multi-family housing, as well as duplexes and townhomes.” DDC 2.2.010.C. Because townhomes and multi-family development is not entirely foreclosed by this subdivision, DDC 3.1.030.A. is still applicable. The pedestrian walkway system must connect to existing or planned off-site adjacent trails, which here includes the Rickreall Creek Trail. Dedication (fee simple or an easement) of 20' ROW for the Rickreall Creek Trail is required per a recommended condition of approval (Condition of Approval 2, c).

CRITERION:

DDC 3.1.030. Pedestrian Access And Circulation

B. Walkway Design and Construction. Walkways, including those provided with access ways through a block, shall conform to all of the standards in subsections 1-4, below, as generally illustrated in Figure 3.1.030B:

3. Walkway Width and Surface. Walkway and accessway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the City Engineer, at least four (4) feet wide in residential projects and at least six (6) feet wide in all other projects. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least 10 feet wide, or as required by the roadway authority or park district, as applicable.

FINDING:

The pedestrian walkway system must include sufficient space for a Rickreall Creek Trail multi-use path at least 10 feet wide. Dedication (fee simple or an easement) of 20' ROW for the Rickreall Creek Trail is required per a recommended condition of approval (Condition of Approval 2, c).

Chapter 3.2 provides standards regarding **landscaping, street trees and fences and walls**.

- “Significant vegetation” is defined in DDC 3.2.020.B, and all such vegetation on the site is located within the proposed undeveloped open space; therefore, a canopy-level inventory is sufficient and a tree plan mapping the locations of individual trees is not necessary to evaluate the application, per DDC 3.2.020.C.
- Planting of street trees is required, but may be deferred until inspection of completed dwellings to avoid construction damage, as allowed under DDC 3.2.040. A condition of approval is recommended (**Condition of Approval 3.d**) to show the street tree locations on the infrastructure plans, to minimize utility conflicts.
- The applicant has not proposed any fences or walls as part of the development; places where the code allows the Planning Commission discretion to determine fences should be required are specified in DDC 2.2.120.A.6 and in DDC 3.2.030.E.3.d, which includes flag lots as needed for privacy.

Chapter 3.4 provides design standards that apply to **public facilities**, including transportation, sanitary sewer, water service, and storm drainage improvements. Engineering plans must be submitted to the City for review and approval before construction (**Condition of Approval 3**).

Regarding Streets and Transportation Facilities:

- The Dallas Transportation System Plan classifies SE Academy Street as a local street. The applicant proposes extending it into the subject property with a stub-street extending to the west property line to line-up with the existing SE Oak Street right-of-way which ends about ½ block west of the subject property.
- In Residential Districts, including the RM District, the maximum allowable block length is 600 feet per DDC 3.4.015.G.4. The distance from the existing centerline of SE Academy Street to the existing centerline of SE Oak Street is approximately 480 feet which is less than the 600 foot maximum. However, as explained further in section DDC 3.4.015.G below, other block maximums are exceeded. The proposed configuration includes a stub street to the west property line of the subject property to allow SE Academy Street to connect to SE Oak Street when the property between the subject property and the current east end of the SE Oak Street is developed.
- A Traffic Impact Analysis, dated April 22, 2024, was provided documenting that the street system has adequate capacity to support the development. The Narrative, p. 25 (middle of page) states, “The TIA did not find any operational deficiencies with regard to access, circulation, or other transportation requirements.” The Narrative, p. 40 (top of page) states, “No inadequacies in the transportation were identified by the TIA.” The trips generated by the subdivision do not require improvements to the intersections of SE Academy and Kings Valley Highway northbound or southbound.

Regarding **Storm Drainage, Sanitary Sewer and Water Service**, the Dallas Public Works Department has indicated that there are existing public utilities adjacent to the site with adequate capacity to serve the development. The applicant has provided a preliminary utility plan, however detailed infrastructure construction plans meeting applicable City of Dallas engineering standards must be submitted to the Engineering Services Division for review and approval prior to construction.

Article 4 (Administration of Land Use and Development) Findings: Chapters 4.1, Types of Review Procedures and 4.3, Land Divisions And Property Line Adjustments, are applicable to residential subdivisions.

CRITERION:

DDC 4.1 – Types of Review Procedures.

FINDING:

Procedure

The Applicant has made several objections to the procedure here, so this section will review the applicable legal requirements in response to those objections.

First, the Applicant and the City agree that the Dallas Development Code requires a Type III process for this application. DDC Table 4.1.010. The City must follow its own land use regulations in a limited land use decision. *See* ORS 197.195(3)(a).

Second, the Applicant argues that “Although the City of Dallas Development Code states that a Type III process is required when processing a subdivision, the City of Dallas Code is inconsistent with state law, since state law supersedes the city’s zoning code, and the code cannot be applied in a manner that violates ORS 197.195(3).” *Letter from Andrew H. Stamp, re: City File SUB 23-02 Crystal Estates (aka “Jenrae Subdivision”) (May 22, 2024)*. However, ORS 197.195(1) has long been interpreted to give cities the ability to continue to apply their own code provisions to Limited Land Use Decisions (LLUDs). For example, the Oregon State Bar Land Use Manual §14.144 confirms that the procedural requirements in ORS 197.195(3) for LLUDs are a minimum, not a maximum:

A shorter, quicker local decision-making process for limited land use decisions (LLUDs) is allowed for, but not required, in ORS 197.195. The statute provides for an administrative decision, after notice and a 14-day comment period, without a hearing as the final local decision. The normal land use decision-making procedures in ORS 197.763 do not apply, but if a local hearing is provided, it shall comply with ORS 197.763. ORS 197.195(2), (5). The statute also explicitly allows for a hearing if the local government so chooses. Consequently, the process can be as summary as the minimum allowed by ORS 197.195(3) or as much as the local government requires for conventional land use decisions. ORS 197.195(5).

Third, the Applicant argues that the Legislature’s recent enactment of SB 1537 (2024) supports its preemption arguments. Actually, just the opposite is true. As the Applicant recognizes, Section 45 of SB 1537 adds a new subsection (6) to ORS 197.195, which requires that cities “shall apply the procedures in [ORS 197.195], and only the procedures in [ORS 197.195].” This enactment would not have been needed if Applicant’s argument was correct. As the Applicant

also recognizes, this section is operative “on January 1, 2025, so it does not directly govern this case.” See *Letter from Andrew H. Stamp, re: City File SUB 23-02 Crystal Estates (aka “Jenrae Subdivision”)* (May 22, 2024). Further, the Applicant fails to note that Section 46(1) of SB 1537 allows a city to apply for an outright exemption to ORS 197.195(6) or an extension of time beyond January 1, 2025 before the new subsection (6) applies to it: “The Housing Accountability and Production Office may approve a hardship exemption or time extension to ORS 197.195 (6), during which time ORS 197.195 (6) does not apply to decisions by a local government.”

Taken together, these amendments in SB 1537 (2024) actually make it even clearer that the statutory provisions of ORS 197.195(3) for LLUDs are not currently mandatory on cities. If cities were currently required to apply the ORS 197.195(3) procedures to LLUDs, it wouldn't have been necessary to amend the statute to say that they have to use that specific statutory process. There's a presumption that the legislature doesn't adopt superfluous or meaningless language, which the new subsection (6) would be if the subsection (3) provisions were already required. See ORS 174.010 (mandating statutory construction that will “give effect to all” provisions); see also *Dept. of Human Servs. v. K.W.*, 273 Or App. 611, 624, 359 P3d 539, 546 (2015) (“As a general rule, ‘we assume that the legislature did not intend any portion of its enactments to be meaningless surplusage.’” (quoting *State v. Stamper*, 197 Or App. 413, 418, 106 P3d 172, 175 (2005))). Further, the fact that the new subsection (6) has a delayed effective date obviously gives cities time to amend their codes to comply with the directive, which, again, shows that the statutory provisions in ORS 197.195(3) aren't already required. Section 46a makes this even clearer, where it gives cities the ability to apply for an exemption or extension of time to the new subsection (6), “during which time ORS 197.195(6) does not apply to decisions by a local government.” Altogether, this shows that the current state of affairs is that the provisions of ORS 197.195(3), which subsection (6) says cities will have to start applying, are not currently mandated. Otherwise, the effect of Section 47a would be to allow cities to apply to opt out, either temporarily or permanently, of a current requirement. That's pretty clearly not what Section 47a is about.

Fourth, the Applicant argues that “Unlike the City’s Type III procedure, state only allows for one hearing, which is a local appeal hearing. In other words, state law mandates the equivalent of what is traditionally known as a Type II procedure.” See *Letter from Andrew H. Stamp, re: City File SUB 23-02 Crystal Estates (aka “Jenrae Subdivision”)* (April 25, 2024). Even under Type II procedures, the Planning Official has discretion to refer the application to the Planning Commission. DDC 4.1.030(C). To the extent that the Applicant requested a Type II procedure (which is not the correct procedure under the DDC), even if a Type II procedure did apply, the Planning Official would still refer the application to the Planning Commission given the significant conditions needed for approval and the public interest in an initial hearing. Regardless, the Applicant’s argument that only one hearing on appeal is allowed is directly contradictory to the language of the statute cited by the Applicant. ORS 197.195(5) recognizes that there can be both an “initial hearing” and a “hearing on appeal.”

Fifth, the Applicant’s application, at page 6, asserts that “a limited land use decision must be decided at the staff level” per ORS 197.195(5). The Applicant recently objected to “the jurisdiction of the planning commission as the initial decisionmaker,” again based on ORS 197.195. See *Letter from Andrew H. Stamp, re: City File SUB 23-02 Crystal Estates (aka*

“*Jenrae Subdivision*”) (May 22, 2024). However, nothing in ORS 197.195 specifies who must be the “initial decisionmaker” or prevents the Planning Commission from being the “initial decisionmaker.” In contrast, ORS 197.195(3)(a) says a city “shall follow” its land use regulations, which provide for the Planning Commission to be the “initial decisionmaker.” For context, many other cities in the Willamette Valley also have an initial hearing with their Planning Commission.

Sixth, the Applicant argues that there must be a 14-day comment period under ORS 197.195(3)(c)(A). The City has met this requirement by providing at least 14 days for comment.

Seventh, the Applicant argues that ORS 197.307(4)’s protections for needed housing override the City’s process here. Specifically, the Applicant points out that the statute says that “procedures . . . [m]ay not have the effect . . . of discouraging needed housing through unreasonable cost or delay.” The Applicant then argues that “holding two local hearings (instead of a staff decision based on a 14-day comment period) causes both increased cost and delay for the applicant.” See *Letter from Andrew H. Stamp, re: City File SUB 23-02 Crystal Estates (aka “Jenrae Subdivision”)* (May 22, 2024). The City agrees on the importance of avoiding unreasonable cost or delay, but no such problems are present here. As explained above, there is no limit on holding two hearings. Since an initial hearing is allowed, holding a hearing cannot add unreasonable cost.

The City’s procedure also does not add unreasonable delay. The City has endeavored to act as expeditiously as possible since this hearing is scheduled at the first regular meeting of the Planning Commission that was logistically possible under the DDC after the Applicant completed its application on April 26, 2024. Notably, DDC 4.1.040 requires that a hearing notice be mailed 20 calendar days before the hearing and be published in a newspaper of general circulation at least 14 business days before the hearing. These procedures are important for public participation and full transparency; they are also eminently reasonable. Even if a hearing notice had been both mailed and published on April 29—the very next business day after the Applicant completed its application, which is not logistically realistic—that would still have been less than 20 calendar days and less than 14 business days before the Planning Commission’s next hearing on May 14. An initial hearing on the first allowed regular meeting date of June 11 is reasonable. There has been no delay here, let alone any unreasonable delay.

Eighth, the Applicant argues that it is a substantive error to use Type III procedures that “would result in the final decision being made by the City Council” and thus “change the standard of review under which the decision is reviewed by LUBA.” See *Letter from Andrew H. Stamp, re: City File SUB 23-02 Crystal Estates (aka “Jenrae Subdivision”)* (May 22, 2024). However, just as ORS 197.195 does not specify who must be the “initial decisionmaker,” ORS 197.195 also does not specify who must be the decisionmaker on appeal. If anything, ORS 197.195(5) says that the appeal hearing may be “before the local government,” which—in the context of the entire statute—implies a hearing before the city council itself in this situation. Also, as previously noted, the City must follow its own land use regulations in a limited land use decision. See ORS 197.195(3)(a).

CRITERION:

DDC 4.3.070.A.2. - The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

FINDING:

The proposed name for this subdivision is “Crystal Estates”. Subdivision naming is subject to review and approval by the County Surveyor.

CRITERION:

DDC 4.3.070.A.3. - The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;

FINDING:

The DDC, Section 4.3.070.A.3 allows the City to approve a preliminary plat provided, among other things, that the proposed “pathways” are shown and that they transition to the plats of approved land divisions. The Dallas Comprehensive Plan, Volume I, Chapter 4, Section 4.1.1, designates Rickreall Creek as a Riparian Corridor and trail along the Rickreall Creek Riparian Corridor. The DDC, Section 2.8.050.D, Permitted Uses, lists as a permitted use in a riparian corridor, “Trails, public utilities and passive recreation areas may be located within the riparian corridor area” (Section 2.8.050.D.1).

The analysis provided in these findings concludes the dedication (fee simple or an easement) of a 20 foot wide area for the Rickreall Creek Trail from the east property line along the top-of-bank to the west property line and then southerly to the SE Academy Street extended is necessary. The proposed Preliminary Plan does not show a 20 foot wide dedication for the Trail. The applicant’s Narrative,

CRITERION:

DDC 4.3.070.A.4. - All proposed private common areas and improvements (e.g. homeowner association property) are identified on the preliminary plat;

FINDING:

The open space proposed shown on the preliminary plat is to be owned and maintained by a homeowners association (**Condition of Approval 4.e**).

CRITERION:

DDC 4.3.070.A.5. - Evidence that any required State and Federal permits have been obtained, or shall be obtained before approval of the final plat;

FINDING:

A standard condition of approval (**Condition of Approval 3.c**) is that all outside agency permits be obtained before the city issues a grading permit, as certain permits are required prior to construction activities, such as the National Pollutant Discharge Elimination System (NPDES) 1200c permit. With the standard condition of approval city staff believe the criterion can be satisfied.

CRITERION:

DDC 4.3.070.A.6. - Evidence that improvements or conditions required by the City, road authority, Polk County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met;

FINDING:

This staff report and the final decision order identify the improvements and conditions that must be met and the time line for completing them. The proposed development can comply with this criterion.

CRITERION:

DDC 4.3.070.A.7. - If any part of the site is located within an Overlay Zone, or previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions.

FINDING:

The site is not located within an Overlay Zone. This criterion does not apply.

CRITERION:

DDC 4.3.070.B.1. - All lots shall comply with the General Development Standards of the applicable land use district (Article 2), and the standards of Section 3.4.010.G – Street Connectivity and Formation of Blocks.

FINDING:

Refer to page 3 for discussion of how the application satisfies the standards of Article 2 and street connectivity standards.

CRITERION:

DDC 4.3.070.B.2. - Setbacks shall be as required by the applicable land use district (Article 2).

FINDING:

Staff concurs that the applicable setbacks can be met at the time of building permit review. Therefore, this criterion is satisfied.

CRITERION:

DDC 4.3.070.B.3. - Each lot shall conform to the standards of Chapter 3.1 – Access and Circulation.

FINDING:

Proposed driveways are shown on preliminary plans, and will be reviewed at the time of building permit / construction plan.

CRITERION:

DDC 4.3.070.B.4. - Landscape or other screening may be required to maintain privacy for abutting uses.

FINDING:

The applicant does not propose any privacy screening as part of the project. Areas where buffers or screens are or may be required by code are specified in DDC 2.2.030.E.3.

CRITERION:

DDC 4.3.070.B.5. - In conformance with the Oregon Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive.

FINDING:

Staff finds that a 20-foot wide access is provided to the buildable portions of the lots, therefore this criterion is satisfied.

CRITERION:

DDC 4.3.070.B.6. - Where a common drive is to be provided to serve more than one lot, a reciprocal easement for access and maintenance rights shall be recorded with the approved subdivision or partition plat.

FINDING:

This will be verified by city staff prior to approval of the final plat.

CRITERION:

DDC 4.3.070.B.7. - All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.

FINDING:

Staff concurs that engineering standards can feasibly be met with conditions of approval. A standard condition of approval is that the applicant shall submit detailed construction plans for review and approval by the Engineering Services Department, per DDC 3.4.070.

CRITERION:

DDC 3.4.015.A.3 . A. Development Standards and Criteria. The following standards are implement the City of Dallas Transportation System Plan of October 2009 as amended. Projects shall be required to meet the current standards in effect at the time an application is filed.

...

3. Street Improvements. Streets within and adjacent to a development shall be improved in accordance with the City of Dallas Transportation System Plan and the provisions of this Chapter. Development of new streets, including sidewalks, curbs, gutters, bicycle lanes, vehicle travel lanes, traffic control devices, and park strips, and additional right-of-way or street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Chapter; and all public streets shall be dedicated to the applicable road authority upon the City Engineer's acceptance of said improvements;

FINDING:

The Transportation System Plan includes the Rickreall Creek Trail. Part of the property is within the Creek Trail comprehensive plan designation. Dedication (fee simple or an easement) of 20' ROW for the Rickreall Creek Trail is required per a recommended condition of approval (Condition of Approval 2, c).

CRITERION:

DDC 3.4.015.F . Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall be the widths in Table 3.4.010. . . .

Table 3.4.010.

...

Creek Trails Minimum 10' wide paved multi-use path with landscaping. Includes a minimum of 20' of ROW.

FINDING:

The minimum ROW required for a trail dedication is 20 feet. Part of the property is within the Creek Trail comprehensive plan designation. Dedication (fee simple or an easement) of 20' ROW for the Rickreall Creek Trail is required per a recommended condition of approval (Condition of Approval 2, c).

CRITERION:

DDC 3.4.015.G .Street Connectivity. All land divisions, including those within Master Planned Developments, shall conform to all the following access and circulation design standards:

...

3. Continuation of Streets. Planned streets shall connect with surrounding streets, and shall be reasonably direct to permit the convenient movement of traffic between residential neighborhoods, and to facilitate emergency access and evacuation. Connections shall be designed to meet or exceed the standards in subsection 4, below. . . .

4. Street Connectivity and Formation of Blocks. In order to promote efficient vehicular and pedestrian circulation throughout the city, all land divisions, and site developments of more than two (2) acres requiring the extension of public streets, shall be served by a connecting network of public streets and/or accessways, in accordance with the following standards (minimum and maximum distances between two streets or a street and its nearest accessway) Note that street spacing less than the maximum may be required in order to facilitate orderly development of the street system, see also section 3.4.010.I. – Extension of Streets, Sidewalks, and Bikeways:

a. Residential Districts, except as otherwise required by an applicable overlay zone or Master Plan (Article 2): Minimum of 100-foot block length and maximum of 600-foot length; maximum 1,400 feet block perimeter measured from the right-of-way edge; . . .

FINDING:

This is a proposed land division, so these provisions apply. Staff finds that the application would create a superblock between Academy, Oak, and Jefferson Streets including part of the development that exceeds the maximum block length on Academy and Oak, as well as exceeding the maximum block total perimeter. A straightforward application of this code requirement would require outright denial of the subdivision application

However, due to the unique site restrictions posed by the property location and the City’s desire to meet needed housing goals, the City recommends approval with several proposed conditions to add connectivity to the proposal, increase vehicular and pedestrian circulation, and minimize the negative impacts that DDC 3.4.015.G seeks to avoid. These conditions include dedication (fee simple or an easement) for the Rickreall Creek Trail per a recommended Condition of Approval 2.c, and includes a recommended Condition of Approval 2.b that requires the proposed subdivision plan be revised to delete the cul-de-sac and the mid-block lanes and show a local residential street within a 50 foot wide right-of-way with full Oregon Fire Code compliance for each turning radius.

CRITERION:

DDC 3.4.015.N – Cul-de-sacs. Streets shall be planned to continue to and through abutting properties, consistent with the connectivity standards in Section 3.4.010.G. A cul-de-sac street shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation. For example, the City Engineer may approve a cul-de-sac where a street extension would otherwise exceed allowable street grades or negatively impact a natural drainageway or jurisdictional wetland. When cul-de-sacs are allowed, all of the following shall be met:

- 1. The cul-de-sac shall not exceed a length of 600 feet; the length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac;*
- 2. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Oregon Fire Code. Circular turnarounds shall have a radius of no less than 40 feet, and not more than a radius of 45 feet (i.e., from center to edge of pavement); except that turnarounds*

- shall be larger when they contain a landscaped island or parking bay at their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width; and*
- 3. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle accessway connection between it and adjacent streets access ways, parks, or other right-of-way. Such accessways shall conform to Section 3.1.040.*

FINDING:

The proposed subdivision includes a cul-de-sac. The cul-de-sac as proposed does not meet current Oregon Fire Code nor the DDC's requirements that streets shall be planned to continue to and through abutting properties. See above analysis of DDC 3.4.015.G.

The City does not accept the proposed cul-de-sac and instead would require a typical local residential street be extended, possibly in a looping fashion generally as shown on the plans. A recommended condition of approval (**Condition of Approval 2.b**) requires the proposed subdivision plan be revised to delete the cul-de-sac and the mid-block lanes and show a local residential street within a 50 foot wide right-of-way with full Oregon Fire Code compliance for each turning radius.

The Narrative, pp. 48 and 49 addresses DDC 3.4.015.N, and concludes the factors that would preclude a "street extension and through circulation" are not clear and objective, and therefore, cannot be applied. The City's review concludes, where the factors cannot be applied, a cul-de-sac cannot be justified and the basic prohibition of cul-de-sacs would stand. The remaining development option would be to construct a local residential street, possibly in a looping fashion generally as shown on the plans.

The Narrative (bottom of p. 48) states, "This standard is not clear and objective because is not clear when, or in whose judgment, those circumstances exist." The response is the existence of those circumstances would be determined by the decision authority when the decision authority considers and makes a decision on the application.

There are no environmental or topographical constraints, or existing development patterns, or other code standards that would preclude the extension of a local residential street to provide through circulation, possibly in a looping fashion as shown on the plans.

It is noted the proposed mid-block lane is partially 25 feet wide and partially only 20 feet wide. The proposed mid-block lane extends from the end of the cul-de-sac bulb along the frontage of Lots 13 – 16 and loops back to SE Academy Street. A sidewalk is proposed on the east side of the 25 foot wide segment of the mid-block lane. There is no sidewalk proposed on the west side of the 25 foot wide mid-block lane resulting in Lots 18 and 19 with no sidewalk. The lack of a sidewalk on either side of the 20 foot wide portion of the mid-block lane west of Lots 16 and 19 would require pedestrians to walk "out of direction" in a clockwise fashion for several hundred feet to exit the subdivision via SE Academy Street or to walk unsafely in the vehicle travel area.

CRITERION:

DDC 3.4.020.A – A. Dedication of Public Use Areas.

- 1. Where a proposed open space, park, playground, or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City may require the public dedication or reservation of this area on the final plat for the subdivision, provided that the impact of the development on the City park system is roughly proportionate to the dedication or reservation being made.*

FINDING:

The City’s Comprehensive and Master Plans show the Rickreall Creek Trail extending through this property and some of the property is specifically designated Creek Trail and not Residential. Dedication (fee simple or an easement) for the Rickreall Creek Trail is required per a recommended condition of approval (Condition of Approval 2, c). Dedication of a 20-foot-wide strip of property for the trail is roughly proportionate to the expected impact of the development on the City’s park system.

DDC 3.4.050.E - Phased Development.

FINDING:

The application materials do not propose a phased subdivision, therefore, Section 3.4.050.E, does not apply.

FLOODPLAIN DEVELOPMENT PERMIT

2.7 - Flood Hazard Regulations, Floodplain Review Criteria: This chapter requires development in the Special Flood Hazard Area (SFHA)(100-year floodplain) to comply with the standards for development in the SFHA.

FINDING:

The subject property includes land in the SFHA, however, the applicant’s Narrative, Exhibit 9, includes Letter Of Map Amendment, FEMA Case #19-10-1284A, which shows FEMA, Region 10, removed a portion of the subject property from the 100-year floodplain because the natural elevation of the land is higher than the base flood elevation. Due to the approved Letter of Map Amendment, a floodplain development permit is not required for the subdivision or for the construction of dwellings on the proposed lots.

RIPARIAN CORRIDORS AND WETLANDS REGULATIONS

2.8 - Riparian Corridors & Wetlands Regulations: This chapter requires the applicant to map wetlands and riparian corridors, to coordinate with the Department of State Lands, and prohibits development within ten feet of the top of stream bank or associated wetland. The applicant has provided removal/fill documentation from the Department of State Lands consistent with this chapter.

CRITERION:

2.8.020 - Applicability: Chapter 2.8, Riparian Corridors and Wetlands Regulations, applies to “riparian corridors.”

FINDING:

The Dallas Comprehensive Plan, Volume I, Chapter 4, Section 4.1.1, designates Rickreall Creek as a Riparian Corridor and trail along the Rickreall Creek Riparian Corridor. The DDC, Section 2.8.050.D, Permitted Uses, lists as a permitted use in a riparian corridor, “Trails, public utilities and passive recreation areas may be located within the riparian corridor area” (Section 2.8.050.D.1). Previously, the City has obtained a dedication or an easement of land for the Rickreall Creek Trail associated with other development applications. A proposed condition of approval would require the dedication of a fee title or easement area (at the developer’s choice) 20 feet wide on the upland side of the “top of bank” line shown on the applicant’s plans. The area would extend from the east property boundary of the subject property to a public street. The City would construct and maintain the trail.

RECOMMENDED ACTION

Staff recommends that the Subdivision application be approved with the following conditions of approval:

- 1) The project shall be completed in accordance with the general criteria, plans and specifications, documents, and all other information presented to/or modified by the Planning Commission.
- 2) **Final Plat:**
 - a) The final plat must be submitted within 2 years of the date of this order, or this approval shall lapse, unless extended pursuant to DDC 4.3.050.D.
 - b) The final plat must show a local residential street within a 50 foot wide right-of-way providing circulation to the revised layout of proposed lots without a cul-de-sac or mid-block lane.
 - c) The Applicant must dedicate property for the Rickreall Creek Trail running along and just above the top bank of Rickreall Creek providing a connection along the entire length of the creek from the easternmost property boundary to the westernmost part of the top bank and then connecting to a public street. The dedication must be 20 feet wide for the entire length of the dedication and can be either (1) fee title or (2) an easement allowing public access and for the city to construct and maintain the Rickreall Creek Trail. The Applicant may, if it so chooses, (1) count this dedicated area toward the 6% required open space and also (2) reduce the proposed open space on its plan by an equivalent amount of square footage as is dedicated to the Rickreall Creek Trail and instead expand the square footage of proposed lots adjacent to the open space currently proposed on the Applicant's plan. There is no requirement for the Applicant to complete or pay for trail improvements. The exact dedication terms and area consistent with this condition, plus any open space adjustments, must be approved by the City Manager prior to approval and recording of a final subdivision plat.
 - d) Open space Tracts must be shown as reserved as open space, unless the applicant chooses to dedicate Tracts A and B to the public for right-of-way purposes.
 - e) As part of submitting detailed construction plans, the applicant must submit a draft Final Plan and a revised Narrative document explaining how the revised lot and street configuration complies with the Dallas Development Code provisions that are affected by the revisions.
 - f) All "Single Family House" lots shown on the Final Plat must be at least 40 feet in width.
 - g) The Final Plat must show Lot 17 is capable of providing a driveway a minimum of 50 feet from the mid-block lanes to the east and west.
- 3) **Prior to Construction Plan Approval:**
 - a) The Applicant shall submit detailed construction plans consistent with Condition of Approval #2, b, for review and approval by the Engineering Services Department, per DDC 3.4.070. This shall also include all necessary permit applications and studies as required.
 - b) No work on the site shall commence until all permits and approvals have been secured from the Engineering Department, except for work allowed under separate permits.

- c) The Applicant shall obtain applicable state and federal permits as needed for the development, including but not limited to a National Pollutant Discharge Elimination System (NPDES) 1200c permit for construction activities (e.g. clearing, excavation).
- d) Construction plans shall include location of street trees, consistent with DDC 3.2.040.
- e) Documentation showing no net loss in flood storage capacity shall be provided.

4) Prior to Final Plat Approval:

- a) The final plat shall show all grants of easement and rights of way.
- b) The Applicant shall provide a two-year warranty bond valid for 15% of the total cost of public improvements, per DDC 3.4.090.G.
- c) All public improvements shall be installed as approved by the Engineering Department, except those improvements the City at its discretion allows to be deferred, provided that the Applicant sign a deferred improvement agreement and provide a performance bond of 110% of the cost of the deferred improvements, per DDC 3.4.090.
- d) Floodplain boundary markers, which include the words ‘floodplain boundary’ or similar words, shall be placed where property lines intersect the floodplain boundary.
- e) A Homeowner’s Association or other method of private ownership and maintenance for the open space tracts shall be established to the satisfaction of the City Manager.
- f) The applicant must record CC&Rs or deed restrictions identifying which lots (1 – 4 and 18) are subject to the dwelling size restriction for the “small housing types” (option 2)(DDC 2.2080, Housing Variety Standards).

5) Prior to Building Permit Approval for each lot:

- a) The Applicant shall record the final subdivision plat at the Polk County Assessor’s Office within 60 days of signature by the City.
- b) The Developer or Home Builder shall provide a final soils engineering report for City review and approval. The report shall include, but is not limited to, the location and depth of fill by lot, a compaction report, and a soil expansive index rating for the development. If the soils report has an expansive index rating over 20 or soil bearing under 1500 PSF, then the lot shall have a specific evaluation report regarding soil issues and engineered solutions for the foundation systems.
- c) A site survey establishing building location shall be required before approval to place concrete for building foundations if property pins are not in place at the time of residential construction (e.g. post-monumentation).
- d) The Applicant shall comply with all applicable Building and Fire Code requirements.
- e) For each lot containing mapped floodplain, an elevation certificate shall be provided for each proposed structure, demonstrating finished floor to be at least 1 foot above the Base Flood Elevation.

RECOMMENDED MOTION:

I move to approve the Subdivision application with the conditions stated in the staff report.

EXHIBITS:

- A. Applicant’s Written Narrative and Plans
- B. Notice of Public Hearing



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Admitted to Practice in

Oregon

April 25, 2024

P18476-001

VIA HAND DELIVERY

Mr. Jim Jacks, AICP
Senior Planner
Mid-Willamette Valley Council of Governments
100 High Street SE, Suite 200
Salem, OR 97301
503 540-1619 (direct)

Re: City File SUB 23-02 Crystal Estates (aka "Jenrae Subdivision")

Dear Mr. Jacks:

This office represents Dr. Chris Edwardson, M.D. and Jenrae Properties, LLC with regards to the Crystal Estates subdivision application. The applicant submitted the application by hand delivery on Monday, October 30, 2023. Note that this application was a resubmittal of an application the applicant filed in 2022 which had been delayed due to the need for the parties to obtain appraisals.

The city sent us a timely incompleteness letter pursuant to ORS 227.178(2) on November 29, 2023. The City's incompleteness letter states that "subdivision applications are considered by Dallas Development Code (DDC) [to be] a Type III land use decision. This application will be processed through the Type III process outlined in DCC." However, the DDC cannot be applied because it is inconsistent with state statutes. Under ORS 197.015(12), the "approval or denial of a tentative subdivision plan is a "limited land use decision." As such, this application must be processed using the procedures set forth in ORS 197.195(1). Unlike the City's Type III procedure, state only allows for one hearing, which is a local appeal hearing. In other words, state law mandates the equivalent of what is traditionally known as a Type II procedure.

ORS 227.178(2) provides:

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section or ORS 197A.470 upon receipt by the governing body or its designee of:

(a) All of the missing information;

- (b) Some of the missing information and written notice from the applicant that no other information will be provided; or*
- (c) Written notice from the applicant that none of the missing information will be provided.*

We are proceeding under the option set forth in ORS 227.178(2)(b), which is to say that we are providing some of the missing information and we are – via this letter, providing written notice that no other information will be provided.

(3)(a) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted and the city has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(4) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:

- (a) All of the missing information;*
- (b) Some of the missing information and written notice that no other information will be provided; or*
- (c) Written notice that none of the missing information will be provided.*

As a result, the applicant must be deemed complete as of Thursday, April 25, 2024.

For the sake of clarity, we have quoted the pertinent sections of the City’s November 29, 2023 letter (*in Garamond, 11.5 pt font*) and provide our response below.

1. Large Size Plan Set / Scaled Drawings – The application included four drawings labeled P101, P201, P301, and P401. These drawings were submitted on 8 ½ x 11 inch paper. This proved to be difficult for staff to review and confirm many standards such as lot size, depth, width, street widths, etc. Please provide a large size plan set of these documents and any other plans required by this letter. A standard plan set size such as 18 x 24 inches or 24 x 36 will be sufficient.

Applicant Response: The applicant will provide full size copies of the site plans, as requested.

2. Traffic Impact Analysis (DDC 4.1.090.A.4) – City Code requires an application to include a traffic impact analysis when there is an increase in peak hour traffic volume of a particular turning movement to and from an arterial street, including state highways, by 20 percent or more. The application includes a trip generation analysis that concluded the PM peak hour trips are less than that percentage. City staff contend that the applicant’s trip generation analysis incorrectly determined the existing turning movement volume from Academy Street onto Hwy 223. City staff determined the existing peak hour turning movement onto the state highway is 57 trips. The additional volume generated by the development is 29 trips. The added volume exceeds the 20 percent threshold, requiring a traffic impact analysis be submitted with the application. I’ve

included the City's trip generation calculation for the proposal as an attachment to this letter. Please submit a traffic impact analysis meeting the requirements of the road authority having jurisdiction.

Applicant Response: The applicant has prepared a Traffic Impact Analysis dated 22 April 2024 from Lancaster Engineering.

3. **Re-division Plan** (DDC 4.3.020.C) – City Code requires a subdivision application which includes large lots to provide a re-division plan for lots that are two times the minimum lot size allowed by the underlying land use district. In this application, lots 11, 13, 14, 15, and 16 and more than two times the size of the minimum lot area of the underlying land use district, thus requiring the need to provide a re-division plan for these five lots. Please include this re-division plan with your application. The standards for the re-division plan are set out in DDC 4.3.020.C.

Applicant Response: No redivision plan is provided because it is not feasible to redivide lots 11, 13, 14, 15, and 16 in a manner that meets the city's approval standards. We attempted numerous site designs, and the chosen design maximizes lot density while at the same time minimizing ROW dedications. The city's "standards, conditions, and procedures" cannot discourage housing through *unreasonable cost or delay*. A redivision plan is a needless exercise in this case, and one that would impose unreasonable cost or delay.

4. **Attached Housing / Alley** (DDC 2.2.120.B) – On page 2 of the application narrative, it states that lots 1-4 will be developed with single-family attached units. City Code states that subdivisions or phases of subdivisions proposed to contain three or more consecutively attached house dwellings on any block, shall provide vehicle access to all such lots and units from an alley or interior parking court. It is unclear whether these four lots with attached units will trigger this requirement. Please clarify how the developer intends to develop these four lots to ensure this standard is either met, or not required.

Applicant Response: DDC 2.2120(B) requires alley access for a subdivision which proposes "to contain three (3) or more consecutively attached house dwellings on any block." We are proposing two separate attached single-family dwellings on lots 1-4, and therefore we do not trigger the "alley access" standard.

5. **Open Space** (DDC 2.2.030.F) – City Code requires the subdivision to provide 6% of the development site as open space. The application narrative calls out the subject site at 6.65 acres in size. According to staff, the development site appears to be 5.12 acres in size. Please clarify this inconsistency in the application? In addition, on page 3 of the application narrative, there is a reference to a Tract A, which is not shown on any of the submitted plans. Please clarify this inconsistency?

If staff's determination is correct about the size of the development site, then the open space requirement is 13,075 sq. ft. is met by the applicant's proposal.

Applicant Response: Staff is correct. The proposal is to subdivide approximately 5.12 acres into 25 lots in an RM (Residential Medium) density zoning district. The applicant proposes to create 17,447.2 square feet of Open Space in three (3) separate tracts, which are now marked in the preliminary plat site plan map.

6. **Housing Density** (DDC 2.2.050) – On page 3 of the application narrative, it states the subject site is 6.65 acres. Staff believes this is incorrect. Please correct the density calculation based on the appropriate development site size. In addition, please be sure to exclude any planned right-of-way dedications from the density calculation, as this was not done appropriately in the initial calculation.

Applicant Response: Staff is correct that the site is 5.12 acres. We corrected the density calculation based on the 5.12-acre figure. We also excluded any planned right-of-way dedications from the density calculation.

7. **Low-Impact Development Incentives** – Pages 4 and 5 of the applicant’s narrative include a response to City Development Code provisions that no longer exist. Please remove this response from the application narrative.

Applicant Response: The reference to DDC 2.2.900 “Low-Impact Development Incentives” has been removed from the application.

8. **Floodplain Map Change** – The floodplain boundary is shown on the applicant’s existing conditions map. This boundary is different than the current FEMA floodplain maps the City has on file. It is the City’s understanding that the applicant has filed and received approval of a Letter of Map Amendment / Revision from FEMA regarding the boundary of the floodplain on the development site. Please submit the documentation approving the revised boundary.

Applicant Response: We have submitted the FEMA LOMA determination.

9. **Riparian Corridor** (DDC 2.8) – The applicant has marked the existing Top of Bank for Rickreall Creek on the preliminary plat. Please provide supporting documentation for that delineation. The Top of Bank is defined in DDC Chapter 6.

Applicant Response: The Code does not demand that we provide “supporting documentation” of the top of bank determination. The site plan itself is signed by a licensed engineer and constitutes substantial evidence in its own right. In fact, it is considered to be “expert testimony” and an expert is allowed to rely on his or own opinion. The City’s definition of “top of bank” is based on topography, as follows:

Top of Bank. The first major change in the slope of the incline from the ordinary high water level of a water body. A major change is a change of ten degrees or more. If there is no major change within a distance of 50 feet from the ordinary high water level, then the top of bank will be the elevation 2 feet above the ordinary high water level.

As per the definition, the applicant shows the top of back where the land levels off from its steep incline.

10. **Cul de sac** (3.4.015.N) – City code provides that “Streets shall be planned to continue to and through abutting properties, consistent with the connectivity standards in Section 3.4100G. A cul-de-sac street shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation.” City staff do not understand why SE Oak Street ends in a cul de sac, and

believes the roadway can be extended further to the north and west to reconnect with SE Academy Street. The extension of an alley / midblock lane as shown on the preliminary plat map demonstrates that there are no environmental or topographical constraints precluding the extension of the roadway as a through street, or that existing development patterns or compliance with other code provisions preclude street extension and through circulation. Please revise your plan to include a full street improvement connecting SE Oak with SE Academy Street.

Applicant Response: City staff is wrong to think that that the mid-block lane can be expanded to become a full public roadway without losing additional lots. The applicant’s engineers attempted many different road designs, including a design with a full “loop,” and also various designed with multiple cul-de-sacs. The design we settled upon was originally suggested to us by the city planning staff, and it represents the most efficient use of land for single-family dwellings. Beyond that point, however, DDC 3.4.015(N) is not written in a manner that is clear and objective on its face, so the city cannot use this criterion as a basis for denial of the application in any event.

11. **Rickreall Creek Trail** (DDC 4.3.060.B.3.e, 4.3.020.J, 3.4.020.A, 3.4.015.F, 3.4.015.A.3, 3.1.030.A.1, 3.1.030.B.3) – Please revise the preliminary plat to include the extension of the Rickreall Creek Trail through the subject site. The City’s Comprehensive and Master Plans show the extension of this trail through the development site beginning at the NE corner of the site and extending west along the north boundary of the site towards Academy Street. The right-of-way for this trail is 20 feet in width.

Applicant Response: We are declining to revise the application to include the Rickreall Creek Trail. While it may be true that the City’s Comprehensive Plan and “Master Plans” call for the trail, those documents are not approval standards for a Limited Land Use Decision. ORS 197.195(1). This standard is also not clear and objective, because it is unclear which plans it is referring to. *Home Builders Ass’n of Lane County v. Lane County*, 41 Or LUBA 370, 396-7 (2002). Any attempt to incorporate by reference an unspecified “plan” into the DDC fails. ORS 197.195(1).

DDC 4.3.060.B.3.e does not specifically require the applicant to provide an extension of the Rickreall Creek Trail.

DDC 4.3.020.J is not written in clear and objective manner, and is therefore not a standard that can be applied to housing. It uses discretionary terms such as “sufficient,” “public interest,” “practicable,” and “justified based on the development’s impact.” For purposes of ORS 197.307(4)-(6), LUBA has stated that “approval standards are ‘clear and objective’ if they do not impose ‘subjective, value-laden analyses that are designed to balance or mitigate impacts[.]’” *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139, 158 (1998), *aff’d*, 158 Or App 1, 970 P2d 685, *rev den*, 328 Or 594 (1999). A land use standard is not “clear and objective” if it can be interpreted and influenced by personal feelings or opinions.

DDC 3.4.020.A only requires the applicant to dedicate open space shown on a city plan in situations where “the impact of the development on the city park system is roughly proportionate to the dedication or reservation being made.” We have provided findings demonstrating that the sought-after Rickreall Creek Trail ROW is not roughly proportional to the “impact of the development on the city park system.” The city has not provided us with alternative *Nollan /Dolan* findings despite having had over two years to do so. The applicant is willing to submit an

alternative set of plans that show Rickreall Creek Trail upon being provided with *Nollan /Dolan* findings that we deem to be legally sufficient to survive judicial review, or upon being presented with a check for \$300,000.00.

DDC 3.4.015.F does not set forth an independent requirement for the applicant to provide an extension of the Rickreall Creek Trail through the proposed subdivision. DDC 3.4.015.F cites to Table 3.4.101(F), which sets forth a minimum standard for a “Ped/Bike connection of “6’ to 12’ paved multi-use path with landscaping. Includes 20’ of ROW.” DCC 3.1.030(B)(3), on the other hand, mandates a minimum width of “at least 10 feet.” The code is internally inconsistent about the actual required minimum width, and is therefore ambiguous. *Kenton Neighborhood Ass’n v. City of Portland*, 17 Or LUBA 784, 798 (1990) (internally inconsistent code provisions are ambiguous).

DDC 3.4.015.F states that where a range of widths is indicated (as is the case here), the width shall be the preferred improvement in the range unless “unless unique and specific conditions exist as determined by the City Engineer” based on the application of 14 “factors.” The application of factors is always going to involve balancing, which is itself not a “clear and objective” analysis. This type of balancing imposes ‘subjective, value-laden analyses that are designed to balance or mitigate impacts[.]’” *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139, 158 (1998), *aff’d*, 158 Or App 1, 970 P2d 685, *rev den*, 328 Or 594 (1999). A land use standard is not “clear and objective” if it can be interpreted and influenced by personal feelings or opinions. Furthermore, any code provision that leaves decision-making authority to the discretion of the City Engineer is not clear and objective.

Moreover, some of the factors are not clear and objective. For example, the phrase “safety, comfort, and convenience” is inherently subjective.

DDC 3.4.015.A.3 does not set forth an independent requirement for the applicant to provide an extension of the Rickreall Creek Trail through the proposed subdivision. It states that “[s]treets within and adjacent to a development shall be improved in accordance with the City of Dallas Transportation System Plan and the provisions of this Chapter.” This application proposes a Limited Land Use Decision (“LLUD”). The “City of Dallas Transportation System Plan” is not an approval standard for a LLUD. ORS 197.195(1). This broad reference to the TSP is ineffective at incorporating specific standards from the TSP into the Development Code. *Oster v. City of Silverton*, 79 Or LUBA 447 (2019). If all of the specific TSP standards appear in the Code, then there is no violation of ORS 197.195(1). However, it is unclear to us that this is the case.

DDC 3.1.030.A.1 states that “a pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, if any, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable.” The phrase “extend throughout the development site” is not clear and objective, and cannot be applied to housing. The phrase “to existing or planned off-site adjacent trails” is also not clear and objective. *Legacy Development Group, Inc. v. City of the Dalles*, ___ Or LUBA ___ (LUBA No., 2020-009, Feb. 24, 2020, slip op. at 19).

DDC 3.1.030.B.3 does not require the application to include the Rickreall Creek Trail. It merely sets the design criteria for “walkways” and “accessway surfaces.” It states that such amenities

“shall be concrete, asphalt, brick/masonry pavers, or other durable surface.” It sets the width for such amenities “at least four (4) feet wide in residential projects.” It goes on to state that “Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least 10 feet wide, or as required by the roadway authority or park district, as applicable.”

In summary, there are no clear and objective standards in the Code that require the applicant to provide an extension of the Rickreall Creek Trail through the proposed subdivision.

12. Landscape Conservation (DDC 3.2.020) – The site abuts Rickreall Creek and includes a portion of a floodplain. Consistent with DDC 3.2.020, the applicant shall provide a map of significant vegetation on the development site. Please include this map showing all significant vegetation.

Applicant Response: We are declining to provide this information because we are proposing no development in the floodplain. The stated purpose of DDC 3.2.020 is to “incorporate significant native vegetation into the landscapes of development to the greatest extent practicable.” We are accomplishing this purpose by not proposing any development in the floodplain. We are willing to accept a condition of approval prohibiting future landowners from altering the vegetation in the floodplain. Any demand to inventory vegetation in the floodplain simply adds unnecessary cost and delay, and serves no useful purpose. Under state law, the cities’ “standards, conditions, and procedures” cannot discourage housing through *unreasonable cost or delay*. Moreover, the term “significant” is not clear and objective in this context, and delegating the determination of what constitutes “significant” to a “natural resource agency with jurisdiction” is not authorized under Oregon law. The standards for a limited land use decision must be contained in the City’s land use regulations. ORS 197.195(1). There is no significant vegetation on the site, in any event.

13. Fire Hydrant Spacing (OFC Table C105.1) – Please demonstrate that the hydrant spacing complies with the 400-ft. average spacing that the Oregon Fire Code stipulates.

Applicant Response: “Table C105.1” of the Oregon Fire Code is not an approval standard for a subdivision. ORS 197.175(2)(d) requires the city to make land use decisions “in compliance with the acknowledged plan and land use regulations.” The Oregon Fire Code is not a “land use regulation” within the meaning of ORS 197.015(12). For this reason, “Table C105.1” only applies to the extent that it is specifically incorporated in the City of Dallas Development Code. *Trautman v. City of Eugene*, 73 Or LUBA 209 (2016). If Table C105.1 is incorporated into the development code, then please provide us with that cross reference. Having said that, we do plan on providing hydrant spacing complies with the 400-ft. average spacing that the Oregon Fire Code, but we see this as a voluntary disclosure for purposes of this application.

14. Secondary Fire Access Route (OFC D106 and D107) – Please identify on the preliminary plat a secondary fire access point. When more than 30 dwellings are proposed from a single dead end route, Oregon Fire Code requires a secondary access point. The sole fire access route is from Academy Street.

Applicant Response: “Table D106 and D107” of the Oregon Fire Code are not approval standards for a subdivision. ORS 197.175(2)(d) requires the city to make land use decisions “in compliance with the acknowledged plan and land use regulations.” The Oregon Fire Code is not a “land use regulation” within the meaning of ORS 197.015(12). For this reason, “Appendix D106 and D107”

of the Oregon Fire Code only apply to the extent that they are specifically incorporated in the City of Dallas Development Code. *Trautman v. City of Eugene*, 73 Or LUBA 209 (2016).

15. **Applicant's Narrative and Plans** – Staff have reviewed in detail the applicant's narrative and Plans. It is full of inconsistencies and errors. For example, naming the subdivision *Meadow Creek*, incorrect development site size, referring to elements of the preliminary plat that do not exist (such as Tract A). Please completely review your narrative and plans and clean up those errors and inconsistencies.

Applicant Response: We have cleaned up the errors and inconsistencies.

Please consider this application complete as of April 25, 2024. As you know, a completeness determination does not mean that the applicant cannot submit additional information. In this regard, we may be willing to provide more information if needed to meet approval criteria, but this is a different issue than the completeness date.

Please call with any questions or comments.

Sincerely,

VF LAW, LLP

Andrew H. Stamp

Andrew H. Stamp
Of Counsel

AHS:ahs



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May 22, 2024

P18476-001

Mr. Jim Jacks, AICP
Senior Planner
Mid-Willamette Valley Council of Governments
100 High Street SE, Ste 200
Salem, OR 97301

Re: *City File SUB 23-02 Crystal Estates (aka "Jenrae Subdivision")*

Dear Mr. Jacks,

I am in receipt of your notice of public hearing. We formally object to both the jurisdiction of the planning commission as the initial decisionmaker and the city council as a decision-maker on any local appeal.

A decision approving a tentative subdivision plat for land within an urban growth boundary is a "limited land use decision." ORS 197.015(12)(a); *Barrick v. City of Salem*, 27 Or LUBA 417 (1994). ORS 197.195(3) requires a limited land use decision to be processed as a staff decision using a 14-day comment period. I discussed this in great detail in the application narrative. Since the time I wrote that letter, the Oregon Legislature added a new subsection (6) to ORS 197.195. This provision states:

(6) A city shall apply the procedures in this section, and only the procedures in this section, to a limited land use decision, even if the city has not incorporated limited land use decisions into land use regulations, as required by ORS 197.646(3), except that a limited land use decision that is made under land use standards that do not require interpretation or the exercise of policy or legal judgment may be made by city staff using a ministerial process.

See Section 45, 2024 Or Laws Ch 100 (SB 1537). Section 45 is effective on January 1, 2025, so it does not directly govern this case. However, this provision is widely understood as a clarification of what the law already required.

Although the City of Dallas Development Code states that a Type III process is required when processing a subdivision, the City of Dallas Code is inconsistent with state law, since state law supersedes the city's zoning code, and the code cannot be applied in a manner that violates ORS 197.195(3).

Even though the City of Dallas never amended its code to comply with ORS 197.195(3), the city must also consider the effect of ORS 197.307(4). The needed housing statute was renumbered by legislative counsel after the 2023 session, and now ORS 197.307(4) is found at ORS 197A.400, but its substance remains the same. It states:

197A.400 Clear and objective approval criteria required; alternative approval process. (1) Except as provided in subsection (3) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing, on land within an urban growth boundary. The standards, conditions and procedures:

- (a) May include, but are not limited to, one or more provisions regulating the density or height of a development.*
- (b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay. (Emphasis added).*

As highlighted above, it is clear that the procedure that a city uses cannot discourage housing through unreasonable cost and delay. The city may not circumvent state law by applying outdated code provisions that serve no legitimate planning purpose.

The applicant's right to a speedy decision are prejudiced by the use of a Type III procedure. It should be readily apparent that holding two local hearings (instead of a staff decision based on a 14-day comment period) causes both increased cost and delay for the applicant. Furthermore, the use of Type III procedures would result in the final decision being made by the City Council. This would change the standard of review under which the decision is reviewed by LUBA. ORS 197.820(1). Thus, the decision to not follow state law is likely substantive error. *Compare Stewart v. City of Salem*, 231 Or App 356 (2009) (denial of a partition based on the incorrect understanding that the application should be processed as a subdivision is substantive error). Nonetheless, the error has the potential to further prejudice the applicant's substantial rights to a full and fair hearing because it changes the standard of review and it increases the likelihood of a LUBA appeal.

We respectfully request that the city send a revised notice setting forth a 14-day comment period, setting forth the information required by ORS 197.195(3).

Sincerely,
VF LAW

/s/*Andrew H. Stamp*

Andrew H. Stamp
Of Counsel

ASTA\nbro
Enclosure

cc : Mark Hoyt mark@shermlaw.com
Dr. Chris Edwardson jaspercrossing@gmail.com



Subdivision Application
Dallas Planning Department
Type III Review

RECEIVED
 OCT 30 2023

Official Use Only:

File No.: SUB 23-02

Date: 10/30/2023

Fee: Waived PAID

A SUBDIVISION means to divide land into four (4) or more lots in a calendar year. Lots created through the subdivision process shall meet the requirements for land divisions found in Dallas Development Code (DDC) Chapter 4.3. Each lot shall satisfy the dimensional standards of the applicable land use district, unless a variance from these standards is approved. In addition, adequate public facilities shall be available to serve the existing and newly created lots. A pre-application conference is required before application may be submitted. Please return a completed application form with attachments, and the required fee to the Dallas Planning Department, Dallas City Hall, Second Floor, 187 SE Court Street, Dallas, Oregon 97338.

Section 1 – Applicant Information

Name(s): ANDREW H. Stamp
 Mailing Address: 17355 SW Boones Ferry Rd, Lake Oswego OR 97035
 Email: andrew.stamp@VF-LAW.COM Phone Number: 503.684.4111 Cell Number: 503.998.9568

Section 2 – Property Owner Information

Property Owner(s): Jenrae Properties, LLC
 Mailing Address: 369 Walnut CTSE, Dallas, OR 97338
 Email: JASPERCROSSING@gmail.com Phone Number: 503.824.4111 Cell Number: _____

Section 3 – Project Description

Please describe your project: Subdivision 25 lots

Site Address: _____ Total Land Area: 6.65

Assessor Map/Taxlot No. 7-5-33 Zoning: RM

Present Use of Property: empty field

Section 4 – Application Submittal Information

Submit one electronic copy (PDF format preferred) and one paper copy of the following information:

- Completed application form.
- Required fee.
- Deed of the property, including any restrictions or prior improvement agreements.
- Preliminary Plat (see Preliminary Plat Information Checklist)
- Narrative that addresses the relevant criteria in sufficient detail for review and decision-making (see Section 7 below).
- Traffic Impact Analysis, (if required).
- Public Facilities and Services Impact Study.

Preliminary Plat Information ChecklistGeneral Information:

- Name of subdivision (may not duplicate the name of another subdivision in Polk County);
- Date, north arrow, and scale of drawing;
- Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site;
- A title block including the names, addresses, and telephone numbers of the owners of the subject property and, as applicable, the designer, and engineer and surveyor if any, and the date of the survey if submitted.

Site Analysis:

- Streets: Location, name, present width of all streets, alleys and rights-of-way on and abutting the site;
- Easements: Width, location and purpose of all existing easements of record on and abutting the site;
- Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;
- Ground elevations shown by contour lines at 2-foot vertical interval, except where the City Engineer determines that larger intervals are adequate; i.e., for steep slopes. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor;
- The location and elevation of the closest benchmark(s) within or adjacent to the site;
- Potential natural hazard areas, including any areas identified as subject to a flood hazard as identified on FEMA Flood Insurance Rate Maps or as otherwise determined through site specific survey, areas subject to high water table, and areas designated by the City, County, or State as having a potential for geologic hazards;
- Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection;
- Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
- Designated historic and cultural resources on the site and adjacent parcels or lots;
- The location, size and species of trees having a caliper (diameter) of 6 inches or greater at 4 feet above grade; and
- Other information, as deemed necessary by the City Planning Official for review of the application.

Proposed Improvements:

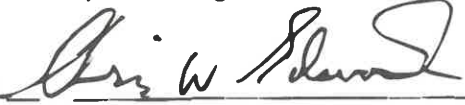
- Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
- Easements: location, width and purpose of all proposed easements;
- Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts;
- Proposed uses of the property, including all areas proposed to be dedicated to the public or preserved as open space for the purpose of surface water management, recreation, or other use;
- Proposed improvements, as required by Article 3 (Design Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);
- Preliminary location of development showing those future buildings can meet siting and dimensional standards of the district.
- Proposed source of domestic water;
- Proposed method of sewage disposal;
- Proposed method of surface water drainage and treatment if required;
- The approximate location and identity of other utilities, including the locations of street lighting

fixtures;

- Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with the affected railroad and the Oregon Department of Transportation Rail Division regarding proposed railroad crossing(s);
- Changes to navigable streams, or other watercourses. Status of public access to these areas shall be shown on the preliminary plat, as applicable;
- Written evidence of initiation of a FEMA flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain;
- Evidence of contact with the road authority for any development requiring access to its facility; and
- Evidence of notice to applicable natural resource regulatory agencies for any development within or adjacent to wetlands, river, streams or other regulated water bodies.

Section 5 – Signatures Required

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:

PROPERTY OWNER(S)
 Property Owner's Signature:  Date: 10-30-2023
 Property Owner's Signature: _____ Date: _____

APPLICANT(S)
 Applicant's Signature:  Date: 10-30-2023
 Applicant's Signature: _____ Date: _____

Section 6 – Application Review Process

Subdivisions are approved by means of a preliminary plat evaluation and a final plat evaluation. The preliminary plat is reviewed in accordance with the Type III land use review procedures found in DDC 4.1.040 before the final plat can be submitted for approval consideration. The final plat must include all conditions of approval of the preliminary plat. The City may attach conditions to the preliminary plat decision that are necessary to carry out the provisions of the Development Code, and other applicable ordinances and regulations.

When a preliminary plat subdivision application is submitted, the City will notify the applicant in writing within 30 days as to whether the application is complete or what information is required to make the application complete. Once a complete application is submitted, the City will schedule a public hearing before the Planning Commission and provided written notification of the hearing to abutting properties located within 100 feet of the property. A staff report and recommendation for the application will be available approximately one (1) week prior to the public hearing. Upon holding a public hearing, the Planning Commission will issue a decision on the application. The Planning Commission's decision may be appealed to the City Council within ten (10) days of the mailed decision.

Upon receiving preliminary plat approval, the final plat must be recorded within two (2) years of the preliminary plan approval. If the final plat is not recorded within two (2) years, the preliminary plan approval will lapse. The City Planning Official may, upon written request by the applicant, grant one (1) written extension of the approval period not to exceed one (1) year provided the request is made before expiration of the original approved plan, and the extension meets the approval criteria found in DDC 4.3.050.D.

Section 7 – Application Review Criteria

Approval of a preliminary subdivision plan is based upon whether or not the plan meets the following criteria:

General Subdivision Approval Criteria.

1. The proposed preliminary plat complies with the applicable Development Code sections and all other applicable ordinances and regulations. At a minimum, the provisions of Article 4, and the applicable chapters and sections of Article 2 (Land Use Districts) and Article 3 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Article 5;
2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;
4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat; and
5. Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;
6. Evidence that improvements or conditions required by the City, road authority, Polk County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and
7. If any part of the site is located within an Overlay Zone, or previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions.

Layout and Design of Streets, Blocks and Lots.

All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:

1. All lots shall comply with the General Development Standards of the applicable land use district (Article 2), and the standards of Section 3.4.010.G.4 Street Connectivity and Formation of
2. Setbacks shall be as required by the applicable land use district (Article 2).
3. Each lot shall conform to the standards of Chapter 3.1 - Access and Circulation.
4. Landscape or other screening may be required to maintain privacy for abutting uses. See Article 2 - Land Use Districts, and Chapter 3.2 - Landscaping.
5. In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See Chapter 3.1- Access and Circulation.
6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement for access and maintenance rights shall be recorded with the approved subdivision or partition plat.
7. All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.

Housing Variety Standards (For 20 or more lots) DDC 2.2.080.

Requires new neighborhoods and large subdivisions to contain a variety of housing types. The purpose of the housing variety standards is to support housing at price ranges and rent levels that are commensurate to local incomes, promotes livability by offering housing choices, and contribute to the development of complete neighborhoods, consistent with the Comprehensive Plan. Section 2.2.080 applies to land divisions creating or having the potential to create twenty (20) or more lots on any parcel or contiguous parcels in the RL and RM zones.



ANDREW H. STAMP
(503) 684-4111
Andrew.Stamp@vf-law.com
*Admitted to Practice in
Oregon*

November 2, 2023

P18457-001

VIA EMAIL: lane@shermlaw.com

Mr. Lane Shetterly
Sherman Sherman Johnnie & Hoyt, LLP
189 SW Academy St.
P.O. Box 105
Dallas, OR 97338

Dear Mr. Shetterly,

We have had a chance to review your offer expressed in your email to Dr. Chris Edwardson and myself dated September 6, 2023 at 4:55:12 PM PDT. While we appreciate your efforts in seeking to resolve this matter, we continue to stand by our appraisal as representing the just compensation for the taking of that portion of Jenrae's real property needed for a recreational trail. We request payment in the amount of \$314,198.52, which the just compensation amount expressed in the appraisal from Lyon & Associates dated August 10, 2023 (\$284,400.00), combined with the cost of the appraisal (\$16,547.90), the survey (\$2,500.00), and legal fees from Jenrae's condemnation attorney (\$10,750.62). Note that we did not include in this calculation any attorney fees expended by Vial Fotheringham LLP or Andrew H. Stamp P.C. on behalf of Jenrae.

As I indicated in our recent phone conversations, we believe that the appraisal from Lyon & Associates dated August 10, 2023 is very reasonable. It values the land taken at \$84,400.00 based on comparable sales, and assigns a reduction in value (aka: severance damages) to the four Creekside lots at \$50,000.00 per lot. The latter represents the loss of connection that each lot would have to the creek as a scenic amenity, combined with both the loss of privacy and heightened security concerns associated with having a public access pathway located in the backyard of the lots.

At this point, the City of Dallas has not followed the condemnation procedures act, so the City does not have the ability to move forward with condemnation without back tracking the offer and updating the L3 appraisal. If the City were to move forward with a condemnation proceeding, the City would have to convince a jury that the Lyon & Associates appraisal dated August 10, 2023 overestimates the value of the just compensation due to Jenrae. As you know, if a property owner exceeds the offer by the condemning authority, the statute provides for a mandatory award of attorney fees and expert fees. ORS 35.436(7)(a). Note that this is a one-way attorney fee statute: the City does not get its attorney fees even if it is a prevailing party. In this regard, the statute is designed to discourage the condemning authority from rejecting a reasonable appraisal proffered by a landowner.

Ltr to: Lane Shetterly
November 2, 2023
Page 2

Assuming the City is willing to meet our counteroffer, we request the following terms:

1. The payment cannot be conditioned on subdivision approval. The City needs to approve the subdivision and agree to pay the requested amount of just compensation and costs.
2. We will agree to provide a bargain and sale deed, not a warranty deed. The City can purchase a title report if the City is concerned about the status of title. We will agree to not encumber the property from the point in time the title report is run until closing.
3. The City shall pay all costs of closing.
4. The City shall provide a complete legal description of the land the City seeks to acquire, to the extent it is different that the legal description set forth in the appraisal from Lyon & Associates dated August 10, 2023.
5. Jenrae will not agree to provide title insurance; that is the responsibility of the condemning authority.
6. The City shall provide a wooden privacy fence and hedge to protect the lots.

Please call with questions and comments.

Sincerely,

VIAL FOTHERINGHAM LLP

/s/ Andrew H. Stamp

Andrew H. Stamp
Of Counsel

ASTA\mbro
cc: Cynthia Fraser

SUBDIVISION APPLICATION

BURDEN OF PROOF STATEMENT

CITY OF DALLAS, OREGON

CITY FILE NO. "SUB 23-02"

NARRATIVE DATE	April 26, 2024 (Revised)
REQUEST	Subdivision approval for a 25 Lot "Needed Housing" Development
APPLICANTS/ OWNERS	Jenrae Properties, LLC c/o Christopher W. Edwardson 369 SE Walnut Court Dallas, OR 97338
APPLICANT'S REPRESENTATIVE	Andrew H. Stamp, Esq. VF Law, LLP 6000 Meadows Road, Ste 500 Lake Oswego, OR 97035 Phone: 503-684-4111 Facsimile: 503-598-7758 Email: andrew.stamp@vf-law.com Mark Grenz, PE, IC, GE, EN MULTI/TECH Engineering Services, Inc. 1155 13 th St. SE Salem, OR 97302 Phone: 503-363-9227 Brandie Dalton Land-Use Consultant Multi/Tech Engineering Services, Inc. 1155 13 th St. SE Salem, OR 97302 Phone: 503-363-9227 Email: bdalton@mtengineering.net
SITE ADDRESS/	300 Block of Academy Street, Dallas, OR 97338
LOCATION:	Township 7S, Range 5W, Section 33BC, TL 105
LEGAL DESCRIPTION	Parcel 3, Partition Plat 2021-0016
SITE AREA	Approximately 5.12 acres
ZONING	RM (Residential Medium)

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- Exhibit 1. Trio / Deeds
- Exhibit 2. Site Plans (All required site plans submitted under separate cover)
- Exhibit 3. Assessor's Map 7.5.33BC
- Exhibit 4. Polk County Subdivision Name Approval (Crystal Estates)
- Exhibit 5. Neighborhood Meeting Notice
- Exhibit 6. Transportation Impact Study dated April 22, 2024
- Exhibit 7. Stormwater Report Dated April 17, 2024
- Exhibit 8. Partition PTN-21-06 Approval dated August 10, 2021
- Exhibit 9. FEMA Letter of Map Amendment ("LOMA").
- Exhibit 10. Wetlands Study

II. SUMMARY OF REQUEST.

The proposal is to subdivide approximately 5.12 (Parcel 3 of Partition Case PTN-21-06 approval/Recorded Partition Plat 2021-0016) acres into 25 lots in an RM (Residential Medium) density zoning district, along with 17,447.2 square feet of Open Space.

The lots range in size from 2,358 to 18,532 square feet.

The City held a pre-application conference on March 31, 2021, with the applicant's engineering representative, Multi/Tech Engineering, Inc. The purpose of the meeting was to discuss code requirements for subdividing the subject property.

A virtual Neighborhood Open House was held on May 19, 2021, to present the proposed 25-Lot subdivision to adjacent property owners and answer any questions.

III. SURROUNDING ZONING AND LAND USE:

The subject property is zoned RM (Residential Medium) density. The proposal is to subdivide Parcel 3 of Partition Case PTN-21-06. The approved partition plat has been recorded, see attached Partition Plat 2021-0016.

The surrounding properties are zoned as follows:

- North: RL; existing single-family dwellings
- South: I; existing industrial use
- East: RL; existing single-family dwellings
- West: RM; existing single family and multi-family dwellings

IV. SITE CHARACTERISTICS:

The subject property is bounded on the northwest by Academy Street with a stub street. Therefore, the development of the site will provide a street connection to Academy Street for a more efficient traffic flow throughout the subject property. The site is odd in shape but will efficiently accommodate development while complying with Code.

V. PROCEDURE: LIMITED LAND USE DECISION.

The application must be processed as a “limited land use decision” as defined in ORS 197.015(12). This statute states:

(12) “Limited land use decision”:

(a) Means a final decision or determination made by a local government pertaining to a site within an urban growth boundary that concerns:

(A) The approval or denial of a tentative subdivision or partition plan, as described in ORS 92.040 (1).

*(B) * * * * **

(b) Does not mean a final decision made by a local government pertaining to a site within an urban growth boundary that concerns approval or denial of a final subdivision or partition plat or that determines whether a final subdivision or partition plat substantially conforms to the tentative subdivision or partition plan.

Approving or denying a tentative subdivision plat within an urban growth boundary is a limited land use decision and therefore not a “permit” decision. *Frewing v. City of Tigard*, 59 Or LUBA 23 (2009). Therefore, this case must be processed as a “limited land use decision.” ORS 197.195. This provision states:

197.195 Limited land use decision; procedures. (1) A limited land use decision shall be consistent with applicable provisions of city or county comprehensive plans and land use regulations. Such a decision may include conditions authorized by law. Within two years of September 29, 1991, cities and counties shall incorporate all comprehensive plan standards applicable to limited land use decisions into their land use regulations. A decision to incorporate all, some, or none of the applicable comprehensive plan standards into land use regulations shall be undertaken as a post-acknowledgment amendment under ORS 197.610 to 197.625. If a city or county does not incorporate its comprehensive plan provisions into its land use regulations, the comprehensive plan provisions may not be used as a basis for a decision by the city or county or on appeal from that decision.

(2) A limited land use decision is not subject to the requirements of ORS 197.797.

(3) A limited land use decision is subject to the requirements of paragraphs (a) to (c) of this subsection.

(a) In making a limited land use decision, the local government shall follow the applicable procedures contained within its

acknowledged comprehensive plan and land use regulations and other applicable legal requirements.

- (b) For limited land use decisions, the local government shall provide written notice to owners of property within 100 feet of the entire contiguous site for which the application is made. The list shall be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.*
- (c) The notice and procedures used by local government shall:
 - (A) Provide a 14-day period for submission of written comments prior to the decision;*
 - (B) State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;*
 - (C) List, by commonly used citation, the applicable criteria for the decision;*
 - (D) Set forth the street address or other easily understood geographical reference to the subject property;*
 - (E) State the place, date and time that comments are due;*
 - (F) State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;*
 - (G) Include the name and phone number of a local government contact person;*
 - (H) Provide notice of the decision to the applicant and any person who submits comments under subparagraph (A) of this paragraph. The notice of decision must include an explanation of appeal rights; and*
 - (I) Briefly summarize the local decision making process for the limited land use decision being made.**

(4) Approval or denial of a limited land use decision shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

(5) A local government may provide for a hearing before the local government on appeal of a limited land use decision under this section. The hearing may be limited to the record developed

pursuant to the initial hearing under subsection (3) of this section or may allow for the introduction of additional testimony or evidence. A hearing on appeal that allows the introduction of additional testimony or evidence shall comply with the requirements of ORS 197.797. Written notice of the decision rendered on appeal shall be given to all parties who appeared, either orally or in writing, before the hearing. The notice of decision shall include an explanation of the rights of each party to appeal the decision. [1991 c.817 §3; 1995 c.595 §1; 1997 c.844 §1]

The Oregon Legislature created the limited land use decision (“LLUD”) process in 1991, in part to simplify the land use process for land divisions in urban areas, which previously had taken too long to process. The benefit to using the LLUD process is that it allows for simplified procedures. ORS 197.195.

There are two major consequences that stem from using the LLUD process. First, a limited land use decision must be decided at the staff level, through a notice and comment process, and a local government may provide a right of local appeal. ORS 197.195(5). In such an appeal, the appeal hearing may be based on the existing administrative record or new evidence may be allowed. Should an appeal hearing allow the introduction of new evidence, the hearing is subject to the quasi-judicial hearing procedures set forth in ORS 197.763. In such a situation, a planning commission may properly consider new evidence and analysis offered by the local government, as well as a petitioner’s response, and LUBA’s review includes the hearings officer’s consideration of that evidence and those issues. *Hill v. City of Portland*, 77 Or LUBA 317 (2018), *rev’d*, 293 Or App 283, 428 P3d 986 (2018). Because this case will be processed as a limited land use decision, it must make that intent clear in the initial public notice. ORS 197.763. *Gensman v. City of Tigard*, 29 Or LUBA 505 (1995).

Second, the statute required each local government to incorporate into its development code all of its comprehensive plan standards which it considered relevant to deciding a limited land use decision. The deadline for completing this task was Sept. 29, 1991. The statute states that after that date, a “comprehensive plan provisions may not be used as a basis for a decision by a city or county or on appeal from that decision.” ORS 197.195.

In *Oster v. City of Silverton*, 79 Or LUBA 447 (2019), LUBA held that traffic performance standards in the local government’s transportation system plan (TSP) are not approval criteria applicable to a limited land use decision that were incorporated pursuant to ORS 197.195(1), where the applicable criteria either do not refer to the TSP at all or where they only generally “incorporate[] by reference the city’s public facility master plans, including plans for domestic water, sanitary sewer, storm drainage, parks, and transportation.”

In *Paterson v. City of Bend*, 49 Or LUBA 160 (2005), *aff’d, in part, rev’d and rem’d on other grounds*, 201 Or App 344, 118 P3d 842 (2005), LUBA rejected a city’s attempt to use vague incorporation by reference statements. LUBA held that in order to “incorporate” a comprehensive plan standard into a local government’s land use regulations within the meaning of ORS 197.195(1) and thus apply that plan standard to a limited land use decision as an

approval criterion, the local government must at least amend its land use regulation to identify specific plan policies or provisions that apply to a limited land use decision as approval criteria. A code requirement to “comply with the comprehensive plan” is insufficient to incorporate any comprehensive plan standard under ORS 197.195(1). *Forest Park Neigh. Assoc. v. City of Portland*, 27 Or LUBA 215 (1994).

The City should evaluate its Code and Comprehensive plan to ensure that any incorporations are specific enough to be enforceable.

VI. PRELIMINARY MATTERS / LEGAL FRAMEWORK.

A. The Fire Code is Not An Approval Standard for a Land Division.

Staff previously attempted to apply “Table C105.1” and “Appendix D106 and D107” of the Oregon Fire Code to the prior application submittal. ORS 197.175(2)(d) requires the city to make land use decisions “in compliance with the acknowledged plan and land use regulations.” The Oregon Fire Code is not a “land use regulation” within the meaning of ORS 197.015(12). For this reason, “Table C105.1” and “Appendix D106 and D107” of the Oregon Fire Code only apply to the extent that they are specifically incorporated in the City of Dallas Development Code. *Trautman v. City of Eugene*, 73 Or LUBA 209 (2016).

B. The City is Limited to Applying Clear and Objective Standards that Do Not Discourage Housing Through Unreasonable Cost or Delay.

To address the ongoing shortage of housing, Oregon has adopted laws to reduce the costs and delays associated with obtaining municipal or county land use permission to build houses. ORS 197.307(4) now requires that local governments *adopt and apply clear and objective standards, conditions, and procedures regulating the development of housing, including “needed housing.”*

The law ensures that cities do not use discretionary or subjective criteria to deny housing projects. The clear and objective standards, conditions, and procedures cannot discourage housing through *unreasonable cost or delay*. This includes development standards such as setbacks and building height that apply to housing at the time of building permit, as well as land use application criteria that apply to partitions, subdivisions, site reviews, conditional use permits and planned unit developments that will provide housing.

ORS 197.307(4) & (6) provide:

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

* * * * *

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

- (a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;
- (b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and
- (c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

Applicant's Findings: For purposes of ORS 197.307(4)-(6), LUBA has stated that "approval standards are 'clear and objective' if they do not impose 'subjective, value-laden analyses that are designed to balance or mitigate impacts[.]'" *Rogue Valley Assoc. of Realtors v. City of Ashland*, 35 Or LUBA 139, 158 (1998), *aff'd*, 158 Or App 1, 970 P 2d 685, *rev den*, 328 Or 594 (1999). A land use standard is not "clear and objective" if it can be interpreted and influenced by personal feelings or opinions.

ORS 227.173(2) was added to the statutes in 1999, and states that "[w]hen an ordinance establishing approval standards is required under ORS 197.307 to provide only clear and objective standards, the standards must be clear and objective on the face of the ordinance." *Lee v. City of Portland*, 57 Or App 798, 802, 646 P2d 662 (1982); *State ex rel. West Main Townhomes, LLC v. City of Medford*, 233 Or App 41, 225 P3d 56 (2009), opinion modified on reconsideration, 234 Or App 343, 228 P3d 607 (2009) (Purpose of requirement under zoning statute mandating that any approval or denial of discretionary permit applications be based upon clear, objective standards and criteria apparent on the face of the ordinance is to assure that the parties are provided with advance notice of the applicable law.).

ORS 227.175(4)(b)(A) states that "[a] city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including clear and objective design standards contained in the city comprehensive plan or land use regulations."

ORS 197.831 places the burden on local governments to demonstrate, in an appeal before LUBA, that standards and conditions imposed on "needed housing" "are capable of being

imposed only in a clear and objective manner.” In *Home Builders Assoc. v. City of Eugene*, LUBA discussed the genesis of the enactment of ORS 197.831. 41 Or LUBA 370, 377-83 (2002).

It is important for the City to take the “clear and objective” requirement seriously. ORS 197.835(10)(a) requires LUBA to reverse a city’s denial if it is “outside the discretion allowed the city under its comprehensive plan and implementing ordinances.” This provision also makes cities vulnerable to paying a developer’s attorney fees at LUBA if they wrongfully deny a land use application:

- (10)(a) The board shall reverse a local government decision and order the local government to grant approval of an application for development denied by the local government if the board finds:*
- (A) Based on the evidence in the record, that the local government decision is outside the range of discretion allowed the local government under its comprehensive plan and implementing ordinances; or*
 - (B) That the local government’s action was for the purpose of avoiding the requirements of ORS 215.427 or 227.178.*
- (b) If the board does reverse the decision and orders the local government to grant approval of the application, the board shall award attorney fees to the applicant and against the local government.*

While provision has been around for a long time, it has taken on new significance in light of the clear and objective criteria mandate. ORS 197.835(10)(b) mandates that when LUBA “does reverse the decision and orders the local government to grant approval of the application, the board shall award attorney fees to the applicant and against the local government.” See ORS 197.835(10)(b); OAR 661-010-0075(1). LUBA has been routinely reversing city decisions which seek to apply discretionary criteria, and has been ordering those cities to approve the landowner’s application. This statute has proven to be dangerous for local governments, as the following cases demonstrate:

- ❖ *Walter v. City of Eugene*, __ Or LUBA __ (LUBA No. 2016-024, Dec. 21, 2016) (\$16,141.59 award against city);
- ❖ *Mjai Oregon 5 LLC v. Linn County*, __ Or LUBA __, (LUBA No. 2018-096, Aug. 16, 2019) (\$24,958.50 award against city);
- ❖ *Nieto v. City of Talent*, __ Or LUBA __ (LUBA No. 2020-100, May 10, 2021) (\$15,387.50 awarded against city) (\$15,387.50 award against city);
- ❖ *Legacy Devel. Group v. City of The Dalles*, __ Or LUBA __ (LUBA No. 2020-099, Order, May 17, 2021) (\$18,039.50 award against city);

- ❖ *Hollander Hospitality v. City of Astoria*, __ Or LUBA __ (LUBA No. 2021-061, Order, March 21, 2022) (\$18,940.00 award against city);
- ❖ *Hendrickson v. Lane County*, __ Or LUBA __ (LUBA No. 2021-117, Order, August 18, 2022) (\$26,380.00 award against county);
- ❖ *East Park, LLC v. City of Salem*, __ Or LUBA __ (LUBA No. 2022-0050, Order, Dec. 6, 2022) (\$47,384.00 award against city);

If the City chooses to apply discretionary criteria, it is virtually guaranteed that LUBA will reverse the City's decision and award fees to the Applicant.

B. Nollan & Dolan: Nexus and Rough Proportionality Analysis.

The City has in the past made clear that it seeks land and improvement from the applicant to develop the Rickreall Creek Trail. Such exactions raise serious constitutional concerns. See *Nollan v. California Coastal Comm'n*, 48 US 825, 831-32, 107 SCt 3141 (1987); *Dolan v. City of Tigard*, 512 US 374, 384, 114 SCt 2309 (1994). Broadly speaking, *Nollan* and *Dolan* together establish a two-part test for assessing the constitutionality of a government exaction of a dedication of private property:

"First, the exaction must substantially advance the same government interest that would furnish a valid ground for denial of the development permit—also known as the “essential nexus” prong of the test. *Nollan*, 483 US at 836-37, 107 SCt 3141. Second, the nature and extent of the exaction must be 'roughly proportional' to the effect of the proposed development. *Dolan*, 512 U.S. at 385, 114 S.Ct. 2309."

Brown v. City of Medford, 251 Or App 42, 51, 283 P3d 367 (2012). This “two-part test” is more accurately broken down into four separate analytical parts, which are discussed in detail below.

Before discussing those four parts, additional background warrants discussion. The case of *Koontz v. St. Johns River Water Management Dist.*, 570 US 595, 133 SCt 2586 (2013) is critical to exaction law, since it clarified that: (1) the *Nollan / Dolan* analysis applies to both permit denials as well as approvals, and (2) that monetary exactions are subject to the heightened scrutiny of *Nollan* and *Dolan*. As such, *Koontz* effectively eliminated two arguments commonly used by local governments to avoid the application of *Nollan / Dolan*. Post-*Koontz*, that type of argument constitutes a violation of civil rights actionable under 42 USC 1983.

Both LUBA and Oregon Courts have held that a local government must either disregard or modify its own standards if that is the only way to avoid violating *Nollan/ Dolan*. See *Dudek v. Umatilla County*, 42 Or LUBA 427 (2002), *aff'd*, 187 Or App 504, 69 P3d 751 (2003); *Gensman v. City of Tigard*, 29 Or LUBA 505, 515 (1995); *Lincoln City Chamber of Commerce v. City of Lincoln City*, 164 Or App 272, 991 P2d 1080 (1999) (The City may adopt rules that exceed

“rough proportionality” for some land use applicants because City will apply rules only if they are “roughly proportional.”).

It is also important to note that the fact that a zoning code may legislatively require the improvements is immaterial to the *Nollan/Dolan* analysis. *Sheetz v. County of El Dorado*, 601 U. S. ___ (April 12, 2024). For example, in *Carver v. City of Salem*, 42 Or LUBA 305 (2002), *aff'd w/o op.*, 184 Or App 503 (2002), LUBA held that a landowner's choice to seek development in an area with inadequate public facilities, rather than wait an indefinite period of time until the City or another developer provides the missing facilities, does not constitute a voluntary waiver of the landowner's rights under the Takings Clause, or otherwise allow the City to impose an exaction of land to provide the missing facilities, without satisfying *Dolan's* rough proportionality test.

Similarly, in *Hill v. City of Portland*, 293 Or App 283 428 P3d 986 (2018), the City imposed a condition requiring the landowner to dedicate a two-to-seven-foot-wide right-of-way along the site's frontage along SE 122nd Avenue to accommodate future street improvements. The City of Portland defended this exaction by pointing out, correctly, that their Code standards demanded such exactions by creating road standards. The Court of Appeals held that this exaction was subject to the *Nollan / Dolan* test. The Court found that the City of Portland could not sidestep *Nollan / Dolan* by merely legislatively incorporating the desired exactions into the Development Code:

the city cannot evade *Nollan's* requirement that it demonstrate that the impacts of a particular proposal “substantially impede” a legitimate governmental interest so as to permit the denial of a permit outright, simply by defining approval criteria that do not take into account a proposal's impacts. *See Koontz*, 570 US at 606-07 (rejecting notion that a government can evade the requirements of *Nollan* and *Dolan* through artful phrasing).

Note that *Koontz* and *Sheetz* nullify a substantial amount of prior case law, including cases such as *West Linn Corporate Park, LLC v. City of West Linn*, 349 Or 58, 240 P3d 29 (2010), *Rogers Machinery v. Washington County*, 181 Or App. 369, 45 P 3d 966 (2002), *rev. denied*, 334 Or 492, *cert den.*, 538 US 906 (2003) and *Dudek v. Umatilla County*, 42 Or LUBA 427 (2002), *aff'd*, 187 Or App 504, 69 P3d 751 (2003), while breathing new life into other cases such as *Clark v. City of Albany*, 137 Or App 293, 904 P2d 185 (1995)(fast food restaurant site plan conditions requiring street improvements and the building of adjacent sidewalks were exactions subject to *Dolan*).

With those ground rules in mind, we first discuss the requirements set forth in *Nollan*. The *Nollan* test can be broken down into three parts: the state interest requirement and two “nexus” considerations.

When a governmental body requires an exaction of a property interest as a condition for approval of a development, the exaction will be considered a taking unless it substantially advances a legitimate state interest. *Nollan v. California Coastal Comm'n*, 483 US 825, 834, 107 SCt 3141

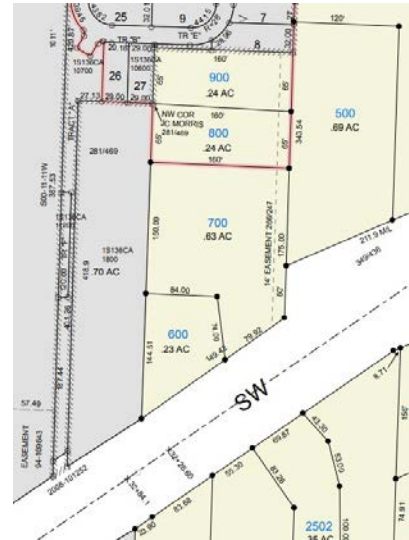
(1987). When the government conditions a land-use permit, it must identify a public problem or problems that the condition is designed to address. If the government can identify only a private problem, or no problem at all, the government lacks a “legitimate state interest” or “legitimate public purpose” in regulating the project. The Oregon Court of Appeals has described the state interest as one that would justify the denial of the development. *Brown*, 251 Or App at 56, 283 P3d 367. A Texas appeals court stated this same principle thus: for an exaction to be compensable, it must be a cost that, in fairness and justice, should be borne by the public instead of the individual. *Mira Mar Development Corp. v. City of Coppell*, 421 S.W.3d 74 (Tex. App. Dallas 2013).

Even assuming that an existing public problem exists, the government must show that the development for which a permit is sought will exacerbate the identified public problem. This is generally referred to as the first of two “nexus” issues. Under *Nollan*, there must be a nexus between the development itself and the identified public problem; that necessary relationship will exist if the development creates or exacerbates the identified problem. The necessary relationship will not exist if the development will not adversely impact the identified public problem. Thus, even assuming there is a “public problem” due to the lack of a pedestrian walkway through the site, the City needs to show that the development will exacerbate the identified problem. That showing cannot be made in this case.

The Court of Appeals recently provided practitioners with guidance on how to apply the nexus test. See *Hill v. City of Portland*, 293 Or App 283, 289-90, 428 P3d 986 (2018). In *Hill*, the Court of Appeals stated that the applicant’s proposed development must “substantially impede” the interest identified by the government:

[T]he first element of the *Nollan/Dolan* framework—the “nexus” element—requires the city to demonstrate “(1) what interests would allow the city to deny plaintiff’s partition, and (2) how the exaction would serve those interests.” *Brown*, 251 Or. App. at 56, 283 P.3d 367. In this context, as we understand *Nollan*, a governmental interest is one that would permit the denial of a permit when it is a legitimate one—such as managing traffic congestion—and the project’s impacts standing alone, or in combination with the impacts of other construction, “would substantially impede” that legitimate interest. *Nollan*, 483 U.S. at 835-36, 107 S.Ct. 3141 (assuming without deciding that the government had identified legitimate governmental interests that would allow it “to deny the Nollans their permit outright if their new house (alone, or by reason of the cumulative impact produced in conjunction with other construction) would substantially impede these purposes”). That means, necessarily, that, to determine whether a government has established an interest that would permit the denial of a permit, the government must demonstrate how the proposed project’s impacts, either alone or in combination with other construction, are ones that “substantially impede” the interest identified by the government.

The case of *Gensman v. City of Tigard*, 29 Or LUBA 505 (1995) provides a good example how a lack of increased impact precludes imposition of an exaction. In *Gensman*, the city approved a site plan for a Taco Bell restaurant located at 11635 SW Pacific Hwy in Tigard (T1S, R1W, Section 36DB, TL 700). The lot on which the restaurant was being sited contained a 14-foot-wide easement on its eastern side, which served two residences located to the north of the proposed restaurant, including a lot owned by the petitioner. The petitioner argued to LUBA that the city was required to force Taco Bell to increase the easement from 14 to 20 feet, because the code contained a provision that required the dedication of additional “right of way” at the time of development when existing ROW was “less than standard width.” The city’s definition of “right-of-way” was broad, and arguably covered the private easement at issue. However, the city correctly found that it could not apply this provision due to *Nollan / Dolan*, because the proposed development would not require any increased access to petitioner’s property. Thus, *Gensman* is cited for the proposition that it is unconstitutional to require land dedications when the government finds that the development causes no impact.



Third, the government must show that its proposed condition or exaction (which in plain terms is just the government's proposed solution to the identified public problem) tends to solve, or at least to alleviate, the identified public problem. This is second aspect of the “nexus” issue: the government must show a relationship (“nexus”) between the proposed solution and the identified problem, and such relationship cannot exist unless the proposed solution has a tendency to solve or alleviate the identified problem. As with negligence, a legitimate state interest “in the air, so to speak, will not do.” *Palsgraf v. Long Island R.R. Co.*, 162 N.E. 99 (NY 1928). To meet *Nollan*'s “essential nexus” requirement, the state interest advanced by the exaction must be the same one that would be served by outright denial of the development. *Nollan*, 483 U.S. at 834-37, 107 S.Ct. at 3147-49.

After addressing the nexus test, the government has the burden of meeting *Dolan*'s rough proportionality test. In *Dolan*, a landowner was attempting to obtain building permits to build a hardware store. The City of Tigard demanded that the landowner dedicate a bike path and greenway/floodplain easement to the City in exchange for the building permit. The United States Supreme Court struck down the building permit condition on the grounds that it violated the 5th and 14th Amendments. The Court held that the government must show that the exaction it demands is “roughly proportional” to that part of the problem that is created or exacerbated by the landowner's development. The *Dolan* Court posed the question: “[W]hat is the required degree of connection between [1] the exactions imposed by the city and [2] the projected impacts of the proposed development.”

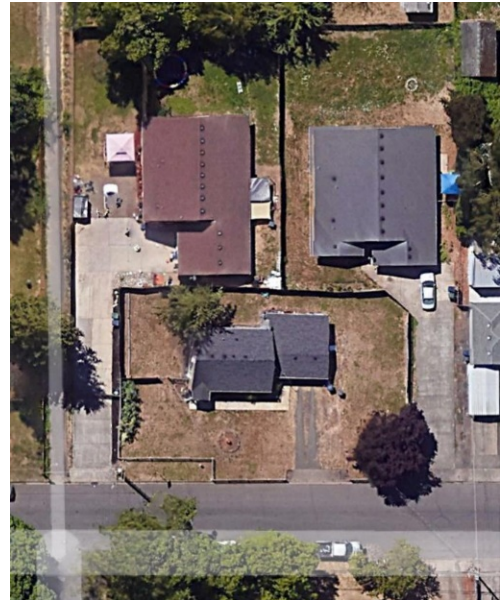


The *Dolan* court concluded that the proposed hardware store would generate some additional traffic, and that a bike path was a potential solution to alleviate that problem because it provides an alternative means of transportation. However, the court concluded that any argument that the development "anticipated to generate additional vehicular traffic thereby increasing congestion" on nearby streets, was simply not "constitutionally sufficient to justify the conditions imposed by the city on petitioner's building permit."

Applying the "rough proportionality" test to the *Dolan* hardware store property, the United States Supreme Court concluded that the City of Tigard demanded too much land to pass the test. Simply concluding that a bikeway easement could offset some of the traffic demand which the new hardware store would generate did not constitute sufficiently quantified findings for the taking of an easement. The Court stated:

"[Although the Court has] no doubt that the City was correct in finding that the larger retail sales facility proposed by petitioner will increase traffic on the streets . . . the City has not met its burden of demonstrating that the additional number of vehicle and bicycle trips generated by the petitioner's development reasonably relate to the city's requirement for a dedication of the pedestrian/bicycle pathway easement. The City simply found that the creation of the pathway "could offset some of the traffic demand . . . and lessen the increase in traffic congestion" [T]he City must make some effort to quantify its findings . . . beyond the conclusory statement [quoted above].

Oregon case law provides some interesting examples of how the rough proportionality analysis is undertaken. In *McClure v. City of Springfield*, 39 Or LUBA 329 (2001), *aff'd*, 175 Or App 425, 28 P3d 1222 (2001), LUBA stated that a demand to *dedicate* (but not improve) 4,371s.f. of right-of-way was "roughly proportional" to the impact that 19 cars will have on a particular street corridor. The percentages worked out as follows: the impact of new development on the road was 1.83% of the total capacity of the road, whereas the exaction was 1.59% of total "trip load" on the corridor. LUBA cautioned that "the quantification of impacts does not, in and of itself, establish that the extent of the proposed exaction is roughly proportional to the extent of the proposed impacts." *Id.* at 339. Ultimately, LUBA held that the safety concerns (the exaction would result in decreased emergency vehicle response times) and benefits to the property tipped the scales in favor of affirming the exaction in that case, though LUBA said it was a "very close question." Ironically, the road was never built and instead a pedestrian path now exists at the site.



Another example is provided by *Schultz v. City of Grants Pass*, 131 Or App 220, 884 P2d 569 (1994). As LUBA described the result in *Schultz*: “the Court * * * appeared to consider a ratio of eight new vehicle trips per day to an exaction of 20,000 sf [of road dedication] to be manifestly unsupportable under *Dolan*.” *McClure*, 39 Or LUBA at 231.

In *Art Piculell Group v. Clackamas County*, 142 Or App 327, 922 P2d 1227 (1996), the Oregon Court of Appeals again recognized *Dolan* as the standard for reviewing permit conditions. The court emphasized that the appropriate frame of reference is the impacts that the project will generate, and not the apportionment of costs for general improvements over all benefitted owners. Thus, the court held that LUBA correctly rejected the argument that as the project would produce 2.6% of traffic on the road the developer should pay 2.6% of the costs of improvement. The court held that such mathematical “cost vs. use” comparisons were relevant but not determinative. However, the court refused to address how much mathematical precision is called for under rough proportionality test. Nonetheless, the court emphasized that development cannot have impacts that could warrant improvement conditions that are system-wide in scope.

In this case, RCTS is a facility that is used by the entire City. The 2022 population of the City of Dallas is approximately 17,984 persons. The City currently has a “persons per household” figure of 2.47, which is based on 2020 US Census date. The RCTS is planned to be 4.2 miles long at completion, which equates to 22,176 linear feet. (4.2 x 5280 ft). Thus, the proportional share of the trail on a person-by person basis is 1.23 ft per person (22,176 ft ÷ 17,984 persons = 1.23 ft of trail per person). The proposed 25-lot development will result in 61.75 residents, using the “persons per household” assumption of 2.47. Thus, a proportional land dedication is 75.95 linear feet of trail (25 homes x 2.47 PPH x 1.23 feet per person = 75.95 linear feet.). However, the City’s TSP shows at least 350 feet of trail needed across the subject property. This is more than 3x the proportional amount of land the City can require under *Dolan*.

The fact that LUBA struggled with its *McClure* decision to conclude that 1.83% and 1.59% are roughly proportional - even going so far as to admit their decision was a close call - should give the City of Dallas some reason to pause in this case. Viewed on a per-person basis, 75.95 feet (proportional impact of development) and 350 feet (desired exaction) are not even *remotely* proportional.

Furthermore, the City should find no solace in the fact that it has a 6% open space requirement in its Code. In this case, the Applicant has a choice as to which land it will select to meet that requirement. Moreover, the rough proportionality analysis applies regardless of the fact that the dedication requirement is expressed via legislation. Furthermore, the fact that the landowner may be entitled to SDC credits does not constitute “just compensation” under *Dolan*. *Carver v. City of Salem*, 42 Or LUBA 305, 337-38 (2002), *aff’d w/o op.*, 184 Or App 503 (2002).

Both LUBA and Oregon Courts have held that a local government must either disregard or modify its own standards if that is the only way to avoid violating *Dolan*. See *Dudek v. Umatilla County*, 42 Or LUBA 427 (2002), *aff’d*, 187 Or App 504, 69 P3d 751 (2003); *Gensman v. City of Tigard*, 29 Or LUBA 505, 515 (1995); *Lincoln City Chamber of Commerce v. City of Lincoln City*, 164 Or App 272, 991 P2d 1080 (1999) (The City may adopt rules that exceed “rough

proportionality” for some land use applicants because City will apply rules only if they are “roughly proportional.”).

In this case, it seems to be beyond any doubt that the various City zoning standards that require land dedications and public improvements for public pedestrian trails must be waived or disregarded.

VII. APPROVAL CRITERIA

The following represents the applicant’s burden of proof statement with regard to applicable approval criteria set forth in the City of Dallas’ land use regulations.

Table 2.2.020 Allowed Land Uses and Building Types

Applicant Findings: The subject property is zoned RM (Residential Medium). DDC 2.2010(C) states:

“The Residential Medium (RM) district accommodates detached single-family homes on small lots and small-scale multi-family housing, such as duplexes and townhomes, at densities between 6 and 16 dwelling units per net buildable acre under the base development standards of the district. Parks, schools, and other civic and institutional uses are also allowed.”

The proposal is to subdivide approximately 5.12 acres into 25 lots in an RM (Residential Medium) density zoning district, along with 17,447.2 square feet (7.82%) of Open Space. The proposed lots range in size from 2,358 to 18,523 square feet. The applicant’s proposal is a permitted land-use in the RM zone.

Table 2.2.030 General Development Standards

Applicant’s Findings:

- A) *Density-* The RM zone district allows a density range of 6-12 dwelling units per acre or up to 16 dwelling units per acre where Low-Impact Development Incentives are utilized. The subject property is 5.12 acres, and the net acreage after subtracting ROW is 3.97 acres. Note that we did not subtract the land which comprises the mid-block lanes as ROW. Therefore, the minimum number of lots required for the site is 22.
- B) *Lot Area-* The minimum lot size for an interior, single family non-attached dwelling unit lot is 4,000 square feet. An attached single-family dwelling unit lot is 2,000 square feet minimum. The code permits the minimum lot area in new land divisions to be the average of the minimum lot size of 4,000 square feet but in no case, can the lots be smaller than 80% of the minimum and the subdivision must conform to the density range. Therefore, the smallest non-attached single-family lot can be 3,200 square feet as long as the minimum/maximum lot sizes and density is met. The average lot size in the proposed

subdivision is 5,891 square feet, with lots ranging in size from 2,358 to 18,532 square feet.

Lots 1-4 will be developed with attached units (2 dwelling units sharing a common wall with each unit on its own lot) and Lots 5-25 will be developed with non-attached single-family dwellings.

- C) *Lot Width/Depth*- The minimum lot size standards for a detached single family dwelling lot is 40 feet wide by 60 feet deep and the minimum lot size standards for an attached dwelling lot is 20 feet wide by 30 feet deep. As shown on the site plans, all lots meet the minimum lot width/depth requirements.
- D) *Building Height*- Not applicable at this time and will be reviewed at the time of building permit submittal.
- E) *Lot Coverage*- Not applicable at this time and will be reviewed at the time of building permit submittal.
- F) *Open Space*- A minimum of 6% of the site is required to be open space. Due to the location of the street connections on the site, the area in the southeast corner of the property has been designated for open space. The subject property is 5.12 (223,027 square feet) acres in size. The applicant is required to provide 13,382 square feet of designated open space within the proposed subdivision. The applicant proposes to provide three open space tracts:
- Tract 1: 15,601.00 s.f.
 - Tract 2: 1,804.00 s.f.
 - Tract 3: 42.20 s.f

The open space area being provided within the subdivision is 17,447.2 square feet in size.

- G) *Setbacks*- Not applicable at this time and will be reviewed at the time of building permit submittal.

2.2.050 Housing Density

- A. *The total number of dwelling units in single family subdivisions is calculated by multiplying the total parcel or lot area in acres (including fractions to 0.01) after subtracting required right-of-way by the applicable density standard of the zone. The result is the allowable number of dwelling units, subject to compliance with applicable development standards.*

Applicant's Findings: This section specifies how housing density is calculated for single family subdivisions and mixed housing developments. The proposal is for single-family detached and attached housing units on individual lots (only one unit per lot and no more than 2 attached). The RM zone allows a density of 6-12 dwelling units per acre or up 16 dwelling units per acre where Low-Impact Development Incentives are utilized. The subject property is 5.12 acres in

size. The applicant proposes 1.15 acres of right of way, for a net site size of 3.97 acres ($5.12 - 1.15 = 3.97$). Therefore, the minimum number of units allowed on the site is 22 units. The applicant is proposing 25 lots/units.

- B. The total number of dwelling units allowed in mixed housing developments (i.e., those that contain units other than single family dwellings) is calculated in the same manner as under subsection 'A', except that dwelling units have the following values with respect to calculating the actual density of a development proposal:**
- 1. Group Living: 0.25 dwelling unit per full-time resident*
 - 2. Apartment: 0.50 dwelling unit per 1-bedroom apartment; 0.75 dwelling unit per 2-bedroom apartment; 1.0 dwelling unit per 3-bedroom apartment*
 - 3. Duplex and Attached House: 2 dwelling units per Duplex or Attached House*
 - 4. Single Family House: 1 dwelling unit per single family dwelling (attached or non-attached)*
 - 5. Accessory Dwelling Unit: 0.50 dwelling unit per accessory dwelling unit*
 - 6. Cottage Cluster * * * * **
 - 7. Other Dwelling Types: Determined by Planning Official through Type II Code Interpretation (Section 4.8) based on data and comparison to listed housing types.*

Applicant's Findings: The proposal is for single-family detached and attached housing units on individual lots, not a mixed housing development. All units will be on individual lots. Therefore, there are 25 lots proposed and there will be 25 units.

- C. Areas reserved for private access, stormwater treatment, and open space are counted for the purpose of calculating allowable density.*

Applicant's Response: The applicant included the private mid-block lanes and open-space in the density calculation

- D. Areas conveyed or dedicated to the public for stormwater treatment or open space, exclusive of public street rights-of-way, are counted for the purpose of calculating allowable density.*

Applicant's Findings: The applicant included the areas conveyed or dedicated to the public for stormwater treatment or open space in the density calculation

- E. Areas reserved for flag lot access (flag poles) are counted for the purpose of calculating allowable density but are not included in calculating minimum lot area for subject flag lots.*

Applicant's Findings: There are no flag lots proposed within this subdivision. Of the 25 lots, six (6) lots take access from a privately-owned mid-block lane.

2.2.070 Building Orientation Standards

Applicant's Findings: This section specifies building orientation standards. The proposed lots are laid out in a manner that the lots will allow the building entrances to be oriented towards the

public streets to allow for safe ingress and egress to the lots. The minimum lot sizes allow for the placement of off-street parking to be located between building entrances and public streets.

2.2.080 Housing Variety Standards

- A. *Purpose. Require new neighborhoods and large subdivisions to contain a variety of housing types. Housing variety is in the public interest because it supports housing at price ranges and rent levels that are commensurate to local incomes, promotes livability by offering housing choices, and contributes to the development of complete neighborhoods, consistent with the Comprehensive Plan.*
- B. *Applicability. Section 2.2.080 applies to land divisions creating or having the potential to create twenty (20) or more lots on any parcel or contiguous parcels in the RL and RM zones. For the purpose of this Section, "project proposal" means the sum total of all proposed development (acres and dwellings) and potential future development on contiguous land under the same ownership that could occur under existing zoning. "Same ownership" means ownership by the same individual, group, organization, corporation or other legal entity; or such entity holds a majority interest. The standards of this Section may be adjusted through a Type II review, provided the adjustment is consistent with the above purpose and the applicant demonstrates that an alternative proposal meets the intent of the standard.*

Applicant's Findings: The proposal is to subdivide approximately 5.12 acres into 25 lots in an RM (Residential Medium) density zoning district. The applicant will create 17,447.2 square feet of Open Space. Therefore, the criteria under Section 2.2.080 is applicable to this development.

- C. *Housing Variety Standards. Project proposals shall achieve a minimum of twelve (12) points based on the following criteria. Lots and housing units used to comply with the standards below should be evenly distributed throughout all phases of the subdivision*

Applicant Findings: This section specifies the standards for housing variety which is required for developments that create 20 or more lots. Projects are required to achieve a minimum of 12 points based upon the option tables shown in code. The applicant has no control over enforcing income levels of prospective property owners because he is not constructing any buildings or selling mortgages. The City provides two code options for developing a variety of housing types to facilitate a variety of price ranges.

1. *Minimum Density (required). Projects are required to meet the minimum density standard, per Table 2.2.030, except as allowed elsewhere in this code. No points are awarded for compliance with the minimum density standard.*

Applicant Findings: The RM zone district allows a density range of 6-12 dwelling units per net acre or up 16 dwelling units per acre where Low-Impact Development Incentives are utilized. The subject property is 5.12 acres. Therefore, the minimum number of units allowed on the site are 22.

2. Option 1: Lot Size Variety. Choose one of the following options:

Criteria	Points
a) At least 10% of lots in the project are at least 20% smaller than the project's median lot size	3
b) At least 20% of the lots in the project are at least 20% smaller than the project's median lot size	6
c) At least 30% of the lost in the project are at least 20% smaller than the project's median lot size	9

Applicant’s Findings: Option 1: Lot Size Variety specifies points that the developer can accrue based upon percentages of lot sizes relative to the project’s median lot size. The median lot size, minimum/maximum proposed density, percent of open space, amount of right-of-way; minimum/maximum lot sizes are shown on the site plan.

The 25 lots range in size from 2,358 to 18,532 square feet. The median lot size within the proposed subject property is 4,442 square feet. A lot size that is 3,554 square feet in size is 20% less than the median lot size. Twenty percent less than the median lot size is 3,554 square feet. Five (5) of the 25 lots are less than 3,554 square feet in size. Thus, the site plan shows that there are 20% of lots in the project that are at least 20% smaller than the project’s median lot size. Therefore, the project yields **6 points** under Option 1(b).

3. Option 2: Housing choices. Choose one of the following options:

Criteria	Points
a) At least 10% of the dwelling units in the project consist of "small housing types*"	3
b) At least 20% of the dwelling units in the project consist of "small housing types*"	6
c) At least 30% of the dwelling units in the project consist of "small housing types*"	9

Applicant’s Findings: A “small housing type” is a dwelling that is less than 1,600 s.f. in size excluding the garage. Under Option 2, the developer can accrue points by providing small housing types. The site plan shows that there are several smaller lots throughout the subdivision that can be designated for smaller housing types. Lots 1 through 4 and Lot 18 have been designated to accommodate smaller housing types, meaning there are 20% of lots in the project that could be designated for “small housing types” (less than 1,600 square feet, excluding

garages). These lots have been identified on the proposed site plan. See attached.

Through the CC&R's the applicant will designate and identify the five (5) lots to be designated for houses 1600 square feet in size or smaller. Therefore, 20% of the lots within the development will be designed for smaller lots. Yield is **6 points** under this section. See attached site plan.

4. Option 3: Affordable housing. Choose one of the following options:

Criteria	Points
a) At least 15% of the dwelling units in the project reserved for qualifying buyers or renters with incomes at or below Polk County area median income.*	6
b) At least 10% of the dwelling units in the project reserved for qualifying buyers or renters with incomes at or below 80% of Polk County area median income.*	6
c) At least 5% of the dwelling units in the project reserved for qualifying buyers or renters with incomes at or below 60% of Polk County area median income.*	6

Applicant's Findings: The applicant does not seek any points under Option 3.

Conclusion: The applicant is proposing that 5 lots in the subdivision be reserved for houses that are 1,600 square feet or less in area. Those same 5 lots will be 20% less than the median lot size.

The proposed project will yield a total of **12 points**.

2.2.100 Building Design Standards:

- A. *Purpose. Establish clear and objective standards for building design in Residential Districts to promote land use compatibility and livability while protecting property values and ensuring predictability in the development process. The intent is to:*
 1. *Reinforce Dallas' sense of place and respect the local architectural vernacular of Dallas.*
 2. *Reduce the visual dominance of garage openings as viewed from abutting streets, parks, and other public use areas*
 3. *Encourage a diversity of building facades and rooflines at an appropriate neighborhood scale.*
 4. *Promote compatible building-to-building relationships, and to create a sense of street enclosure at a pedestrian-scale in urban neighborhoods.*

- B. Applicability. Section 2.2.100 applies to all new dwelling types, including multi-dwelling buildings, single family house, attached house (townhome), duplexes, and cottage cluster developments. The standards are applied through building plan review for single family house dwellings or duplexes, and Site Design Review and/or Planned Unit Development Review, as applicable, for other building types. In addition, other building design standards may apply for certain types of land use and development, as provided under Section 2.2.120 Special Use Standards. The standards of Section 2.2.100 may be adjusted through the Adjustment (Type II) procedure provided the Adjustment is consistent with the above purpose and the applicant demonstrates that the proposed design meets the intent of the standard for which an Adjustment is sought.*

Applicant's Findings: All development standards under DDC 2.2.100 will be reviewed for compliance at the time of building permit submittal.

2.2.110 Building And Structure Height; Mixed-Use Bonus

Building and structure heights shall conform to the standards in Table 2.2.030A. Additional height may be approved for mixed-use buildings through the Master Planned Development procedure and pursuant to the density bonus provisions of Section 2.2.090 Low-Impact Development.

Applicant's Findings: All development standards under DDC 2.2.110 will be reviewed for compliance at the time of building permit submittal.

2.2.120.B Attached Single Family Dwellings (Townhomes)

Attached House (Townhome) Dwellings of three or more units. Attached House (townhome or rowhouse) dwellings shall comply with the standards in sub-sections 1 and 2, below, which are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of any common areas.

- 1. Alley Access Required for Subdivisions Principally Containing Attached House (Townhomes) of three or more units. Subdivisions, or phases of subdivisions, proposed to contain three (3) or more consecutively attached house dwellings on any block, shall provide vehicle access to all such lots and units from an alley or interior parking court, as generally illustrated below; except that this requirement does not apply where the width of townhome lots is 50 feet or greater. Alleys and parking courts shall be created at the time of subdivision approval, and may be contained in private tracts or, if approved by the City, in public right-of-way, in accordance with Section 3.4.020, Transportation Standards, and Chapter 4.3, Land Divisions. Exceptions may be granted to this standard for physically constrained sites, or when an alternative form of grouped access results in no more than one access for every four units.*

Applicant's Findings: The Dallas Development Code defines the term "right-of-way" as follows:

"[a]n area that allows for the passage of people or vehicles. Right-of-way includes all public streets, highways, alleys and public access ways (e.g., pedestrian connections). A right-of-way may be

dedicated or deeded to the public for public use and under the control of a public agency, or it may be privately owned, provided the public is granted access. A right-of-way that is not dedicated or deeded to the public will be in a public access easement and may be separately contained in a tract.”

The DDC defines the terms “alley” and “street” as two different (and mutually exclusive) types of “right of way.” Specifically, the code definition states that an “alley” as a:

“a right-of-way that provides vehicle access to a lot or common parking area. Generally, alleys provide secondary vehicle access; however, where vehicle access from the street is not allowed, not possible, or not desirable the alley may provide primary vehicle access.”

The DDC defines the term “street” as:

Street. A right-of-way that is intended for motor vehicle, pedestrian or bicycle travel or for motor vehicle, bicycle or pedestrian access to abutting property. For the purposes of this Code, street does not include alleys, rail rights-of-way that do not also allow for motor vehicle access, or freeways and their on-ramps.

The application does not propose any alleys. DDC 2.2120(B) requires alley access for a subdivision which proposes “to contain three (3) or more consecutively attached house dwellings on any block.” We are proposing two separate “consecutively attached” single-family dwellings on lots 1-4. Therefore, we do not trigger the “alley access” standard.

The applicant does propose two “mid-block lanes” which are privately-owned and do not, therefore, constitute “right-of-way.”

- 2. *Common Areas. Any common areas (e.g., landscaping, private tracts, common driveways, private alleys, building exteriors, and/or similar common areas with split interest ownership) shall be owned and maintained by a homeowners association or other legal entity as approved by the City. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.*

Applicant’s Findings: There is 15,601 square foot of Open Space area located within the proposed subdivision (“Tract C”) that will be a common area for all residents. It is likely that the developer of the homesites will regrade this area. The Open Space area will be maintained by an HOA. A copy of the applicable CC&R’s will be provided to the City prior to building permit approval.

*Article 3 Community Design
Chapter 3.1*

3.1.020 Vehicular Access And Circulation.

* * * * *

- C. Access Permit Required. Access to a public street (e.g., a new curb cut or driveway approach) requires an Access Permit. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval. In either case, approval of an access permit shall follow the procedures and requirements of the applicable roadway authority, as determined through the review procedures in Article 4.*

Applicant's Findings: The applicant will obtain all required access permits prior to development of the site as required by all applicable authorities and jurisdictions.

- D. Traffic Study Requirements. The City may require a traffic study prepared by a qualified professional to determine access, circulation, and other transportation requirements in conformance with Section 4.1.090, Traffic Impact Study.*

Applicant's Findings: Section 4.1.090 provides as follows:

When a Traffic Impact Analysis is Required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. The current version of the Institute of Transportation Engineers Trip Generation Manual shall be used as a source for estimating development-generated traffic. A TIA shall be required when a land use application involves one or more of the following actions:

- 1. A change in zoning or a plan amendment designation;*
- 2. Any proposed development or land use action that a road authority states may have operational or safety concerns along its facility(ies);*
- 3. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more; or*
- 4. An increase in peak hour traffic volume of a particular turning movement to and from an arterial street, including State highways, by 20 percent or more; or*
- 5. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or*
- 6. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or*
- 7. A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.*

The second, sixth and seventh of the listed thresholds are all geared towards addressing "safety" concerns, which are not clear and objective criteria. *Home Builders Association of Lane County v. Lane County*, 41 Or LUBA 370, 409 (2002). These thresholds cannot be applied to housing.

The applicant does not propose a zone change or comprehensive plan amendment. The first threshold does not apply.

The proposed subdivision is for 25 lots. The applicants proposed subdivision will not result in an increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more. The third threshold does not apply.

As a residential use, any increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights will be negligible. It will certainly not exceed the “10 vehicles or more per day” threshold.

The applicant and the City have disagreed as to whether the fourth threshold is exceeded. Whether there will be “an increase in peak hour traffic volume of a particular turning movement to and from an arterial street, including State highways, by 20 percent or more,” is subject to interpretation. The Standard is ambiguous and can reasonably be interpreted in more than one way. As a result, the standard cannot be applied to housing.

Nonetheless, the applicant provided a Traffic Impact Analysis (TIA) dated April 12, 2024. The TIA did not find any operational deficiencies with regard to access, circulation, or other transportation requirements.

- E. Conditions of Approval. The City or other roadway authority, as applicable, may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.*

Applicant’s Findings: Conditions of Approval will be met prior to recording of the final subdivision plat.

- F. Access Spacing. Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards:*
- a. State Highways. The following access spacing standards apply with regard to redevelopment or change in land use, roadway improvements, or new access points along Kings Valley Highway and Dallas Rickreall Highway within Dallas. Access to Kings Valley Highway and Dallas Rickreall Highway shall be subject to the applicable standards and policies contained in the Oregon Highway Plan and OAR 734-051 (Division 51).*
 - b. Arterial, Collector and Local Streets. The following access spacing standards apply with regard to redevelopment or change in land use, roadway improvements, or new access points along arterial, collector and local streets within Dallas. Access spacing on collector and arterial streets (other than state highways) and at controlled intersections (four-way stop sign or traffic signal) shall be determined based on the policies and standards contained in the Dallas Transportation System Plan. A minimum of 50 feet separation (as measured from centerlines of the*

driveway/street) is required on local streets (i.e. streets not designated as collectors or arterials), except that driveways can adjoin each other for single family dwellings and meet this standard. See also, subsection 3.1.020(F)(3) below.

- c. Special Provisions for All Streets. Direct street access may be restricted for some land uses, in conformance with the provisions of Article II. Zoning Districts and Use Categories. For example, access consolidation, shared access, and/or access separation greater than that specified by subsections a-c may be required by the City, Polk County, or ODOT for the purposed of protecting the function, safety and operation of the street for all users (see section 18 below). Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.*
- d. Corner Clearance. The distance from a street intersection to a driveway or other street access shall meet or exceed the minimum spacing requirements for the street classification in the Dallas Transportation System Plan.'*

Applicant's Findings: This code section specifies access spacing on public streets. Vision clearance is specified and will be reviewed for conformance to standards when driveway/street intersections are determined. Code specifies that one street access point is permitted per each single-family dwelling. Shared driveways may be used when access is to a collector or arterial street to reduce the number of driveway cuts and facilitate maneuvering. There are no cross-over easements needed because there are no shared driveways to major streets and the project is not a commercial development. Driveway widths are specified and will be reviewed for compliance when building permit applications are submitted to and reviewed by the City.

The applicant is requesting alternative street standards to allow 50-foot-wide streets. The subject property is in a developed area where improved streets and sidewalks exist. At the time of development, all internal local streets serving the development will provide the necessary connections and access to the local streets and circulation system serving this neighborhood. The proposed internal streets were designed to connect to the adjacent streets as required by staff. Due to the required connections and the shape of the site, the internal street does not meet the 60-foot street standard. However, the proposed street will not have any effect on the circulation of the proposed subdivision.

A cul-de-sac within the development is also proposed. The cul-de-sac provides connections and circulation to the two proposed mid-block lanes (One serving Lots 13-16 and the other serving 18-19). Adequate circulation has been provided.

- G. Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for two-family and three-family housing on corner lots subject to the access spacing standards in subsection 3.1.020F above. The number of street access points for multiple family, commercial, industrial, and park & open space developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all*

users. Shared access may be required in order to maintain the required access spacing and minimize the number of access points.

Applicant's Findings: All lots within the subdivision will have one access point. There are two "mid-block lanes" that provide two access points for lots 13-16 and 18-19 respectively. However, all lots will have one access point as allowed by code. The access points will be determined prior to development of the lots and through working with public works.

- H. Shared Driveways. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. As applicable, the City shall require shared driveways as a condition of land divisions or site design review for traffic safety and access management purposes in accordance with the following standards:*
- a. Shared Driveways and Frontage Streets. These treatments may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (due to infill or redevelopment potential).*
 - b. Access Easements. Access easements for the benefit of affected properties shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.*

Applicant's Findings: Lots that have the potential for smaller homes, such as Lots 1-4, may have shared driveways. Shared driveways will be determined prior to development of the Lots and reviewed at the time of building permits.

- I. Joint and Cross Access – Requirement. When necessary for traffic safety and access management purposes, or to access flag lots, the City may require joint access and/or shared driveways in the following situations as follows:*
- a. For shared parking areas;*
 - b. For adjacent developments, where access onto an arterial is limited;*
 - c. For multi-tenant developments, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:*
 - i. A continuous service drive or cross-access corridor that provides for driveway separation consistent with the applicable transportation authority's access management classification system and standards;*
 - ii. A design speed of 10 miles per hour and a maximum width of 22 feet, in addition to any parking alongside the driveway; additional driveway width or fire lanes may be approved when necessary to accommodate specific types of service vehicles, loading vehicles, or emergency service provider vehicles;*
 - iii. Driveway stubs to property lines (for future extension) and other design features to make it easy to see that the abutting properties may be required with future development to connect to the cross-access driveway;*

Applicant's Findings: The proposal is for a residential dwelling subdivision. Therefore, this criterion is not applicable.

- J. Joint and Cross Access – Easement and Use and Maintenance Agreement. Pursuant to this Section, property owners shall:*
- a. Record an easement with the deed allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;*
 - b. Record an agreement with the deed that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;*
 - c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.*

Applicant's Findings: The proposal is for a residential dwelling subdivision and there are no cross accessways proposed. Therefore, this criterion is not applicable.

- K. Access Connections and Driveway Design. All driveway connections to a public right-of-way (access) and driveways shall conform to all of the following design standards:*
- a. Driveway Width. Driveways shall meet the following standards:*
 - i. One-way driveways (one way in or out) shall have a minimum driveway width of 10 feet (single lane) and a maximum width of 12 feet per lane, and shall have appropriate signage designating the driveway as a one-way connection.*
 - ii. For two-way access, each lane shall have a minimum width of 9 feet and a maximum width of 12 feet.*
 - b. Driveway Approaches. Driveway approaches shall be designed and located to provide exiting vehicles with an unobstructed view of other vehicles and pedestrians, and to prevent vehicles from backing into the flow of traffic on the public street or causing conflicts with on-site circulation. Construction of driveway accesses along acceleration or deceleration lanes or tapers should be avoided due to the potential for vehicular conflicts. Driveways should be located to allow for safe maneuvering in and around loading areas. See also, Chapter 3.3, Parking and Loading.*
 - c. Driveway Construction. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 3.1.020K. Driveway aprons shall conform to Americans with Disability Act requirements for sidewalks and walkways, which generally require a continuous unobstructed route of travel that is not less than 3 feet in width, with a cross slope not exceeding 2 percent, and providing for landing areas and ramps at intersections.*

Applicant's Findings: All driveways will be reviewed for compliance at the time of building permit submittal.

- L. Fire Access and Turnarounds. When required by applicable Fire Codes, fire access lanes with turnarounds shall be provided. Except as waived in writing by the Fire Marshal, a fire equipment access drive shall be provided within 150 of all exterior walls*

of the first story of a building that is located more than 150 feet from an existing public street. The drive shall contain unobstructed adequate aisle width (14-20 feet) and turn-around area for emergency vehicles. The Fire Marshal may require that fire lanes be marked as "No Stopping/No Parking." For requirements related to cul-de-sacs or dead-end streets, please refer to Section 3.4.015.N.

Applicant's Findings: This criterion attempts to make the Fire Code an approval standard, in violation of ORS 197.195(1) and ORS 197.175(2). The Fire Code has separate regulations for some specific access cases. Because there are several access points through the subdivision, Fire turnarounds have been provided and meet code. The Fire Department will review the subdivision for compliance and provided and needed Conditions of Approval to be met prior to recording the final subdivision plat.

M. Vertical Clearances. Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.

Applicant's Findings: All driveways will be in compliance with Code and reviewed at the time of building permit submittal. As shown on the site plans the streets and turnaround areas will all have a minimum vertical clearance of 13'6".

N. Vision Clearance. No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) between three (3) feet and eight (8) feet in height shall be placed in "vision clearance areas" on streets, driveways, alleys, or mid-block lanes where no traffic control stop sign or signal is provided, as shown in Figure 3.1.020N. The minimum vision clearance area may be modified by the City Engineer upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). The City Engineer may allow light standards, utility poles, tree trunks and similar objects within a required clear vision area. See also, Chapter 6.2 Methods of Measurement.

Applicant's Findings: This subsection specifies standards for vision clearance. DDC 3.1.020.N. Specifies conditions and exceptions for driveways. Vision clearance for each lot will be reviewed at the time of building permits.

O. Conditions and Exceptions.

- a. The City may impose turning restrictions (i.e., right in/out, right in only, or right out only) for safety and to maintain adequate traffic operations where a driveway opens onto a collector or arterial street.*
- b. Access to and from off-street parking areas shall not permit backing onto a public street, except for one and two-family dwellings.*
- c. The City may reduce required separation distance of access points where they prove impractical due to lot dimensions, existing development, other physical features, or conflicting code requirements, provided all of the following requirements are met:

 - i. Joint-use driveways and cross-access easements are provided;*
 - ii. The site plan incorporates a unified access and circulation system in accordance with this Section; and**

- iii. *The property owner(s) enter in a written agreement with the City, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint-use driveway.*

Applicant's Findings: Specifies construction standards which must be met by the developer. The City's Public Works Department is responsible for assuring compliance for final plat approval and for individual building permit applications. These standards are identified on the site plans provided or will be met at the time of building permits.

- P. *Site Circulation. New developments shall be required to provide a circulation system that accommodates expected traffic on the site. Pedestrian connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks, must conform to the provisions in Section 3.1.030.*

Applicant's Findings: Specifies that new development must provide a circulation system that accommodates expected traffic on-site including pedestrian connections via paved sidewalks. The proposal extends the existing public Street and sidewalk system for ultimate completion. The internal street connections and connections to the existing street system will provide a more efficient vehicle and pedestrian circulation pattern through the subject property and to adjacent neighborhoods.

- Q. *Construction. The following development and maintenance standards shall apply to all driveways and private streets, except that the standards do not apply to driveways serving one single-family detached dwelling:*
- a. *Surface Options. Driveways, parking areas, aisles, and turnarounds may be paved with asphalt, concrete, or comparable surfacing, including interlocking pavers or other durable paving material. When approved by the City Engineer, porous paving systems may be used to manage surface water runoff. All paving materials shall be subject to review and approval by the City Engineer.*
 - b. *Surface Water Management. All driveways, parking areas, aisles, and turnarounds shall have on-site collection of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with Chapter 3.7 and applicable engineering standards.*
 - c. *Driveway Aprons. When driveway approaches or "aprons" are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing and conform to the City's engineering design criteria and standard specifications. (See general illustrations in Section 3.1.020K, above.)*

Applicant's Response. The proposal is for a residential subdivision that will serve one dwelling per lot. Therefore, this criterion is not applicable.

3.1.030 Pedestrian Access And Circulation

- A. *Site Layout and Design. To provide safe, direct, and convenient pedestrian circulation, all developments, except single-family and duplex dwellings[,] shall provide a continuous pedestrian system within the development site that connects to the public*

right-of-way, regardless of whether a public sidewalk currently exists. The pedestrian system shall be based on the standards in subsections 1-4, below:

1. *Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, if any, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of Section 3.1.020, Vehicular Access and Circulation, and Section 3.4.010, Transportation Standards. (Underline added).*

Applicant's Findings: It is unclear whether DDC 3.1.030 applies to subdivision applications which propose to build single-family and duplex dwellings as the resulting land use. The code is ambiguous regarding its scope.

Assuming it does apply, the provision is nonetheless problematic because the phrase "extend throughout the development site" is not clear and objective. The phrase "to existing or planned off-site adjacent trails" is not clear and objective. The phrase "to the greatest extent practicable" is also not clear and objective. *Legacy Development Group, Inc. v. City of the Dalles*, ___ Or LUBA ___ (LUBA No., 2020-009, Feb. 24, 2020, slip op. at 19).

This criterion specifies development standards to assure safe, direct, and convenient pedestrian circulation. The proposed subdivision provides paved sidewalks throughout the site and to the existing sidewalks within Academy Street. The sidewalk system that is proposed throughout the site, via sidewalks, provides hard-surfaced connections to the existing public sidewalk system to the adjacent neighborhoods. Therefore, this criterion is met to the extent it even applies.

2. *Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:*
 - a. *Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.*
 - b. *Safe and convenient. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.*
 - c. *"Primary entrance" is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance, as applicable.*

Applicant's Findings: The phrase "safe, reasonably direct, and convenient pedestrian circulation" is not clear and objective. *Compare Home Builders Ass'n of Lane County v. Lane County*, 41 Or LUBA 370, 409 (2002) (the phrase "where necessary to ensure safety" is not "clear and objective.>"). The phrase "deviate unnecessarily from a straight line" is subjective. The phrase "significant amount of out-of-direction travel" is subjective. The term "reasonably free of hazards" is highly subjective. None of these standards can be applied to housing.

All dwellings will have entrances physically and visually connected to the internal public sidewalk system.

Direct pedestrian paths are provided for all lots via paved sidewalks. Proposed and existing sidewalks will further enhance the pedestrian connections and circulation to and from the subdivision. The proposed sidewalks to and from the site will provide pedestrian circulation to the proposed lots and surrounding neighborhoods. The proposed development provides safe and convenient bicycle and pedestrian access from within the development to adjacent residential areas.

Proposed pedestrian sidewalk connections are illustrated on the tentative site plan.

3. *Connections Within Development. Connections within developments shall be provided as required in subsections a-c, below:*
 - a. *Walkways shall connect all building entrances to one another to the extent practicable, as generally shown in Figure 3.1.030A(1);*

Applicant's Findings: The applicant does not propose any "connections" other than the sidewalk system.

- b. *Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections, as generally shown in Figure 3.1.030A(1); and*

Applicant's Findings: The applicant does not propose any "walkways" other than the sidewalk system.

- c. *Parking areas containing twenty four (24) or more parking spaces shall be broken up so that parking bays do not exceed twelve (12) contiguous parking spaces without a break. Parking areas may be broken up with landscape areas (per subsection 3.2.030.E), handicap-accessible walkways, plazas, streets, or driveways with street-like features. Street-like features, for the purpose of this section, means a raised sidewalk that is at least four (4) feet wide for residential projects and at least six (6) feet wide in all other projects, with 6-inch raised curbs, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting. See also, "shopping street" provisions in Section 2.2.060.D.*

Applicant's Findings: Not applicable.

- B. *Walkway Design and Construction. Walkways, including those provided with access ways through a block, shall conform to all of the standards in subsections 1-4, below, as generally illustrated in Figure 3.1.030B:*

1. *Vehicle/Walkway Separation. Except for crosswalks (subsection 2), where a walkway abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or masonry bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.*

Applicant's Findings: There are no proposed walkways within the proposed subdivision.

2. *Crosswalks. Where a walkway crosses a parking area, driveway, or street ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., light-color concrete or pavers inlaid between asphalt), which may be part of a raised/hump crossing area. The reviewing body may approve painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.*

Applicant's Findings: There are no crosswalks within the proposed subdivision.

3. *Walkway Width and Surface. Walkway and accessway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the City Engineer, at least four (4) feet wide in residential projects and at least six (6) feet wide in all other projects. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least 10 feet wide, or as required by the roadway authority or park district, as applicable.*

Applicant's Findings: All proposed sidewalks are hard surface and a minimum of 6 feet in width. The applicant does not propose a multi-use path unless just compensation is provided.

4. *Accessible routes. Walkways shall comply with applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.*

Applicant's Findings: Routes within the subdivision will be constructed to ADA standards where required by Code.

3.2.020 Landscape Conservation

- A. *Applicability. All development sites containing Significant Vegetation, as defined by subsection B, below, shall comply with the standards of this Section. The purpose of this Section is to incorporate significant native vegetation into the landscapes of development to the greatest extent practicable. The retention of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting, particularly on steep slopes and areas prone to landslide or susceptible to soil erosion. Mature landscaping provides summer shade and wind breaks, controls*

erosion, and allows for water conservation due to larger plants having established root systems.

Applicant's Findings: The stated purpose of DDC 3.2.020 is to “incorporate significant native vegetation into the landscapes of development to the greatest extent practicable.” The applicant accomplishes this purpose by not proposing any development in the floodplain. The applicant is willing to accept a condition of approval prohibiting future landowners from altering the vegetation in the floodplain.

The phrase “shall be retained *to the extent practicable* to minimize the risk of erosion, landslide, or stormwater runoff” was deemed by LUBA to be not clear and objective. *Legacy Development Group, Inc. v. City of the Dalles*, __ Or LUBA __ (LUBA No., 2020-009, Feb. 24, 2020, slip op. at 19. This code provision is substantially similar to the provision at issue in *Legacy Development Group*.

This criterion specifies standards for tree removal and preservation of vegetation along wetlands and in riparian corridors. There are no significant trees on the subject property. The applicant has identified trees on the site for removal. There are 34 trees located on the site. 32 trees are designated for removal. Due to the location of these trees, they will have to be removed in order to accommodate the proposed development. However, tree replanting will occur on the site as required by Code.

- B. Significant Vegetation.** *“Significant vegetation” means individual trees and shrubs within an Open Space District, any existing or proposed open space area within a development, geological hazard areas, flood plains, and jurisdictional wetlands, as determined by a natural resource agency with jurisdiction, except that protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University (OSU) Extension Service, Polk County, or other government agency, where removal of vegetation is necessary to protect the public health, safety or welfare as determined by the City approval body.*

Applicant's Findings: The term “significant” is not clear and objective, and delegating the determination of what constitutes “significant” to a “natural resource agency with jurisdiction” is not authorized under Oregon law. The standards for a limited land use decision must be contained in the City’s land use regulations. ORS 197.195(1). There is no significant vegetation on the site.

- C. Mapping and Protection Required.** *Significant vegetation shall be mapped as required by Chapter 4.2, Site Design Review. Significant trees shall be mapped individually and identified by species and diameter or caliper at 4 feet above grade, except where a site contains more than five acres the Community Development Director may require a canopy-level inventory of trees for a preliminary land division application. A “protection” area shall be defined around the edge of all branches (drip-line) of each tree. Drip lines may overlap between trees. The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to*

determine construction boundaries, building setbacks, and other protection or mitigation requirements.

Applicant's Findings. The term "significant" is not clear and objective, and cannot be applied to housing. There is no significant vegetation on the site.

- D. Protection Standards. Significant trees and shrubs identified as meeting the criteria in Section B, above, shall be retained to the extent practicable to minimize the risk of erosion, landslide, and stormwater runoff. Where protection is impracticable because it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district, the City may allow removal of significant vegetation to provide for a reasonable building envelope (area exclusive of required yard setbacks), and areas for access and utilities. Where other areas must be disturbed to provide for construction staging areas, the applicant shall be required to restore such areas after construction with landscaping to prevent erosion and to protect the public health, safety, and welfare. With the owner's consent, the City may accept a land dedication or become a party to a conservation easement on private property for conservation purposes.*

Applicant's Findings: The term "significant" is not clear and objective, and cannot be applied to housing. There is no significant vegetation or significant trees located on the site.

- E. Construction; Erosion and Sediment Control. An erosion and sediment control plan is required for all new construction. All significant vegetation on a site that is not otherwise designated and approved by the City for removal shall be protected prior to, during, and after construction in accordance with a limit-of-clearing and grading plan approved by the City. The City may limit grading activities and operation of vehicles and heavy equipment in and around significant vegetation areas, streams and other water bodies to prevent erosion, pollution, or landslide hazards. See also, Chapter 2.8 Wetland and Riparian Overlay.*

Applicant's Findings: The term "significant" is not clear and objective. There is no significant vegetation or significant trees located on the site.

- F. Exemptions. The protection standards in "D" and "E" shall not apply to:*
- 1. Dead or Diseased Vegetation. Dead or diseased vegetation may be removed from an area containing significant vegetation, as defined by subsection B, provided the burden is on the property owner to demonstrate to the Community Development Director that said vegetation is in fact diseased or dead before it is removed.*
 - 2. Hazardous Vegetation and Other Emergencies. Significant vegetation may be removed without land use approval pursuant to Article 4 when the vegetation poses an immediate threat to life or safety, or the vegetation must be removed for other reasons of emergency (e.g., fallen over road or power line, blocked drainage way, or similar circumstance), as determined by the City Community Development Director or emergency service provider.*

Applicant's Findings: The term "significant" is not clear and objective. There is no significant vegetation or significant trees located on the site.

3.2.040 Street Trees

Street trees shall be planted for all developments that are subject to Land Division or Site Design Review where landscape park strips exist or are required with the development. Requirements for street tree planting strips are provided in Section 3.4.010, Transportation Standards. Planting of street trees shall generally follow construction of curbs and sidewalks, however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction. The planting and maintenance of street trees shall conform to the following standards and guidelines, Dallas City Code 3.800 to 3.820, and any applicable road authority requirements:

Applicant's Findings: Street tree planting is required, and it is feasible to meet this criterion. The City specifies the type and size and spacing standards for street trees. The street tree requirement will be met with the Conditions of Approval. Prior to recording of the final subdivision plat, a street tree plan will be provided as required by Code.

3.2.050 Fences and Walls

- A. *General Requirements. All fences and walls shall comply with the height limitations of the respective land use district (Article 2) and the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval (e.g., flag lots), approval of a conditional use permit, or site design review approval. When required through one of these types of approvals, no further land use review is required. If not part of a prior land use approval, new fences and walls require Land Use Review (Type I) approval; if greater than seven (7) feet in height, a building permit is also required. (See also, Section 3.2.030 for screening requirements.)*

Applicant's Findings: There is no proposal for a wall or fencing the boundary of the subdivision with this application. There is no code requirement to fence a subdivision development. However, at the time of development each lot owner/developer can decide to fence their lot for privacy. Any fences constructed at the time of development will be in compliance with Code.

Chapter 3.3.

3.3.030 Automobile Parking Standards

- A. *Vehicle Parking - Minimum Standards by Use. The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 3.3.030A, or alternatively, through a separate parking demand analysis prepared by the applicant and subject to a Type II Land Use Review (or Type III review if the request is part of an application that is already subject to Type III review). Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described above. Parking that counts toward the minimum*

requirement is parking in garages, carports, parking lots, bays along driveways, City-approved shared parking, and designated on-street parking when approved by the City.

Applicant's Findings: This criterion specifies two (2) spaces per dwelling minimum required for single family dwellings. This standard will be reviewed for compliance when individual building permit applications are submitted to the City for review and approval.

Each dwelling will have at least a one car garage and a driveway large enough to store a second vehicle off of the street.

B. Accessible (ADA) parking shall be provided for all uses in accordance with the following standards, unless otherwise exempted or amended by the most recently adopted ADA requirements.

- 1. Accessible (ADA) parking shall be provided in accordance with the standards in Table 3.3.030B; parking spaces used to meet the standards in Table 3.3.030B shall be counted toward meeting applicable off-street parking requirements;***
- 2. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;***
- 3. Accessible spaces shall be grouped in pairs where possible;***
- 4. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;***

Applicant's Findings: ADA parking spaces will be provided on an individual basis if needed. ADA parking is not required for individual residential dwelling lots. However, sidewalks within the subdivision will meet ADA requirements where applicable.

C. On-Street Parking. On-street parking shall conform to the following standards:

- 1. Dimensions. The following constitutes one on-street parking space:***
 - i. Parallel parking, each twenty-two (22) feet of uninterrupted curb;***
 - ii. Diagonal parking, each with twelve (12) feet of curb;***
 - iii. 90 degree (perpendicular) parking, each with twelve (12) feet of curb.***

Applicant's Findings: The proposal is for a residential subdivision, therefore, there is no designated parking. Any allowed on-street parking will be regulated by City requirements.

- 2. Location. Parking may be counted toward the minimum standards in Table 3.3.030A when it is on the block face abutting the subject land use. An on-street parking space must not obstruct a required clear vision area and it must not violate any law or street standard.***

Applicant's Findings: The proposal is for a residential subdivision, therefore, there is no designated parking. Any allowed on-street parking will be regulated by City requirements.

- 3. Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively***

by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.

Applicant's Findings: The proposal is for a residential subdivision, therefore, there is no designated parking. Any allowed on-street parking will be regulated by City requirements.

- D. Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. The City may approve owner requests for shared parking through Land Use Review.*
- E. Off-site parking. Except for single-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 300 feet of the use it serves and the City has approved the off-site parking through Land Use Review. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.*

Applicant's Findings: The proposal is for a residential subdivision, therefore, there are no designated off-site parking or shared parking. Any allowed on-street parking will be regulated by City requirements.

F. General Parking Standard.

- 1. Location. Parking is allowed only on streets, within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code. Article 2, Land Use Districts, prescribes parking location for some land uses (e.g., the requirement that parking for some multiple family and commercial developments be located to side or rear of buildings), and Chapter 3.1, Access and Circulation, provides design standards for driveways. Street parking spaces shall not include space in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pedestrian accessway, landscape, or other undesignated area.*
- 2. Mixed uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). The City may reduce the total parking required accordingly through Land Use Review.*
- 3. Availability of facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers, and/or employees.*
- 4. Lighting. Parking areas shall have lighting to provide at least 2 foot-candles of illumination over parking spaces and walkways. Light standards shall be directed*

downward only and shielded to prevent lighting spillover into any adjacent residential district or use.

5. *Screening of Parking Areas. Parking spaces shall be located or screened so that headlights do not shine onto adjacent residential uses, per Section 3.2.030E.*
6. *Maintenance. All parking lots shall be maintained in good condition and repair.*

Applicant's Findings: The proposal is for a residential subdivision, therefore, there is no designated parking areas. The single-family dwelling will have parking spaces within garages or driveways on their individual lots.

- G. *Parking Stall Design and Minimum Dimensions. All off-street parking spaces shall be improved to conform to City standards for surfacing, stormwater management, and striping. Standard parking spaces shall conform to the following standards and the dimensions in Figures 3.3.030F(1) through (3), and Table 3.3.030F.*

Applicant's Findings: The proposal is for a residential subdivision, therefore, this criterion is not applicable.

3.3.040 Bicycle Parking Standards

All uses that are subject to Site Design Review shall provide bicycle parking, in conformance with the standards in Table 3.3.040, and subsections A-G, below.

Applicant's Findings: The proposal is for a residential subdivision, not Site Plan Review. Therefore, this criterion is not applicable.

Chapter 3.4

3.4.015 Transportation Standards

- A. *Development Standards and Criteria. The following standards are implement the City of Dallas Transportation System Plan of October 2009 as amended. Projects shall be required to meet the current standards in effect at the time an application is filed.*
 1. *Adequate Public Facilities. No development shall be approved unless adequate transportation facilities are available or where it is demonstrated how improvements can and will be constructed and operational concurrent with the proposed development, as required by this Code If existing improvements leading to or serving the site are inadequate to handle anticipated loads, improvements are to be constructed and operational prior to the issuance of building permits or in conjunction with construction of the approved lots or parcels pursuant to financial assurance for the improvements or a written agreement with the City prior to final plat approval. All street links or intersections serving the proposed development shall meet the traffic operations standards over a 10-year horizon, as follows: See Table 3.4.010A.*

Applicant's Findings: The term "adequate" is not clear and objective, and therefore this standard cannot be applied to housing. ORS 197.304; ORS 197.307. Nonetheless, a traffic impact

analysis (TIA) dated April 22, 2024, has been provided. No inadequacies in the transportation were identified by the TIA.

2. *Amendments Significantly Affecting Transportation Facilities. Amendments to the Comprehensive Plan, or a land use regulation of the Development Code, or a Land Use District (zoning map designation) that significantly affect an existing or planned transportation facility shall assure that allowed land uses are consistent with the function, capacity and performance standards of the facility identified in the Transportation System Plan and shall demonstrate compliance with the Transportation Planning Rule (TPR) under Oregon Administrative Rule 660-012-0060*

Applicant's Findings: This provision is not applicable to a land division.

3. *Street Improvements. Streets within and adjacent to a development shall be improved in accordance with the City of Dallas Transportation System Plan and the provisions of this Chapter. Development of new streets, including sidewalks, curbs, gutters, bicycle lanes, vehicle travel lanes, traffic control devices, and park strips, and additional right-of-way or street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Chapter; and all public streets shall be dedicated to the applicable road authority upon the City Engineer's acceptance of said improvements;*

Applicant's Findings: This application proposes a Limited Land Use Decision ("LLUD"). The "City of Dallas Transportation System Plan" is not an approval standard for a LLUD. ORS 197.195(1). This broad reference to the TSP is ineffective at incorporating specific standards from the TSP into the Development Code. *Oster v. City of Silverton*, 79 Or LUBA 447 (2019). If all of the specific TSP standards appear in the Code, then there is no violation of ORS 197.195(1). However, it is unclear to us that this is the case.

This criterion sets forth specifies public facility standards. No under-improved streets are proposed. Sidewalk installation is generally required when building permit applications are submitted to the City. Utilities are required to be underground. Engineered construction plans will be required for final plat approval. The major street system is in place due to prior development. Academy Street located to the northwest of the site will provide access into the development.

The proposed internal street/accessway will be designed to local street standards. The existing and proposed street systems conform to the City's Transportation Plan. All street design and improvements will be determined through the subdivision review process, and regulated through the Conditions of Approval. Therefore, meeting the requirements of a subdivision.

The major street network in the area has been established and is consistent with the Transportation System Plan. The Public Works Department will address any applicable requirements for right-of-way conveyance that might be required because of this subdivision.

Therefore, the existing street system and proposed street improvements will be in compliance with the City of Dallas Transportation System Plan.

4. *Access Improvements. All new streets, and driveways connecting to streets, shall be paved; driveways and driveway aprons shall be improved as required under Section 3.4.030 and subject to approval by the City Engineer.*

Applicant's Findings: The subdivision will have access to Academy Street to the northwest. Academy Street will connect to the proposed internal street within the subdivision. All streets within the subdivision will be paved.

- B. *Guarantee. The City may accept a future improvement guarantee (e.g., owner agrees not to object to the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:*
 1. *A partial improvement may create a potential safety hazard to motorists or pedestrians;*
 2. *Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;*
 3. *The improvement would be in conflict with an adopted capital improvement plan; or*
 4. *The improvement is associated with an approved land partition and the proposed land partition does not create any new streets.*

Applicant's Findings: All required street improvements will be completed as required by Code and/or Conditions of Approval.

- C. *Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed in the public interest by the City Council for the purpose of implementing the Dallas Transportation System Plan, and the deeded right-of-way and improvements conform to the standards of this Code.*

Applicant's Findings: All streets will be shown and recorded on the final subdivision plat.

- D. *Creation of Access Easements. The City may approve an access easement connecting to a public street only when the easement is necessary to provide for access and circulation in conformance with Chapter 3.1, Access and Circulation. Access easements shall be created and maintained in accordance with the Oregon Fire Code Section 10.207.*

Applicant's Findings: All easements will be shown and recorded on the final subdivision plat.

- E. *Street Location, Width, and Grade. Except as noted below, the location, width and grade of all streets shall conform to the Transportation System Plan, or an approved street*

plan or subdivision plat. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets. Where the location of a street is not shown on an adopted City street plan, the location of streets in a development shall provide for the reasonable continuation and connection of existing streets to adjacent developable properties, conforming to the street standards of this Chapter.

Applicant's Findings: Street sections have been provided to show street improvements and grade that is being proposed in compliance with Code.

F. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall be the widths in Table 3.4.010. Variances to street design standards are subject to review and approval by the City Engineer. Where a range of width is indicated, the width shall be the preferred improvement in the range unless unique and specific conditions exist as determined by the City Engineer based upon the following factors:

- 1. Transportation policies of the Transportation System Plan;*
- 2. Anticipated traffic generation;*
- 3. On-street parking needs;*
- 4. Sidewalk and bikeway requirements, including the extension of and connection to existing sidewalks;*
- 5. Requirements for placement of utilities;*
- 6. Street lighting;*
- 7. Minimize drainage, slope, and sensitive lands impacts;*
- 8. Street tree location, as provided in Chapter 3.2;*
- 9. Protection of significant vegetation, as provided in Chapter 3.2;*
- 10. Safety, comfort, and convenience of motorists, bicyclists, and pedestrians;*
- 11. Placement of street furnishings (e.g., benches, lighting, bus shelters, etc.), as applicable;*
- 12. Access needs for emergency vehicles and for emergency evacuation; and*
- 13. Transition between different street widths (i.e., existing streets and new streets).*
- 14. (1) Include bike lanes, except as noted in the Transportation System Plan, page 7-15 and Figure 7-9.*
(2) The city may require this street if it is located in a high density residential, industrial, or commercially zoned area, or where the street will carry more than 1500 vehicle trips per day
(3) The city may require a wider alley width where fire apparatus access is determined necessary

Applicant's Findings: Table 3.4.10(F) gives a range of widths from six to 12 feet, but DCC 3.1.030(B)(3) gives a minimum width of "at least 10 feet." The code is therefore internally inconsistent about the actual required minimum width, and is therefore ambiguous. *Kenton Neighborhood Ass'n v. City of Portland*, 17 Or LUBA 784, 798 (1990) (internally inconsistent code provisions are ambiguous). These provisions cannot be applied because they are not clear and objective. Furthermore, any code provision that leaves decision-making authority to the discretion of the City Engineer is not clear and objective, and violated ORWS 197.175(2) and

ORS 197.195(1). Moreover, some of the factors are not clear and objective. For example, the phrase “safety, comfort, and convenience” is inherently subjective.

The Code states that “Streets within and adjacent to a development shall be improved in accordance with the City of Dallas Transportation System Plan and the provisions of this Chapter.” This broad reference to the TSP is ineffective at incorporating specific standards from the TSP into the Development Code. *Oster v. City of Silverton*, 79 Or LUBA 447 (2019). If all of the specific TSP standards appear in the Code, then there is no violation of ORS 197.195. However, it is unclear to us that this is the case.

Street sections have been provided to show street improvements in compliance with Code. Streets will be constructed to meet the above Code requirements and any additional requirements.

G. Street Connectivity. All subdivisions including those within Master Planned Developments, shall conform to all the following access and circulation design standards:

- 1. Connectivity to Abutting Lands. The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided in this Section. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. All street stubs shall be provided with a temporary turn-around unless specifically exempted by the Fire Marshal, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.***

Applicant’s Findings: The adjacent properties are developed. However, the proposed subdivision is providing a stub street connection to the west for the future development of the adjacent property. Therefore, providing connectivity to land that can be further divided.

- 2. When Abutting an Arterial Street. Property access to abutting arterials shall be minimized. Where such access is necessary, shared driveways may be required in conformance with Section 3.1.2. If vehicle access off a secondary street is possible, then the road authority may prohibit access to the arterial.***

Applicant’s Findings: The subject property does not provide access to an abutting arterial street. Therefore, this criterion is not applicable.

- 3. Continuation of Streets. Planned streets shall connect with surrounding streets, and shall be reasonably direct to permit the convenient movement of traffic between residential neighborhoods, and to facilitate emergency access and evacuation. Connections shall be designed to meet or exceed the standards in subsection 4, below. To avoid or minimize through traffic on local streets, appropriate design and traffic control and traffic calming measures may be required, as provided in subsection H below. Such traffic calming measures are the***

preferred means of discouraging through traffic, and discontinuous streets as a traffic calming measure shall not be permitted.

Applicant's Findings: The major street system is in place due to prior development. Academy Street located to the northwest of the site will provide access into the development.

The proposed internal street/accessway will be designed to local street standards. All street design and improvements will be determined through the subdivision review process, and regulated through the Conditions of Approval. Therefore, meeting the requirements of a subdivision.

4. *Street Connectivity and Formation of Blocks. In order to promote efficient vehicular and pedestrian circulation throughout the city, all subdivisions and site developments of more than two (2) acres requiring the extension of public streets shall be served by a connecting network of public streets and/or accessways, in accordance with the following standards (minimum and maximum distances between two streets or a street and its nearest accessway) Note that street spacing less than the maximum may be required in order to facilitate orderly development of the street system, see also section 3.4.010.I. – Extension of Streets, Sidewalks, and Bikeways:*
 - a. *Residential Districts, except as otherwise required by an applicable overlay zone or Master Plan (Article 2): Minimum of 100-foot block length and maximum of 600-foot length; maximum 1,400 feet block perimeter measured from the right-of-way edge;*
 - b. *Central Business District (CBD) Conform to existing platted blocks;*
 - c. *Commercial General (CG) and Commercial Neighborhood (CN) Districts: Minimum of 100-foot length and maximum of 600 foot length; maximum 1,400 foot perimeter;*
 - d. *Not applicable to the Parks and Open Space (POS) District or Wetland Riparian (WR) Overlay.*
 - e. *Not applicable within Industrial Districts except where required by a Master Plan.*

Applicant's Findings: The major street system is in place due to prior development. Academy Street located to the northwest of the site will provide access into the development. The adjacent properties are developed. However, the proposed subdivision is providing a stub street connection to the west for the future development of the adjacent property. Therefore, providing connectivity to surrounding vacant land that can be further divided.

5. *Accessway Standards. Where a street connection in conformance with the maximum block length standards in subsection 4 is impracticable, an accessway shall be provided at or near the middle of a block in lieu of the street connection. The City may also require developers to provide an accessway where the creation of a cul-de-sac or dead-end street is unavoidable and the accessway would connect the ends of the street to another street or public access way. Such access ways shall conform to all of the following standards, which may be modified by the*

decision body without a variance when the modification affords greater convenience or comfort for, and does not compromise the safety of, pedestrians or bicyclists:

- a. Accessways shall be no less than ten (10) feet wide and contain a minimum six (6) foot wide paved walkway surface within a right-of-way or easement allowing public access; where emergency vehicle access is required, the access way shall be no less than twenty (20) feet wide and contain an all-weather driving surface with the required weight-bearing capacity;*
- b. If the streets within the subdivision or neighborhood are illuminated, all access ways in the subdivision shall be lighted. Accessway lighting shall provide at least 2-foot candle of illumination of the walkway surface;*
- c. A right-of-way or public access easement provided in accordance with subsection b that is less than ten (10) feet wide may be allowed on steep slopes where the decision body finds that stairs, ramps, or switch-back paths are required;*
- d. All public walkways shall conform to applicable ADA requirements (exception allowed for hillsides); and*
- e. The City may require landscaping as part of the required accessway improvement to buffer pedestrians from adjacent vehicles, or to screen the accessway for the privacy of adjoining residents.*

Applicant's Findings: This criterion is not applicable.

H. Traffic Signals and Traffic Calming Features.

- 1. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Federal Highway Administration approved guidelines, including but not limited to: Highway Capacity Manual and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed in conformance with the road authority's requirements. The developer's cost and the timing of improvements shall be included as a condition of development approval.*
- 2. When an intersection meets or is projected to meet traffic signal warrants, the City may accept alternative mitigation, such as a traffic roundabout, in lieu of a traffic signal, if approved by the City Engineer and applicable road authority.*
- 3. The City may require the installation of traffic calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, and/or special paving surfaces to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.*

Applicant's Findings: A traffic impact analysis dated April 22, 2024, has been provided. The proposed subdivision does not trigger the warrants required to install a traffic signal or other calming mitigation. Therefore, this criterion is not applicable.

I. Extension of Streets, Sidewalks, and Bikeways.

1. *Where a subdivision is proposed adjacent to other developable land, a future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other divisible parcels within 600 feet surrounding and adjacent to the proposed subdivision. The street plan is not binding; rather it is intended to show potential future street extensions with future development and ensure that the proposed development does not preclude future street connections to adjacent development land.*
2. *Streets shall be extended to the boundary lines of the parcel or tract to be developed when the City determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to a-i, below:*
 - a. *These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.*
 - b. *A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.*
 - c. *Temporary street ends shall provide turnarounds constructed to Oregon Fire Code standards for streets over 150 feet in length. See also, Section 3.1.020.I*
 - d. *Wheelchair ramps and other facilities shall be provided as required by the Americans with Disabilities Act (ADA). The lower lip of the wheelchair ramp shall be flush with the roadway surface.*
 - e. *Mailboxes and utility cabinets shall not infringe on public sidewalks or access ways.*
 - f. *Bikeways shall be designed and constructed consistent with the design standards in the "Oregon Bicycle and Pedestrian Plan: Design Standards and Guidelines," and AASHTO's "Guide for the Development of Bicycle Facilities," as applicable.*
 - g. *Temporary dead-end streets (not cul de sacs) that may be extended in the future shall have a right-of-way and pavement width that will conform to City standards when extended, and shall be posted as streets to be extended in the future.*
 - h. *Where topographical requirement necessitate either cuts or fills for proper grading of the streets, additional easements or rights of way shall be required to allow all cut and fill slopes to be within the easements or right-of-way. The Director of Public Works shall determine the required extra width.*

Applicant's Findings: The major street system is in place due to prior development. Academy Street located to the northwest of the site will provide access into the development. The adjacent properties are developed. However, the proposed subdivision is providing a stub street

connection to the west for the future development of the adjacent property. Therefore, providing connectivity to surrounding vacant land that can be further divided.

J. Street Alignment, Radii, and Connections.

1. *The creation of new streets making "T" intersections at collectors and arterials shall provide for intersection spacing of not less than 300 feet, as measured from the centerlines of the offset streets.*
2. *Spacing between local street intersections shall have a minimum separation of 125 feet, except where the City Engineer approves closer spacing due to topographic constraints or as necessary to provide a traffic calming feature, such as an open space, roundabout, or similar amenity. This standard applies to four-way and three-way (off-set) intersections.*
3. *All local and collector streets that stub into a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if it falls within the Geological Hazards Overlay or it contains a stream or other natural drainageway. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.*
4. *Proposed streets or street extensions shall be located to allow continuity in street alignments and to facilitate future development of vacant or redevelopable lands.*
5. *In order to promote efficient vehicular and pedestrian circulation throughout the city, the design of subdivisions and alignment of new streets shall conform to block length standards in Section 3.1.020.*

Applicant's Findings: All streets will be reviewed for compliance with Public Works standards. Street sections have been provided for review.

- K. Sidewalks, Planter Strips, Bicycle Lanes. As provided under Section 3.4.010D, the City may require the improvement and/or extension of sidewalks, planter strips, and bicycle lanes with new Major Projects, in conformance with the standards in Table 3.4.010, pursuant to the City of Dallas Transportation System Plan and/or the requirements of any other applicable roadway authority. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.*

Applicant's Findings: Sidewalks and trees will be provided. Street section plans have been provided.

- L. Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where the City Engineer approves closer spacing due*

to topographic constraints or as necessary to provide a traffic calming feature, such as an open space, roundabout, or similar amenity.

Applicant's Findings: All streets have been layout in accordance with City requirements and code standards. Street sections have been provided.

- M. Existing Rights-of-Way. Whenever existing rights-of-way adjacent to a proposed development are less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provision of Section 3.4.010.*

Applicant's Findings: The internal street will connect to Academy Street to the northwest and will be improved to current City standards.

- N. Cul-de-sacs. Streets shall be planned to continue to and through abutting properties, consistent with the connectivity standards in Section 3.4100G. A cul-de-sac street shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation. For example, the City Engineer may approve a cul-de-sac where a street extension would otherwise exceed allowable street grades or negatively impact a natural drainageway or jurisdictional wetland. When cul-de-sacs are allowed, all of the following shall be met:*
- 1. The cul-de-sac shall not exceed a length of 600 feet; the length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac;*
 - 2. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Oregon Fire Code. Circular turnarounds shall have a radius of no less than 40 feet, and not more than a radius of 45 feet (i.e., from center to edge of pavement); except that turnarounds shall be larger when they contain a landscaped island or parking bay at their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width; and*
 - 3. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle accessway connection between it an adjacent streets access ways, parks, or other right-of-way. Such accessways shall conform to Section 3.1.040. (Underline added).*

Applicant's Findings: In *Home Builders Ass'n of Lane County v. Lane County*, 41 Or LUBA 370, 406-8 (2002), addressed a City of Eugene Code standard that specified that "an exception to the cul-de-sac requirement is warranted when "topographic constraints, existing development, or natural features prevent" construction of a cul-de-sac." LUBA agreed with the petitioners that it is not clear when, or in whose judgment, circumstances will "prevent" construction of a required cul-de-sac. As a result, LUBA held that the City could not impose that requirement on development proposing housing. In this case, the code standard at issue only allows cul-de-sacs when certain conditions exist which would "preclude" street extension and "through circulation." This standard is not clear and objective because is not clear when, or in whose judgment, those circumstances exist.

The applicant has proposed a cul-de-sac in order to maximize the density of the site and reduce housing costs, consistent with the city's housing goals. Topographical site constraints on both the subject property and adjacent property, combined with the pre-existing development on adjacent parcels, limit the ways in which the subject property can be developed. A cul-de-sac design is the best way to provide the most efficient development pattern on the property.

The proposed cul-de-sac is less than 600 feet in length.

O. Grades and Curves.

1. Grades. Street grades shall not exceed the following:

Arterials: 10%

Collectors: 12%

Other streets: 12%

2. Landings. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.

3. Curves. Centerline curve radii shall not be less than the following:

Arterials: 700 feet

Major collectors: 500 feet

Minor collectors: 350 feet

Other streets: 100 feet

4. Exceptions. The City Engineer may approve steeper grades for short street segments, provided the street grade does not exceed 15% for a distance greater than 250 feet. The City Engineer may approve sharper curves where existing development patterns or environmental constraints preclude the stated radius, upon finding that:

a. It is not feasible to realign the improved street within the right-of-way; and

b. The proposed curve is not less than 50% of the stated radius; and

c. That adequate speed control measures are implemented.

Applicant's Findings: Street sections have been provided and shown that the proposed streets do not exceed street grade maximums or street radius.

P. Curbs, Curb Cuts, Ramps, and Driveway Approaches. Concrete curbs, curb cuts, wheelchair ramps, bicycle ramps, and driveway approaches shall be constructed in accordance with standards specified in Chapter 3.1, Access and Circulation.

Applicant's Findings: Curbs and driveway approaches will be reviewed for compliance at the time of construction plan review and building permit submittal.

- Q. Streets Adjacent to Railroad Right-of-Way. When a transportation improvement is proposed within 300 feet of a public railroad crossing, or a modification is proposed to an existing public crossing, the Oregon Department of Transportation and the rail service provider shall be notified and given an opportunity to comment, in conformance with the provisions of Article 4. Private crossing improvements are subject to review and licensing by the rail service provider.*

Applicant's Findings: The subject property is not adjacent a Railroad, therefore, this criteria is not applicable.

- R. Development Adjoining Arterial Streets. Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access from through traffic and minimize traffic conflicts. (See also, the access requirements under Section 3.1.020.) The development design shall include one or more of the following, as required by the City based on multimodal safety, compatibility between the roadway and adjacent residential uses, maintenance and aesthetic considerations:*
- 1. A parallel access street (frontage road) along the arterial with a landscape median with raised curbs of not less than ten (10) feet in width separating the two streets;*
 - 2. Deep lots (120 feet or greater) abutting the arterial or major collector to provide adequate arterial buffering with access taken from the subordinate street;*
 - 3. Screen planting within a non-access reservation (e.g., public easement or tract) of not less than five (5) feet in width at the rear or side property line along the arterial;*
or
 - 4. Other treatment approved by the City Engineer that is consistent with the purpose of this Chapter;*

Applicant's Findings: The major street system is in place due to prior development. Academy Street located to the northwest of the site will provide access into the development. The adjacent properties are developed. However, the proposed subdivision is providing a stub street connection to the west for the future development of the adjacent property.

- S. Alleys, Public or Private. Alleys shall conform to the standards in Table 3.4.010. Alley intersections and sharp changes in alignment shall be avoided. The corners of necessary alley intersections shall have a radius of not less than 12 feet and allow access to utilities, as applicable.*

Applicant's Findings: The phrase "sharp changes in alignment" is not clear and objective.

- T. Private Streets and Gated Streets. Private streets, including gated drives serving more than two (2) dwellings (i.e., where a gate limits access to a development from a public street), are not permitted.*

Applicant's Findings: The applicant does not propose a gated community.

- U. Street Names. No new street name shall be used which will duplicate or be confused with the names of existing streets in Dallas or vicinity. Street names, signs, and numbers shall conform to the provisions of Dallas City Code 8.000 to 8.045.*

Applicant's Findings: The Applicant will comply with this requirement.

- V. Survey Monuments. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been reestablished and protected.*

Applicant's Findings: The Applicant will comply with this requirement.

- W. Street Signs. The city, county, or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.*

Applicant's Findings: The Applicant will provide signage as needed.

- X. Mail Boxes. Mail box locations shall be as approved by the United States Postal Service.*

Applicant's Findings: Because this case is processed as a limited land use decision, the City may not adopt a land use approval criterion that delegates approval to a federal agency. Having said that, the applicant is willing to place mailboxes at a location chosen by the USPS.

- Y. Street Light Standards. Street lights shall be installed in accordance with City standards. At a minimum street lights shall be installed at street intersections; additional street lights or lighting of pedestrian access ways may be required by the City to provide for public safety and welfare.*

Applicant's Findings: The phrase "provide for public safety and welfare" is not clear and objective.

- Z. Street Cross-Sections. The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway unless otherwise approved by the City Engineer. The final lift shall also be placed no later than one (1) year from the commencement of initial construction of the development.*

Applicant's Findings: The Applicant will comply with this requirement.

3.4.020 Public Use Areas

A. Dedication of Public Use Areas.

- 1. Where a proposed open space, park, playground, or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City may require the public dedication or reservation of this area on the final plat for the*

subdivision, provided that the impact of the development on the City park system is roughly proportionate to the dedication or reservation being made.

2. *The City may purchase or accept voluntary dedication or reservation of areas within the subdivision that are suitable for the development of parks and other public uses; however, the City is under no obligation to accept such areas offered for dedication or sale.*
3. *Alternatively, the City may impose conditions of approval providing for reservation and ongoing ownership, improvement and maintenance of open space areas (e.g., through Master Plan Development approvals under Chapter 4.5), including payment of property taxes for said property, by a private entity such as a homeowner's association. (Underline Added).*

Applicant's Findings: Because this case is processed as a limited land use decision, the City may not rely on a "plan adopted by the City" as an approval criterion. ORS 197.195(1). This standard is also not clear and objective, because it is unclear which plans it is referring to. *Home Builders Ass'n of Lane County v. Lane County*, 41 Or LUBA 370, 396-7 (2002). Any attempt to incorporate by reference an unspecified "plan" into the DDC fails. ORS 197.195(1).

The term "suitable for the development of parks and other public uses" is also not clear and objective. *Buhler Ranch Partnership v. Wallowa County*, 33 Or LUBA 594, 603 (1997)(the phrase "suitable visual buffer" is not clear and objective, even where the phrase "visual buffer" is further defined).

The City has not provided the applicant with findings that demonstrate that the desired open space exaction is "roughly proportional" to the impacts created by the development. In the absence of such findings, the desired exaction fails.

- B. *System Development Charge Credit. Dedication of land to the City for public use areas, voluntary or otherwise, may be eligible as a credit toward required system development charges for parks pursuant to Dallas City Code Sections 4.620 through 4.655.*

Applicant's Findings: This provision is informational. SDC credits do not constitute just compensation.

3.4.030 Sanitary Sewer and Water Service Improvements

- A. *Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's Sanitary Sewer Master Plan, Water System Master Plan, and the applicable engineering requirements. When streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements shall also be stubbed with the streets, except as may be waived by the City Engineer when alternate alignment(s) are provided.*

Applicant's Findings: All required Sewer and Water improvements will be complied with as shown on the site plans and per any Conditions of Approval. Site Plans identifying existing and proposed sewer and water improvements have been provided.

- B. Sewer and Water Plan Approval. Development permits for sewer and water improvements shall not be issued until the City Engineer has approved all sanitary sewer and water plans in conformance with City standards.*

Applicant's Findings: Prior to development of the site, all required permits will be obtained. Sewer and water improvement plans will be reviewed by the City Engineer for compliance with City standards and Code requirements.

- C. Over-Sizing. The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, provided that the City may grant the developer credit toward any required system development charge for the same, or the City may authorize other cost-recovery or cost-sharing methods, in conformance with Section 3.4.010D.*

Applicant's Findings: All conditions of development will be met as required by the Conditions of Approval.

- D. Inadequate Facilities. Development permits may be restricted or rationed by the City where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems.*

Applicant's Findings: The city has no authority under Oregon law to restrict or ration development permits due to inadequate public facilities. In the event a deficiency exists, the City's sole remedy is to declare a moratorium under ORS 197.505 et seq.

3.4.040 Storm Drainage Improvements

- A. General Provisions. A development permit may be granted only when adequate provisions for storm water and flood water runoff have been assured (i.e., through plans and assurances approved by the City). See also, Section 3.4.090.*

Applicant's Findings: The storm water conveyance system will be designed to meet the requirements of water quality and water quantity requirements and will be designed within the proposed street rights-of-way.

Design of the storm drains will include provisions to adequately control runoff from impervious and pervious areas within and upstream of the development without exceeding capacities of the available facilities downstream. Underground storm detention systems will be constructed

within the street rights-of-way. Outflows from the differing basins shall be restricted through an orifice within a control structure manhole. Direct outflows shall be designed to minimize the potential for erosion and other potential damage to the existing waterway banks. A Stormwater Study satisfying these elements is attached as Exhibit 7.

- B. Accommodation of Upstream Drainage. Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer.*

Applicant's Findings: A Preliminary Drainage Report dated 17 April 2024 has been provided and outlines existing and potential runoff.

- C. Effect on Downstream Drainage. The rate of stormwater runoff leaving a development site during and after development (post-development) shall not exceed the rate of stormwater runoff leaving the site before development (pre-development).*

Applicant's Findings: A Preliminary Drainage Report dated 17 April 2024 has been provided and outlines the rate of stormwater runoff.

- D. Storm Drainage Analysis and Mitigation Required. The City Engineer may require an applicant for development to provide a storm drainage analysis prepared by a qualified professional engineer registered in the State of Oregon to examine pre- and post-development stormwater runoff conditions and any required mitigation consistent with the City of Dallas Stormwater Master Plan. Such analysis, at a minimum, shall quantify pre- and post-development runoff volumes and rates and propose mitigation based on stormwater management best practices, as specified by the City Engineer. Such mitigation shall ensure that post-development runoff rates do not exceed pre-development rates and necessary facilities are provided to protect public health, safety, and welfare. If upon reviewing the applicant's storm drainage analysis, the City Engineer determines that the stormwater runoff resulting from the development will overload any existing and/or proposed drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential adverse impacts.*

Applicant's Findings: A Preliminary Drainage Report dated 17 April 2024 has been provided and outlines any required mitigation.

- E. Over-Sizing. The City may require as a condition of development approval that any public storm drainage system serving new development be sized to accommodate future development upstream, provided that the City may grant the developer credit toward any required system development charge for the same, or the City may authorize other cost-recovery or cost-sharing methods, in conformance with Section 3.4.010D.*

Applicant's Findings: A Preliminary Drainage Report dated 17 April 2024 has been provided and outlines the size of the storm drainage system that will accommodate the development.

- F. Existing Watercourse. Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety. See also, Chapter 2.6 Flood Hazard Overlay Zone.*

Applicant's Findings: Rickreall Creek runs along the northeastern property line. There is no legal basis for requiring a stormwater easement. The City has not met its burden to show that there is a nexus between the demanded stormwater easement and the impacts of the development. *Nollan v. California Coastal Comm'n*, 48 US 825, 831-32, 107 SCt 3141 (1987). Nor has the City met its burden to show that the impacts of the development are roughly proportional to the exaction demanded by the City. *Dolan v. City of Tigard*, 512 US 374, 384, 114 SCt 2309 (1994).

Nor is the purpose of such easement clear. The criterion states that the purpose of the easement is to make sure that the width of the drainage is "adequate for conveyance." The term "adequate" is not clear and objective, and cannot be applied to housing. ORS 197.307(4). The Code further suggests that the purpose of the easement is to allow the City to maintain the watercourse "to protect the public health and safety." The phrase "protect the public health and safety" is not clear and objective, and cannot be applied to housing. ORS 197.307(4). In a genuine emergency, the City would have the right to enter into the land of any private landowner out of necessity to avert greater harm to the public.

Moreover, an easement already exists by operation of law. Oregon follows a modified version of the civil law of drainage. Under the purest form of the civil law rule, drainage easements for natural flows are recognized by operation of law. These easements, which are located at points of natural drainage, ensure that upstream landowners have the right to allow water naturally draining from their land to cross a downstream landowner's property. *Rehfuss v. Weeks*, 93 Or 25, 33, 182 P 137 (1919). Note, again, that the civil law rule approaches the issue of drainage from a property law standpoint, as opposed to a tort law approach.

Like most states that use the civil law rule, Oregon has adopted a modification known as the "acceleration" principle. See *Garbarino v. Van Cleave*, 214 Or 54, 330 P2d 28 (1958); *Harbison v. Hillsboro*, 103 Or 257, 271, 204 P 613 (1922); *Rehfuss v. Weeks*, 93 Or 25, 33, 182 P 137 (1919); *Whitney v. Willamette Bridge Ry. Co.*, 23 Or 188, 31 P 472 (1892). Under this principle, the upper landowner may, subject to a "reasonableness" limitation, make use of manmade features such as pipes, drainage ditches, tiles, and drains to rid his land of surface water, even though such actions increase the rapidity with which water will collect and discharge into natural drainage channels which drain onto and/or traverse across the lower property.

The proposed development will increase the time of concentration for stormwater to some degree. However, it will not do so in a manner that creates any capacity issues for the watercourse. Under such circumstances, the City cannot demand an easement without providing just compensation.

3.4.050 Utilities

A. *Underground Utilities.*

1. *Generally. All new utility lines and service laterals including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The City may require screening and buffering of above ground facilities to protect the public health, safety or welfare through Site Development Review.*
2. *Subdivisions and Master Planned Developments. The following additional standards apply to all new subdivisions, including those within Master Planned Developments, in order to facilitate underground placement of utilities:*
 - a. *The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic (Chapter 3.1);*
 - b. *The City reserves the right to approve the location of all surface-mounted facilities;*
 - c. *All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and*
 - d. *Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.*

Applicant's Findings: All utilities are being provided and will be provided as required by the Conditions of Approval.

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*Article IV: Administration
Chapter 4.3 Land Division*

4.3.020 General Requirements

- A. Subdivision and Partition Approval Through Two-step Process. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:*
- 1. The preliminary plat must be approved before the final plat can be submitted for approval consideration; and*
 - 2. The final plat must include all conditions of approval of the preliminary plat.*

Applicant's Findings: The applicant is requesting preliminary subdivision approval. The applicant's site plans and findings outline how all applicable criteria has been met. Prior to final plat approval, all Conditions of Approval will be met and complied with.

- B. Compliance With Oregon Revised Statutes (ORS) Chapter 92. All subdivision and partition proposals shall conform to state regulations in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions.*

Applicant's Findings: All applicable provisions of the City of Dallas Code and ORS Chapter 92 have been complied with via the requested Subdivision process and approval.

- C. Future Re-division Plan. When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code. A re-division plan shall be submitted for large lots identifying:*
- 1. Potential future lot division(s), consistent with the density and minimum lot size standards of Article 2;*
 - 2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way;*
 - 3. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.*

Applicant's Findings: The subdivision is to divide the entry site, there is no remainder that can be further divided.

- D. Lot Size Averaging. The size of any lot intended for Single Family House or Duplex may be averaged to allow lots less than the minimum lot size in Residential districts, pursuant to Section 2.2.030, or through approval of a Master Planned Development under Chapter 4.5.*

Applicant's Findings: The RM zone district allows a density range of 6-12 dwelling units per acre or up to 16 dwelling units per acre where Low-Impact Development Incentives are utilized. The subject property is 5.12 acres. Therefore, the minimum number of lots required for the site is 22.

The minimum lot size for an interior, single family non-attached dwelling unit lot is 4,000 square feet. A single family attached dwelling unit lot is 2,000 square feet. The code permits the minimum lot area in new land divisions to be the average of the minimum lot size of 4,000 square feet but in no case, can the lots be smaller than 80% of the minimum and the subdivision has to conform to the density range. Therefore, the smallest non-attached single-family lot can be 3,200 square feet as long as the minimum/maximum lot sizes and density is met.

The average lot size in the proposed subdivision is 5,891 square feet, with lots ranging in size from 2,358 to 18,532 square feet.

Lots 1-4 will be developed with attached units (two dwelling units sharing a common wall with each unit on its own lot) and Lots 5-25 will be developed with non-attached single-family dwellings.

- E. Temporary Sales Office. A temporary sales office in conjunction with a subdivision may be approved as set forth in Section 4.9.010, Temporary Uses.*

Applicant's Findings: The applicant will comply with the requirements of Section 4.9.010 if a temporary sales office is needed on-site.

- F. Minimize Flood Damage. All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway and, where possible, allow building outside of the flood fringe. Development in a 100-year flood plain shall comply with the National Flood Insurance Program, State building code requirements, including elevating structures above the base flood elevation, and the City of Dallas Flood Plain Ordinance. The applicant shall be responsible for obtaining floodplain development permit from the NFIP and local jurisdiction.*

Applicant's Findings: The term "minimize" is subjective, and violates ORS 197.307.

- G. Determination of Base Flood Elevation. Where a development site consists of five (5) or more acres or 50 or more lots, and is located in or near areas prone to inundation for which the base flood elevation has not been mapped, the applicant shall have the base flood elevation it shall be prepared by a qualified professional as part of the land division application.*

Applicant's Findings: The Applicant completed a LOMA for the subject property. See Exhibit 9. The site plan includes the location of the base flood elevation. See Exhibit 2.

- H. Need for Adequate Utilities. All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems. These systems shall be located and constructed to prevent or minimize flood damage, and to avoid impairment of the system and contamination from them during flooding.*

Applicant's Findings: The term "adequate" is subjective, and violates ORS 197.307. The term "minimize" is also subjective, and violates ORS 197.307.

- I. Need for Adequate Drainage. All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required.*

Applicant's Findings: The term "adequate" is subjective, and violates ORS 197.307.

- J. Floodplain, Park, and Open Space Dedications. Where land filling and/or development is allowed within or adjacent to regulatory flood plain and the Comprehensive Plan designates the subject flood plain for park, open space, or trail use, the City may require the dedication of sufficient open land area for a greenway and/or trail adjoining or within the flood plain for transportation, storm drainage/water quality, or park purposes in the public interest. When practicable, this area shall include portions at a suitable elevation for the construction of a multi-use pathway in accordance with the City's adopted trails plan or pedestrian and bikeway plans, as applicable. The City shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development's impact to the park and/or trail system, or as may be required for stormwater management. (Emphasis added).*

Applicant's Findings: The phrase "sufficient * * * for transportation, storm drainage/water quality, or park purposes in the public interest" is not clear and objective. Subjective and vague terms such as "sufficient" and "park purposes in the public interest" are not clear and objective. *Homebuilders Ass'n*, 41 Or LUBA at 399-400. *Buhler Ranch Partnership v. Wallowa County*, 33 Or LUBA 594, 603 (1997)(the phrase "suitable visual buffer" is not clear and objective, even where the phrase "visual buffer" is further defined).

The phrase "[w]hen practicable," and "portions at a suitable elevation for the construction of a multi-use pathway" are also not clear and objective. *Legacy Development Group, Inc., supra*, at 19.

4.3.040 Flexible Lot Size; Flag Lots; Lots Accessed By Mid-Block Lanes

- a. Flexible Lot Size. To allow creativity and flexibility in subdivision design and to address physical constraints, such as topography, existing development, significant trees and other natural and built features, the approval body may grant a twenty (20) percent modification to the lot area and/or lot dimension (width/depth) standards in Section 2.2.030, subject to the approval criteria of Section 2.2.040. The approval body may require that standard size lots be placed at the perimeter of the development where the*

abutting lots are standard size or larger; except that this provision shall not apply where the abutting lots are larger than 20,000 square feet.

Applicant's Findings: The RM zone district allows a density range of 6-12 dwelling units per acre or up 16 dwelling units per acre where Low-Impact Development Incentives are utilized. The subject property is 5.12 acres. Therefore, the minimum number of units required for the site is 22.

The minimum lot size for an interior, single family non-attached dwelling unit lot is 4,000 square feet. A single family attached dwelling unit lot is 2,000 square feet. The code permits the minimum lot area in new land divisions to be the average of the minimum lot size of 4,000 square feet but in no case, can the lots be smaller than 80% of the minimum and the subdivision has to conform to the density range. Therefore, the smallest non-attached single-family lot can be 3,200 square feet as long as the minimum/maximum lot sizes and density is met.

The average lot size in the proposed subdivision is 5,891 square feet, with lots ranging in size from 2,358 to 18,532 square feet.

Lots 1-4 will be developed with attached units (two dwelling units sharing a common wall with each unit on its own lot) and Lots 5-25 will be developed with non-attached single-family dwellings.

- b. Flag Lots and Non-Street Fronting Lots. Lots may be developed without fronting entirely onto a public street when lot access is provided by a shared mid-block lane or shared drive, as illustrated in Figure 4.3.040.B. Such lanes or drives shall either be part of the lot farthest from the public street, or a separate tract owned in common by all lots receiving access, such as a homeowner's association. Access and utility easements may be required to provide connectivity between infill developments. Mid-block lanes or shared drives with access easements for adjoining properties may be allowed as an alternative to requiring through streets where block lengths do not necessitate a through street.*

Flag lots with a single private drive may be created only when, in the determination of the Planning Official, existing development patterns or topographic constraints prevent the flag lot driveway from being extended to serve abutting uses or future development.

Applicant's Findings: The applicant proposes to provide two "mid-block lanes." The first will serve four lots (13-16) and the second will serve two lots (18-19). Note that lots 17, 18, and 19 will not have direct vehicular access to the first mid-block lane. The applicant proposes that both of the mid-length lanes be recognized as separate tracts owned in common by the homeowner's association, and shall be maintained by the specific lots served by such lane.

Development of non-street-facing lots shall meet the requirements below:

- 1. Alignment. Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop (i.e.,*

as shown in the Figure 4.3.040.B).

Applicant's Response: There are a few lots that have the potential to have a shared driveway, including Lots 1-4. This will be reviewed at the time of building permit submittal.

2. **Width.** *The minimum drivable width of a drive or lane shall be 12 feet. New residences on drives or lanes which are less than 20 feet in width may be required to install fire suppression systems as determined by the Fire Chief.*

Applicant's Response: All mid-block lanes within the development are at least 20 feet wide, as outlined on the site plan.

3. **Length.** *The maximum drive lane length shall not exceed 150 feet for a dead-end shared drive, and 400 feet for a shared lane which connects to public streets on both ends, unless otherwise approved by the Fire Chief. For drives and lanes exceeding these lengths a turn-around capable of accommodating a fire apparatus may be required.*

Applicant's Response: There are no shared drive lanes that exceed 400 feet in length as shown on the site plan.

4. **Improvement.** *All drives and lanes shall be improved with an all-weather driving surface approved by the City. Drives and lanes serving only a single dwelling may be unpaved (e.g. gravel) while those serving more than one dwelling shall be paved in accordance with DDC 3.1.020.Q – Vehicle Access & Circulation: Construction. Drives and lanes which serve three or more lots shall include a minimum 5' sidewalk behind a mountable curb, except where in the determination of the Planning Official such a sidewalk is not warranted. Improvements required by this subsection shall be installed prior to signing of final plat.*

Applicant's Response: Staff previously cited to DDC 4.3.040(B)(4) and stated "Please provide plans showing a 5-foot sidewalk behind a mountable curb on drives and lanes which serve three or more dwellings." This standard is not clear and objective because it is not clear when such improvements are warranted. Nonetheless, the site plan shows this design feature.

5. **Easements.** *For lanes and drives serving more than one dwelling, or that are capable of serving more than one dwelling, the property owner shall record access and utility easements benefiting all properties that are to receive access. Dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat. No fence, structure or other obstacle shall be placed within the drive area*

Applicant's Response: There are no proposed access easements, therefore, this criterion is not applicable.

6. ***Number of Units.*** *A dead-end shared drive or lane may serve as the only means of access for no more than four (4) dwelling units, including accessory dwellings. A shared drive or lane which connects to public streets on both ends may serve as the only means of access for no more than eight (8) dwelling units. Dwellings which also have frontage onto a public street do not count toward this limit.*

Applicant's Response: A dead-end shared lane is proposed and will provide access for Lots 18 and 19, as shown on the access site plan.

7. ***Utilities.*** *Connection to city utilities shall be through individual private service laterals meeting City standards; City-owned mainlines shall not extend onto the private property unless, in the determination of the of the Planning Official or City Engineer, doing so is in the best interests of the City. Improvements required by this subsection shall be installed and proper easements secured prior to signing of final plat.*

Applicant's Response: All utilities have been shown on the provided site plans and will be reviewed for compliance with the code.

4.3.060 Preliminary Plat Submission Requirements

- A. ***General Submission Requirements.*** *For all partitions (three or fewer parcels), the application shall contain all of the information required for a Type II procedure under Section 4.1.030, except as may be waived by the Planning Official. For all subdivisions (four or more lots) the application shall contain all of the information required for a Type III procedure under Section 4.1.040, and the information in subsections 1-4, below:*
1. ***Public Facilities and Services Impact Study.*** *The impact study shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study during the required pre-application conference (Section 4.1.060C). The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, and the sewer system. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users;*

Applicant's Findings: The Applicant will not provide this information because it violates ORS 197.307. The clear and objective requirements apply to "standards, conditions and procedures." The phrase "necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users" is not clear and objective. ORS 197.307(4). The terms "necessary" and "minimize" are both subjective and ambiguous, and are therefore discretionary in nature. *Homebuilders Ass'n*, 41 Or LUBA at 399-400; *Legacy Development Group, Inc.*, *supra*, at 19. This study cannot be applied to "needed housing" because it has the effect of discouraging needed housing through unreasonable cost and delay. This study also cannot be applied to "needed housing" because it

has the effect of discouraging needed housing through unreasonable cost and delay. This is exactly the type of information that the city is supposed to consider when it zones property for a specific density of development. The City cannot wait until the subdivision approval phase to start conducting land use planning.

The Code specifies the parameters when a Public Facilities and Services Impact Study are needed and that findings must be made by the City to require proportional projected impacts requiring conveyance of real property. The site plans show locations of public and private utilities, and a typical street section. The subject property is served by the Dallas public and private school systems, including public college programs. Physical access to the school system is provided by improved streets and sidewalks and the school district's bus service program.

2. *Traffic Impact Analysis, if required by the road authority. Traffic Impact Studies shall conform to the standards and procedures in Section 4.1.090;*

Applicant's Findings: A Transportation Impact Analysis dated April 22, 2024, has been provided. The provided TIA meets the City's standards and procedures as outlined in Section 4.1.090.

3. *In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is directly related to and roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval; and Geologic Report that addresses the soil and geologic conditions of the site.*

Applicant Findings: The City has not met its burden to demonstrate rough proportionality with regard to any contested dedication or improvement demand.

- B. *Preliminary Plat Information. In addition to the general information described in Subsection A above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:*

1. *General information:*
 - a. *Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in Polk County (please check with County Surveyor);*
 - b. *Date, north arrow, and scale of drawing;*
 - c. *Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site;*
 - d. *A title block including the names, addresses and telephone numbers of the owners of the subject property and, as applicable, the designer, and engineer and surveyor if any, and the date of the survey if submitted; and*
 - e. *Identification of the drawing as a "preliminary plat".*

Applicant's Findings: All required information has been identified on the site plans and provide

application materials. The applicant has received subdivision name approval. The Polk County Surveyor approved the subdivision name, "Crystal Estates," on April 15, 2024. See the attached subdivision name request form. Exhibit 4.

2. Site Analysis

- a. *Streets: Location, name, present width of all streets, alleys and rights-of-way on and abutting the site;*

Applicant's Findings: The site plan includes this information. All streets, easements, elevations, wetlands, existing structures, and other required information has all be identified on the site plans and submitted application materials.

- b. *Easements: Width, location and purpose of all existing easements of record on and abutting the site;*

Applicant's Findings: The site plan includes this information.

- c. *Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;*

Applicant's Findings: The site plan includes this information.

- d. *Ground elevations shown by contour lines at 2-foot vertical interval, except where the City Engineer determines that larger intervals are adequate; i.e., for steep slopes. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor; this requirement may be waived by the City Engineer for partitions when grades, on average, are less than 6 percent;*

Applicant's Findings: The site plan includes this information.

- e. *The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);*

Applicant's Findings: The site plan includes this information.

- f. *Potential natural hazard areas, including any areas identified as subject to a flood hazard as identified on FEMA Flood Insurance Rate Maps or as otherwise determined through site specific survey, areas subject to high water table, and areas designated by the City, County, or State as having a potential for geologic hazards;*

Applicant's Findings: The site plan shows the boundary of the flood hazard area. No development is proposed within the flood hazard areas, and therefore no floodplain development permit is required.

- g. Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection;*

Applicant's Findings: There are no sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection.

- h. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;*

Applicant's Findings: There are no existing structures, pavement, large rock outcroppings, areas having unique views, or drainage ways, canals and ditches.

- i. Designated historic and cultural resources on the site and adjacent parcels or lots;*

Applicant's Findings: There are no designated historic and cultural resources on the site or on adjacent parcels or lots.

- j. The location, size and species of trees having a caliper (diameter) of 6 inches or greater at 4 feet above grade in conformance with Chapter 3.2;*

Applicant's Findings: the applicant objects to this requirement for two reasons. First, the submittal requirement to show individual trees on plans does not appear to relate to an approval standard and therefore cannot be used as a basis to approve or deny the application. The City does have a criterion that pertains to landscaping (DDC 3.2.020 - Landscape Conservation.). But it seems to only apply to "significant trees," and that term is defined in a way that seems to only apply in the portion of the subdivision that is in a floodplain or in the designated open space.

Second, this standard violates ORS 197.307(4), which requires the City only apply "clear and objective standards, conditions, and procedures," and such standards cannot "discourage housing through *unreasonable cost or delay*." Showing trees on the plan is both expensive and time-consuming, and is unreasonable to the extent it does not further any legitimate planning interest. *See Broken Top Community Assoc. v. Deschutes County*, 54 Or LUBA 84 (2007) (The applicant's failure to provide a survey of individual trees on property to be subdivided is not a basis for reversal or remand, where the applicable approval standards do not require preservation of individual trees, and the information necessary to show compliance with those standards need not include that level of detail).

- k. North arrow and scale;*

Applicant's Findings: The site plan includes this information.

- l. Name and address of project designer, if applicable; and*

Applicant's Findings: The site plan includes this information.

- m. *Other information, as deemed necessary by the City Planning Official for review of the application. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.*

Applicant's Findings: The applicant objects to the City requiring any information, study, or exhibit which “discourages housing through *unreasonable cost or delay.*” ORS 197.307(4). We also object to this provision because it violates ORS 197.195.

2. *Proposed improvements:*

- a. *Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;*
- b. *Easements: location, width and purpose of all proposed easements;*
- c. *Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts;*
- d. *Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use; potential location of future buildings;*
- e. *Proposed improvements, as required by Article 3 (Design Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);*
- f. *Preliminary location of development showing those future buildings can meet siting and dimensional standards of the district.*
- g. *The proposed source of domestic water;*
- h. *The proposed method of sewage disposal;*
- i. *Proposed method of surface water drainage and treatment if required;*
- j. *The approximate location and identity of other utilities, including the locations of street lighting fixtures;*
- k. *Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with the affected railroad and the Oregon Department of Transportation Rail Division regarding proposed railroad crossing(s);*
- l. *Changes to navigable streams, or other watercourses. Status of public access to these areas shall be shown on the preliminary plat, as applicable*
- m. *Identification of the base flood elevation for development of more than 2 lots or ½ acre, whichever is less. Written evidence of initiation of a Federal Emergency Management Agency (FEMA) flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain. FEMA approval of the amendment shall be a condition of City land use approval.*
- n. *Evidence of contact with from the road authority for any development requiring access to its facility(ies); and*

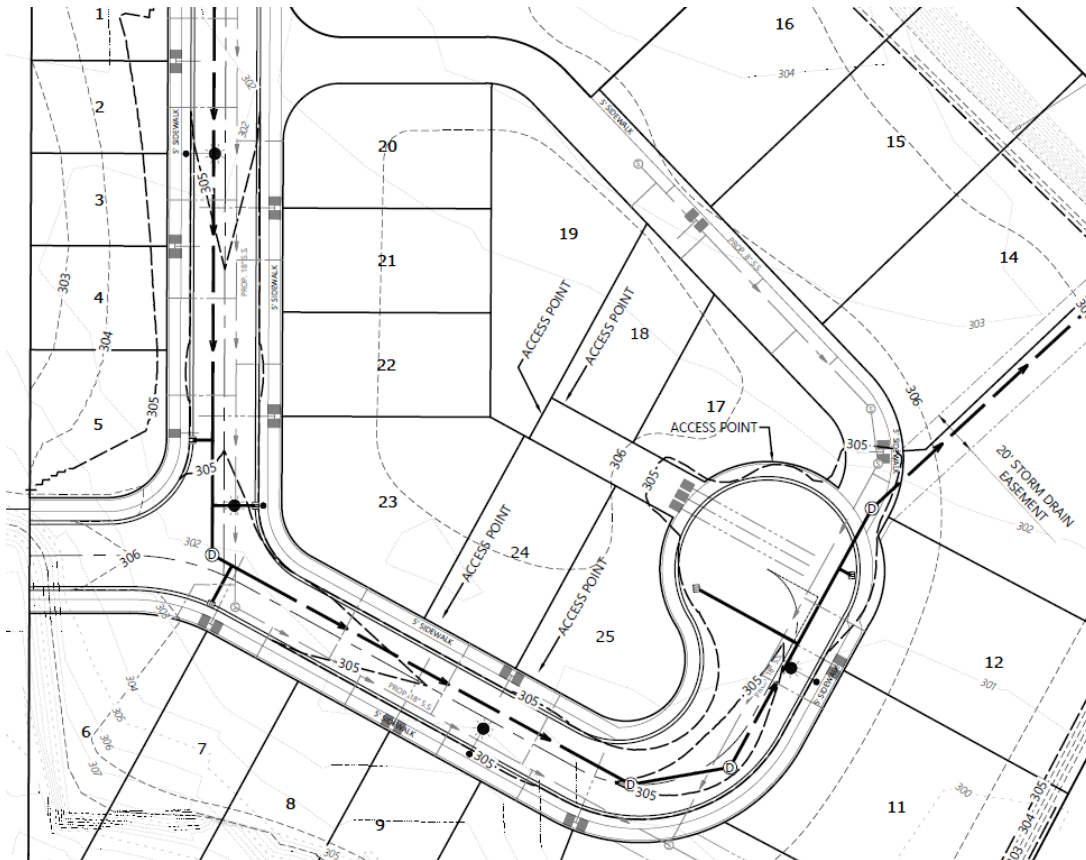
- o. Evidence of written notice to the applicable natural resource regulatory agency(ies) for any development within or adjacent to jurisdictional wetlands, rivers, streams or other regulated water bodies.*

Applicant's Findings: Figure 7-1 of the Dallas Transportation System Plan (TSP) indicates that Academy Street is 'local' street. All internal public streets are planned to be 50 feet wide due to required street connections and the shape of the site. The proposed widths allow for right-of-way and improvement widths for travel lanes, sidewalks, and public utility easements to serve each lot. The TSP does not call for the extension of any major linking street facilities through the subject property. The utility plans submitted with the application indicate where existing and proposed facilities are planned.

The proposed street extensions are a result of previous platted developments to the to the west, which planned for street extensions to serve the remainder of vacant land in the neighborhood.

An area has been identified on the site plan as open space on the site plan.

An Access Site Plan has been provided that shows that Lots 17-19 will take access off of the mid-length lane attached to the cul-de-sac, Lots 24-25 will take access of the street to the north (off of the cul-de-sac).



4.3.070 Approval Criteria: Preliminary Plat

A. *General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:*

1. *The proposed preliminary plat complies with the applicable Development Code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this Article, and the applicable chapters and sections of Article 2 (Land Use Districts) and Article 3 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Article 5;*

Applicant Findings: The body of this report and the exhibits submitted address Article 4 and applicable sections of Articles 2 and 3 and any relevant sections of Article 5 if a variance is identified as needed to process the preliminary plat.

2. *The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;*

Applicant Finding: The Polk County Surveyor approved the subdivision name, Crystal Estates, on April 15, 2024. See the attached subdivision name request form. Exhibit 4.

3. *The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;*

Applicant Findings: Figure 7-1 of the Dallas Transportation System Plan (TSP) indicates that Academy Street is 'local' street. All internal public streets are planned to be 50 feet wide due to required street connections and the shape of the site. The proposed widths allow for right-of-way and improvement widths for travel lanes, sidewalks, and public utility easements to serve each lot. The TSP does not call for the extension of any major linking street facilities through the subject property. The utility plans submitted with the application indicate where existing and proposed facilities are planned.

The proposed street extensions are a result of previous platted developments to the to the west, which planned for street extensions to serve the remainder of vacant land in the neighborhood.

There is an area that has been identified on the site plan as open space on the site plan.

4. *All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat; and*

Applicant's Findings: There is an open space area designated and will be maintained by a

homeowner's association agreement. Once recorded, the proposal will comply with this standard.

5. *Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;*

Applicant's Findings: The applicant obtained a LOMA from FEMA. Exhibit 9. There are no other required State or Federal permits needed to file a preliminary plat with the City of Dallas. Any applicable permits required from outside agencies will be submitted at the time of development. ORS 92 governs the final plat recording which is required to be in compliance with outside agency permitting requirements for development. Thus, the proposal can or will comply with this standard.

6. *Evidence that improvements or conditions required by the City, road authority, Polk County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and*

Applicant's Findings: The City publishes evidence that improvements or conditions required by the review body can be met. The City's published findings for the application address what the conditions are and the timing for meeting those conditions via final plat approval and building permit approval. Engineered construction plans are not required at the preliminary plat stage. Thus, the proposal can or will comply with this standard for final plat approval by the City.

7. *If any part of the site is located within an Overlay Zone, or previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions.*

Applicant's Findings: The subject property is not within an Overlay Zone or part of an approved Master Planned Development. Thus, the proposal can or will comply with this standard.

- B. *Layout and Design of Streets, Blocks and Lots. All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:*
 1. *All lots shall comply with the General Development Standards of the applicable land use district (Article 2), and the standards of Section 3.4.010.G - Street Connectivity and Formation of Blocks.*
 2. *Setbacks shall be as required by the applicable land use district (Article 2).*
 3. *Each lot shall conform to the standards of Chapter 3.1 - Access and Circulation.*
 4. *Landscape or other screening may be required to maintain privacy for abutting uses. See Article 2 - Land Use Districts, and Chapter 3.2 - Landscaping.*
 5. *In conformance with the Oregon Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See Chapter 3.1- Access and Circulation.*
 6. *Where a common drive is to be provided to serve more than one lot, a reciprocal easement for access and maintenance rights shall be recorded with the approved*

subdivision or partition plat.

7. *All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.*

Applicant Findings: Applicable portions of Article 2 are discussed in the body of this application. Since all lots meet the minimum standards, all lots can meet minimum setback standards in code. The code makes provisions for variances from lot development standards if any are determined to be necessary when building permit applications are submitted to the City.

The subject property is located in a developed and developing area where improved streets and sidewalks exist and continue with new development.

The local street system serving the development provides the necessary connections and access to the local streets and circulation system serving this residential neighborhood.

The turning radius shown on the site plan is sufficient to meet the City design standards for the fire apparatus used by the City of Dallas Fire Department.

Block Length: The length of the blocks was taken into consideration at the time of design layout. There are more than enough street connections within the proposed development.

The surrounding properties have the potential to be developed or are currently developed. As shown on the site plan, the proposed subdivision provides a safe and efficient circulation pattern in the development for vehicles and pedestrians. The proposal does not require any variances to lot development standards specified in the Code.

Additional reviews occur at the time of building permits to assure compliance with the zoning code. Compliance with conditions of approval to satisfy the subdivision ordinance is also checked prior to city staff signing the final subdivision plat.

The proposal can conform to applicable conditions imposed as necessary to ensure that development conforms to the standards of the subdivision code and with existing development and public facilities. As shown on the site plans, all lots meet the required lot size, lot depth, and lot width. At the time of development of the lots, building permits will be required. Setbacks will be reviewed for compliance at the time of building permit submittal. The proposed subdivision is and will be in compliance with lot standard requirements and required access.

MEMO

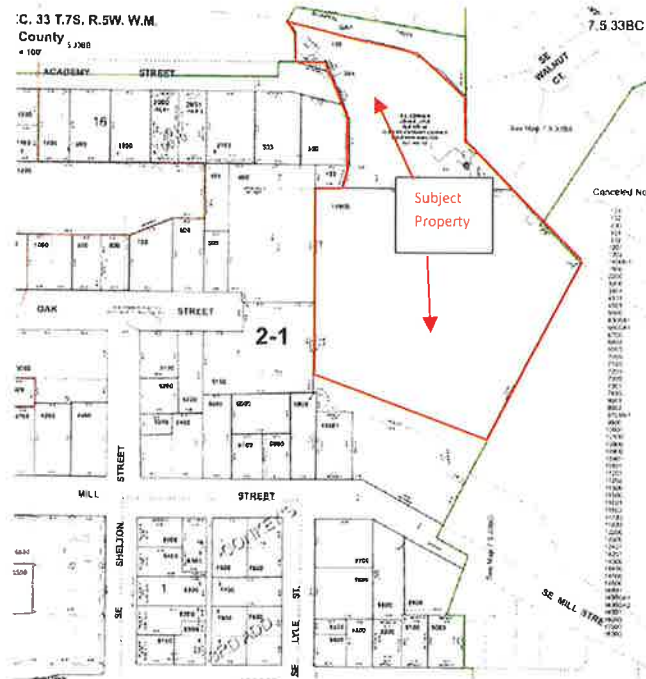


May 5, 2021

Dear Neighbor:

On behalf of the developer, we cordially invite you to attend a virtual Open House meeting where we will be discussing our proposed 25-lot subdivision for property located at 486 SE Mill Street and 365 SE Academy Street (7.5.33BC/Tax Lot 100 and 14900). The meeting will be held 6:00p.m. to 6:30p.m. on Wednesday, May 19, 2021.

Virtual Meeting Link: <https://us05web.zoom.us/j/86134264256?pwd=ZXFobmlyeisraHhMRWVLUet6bXdQUt09>
Meeting ID: 861 3426 4256 Passcode: qfV5vZ

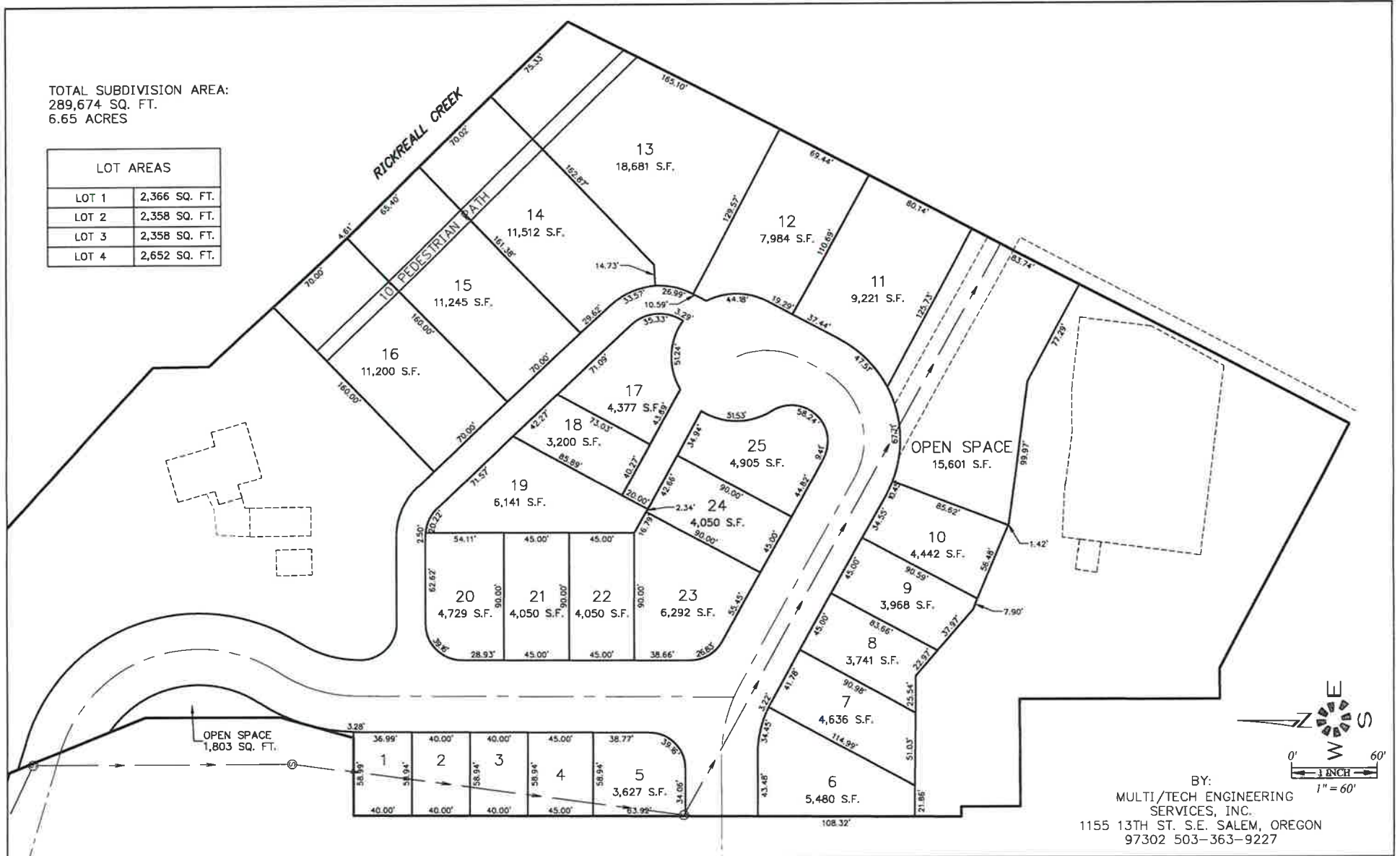


We look forward to sharing our proposal. If you have questions regarding the meeting, please contact me at (503) 363-9227. Thank you, Brandie Dalton (Land-Use Consultant)

EXHIBIT A.79

TOTAL SUBDIVISION AREA:
289,674 SQ. FT.
6.65 ACRES

LOT AREAS	
LOT 1	2,366 SQ. FT.
LOT 2	2,358 SQ. FT.
LOT 3	2,358 SQ. FT.
LOT 4	2,652 SQ. FT.



BY:
MULTI/TECH ENGINEERING
SERVICES, INC.
1155 13TH ST. S.E. SALEM, OREGON
97302 503-363-9227

J:\6700-6799\6706-KenaeSubdivision.Dwg v18\6706p OP12.dwg, Layout1-EXHIBIT MAPS, 4/19/2021 2:56:11 PM, TShull



Crystal Estates

Transportation Impact Study

Dallas, Oregon



EXPIRES: 06/30/2025

Date:

April 22, 2024

Prepared for:

Jenrae Properties, LLC.

Prepared by:

Ken Kim, PE

Jennifer Danziger, PE

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Executive Summary

1. The proposed Crystal Estates is located at 486 SE Mill Street in Dallas, Oregon. The landowner intends to develop the subject property with a 25-lot single family housing subdivision. Access to the site will be provided via SE Academy Street. The proposed development is planned to be completed by the end of year 2026.
2. The trip generation calculations show that the project site is projected to generate an additional 18 morning peak hour trips, 24 evening peak hour trips, and 236 average weekday trips.
3. Based on the most recent five years of available crash data, no significant trends or crash patterns were identified at any of the study intersections that were indicative of safety concerns. In addition, none of the study intersections have crash rates that exceed the 90th percentile rates identified by ODOT for similar types of intersections. Accordingly, no safety mitigation is recommended.
4. Traffic signal warrants are not projected to be met at any of the unsignalized study intersections under year 2026 conditions, regardless of whether or not the proposed development is constructed. Therefore, no new traffic signals are necessary or recommended as part of the proposed development application.
5. Based on the results of the operation analysis, all study intersections are currently operating acceptably per City of Dallas and ODOT standards and are projected to continue operating acceptably through the 2026 buildout year of the site. No operational mitigation is necessary or recommended at these intersections as part of the proposed development.
6. Based on the intersection queuing analysis, all applicable turning movements within the study area have adequate storage space to accommodate projected 95th percentile queues at each intersection. Accordingly, no intersection queuing-related mitigation is necessary or recommended as part of the proposed development.



Project Description

Introduction

The proposed Crystal Estates is located at 486 SE Mill Street in Dallas, Oregon. The landowner intends to develop the subject property with a 25-lot single family housing subdivision. Access to the site will be provided via SE Academy Street. The proposed development is planned to be completed by the end of year 2026.

Based on correspondence with the City of Dallas, Mid-Willamette Valley Council of Governments (MWVCOG), and Oregon Department of Transportation (ODOT) staff, the report conducts safety and capacity/level of service analyses at the following intersections during the morning and evening peak hours:

1. SE Academy Street at Main Street (OR 223 Southbound)
2. SE Academy Street at SE Jefferson Street (OR 223 Northbound)

The purpose of this study is to determine whether the transportation system within the vicinity of the site is capable of safely and efficiently supporting the existing and proposed uses, and to determine any mitigation that may be necessary to do so. Detailed information on traffic counts, trip generation calculations, safety analyses, and level of service calculations is included in the appendix to this report.

Location Description

The project site is located east of the intersection of Kings Valley Highway Northbound at SW Academy Street. The site is surrounded primarily by residential uses, with industrial uses located east and south of the site. Figure 1 presents an aerial image of the nearby vicinity with the project site outlined in yellow. A site plan is attached in Appendix A.



Figure 1: Aerial Photo of Site Vicinity (Image from Google Earth)

Vicinity Streets

The proposed development is expected to impact segments of three roadways near the site. Table 1 provides a description of each of the vicinity roadways.

Table 1: Vicinity Roadway Descriptions

Street Name	Jurisdiction	Functional Classification ¹	Cross-Section	Speed (MPH)	Curbs & Sidewalks	On-Street Parking	Bicycle Facilities
Academy Street	Dallas	Local/Minor Collector	2	25	Both Sides	Permitted	None
Main Street (OR 223 SB)	ODOT	Minor Arterial/District Hwy	2	20	Both Sides	Permitted	None
Jefferson Street (OR 223 NB)	ODOT	Minor Arterial/District Hwy	2	20	Both Sides	Permitted	None

Notes: Functional Classification based on the 2008 Dallas Transportation System Plan, Figure 7-1 and the Oregon Highway Plan, 1999 Including amendments November 1999 through January 2023.

Study Intersections

Based on coordination with staffs at public agencies, two public street intersections were identified for analysis. A summarized description of the study intersections is provided in Table 2.

Table 2: Study Intersection Descriptions

Intersection		Geometry	Traffic Control	Phasing/Stopped Approaches
1	SE Academy Street at Main Street (OR 223 SB)	Four-Legged One-Way SB	Unsignalized	EB/WB Stop Control
2	SE Academy Street at SE Jefferson Street (OR 223 NB)	Four-Legged One-Way NB	Unsignalized	EB/WB Stop Control

A vicinity map showing the project site, vicinity streets, and study intersection configurations is shown in Figure 2.

Pedestrian & Bicycle Facilities

Currently, Main Street and SE Jefferson Street have sidewalks along both east and west sides of the streets within study area. SE Academy Street has sidewalks in the downtown core. The sidewalks extend eastward from SE Jefferson for approximately 360 feet on the north side of the street and approximately 620 feet, to the edge of the subject site, on the south side of the street.

No bike lanes are presented along SE Academy Street, Main Street (OR 223 SB), or SE Jefferson Street (OR 223 NB) within the study area. Per *Dallas Transportation System Plan*¹, the City has bike lane planned along both directions of the highway.

Transit

Bus service is provided by “Cherriots”, a public agency that serves Salem, Keizer, and the Mid-Willamette Valley. Three bus lines run north-south along Kings Valley Highway (OR 223) through the study area. The closest bus stops are located at the intersection of SE Mill Street at OR 223, approximately 1,500 feet from the site access. A description of the transit lines is presented in Table 3.

Table 3: Transit Line Description

Transit Line (TriMet)	Service Area	Day of Week	Service Times	Typical Headways (Minutes)	Nearest Stops
Bus Line #40X – Kings Valley Highway	Salem, Independence, Monmouth, and Dallas	Weekday	7:52 AM - 9:21 PM	60 - 176	Kings Valley Highway (OR 223) at SE Mill Street
		Saturday	9:22 AM - 8:52 PM	90 - 150	
		Sunday	No Service		
Bus Line #45 – Kings Valley Highway	Independence, Monmouth, and Dallas	Weekday	7:40 AM - 4:50 PM	110	Kings Valley Highway (OR 223) at SE Mill Street
		Saturday	No Service		
		Sunday	No Service		
Bus Line #50X – Kings Valley Highway	Salem and Dallas	Weekday	7:29 AM – 5:32 PM	90 - 420	Kings Valley Highway (OR 223) at SE Mill Street
		Saturday	No Service		
		Sunday	No Service		

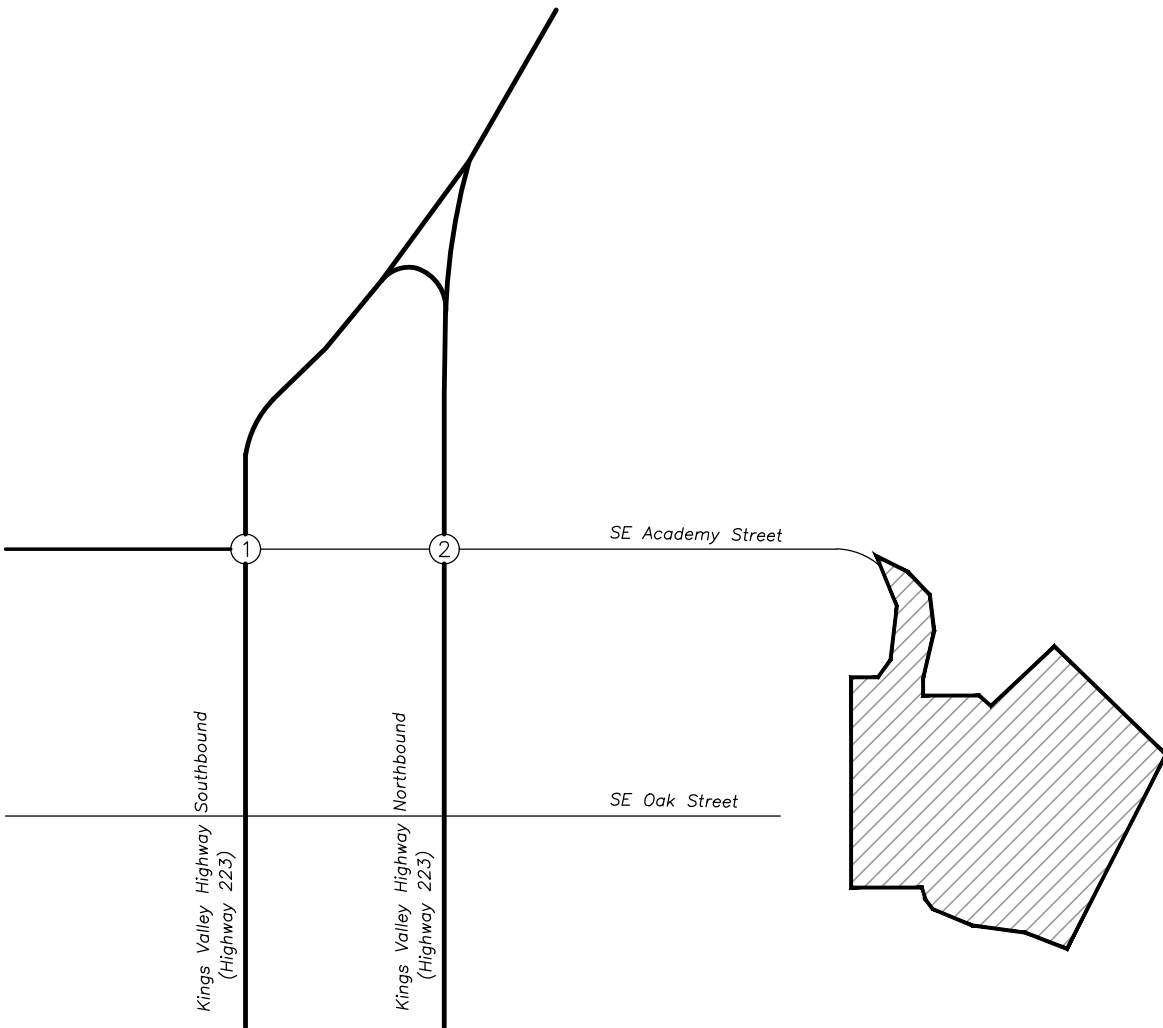
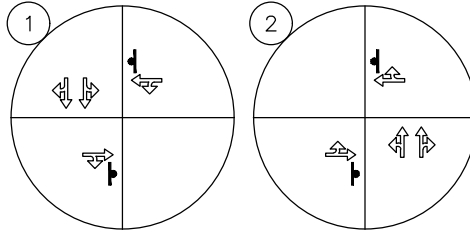
¹ City of Dallas, *Dallas Transportation System Plan*, 2008.



LEGEND

- STUDY INTERSECTION
- ⊥ STOP SIGN
- ▨ PROJECT SITE
- ARTERIAL ROADWAY
- COLLECTOR ROADWAY
- LOCAL ROADWAY

INTERSECTION CONFIGURATION



no scale

Site Trips

To estimate the number of trips that could be generated by the proposed development, trip rates from the ITE *Trip Generation Manual*² were used. Fitted curves for land use code 210, *Single-Family Detached Housing*, were used for the proposed development based on the number of dwelling units (DU).

The trip generation calculations show that the project site is projected to generate an additional 18 morning peak hour trips, 24 evening peak hour trips, and 236 average weekday trips. The trip generation estimates are summarized in Table 4. Detailed trip generation calculations are included in the technical appendix.

Table 4: Trip Generation Summary

Land Use (ITE Code)	Intensity	Morning Peak Hour			Evening Peak Hour			Weekday Trips
		In	Out	Total	In	Out	Total	
Single-Family Detached Housing (LUC 210)	25 DU	5	16	21	17	10	27	282

Trip Distribution

The directional distribution of site trips was estimated based on the locations of likely trip destinations, locations of major transportation facilities in the site vicinity, and existing travel patterns (as reflected in the collected traffic counts) at the study intersections. The following trip distribution was used for analysis:

- Approximately 50% of site trips will travel to/from the south along Kings Valley Highway
- Approximately 35% of site trips will travel to/from the north along Kings Valley Highway
- Approximately 15% of site trips will travel to/from the west along SW Academy Street

Trip Assignment

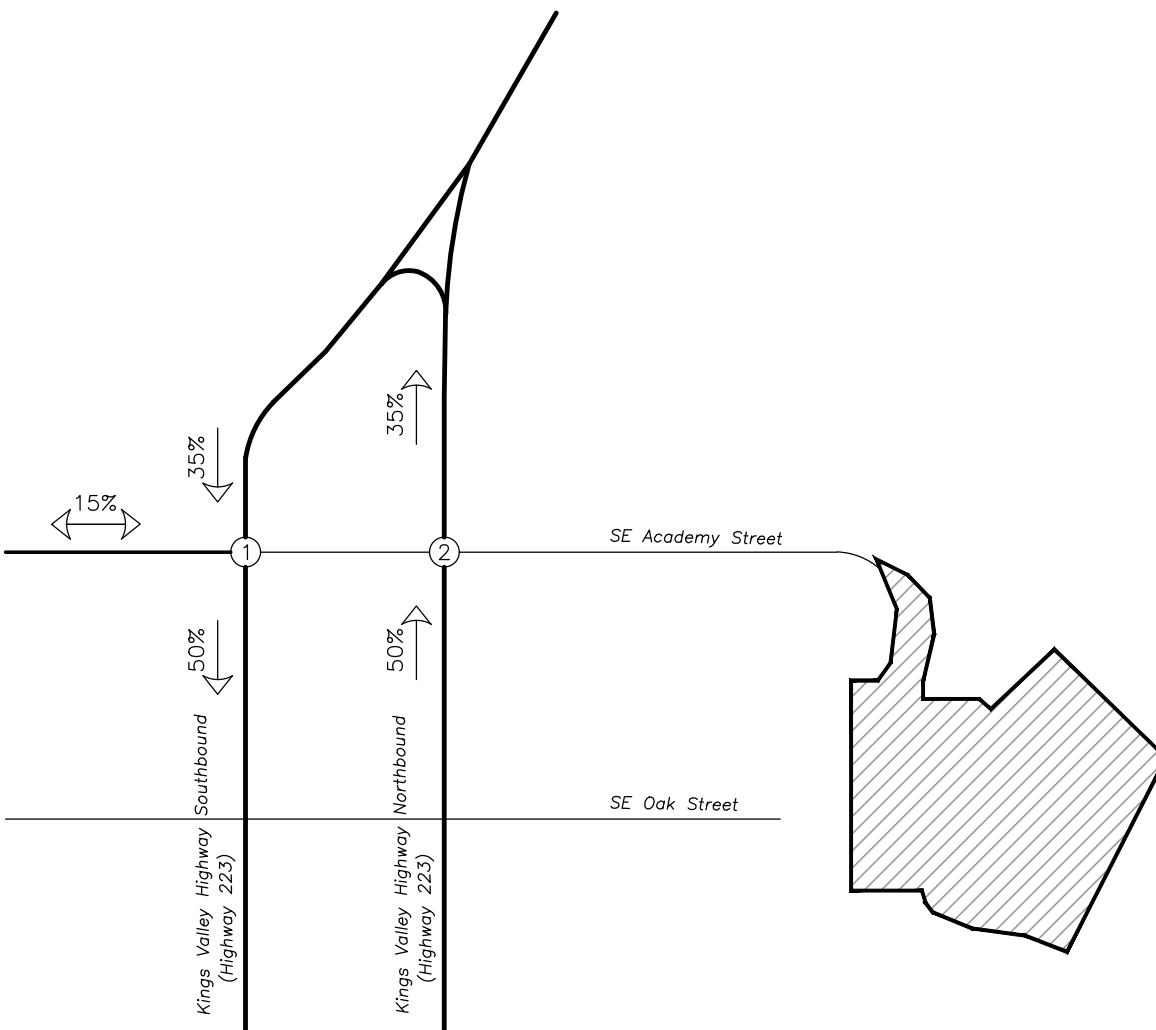
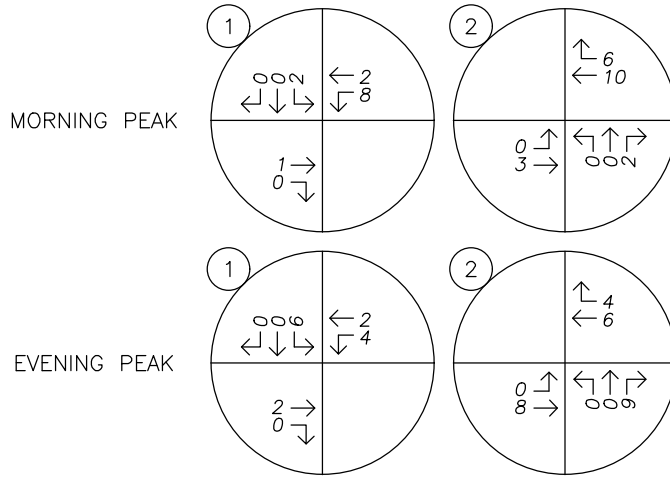
Figure 3 shows the trip distribution and assignment of the proposed development for the morning and evening peak hours.

² Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 11th Edition, 2021.

XX% PERCENT OF PROJECT TRIPS

NET NEW TRIP GENERATION			
	IN	OUT	TOTAL
AM	5	16	21
PM	17	10	27

SITE TRIPS



no scale

Traffic Volumes

Existing Conditions

Traffic counts were conducted at all the study intersections on Tuesday, March 19, 2024, from 7:00 AM to 9:00 AM and from 4:00 PM to 6:00 PM. Data was used from each intersection’s respective morning and evening peak hours. Traffic count data is included in Appendix B.

Seasonal Adjustments

Volumes on OR 223 were seasonally adjusted to represent the 30th highest hour following the procedures in ODOT’s *Analysis Procedures Manual* (APM). Utilizing the Commuter trend data from ODOT’s Seasonal Trend Table, a seasonal adjustment factor of 1.055 was calculated. The seasonal adjustment factor was applied to the existing year morning and evening peak hour volumes along OR 223.

Traffic Volumes

Figure 4 show the existing traffic volumes at the study intersections during the morning and evening peak hours. Raw count data is included in Appendix B.

Background Conditions

To provide an analysis of the impact of the proposed development on the nearby transportation facilities, an estimate of future traffic volumes is required. It is expected that the proposed development will be constructed and in operation by the year 2026. To approximate the future year 2026 traffic volumes at the study intersections, the following linear growth rates, as calculated per ODOT’s Future 2042 Volumes Table, were applied to the adjusted year 2024 traffic volumes at the applicable study intersections over a two-year period. The resulting calculations are shown in Table 5.

Table 5: Signal Warrant Evaluation Summary

	Intersection	Jurisdiction	Applied Growth Rate
1	SE Academy Street at Main Street (OR 223 SB)	ODOT	2.00% * (Linear)
2	SE Academy Street at SE Jefferson Street (OR 223 NB)	ODOT	2.00% * (Linear)

* The calculated annual growth rate at these locations ranged from 0.055 percent to 0.068 percent; however, a 2.00 percent per year was conservatively applied to reflect growth rates.

According to agency staff, no in-process development projects of significant size are expected to impact the study intersections prior to the development of the proposed project. Therefore, no traffic generated by in-process developments were included in the traffic forecasts.

Figure 4 shows the year 2026 background traffic volumes at the study intersections during the morning and evening peak hours.



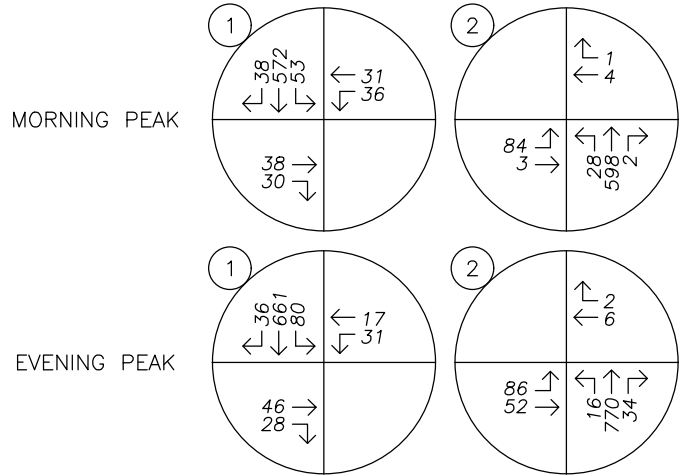
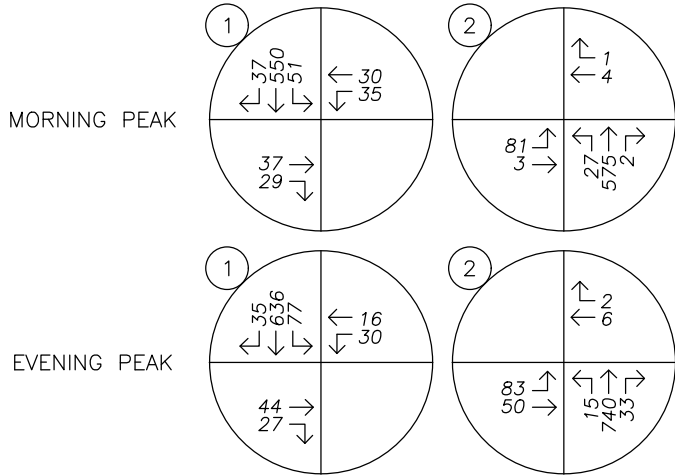
Future Conditions

Peak hour trips calculated to be generated by the proposed development, as described earlier within the *Site Trips* section, were added to the background volumes to estimate the buildout volumes.

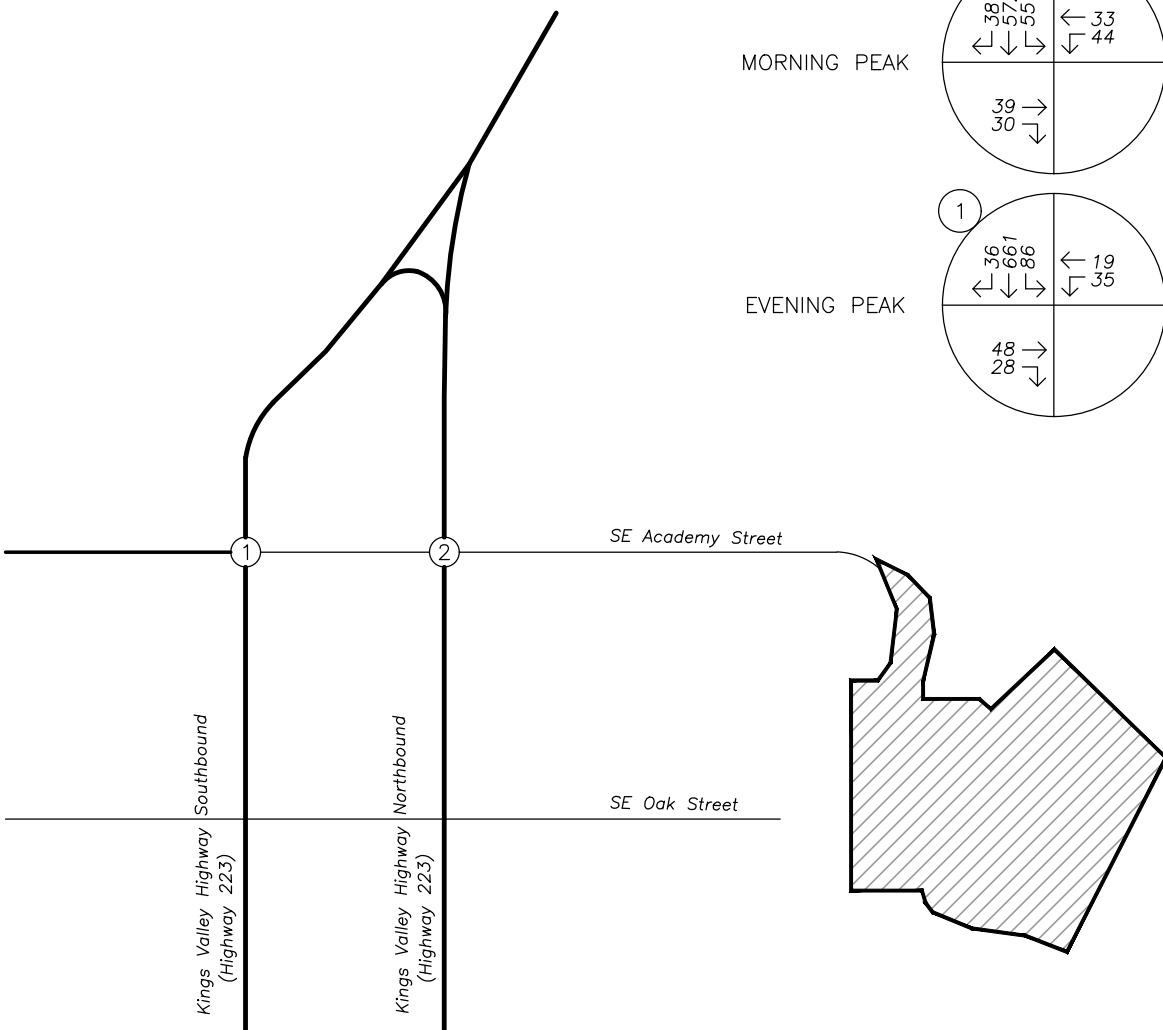
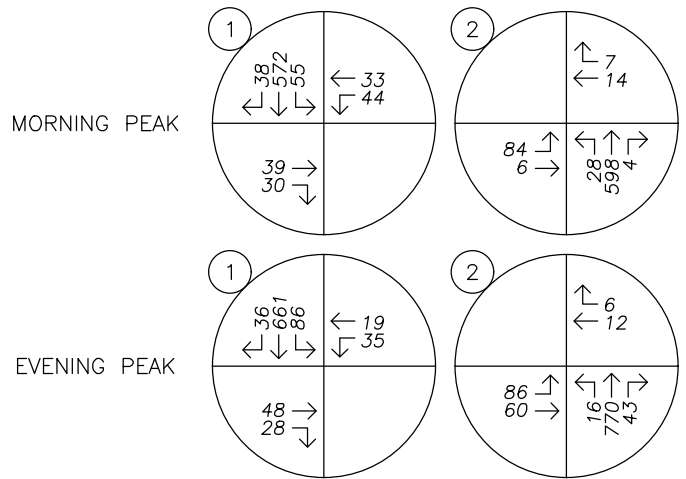
Figure 4 show the year 2026 future traffic volumes at the study intersections during the morning and evening peak hours.

EXISTING

BACKGROUND



BUILDOUT



no scale

Safety Analysis

Crash History Review

Using data obtained from ODOT's Crash Data System, a review of approximately five years of the most recent available crash history (January 2017 through December 2021) was performed at the study intersections. The crash data was evaluated based on the number of crashes, the type of collisions, and the severity of the collisions. Crash severity is based on injuries sustained by people involved in the crash, and includes five categories:

- *PDO* – Property Damage Only
- *Injury C* – Possible Injury
- *Injury B* – Suspected Minor Injury
- *Injury A* – Suspected Serious Injury
- *Fatality*

Crash rates provide the ability to compare safety risks at different intersections by accounting for both the number of crashes that have occurred during the study period and the number of vehicles that typically travel through the intersection. Crash rates were calculated using the common assumption that traffic counted during the evening peak hour represents approximately 10 percent of the AADT at the intersection.

Table 6 provides a summary of crash types while Table 7 summarizes crash severities and rates for each of the study intersections. Only those intersections with reported crashes are summarized in the tables. Detailed crash data is provided in Appendix C.

Table 6: Crash Type Summary (2017 – 2021)

Intersection		Crash Type							Total Crashes
		Rear End	Turn	Angle	Side Swipe	Fixed Object	Other	Ped/Bike	
1	SE Academy St at Main St (OR 223 SB)	1	2	0	0	0	0	0	3
2	SE Academy St at SE Jefferson St (OR 223 NB)	1	2	1	1	0	0	0	5

Table 7: Crash Severity and Rate Summary(2017 – 2021)

	Intersection	Severity					Total Crashes	Est. ADT	Crash Rate	90 th % Rate
		PDO	C	B	A	Fatal				
1	SE Academy St at Main St (OR 223 SB)	1	1	1	0	0	3	8,650	0.190	0.408
2	SE Academy St at SE Jefferson St (OR 223 NB)	4	0	1	0	0	5	9,290	0.295	0.408

ODOT SPIS Review

The ODOT 2020 Safety Priority Index System (SPIS) list is based on reported crash data for the years 2019 through 2021. Neither study area intersection was listed in the worst 15 percent³ of SPIS list:

Conclusions

Based on the most recent five years of available crash data, no significant trends or crash patterns were identified at any of the study intersections that were indicative of safety concerns. In addition, none of the study intersections have crash rates that exceed the 90th percentile rates identified by ODOT for similar types of intersections. Accordingly, no safety mitigation is recommended.

Signal Warrant Analysis

Preliminary traffic signal warrants were examined for the unsignalized study intersections to determine whether the installation of a new traffic signal will be warranted at the intersections by the 2026 future year. Based on the preliminary analysis following a review of Warrant 1 in the *Manual on Uniform Traffic Control Devices*, or MUTCD, traffic signal warrants are not projected to be met at any of the unsignalized study intersections under year 2026 conditions, regardless of whether or not the proposed development is constructed. Therefore, no new traffic signals are necessary or recommended as part of the proposed development application.

³ Oregon Department of Transportation, Safety Priority Index System, 2020 - On-State, Top 15% Groups - By Score

Operational Analysis

An operational analysis was conducted for each of the study intersections per the unsignalized intersection analysis methodologies in the *Highway Capacity Manual* (HCM)⁴. Intersections are generally evaluated based on the average control delay experienced by vehicles and are assigned a grade according to their operation. The level of service (LOS) of an intersection can range from LOS A, which indicates little or no delay experienced by vehicles, to LOS F, which indicates a high degree of congestion and delay. The volume-to-capacity (v/c) ratio is a measure that compares the traffic volumes (demand) against the available capacity of an intersection.

Performance Standards

All study intersections must comply with adopted operating standards, and intersection performance measures used for operating standards vary by roadway jurisdiction. The following agency mobility standards are applicable in the study area:

- The **City of Dallas** has the following mobility standards per the Dallas Transportation System Plan⁵:
 - For City streets where the speed limit is less than 45 mph, a maximum volume-to-capacity ratio of 0.80 should be maintained.
- **ODOT** has the following mobility targets in the study area per the Oregon Highway Plan⁶:
 - OR 223 is a district highway inside an urban growth boundary and not part of a Metropolitan Planning Organization (MPO). Within the city limits, the posted speed is 35-45 mph; the target v/c ratio is 0.95 or less for posted speeds of 35 mph.

Delay & Capacity Analysis

The LOS, delay, and v/c results of the capacity analysis are shown in Table 8 for the morning and evening peak hours. Detailed calculations as well as tables showing the relationship between delay and LOS are included in Appendix D.

⁴ Transportation Research Board, *Highway Capacity Manual* 7th Edition, 2022.

⁵ City of Dallas and ODOT, *Dallas Transportation System Plan Volume 1*, December 1, 2008.

⁶ Oregon Department of Transportation, *Oregon Highway Plan*, Table 6: Volume to Capacity Ratio Targets for Peak Hour Operating Conditions, 1999 Including amendments November 1999 through May 2015

Table 8: Capacity Analysis Summary

Intersection & Condition	Mobility Standard (City/ODOT)	AM Peak Hour			PM Peak Hour		
		V/C	LOS	Delay (s)	V/C	LOS	Delay (s)
1. SE Academy Street at Main Street (OR 223 SB)							
2024 Existing	0.80/0.95	0.23	C	19	0.22	C	19
2026 Background		0.25	C	20	0.23	C	20
2026 Buildout		0.29	C	21	0.25	C	22
2. SE Academy Street at SE Jefferson Street (OR 223 NB)							
2024 Existing	0.80/0.95	0.21	C	16	0.39	C	21
2026 Background		0.22	C	17	0.42	C	22
2026 Buildout		0.25	C	17	0.47	C	25

BOLDED results indicate operation above acceptable jurisdictional standards.

Based on the results of the operation analysis, all study intersections are currently operating acceptably per City of Dallas and ODOT standards and are projected to continue operating acceptably through the 2026 buildout year of the site. No operational mitigation is necessary or recommended at these intersections as part of the proposed development.

95th Percentile Queueing

An analysis of projected queuing was conducted for the study area intersections. The 95th percentile queue lengths were estimated based on the same Synchro/SimTraffic simulations used for the delay calculations. The 95th percentile queue is a statistical measurement which indicates there is a 5 percent chance that the queue may exceed this length during the analysis period; however, given this is a probability, the 95th percentile queue length may theoretically never be met or observed in the field.

The 95th percentile queue lengths reported in the simulation are presented in Table 9 for the morning and evening peak hours. All queues more than 5 feet longer than a multiple of 25 were rounded up to the nearest 25 feet, equivalent to an average vehicle length. Those that were 5 feet or less than a multiple of 25 were rounded down since 5 feet is equivalent to the space between queued vehicles. Detailed queuing analysis reports are included in Appendix D.

Table 9 shows a summary of the queues associated with each turning movement at the study intersections. The bold results indicate movements that exceed the storage length provided under existing conditions, or are projected to block nearby critical system elements, such as adjacent traffic signals, roundabouts, or at-grade rail crossings.



Table 9: 95th Percentile Queuing Analysis Summary

Intersection/Movement	Available Storage (ft)	2026 Background Queue (ft)		2026 Buildout Queue (ft)	
		Morning	Evening	Morning	Evening
1. SW Academy Street at OR 223 SB					
EB Through-Right	195	75	50	75	75
WB Left- Through	285	75	75	75	75
SB Left-Through	>1,000	25	50	25	50
SB Through-Right	870	25	25	0	25
2. SW Academy Street at OR 223 NB					
EB Left-Through	285	75	100	75	100
WB Through-Right	500	50	50	50	50
NB Left-Through	420	25	50	25	50
NB Through-Right	420	25	25	25	50

Based on the intersection queuing analysis, all applicable turning movements within the study area have adequate storage space to accommodate projected 95th percentile queues at each intersection. Accordingly, no intersection queuing related mitigation is necessary or recommended as part of the proposed development.



Conclusions

Key findings of this study include:

- Based on the most recent five years of available crash data, no significant trends or crash patterns were identified at any of the study intersections that were indicative of safety concerns. In addition, none of the study intersections have crash rates that exceed the 90th percentile rates identified by ODOT for similar types of intersections. Accordingly, no safety mitigation is recommended.
- Traffic signal warrants are not projected to be met at any of the unsignalized study intersections under year 2026 conditions, regardless of whether or not the proposed development is constructed. Therefore, no new traffic signals are necessary or recommended as part of the proposed development application.
- Based on the results of the operation analysis, all study intersections are currently operating acceptably per City of Dallas and ODOT standards and are projected to continue operating acceptably through the 2026 buildout year of the site. No operational mitigation is necessary or recommended at these intersections as part of the proposed development.
- Based on the intersection queuing analysis, all applicable turning movements within the study area have adequate storage space to accommodate projected 95th percentile queues at each intersection. Accordingly, no intersection queuing-related mitigation is necessary or recommended as part of the proposed development.



Appendix A – Site Information

Preliminary Site Plan

Trip Generation Calculations



JENRAE SUBDIVISION

SEC. 33, T. 7 S., R. 5 W., W.M.
CITY OF DALLAS
POLK COUNTY, OREGON

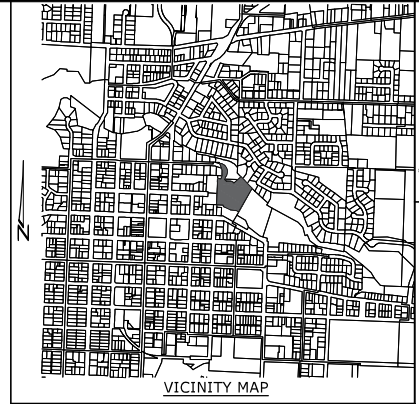
Owner / Developer:

JENRAE PROPERTIES LLC

369 SE WALNUT CT
DALLAS, OREGON 97338

NUMBER OF LOTS _____ 26
SMALLEST _____ 2,358 S.F.
LARGEST _____ 18,532 S.F.
AVERAGE _____ 5,823 S.F.

OPEN SPACE: 7.82%



COVER SHEET

JENRAE SUBDIVISION

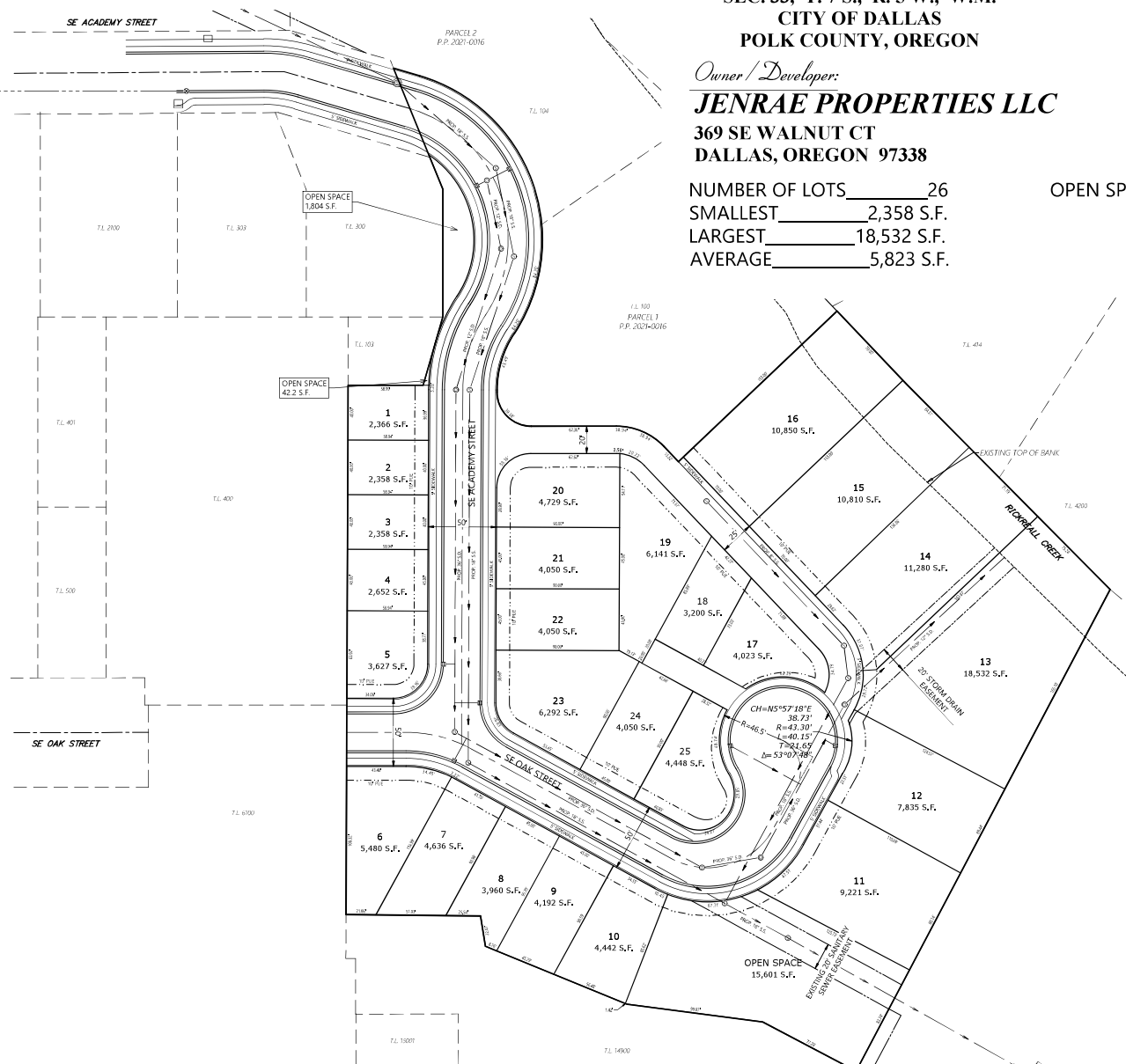
ALL DIMENSIONS UNLESS OTHERWISE NOTED
NO REVISIONS TO BE MADE TO THESE DRAWINGS WITHOUT THE AUTHORIZATION OF THE DESIGN ENGINEER.
DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

DESIGN: M.D.C.
DRAWN: J.A.S.
CHECKED: J.A.M.
DATE: OCT 2021
SCALE: AS SHOWN
AS-BUILT:



JOB # 6706

P101



ABBREVIATIONS

A.C.	ASPHALTIC CONCRETE	L.P.	LIGHT POLE
ACHP	ALUMINIZED CMP	M	METER, MAIN
ASSY.	ASSEMBLY	M.H.	MANHOLE
B.O.	BLOW OFF	MTL	METAL
B.F.V.	BUTTERFLY VALVE	O.H.	OVERHEAD
C & G	CURB & GUTTER	PC	POINT OF CURVE
CATV	CABLE TELEVISION	PCC	POINT OF CONTINUING CURVE
C.B.	CATCH BASIN	PEO.	PEDESTAL
C.B.C.O.	CATCH BASIN CLEANOUT	PRC	POINT OF REVERSE CURVE
C.B.I.	CATCH BASIN INLET	PROP.	PROPOSED
C.L.	CENTERLINE	PT	POINT OF TANGENCY
CMP	CORRUGATED METAL PIPE	PUB.	PUBLIC UTILITY
C.O.	CLEANOUT	PUE	PUBLIC UTILITY EASMT.
CONC.	CONCRETE	PVC	POLYVINYL CHLORIDE
CONST.	CONSTRUCT	PVT.	PRIVATE
D.I.	DUCTILE IRON	P.P.	POWER POLE
DIA.	DIAMETER	P.L.	PROPERTY LINE
DWG.	DRAWING	R	RADIUS
EASMT.	EASEMENT	R-	RIM
E.G.	EXIST. GRADE / GROUND	RD	ROOF DRAIN
EOP, E.P.	EDGE OF PAVEMENT	R.O.W.	RIGHT-OF-WAY
ELEC.	ELECTRIC	SAN/S. or S.S.	SANITARY SEWER
ELEV. or EL.	ELEVATION	S	SLOPE
EX. or EXIST.	EXISTING	STA.	STATION
FT.	FEET	STD.	STANDARD
F.F.	FINISH FLOOR	STL.	STEEL
F.G.	FINISH GRADE	STD.DRN. or S.D.	STORM DRAIN
F.H.	FIRE HYDRANT	SVC.	SERVICE
F.M.	FORCE MAIN	SW	SIDEWALK
GUT. or GTR.	GUTTER	T.C.	TOP OF CURB
G.V.	GATE VALVE	TEL.	TELEPHONE
IMP.	IMPROVEMENT	TYP.	TYPICAL
INS.	INSERT	UG	UNDERGROUND
INV. or I-	INVERT	ULT.	VAULT
L	LENGTH, LINE	WM.	WATER MAIN

SYMBOLS

EXIST. PROP.		EXIST. PROP.	
⊙	BLOW OFF ASSY.	⊙	MANHOLE SAN. SEWER
⊠	CATCH BASIN	⊙	MANHOLE STORM DRAIN
⊡	CATCH BASIN CLEANOUT	⊙	2" DIA. C.O. / M.H.
⊠	CATCH BASIN INLET	⊙	MANHOLE TELEPHONE
⊠	CATV PED. / BOX	⊙	MANHOLE WATER
⊠	CLEAROUT	⊠	REDUCER / INCREASER
⊠	ELEC. PED. / BOX	⊠	TEL. PED. / BOX
⊠	FIRE HYDRANT	⊠	TRAFFIC PED. / BOX
⊠	GUT. or GTR.	⊠	UTILITY / POWER POLE
⊠	GAS VALVE	⊠	WATER METER
⊠	MAIL BOX	⊠	WATER VALVE
---	CABLE TELEVISION	---	SANITARY SEWER EXIST.
---	CENTERLINE	---	SANITARY SEWER PROP.
---	DITCH C.L.	---	STORM DRAIN EXIST.
---	ELECTRICAL LINE	---	STORM DRAIN PROP.
---	GAS MAIN	---	WATER MAIN EXIST.
---	TELEPHONE LINE	---	WATER MAIN PROP.

SHEET INDEX

SHEET 101	COVER SHEET
SHEET 201	EXISTING CONDITIONS
SHEET 301	PUBLIC UTILITIES
SHEET 402	STREET & STORM DRAIN



TRIP GENERATION CALCULATIONS
 Source: Trip Generation Manual, 11th Edition

<i>Land Use:</i>	Single-Family Detached Housing
<i>Land Use Code:</i>	210
<i>Land Use Subcategory:</i>	All Sites
<i>Setting/Location</i>	General Urban/Suburban
<i>Variable:</i>	Dwelling Units
<i>Trip Type:</i>	Vehicle
<i>Formula Type:</i>	Equation
<i>Variable Quantity:</i>	25

AM PEAK HOUR

Trip Rate: =EXP(0.91*LN(\$X2)+0.12)

	Enter	Exit	Total
Directional Split	25%	75%	
Trip Ends	5	16	21

PM PEAK HOUR

Trip Rate: =EXP(0.94*LN(\$X2)+0.27)

	Enter	Exit	Total
Directional Split	63%	37%	
Trip Ends	17	10	27

WEEKDAY

Trip Rate: =EXP(0.92*LN(\$X2)+2.68)

	Enter	Exit	Total
Directional Split	50%	50%	
Trip Ends	141	141	282

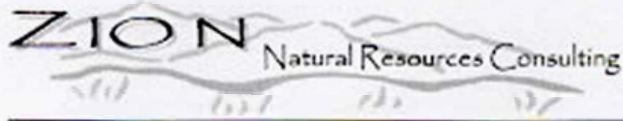
SATURDAY

Trip Rate: =EXP(0.97*LN(\$X2)+2.4)

	Enter	Exit	Total
Directional Split	50%	50%	
Trip Ends	125	125	250

Source: Trip Generation Manual, 11th Edition

Exhibit B-10



P.O. Box 545
 Nonmouth, OR 97361
 Phone: 503-838-0103
 Fax: 503-623-7425
 www.zionconsulting.org

December 3rd, 2018

Paul K. Trahan
 Trahan Consulting LLC
 P.O. Box 441
 Dallas, OR 97338

Dear Mr. Trahan:

At your request; Zion Natural Resources Consulting has evaluated tax lots 100 and 14900 located at 492 SE Mill Street, in Dallas, OR (T7S, R5W, Sec. 33BC, tax lots 100 and 14900) for potentially jurisdictional wetlands and streak horned lark habitat.

This 8.2 acre site is an infill lot surrounded by residential developments to the north, south, and west with the city public works shops to the east. Tax lot 100 consists of a small orchard, maintained lawn, and residence bordered by Rickreall Creek to the north. The creek has an un-mowed buffer dominated by mature Douglas fir, Oregon ash, cottonwood, and big leaf maple with openings consisting of scotch broom and orchard grass. Tax lot 14900 to the south consists of a mowed open field with a remnant baseball field in the southeast corner. The southern boundary of the tax lot is sloped from the south to the north creating the floodplain. Vegetation consists of mowed turf grasses (tall fescue and bentgrass), with mature cottonwoods and Himalayan blackberry along the slopes to the south.

The study area is mapped as having the soil series Abiqua silty clay loam (iA). This soil is considered non-hydric with no hydric inclusions according to the USDA hydric soils list for Polk County. This series is also listed as a poorly drained soil and is occasionally flooded. The National Wetland Inventory (NWI) map identifies Rickreall Creek (R2UBH) along the northern portion of the property. There is currently not a Local Wetland Inventory (LWI) map available for the City of Dallas. Approximately 80% of the site is within the 100-year floodplain of Rickreall Creek.

Wetlands

Based on fieldwork consisting of soil sampling within the lowest portions of the site completed on July 9th, 2018; we have determined that there are no wetlands present outside of the ordinary high water line of Rickreall Creek that borders the study area to the north.

Streak Horned Lark Habitat

The site was also evaluated for potential streak horned lark (*Eremophila alpestris strigata*) habitat. The streaked horned lark is listed as threatened under the Federal

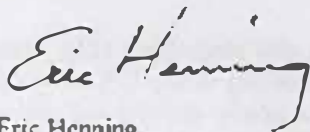
Exhibit B-10

Endangered Species Act (USFWS 2013). Larks are ground-nesting song birds that use short, sparsely-vegetated habitats dominated by grasses and forbs situated within wide open areas with few trees, shrubs or other tall objects (Pearson & Hopey 2005). According to "Streaked Horned Lark Habitat Characteristics" (Anderson & Pearson 2015) nearly all known occupied sites have a landscape context (openness comprised of either low stature land cover or open water) of greater than 150 acres. In the Willamette Valley a majority of the site sizes are greater than 100 acres within a minimum of 48 acres (Corvallis).

Based on the small size of the study area (also accounting for other offsite contiguous habitat) along with tall mature trees bordering the site we believe that this site does not contain suitable habitat for the streak horned lark.

Please feel free to contact us with any questions or concerns about this information.

Sincerely,

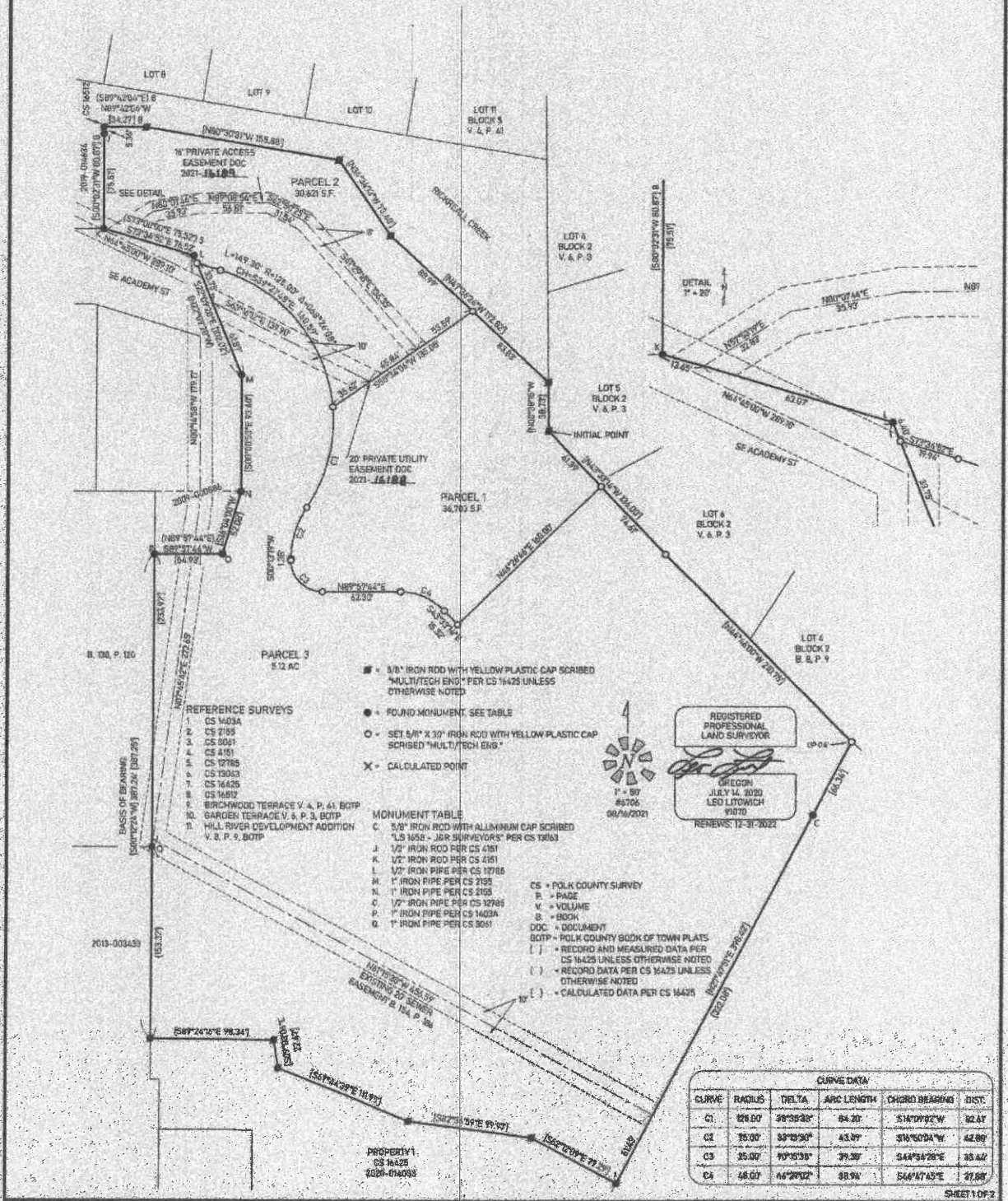


Eric Henning
Managing Member
Zion Natural Resources Consulting

PARTITION PLAT 2021-0016

IN THE NW 1/4 SEC. 33, T. 7 S., R. 5 W., W.M.
CITY OF DALLAS, POLK COUNTY, OREGON

BY:
MULTI/TECH ENGINEERING SERVICES, INC.
1155 18TH ST. S.E. SALEM, OREGON 97302
503-363-9227



This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

16637

PARTITION PLAT 2021-0016

IN THE NW 1/4 SEC. 33, T. 7 S., R. 5 W., W.M.

CITY OF DALLAS, POLK COUNTY, OREGON

DATE OF MAP: 09/17/2021

MULTITECH ENGINEERING SERVICES, INC.
1155 13TH ST. S.E. SALEM, OREGON 97302
503-363-9227

SURVEYOR'S CERTIFICATE

I, LEO LITOWICH, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON HAVING CORRECTLY SURVEYED THE LAND REPRESENTED ON THIS PLAT AND MARKED WITH PROPER MONUMENTS MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT A 5/8" IRON ROD AT THE MOST WESTERLY SOUTHWEST CORNER OF LOT 5, BLOCK 2, GARDEN TERRACE AS RECORDED IN VOLUME 6, PAGE 3, POLK COUNTY BOOK OF TOWN PLATS IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 7 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN, CITY OF DALLAS, POLK COUNTY, OREGON; THENCE ALONG THE WEST LINE OF SAID LOT 5 NORTH 00°58'15" WEST 30.73 FEET TO A 5/8" IRON ROD ON THE SOUTH LINE OF ROCKFALL CREEK; THENCE ALONG SAID SOUTH LINE THE FOLLOWING FOUR CALLS: NORTH 47°00'24" WEST 111.92 FEET TO A 5/8" IRON ROD; NORTH 54°54'13" WEST 73.43 FEET TO A 5/8" IRON ROD; NORTH 80°30'31" WEST 155.36 FEET TO A 5/8" IRON ROD; NORTH 89°42'04" WEST 34.27 FEET TO A 5/8" IRON ROD; THENCE SOUTH 00°03'31" WEST 80.67 FEET TO A 1/2" IRON ROD AT THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED IN DOCUMENT 2019-014634, POLK COUNTY DEED RECORDS; THENCE ALONG THE NORTH ONE-FIFTH OF WAL OF ACADEMY STREET SOUTH 72°34'52" EAST 76.92 FEET TO A 1/2" IRON PIPE; THENCE ALONG THE EAST TERMINUS OF ACADEMY STREET AND ITS EXTENSION SOUTH 22°09'20" EAST 302.02 FEET TO A 1" IRON PIPE; THENCE ALONG THE EAST LINE OF THE PROPERTY DESCRIBED IN DOCUMENT 2009-020306, POLK COUNTY DEED RECORDS THE FOLLOWING TWO CALLS: SOUTH 00°00'59" EAST 93.40 FEET TO A 1" IRON PIPE; SOUTH 16°04'00" WEST 52.08 FEET TO A 1/2" IRON PIPE AT THE SOUTHEAST CORNER THEREOF; THENCE ALONG THE SOUTH LINE OF SAID PROPERTY SOUTH 29°27'44" WEST 54.93 FEET TO A 1" IRON PIPE ON THE EAST LINE OF THE PROPERTY DESCRIBED IN BOOK 109, PAGE 180, POLK COUNTY DEED RECORDS; THENCE ALONG SAID EAST LINE AND ITS EXTENSION SOUTH 00°12'34" WEST 361.24 FEET TO A 5/8" IRON ROD ON THE NORTH LINE OF THE PROPERTY DESCRIBED IN DOCUMENT 2020-014033, POLK COUNTY DEED RECORDS; THENCE ALONG SAID NORTH LINE THE FOLLOWING FIVE CALLS: SOUTH 89°24'16" EAST 98.34 FEET TO A 5/8" IRON ROD; SOUTH 09°03'06" EAST 42.47 FEET TO A 5/8" IRON ROD; SOUTH 47°14'23" EAST 111.95 FEET TO A 5/8" IRON ROD; SOUTH 82°34'59" EAST 52.97 FEET TO A 5/8" IRON ROD; SOUTH 56°12'09" EAST 71.29 FEET TO A 5/8" IRON ROD AT THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED IN DOCUMENT 2020-014033, POLK COUNTY DEED RECORDS; THENCE ALONG THE EAST LINE THEREOF NORTH 27°47'51" EAST 318.42 FEET TO A 5/8" IRON ROD ON THE SOUTH LINE OF LOT 4, BLOCK 2, HILL RIVER DEVELOPMENT ADDITION; THENCE ALONG SAID SOUTH LINE AND ITS EXTENSION NORTH 40°46'00" WEST 210.75 FEET TO A 5/8" IRON ROD; THENCE ALONG THE SOUTH LINE OF GARDEN TERRACE NORTH 43°33'14" WEST 136.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.67 ACRES, MORE OR LESS.

MULTITECH ENGINEERING SERVICES, INC.
By: [Signature]
LEO LITOWICH, PROFESSIONAL LAND SURVEYOR 91070



RENEWS: 12-31-2027

NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO PARTITION THE PROPERTIES DESCRIBED IN DOCUMENT 2020-014033 AND BOOK OF RECORDS 274 PAGE 184 AS ALLOWED BY THE CITY OF DALLAS PLANNING APPROVAL NO. PTN 21-06. THE BASIS OF BEARING IS ALONG THE MOST SOUTHERLY WEST LINE OF PROPERTY 2 AS DEPICTED ON CS 18425.

I FOUND AND HELD ALL MONUMENTS DEPICTED ON CS 18425 AND 18432

DECLARATION

KNOW ALL MEN BY THESE PRESENTS THAT CHRISTOPHER W. EDWARDS, JENNAE R. EDWARDS AND JENNAE PROPERTIES, LLC, BEING THE OWNERS OF THE LAND DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON ATTACHED AND HAS CAUSED THE SAME TO BE SURVEYED AND PLATTED INTO PARCELS AS SHOWN ON THE ATTACHED PARTITION PLAT.

By: [Signatures of Christopher W. Edwards and Jennae R. Edwards]

CHRISTOPHER W. EDWARDS, 2016 Chris W. Edwards
CHRISTOPHER W. EDWARDS, MEMBER
JENNAE PROPERTIES, LLC

Jenna R. Edwards
JENNAE R. EDWARDS

STATE OF OREGON } ss.
COUNTY OF POLK

ON THIS 19 DAY OF September 2021 THAT JENNAE R. EDWARDS, CHRISTOPHER W. EDWARDS AND CHRISTOPHER W. EDWARDS, MEMBER, JENNAE PROPERTIES, LLC, DID PERSONALLY APPEAR BEFORE ME A NOTARY PUBLIC FOR OREGON, WHO ACKNOWLEDGED THE FOREGOING INSTRUMENT TO BE THEIR VOLUNTARY ACT AND DEED.

NOTARY SIGNATURE: Sierra Girmillo
NOTARY PUBLIC - OREGON

COMMISSION NO. 986429

MY COMMISSION EXPIRES: March 31, 2023

CITY OF DALLAS APPROVALS

[Signature] 9-29-21
COMMUNITY DEVELOPMENT DIRECTOR
CITY OF DALLAS PLANNING APPROVAL NO. PTN 21-06

[Signature] 10/6/2021
PUBLIC WORKS DIRECTOR
CITY OF DALLAS

COUNTY APPROVALS

[Signature] 10/6/21
POLK COUNTY SURVEYOR

TAXES AND ASSESSMENTS ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN PAID IN FULL TO 7-1-22

[Signature] 10-13-21
POLK COUNTY TAX COLLECTOR

[Signature] 10-13-21
POLK COUNTY ASSESSOR

STATE OF OREGON } ss.
COUNTY OF POLK

I HEREBY CERTIFY THAT THE ATTACHED REPLAT WAS RECEIVED AND DULY RECORDED BY ME IN THE POLK COUNTY RECORDS BOOK OF TOWN PLATS, VOLUME 2021 PAGE 0016

POLK COUNTY CLERK
BY: [Signature]
VALERIE UNGER
COUNTY CLERK



16637

SHEET 2 OF 2

This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

September 4, 2019



Matthew W. Hendrick
Civil Engineer
Multi/Tech Engineering Services, Inc.
1155 13th Street SE
Salem, OR 97302

**Oregon**

2601 25th Street SE, Ste. 450
Salem, OR 97302-1286
(503) 485-5490

Arizona

8950 S. 52nd St., Ste. 210
Tempe, AZ 85284-1043
(480) 345-2155

California

101 Parkshore Drive
Folsom, CA 95630-4726
(916) 932-7402

11440 W. Bernardo Ct., Ste. 360
San Diego, CA 92127-1644
(858) 487-9378

Texas

8951 Cypress Waters Blvd., Ste. 160
Dallas, TX 75019-4784
(214) 932-3015

Washington

12509 Bel-Red Rd., Ste. 100
Bellevue, WA 98005-2535
(425) 646-8806

River Measurement

A Division of WEST Consultants
811 NE 154th Street
Vancouver, WA 98685-1347
(360) 571-2290

Dear Matt,

Per your request I have submitted a Letter of Map Amendment (LOMA) application to the Federal Emergency Management Agency (FEMA) to remove a portion of the property located at 365 Academy Street SE, Dallas, OR 97338 from the FEMA Special Flood Hazard Area. The FEMA case number is 19-10-1284A.

The topographic information provided to FEMA clearly shows that the portion of the property identified by the metes and bounds description should not have been included in the FEMA Special Flood Hazard Area for Rickreall Creek due to the presence of natural high ground between the creek and lower elevation portions of the property. I also conducted an independent hydraulic modeling assessment of Rickreall Creek and similarly found that the portion of the property identified by the metes and bounds description is not subject to flooding by the 1-percent annual chance (100-yr) flood. See memo from me dated June 20, 2019.

I will let you know the status of the LOMA application as I receive updates from FEMA.

If you have any questions or are in need of any further assistance in this matter, please don't hesitate to call me.

Sincerely,

Hans R. Hadley, P.E., CFM
Senior Project Manager



EXHIBIT A.107

Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF DALLAS, POLK COUNTY, OREGON	A parcel of land, as described in the Deeds recorded as Document Nos. 2009-000886, 2017-011388, 200011965, 73627, 73626, 62192, 379236, 341573, 2019-008779, 2018-000949; and Property 2 as shown on the Record of Survey recorded as Document No. 16425; all in the Office of the County Clerk, Polk County, Oregon The portion of property is more particularly described by the following metes and bounds:
	COMMUNITY NO.: 410187	
AFFECTED MAP PANEL	NUMBER: 41053C0237F; 41053C0241F DATE: 12/19/2006; 12/19/2006	
FLOODING SOURCE: RICKREALL CREEK		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 44.923051, -123.311944 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
--	--	--	SE Academy Street, SE Mill Street & SE Oak Street	Portion of Property	X (shaded)	305.7 feet	--	299.0 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION	SUPERSEDES PREVIOUS DETERMINATION
PORTIONS REMAIN IN THE FLOODWAY	STATE LOCAL CONSIDERATIONS
INTERVENING HIGH GROUND - NO FILL	

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration



EXHIBIT A.108
Federal Emergency Management Agency
 Washington, D.C. 20472

LETTER OF MAP AMENDMENT
DETERMINATION DOCUMENT (REMOVAL)
 ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

BEGINNING at a 1/2" Iron Rod at the Southeast corner of a tract of land described in Deed Number 2019-14634 Polk County Deed Records, located in the Northwest Quarter of Section 33, Township 7 South, Range 5 West, of the Willamette Meridian, City of Dallas, Polk County, Oregon; thence North 00°05'39" West 80.87 feet; thence South 85°30'20" East 188.67 feet; thence South 34°56'55" East 22.34 feet; thence South 05°13'31" West 42.58 feet; thence South 43°58'29" East 135.36 feet; thence South 47°04'57" East 10.30 feet; thence South 09°46'57" West 7.79 feet; thence South 00°00'00" East 11.65 feet; thence South 22°22'48" East 9.73 feet; thence South 30°54'42" East 24.99 feet; thence South 52°02'47" East 19.17 feet; thence South 10°50'32" East 6.19 feet; thence South 58°58'52" East 23.63 feet; thence South 36°11'50" East 20.62 feet; thence South 09°02'39" East 18.54 feet; thence South 18°38'05" West 12.49 feet; thence South 62°33'30" East 29.24 feet; thence South 35°33'59" East 60.67 feet; thence South 30°10'25" East 25.91 feet; thence South 60°24'08" East 44.03 feet; thence South 52°29'37" East 37.14 feet; thence South 23°50'26" East 66.60 feet; thence South 88°00'31" East 19.54 feet; thence South 45°01'39" East 37.20 feet to the East line of a tract of land described in Deed Number 2000- 11965 Polk County Deed Records; thence along said line South 27°47'51" West 347.14 feet to a 5/8" iron rod; thence North 62°12'09" West 77.29 feet to a 5/8" iron rod; thence North 82°34'59" West 99.97 feet to a 5/8" iron rod; thence North 67°44'39" West 111.95 feet to a 5/8" iron rod; thence North 09°03'06" West 22.47 feet to a 5/8" iron rod; thence North 89°24'16" West 98.44 feet to a 5/8" iron rod on the East line of a tract of land described in Deed Number 2013-3433 Polk County Deed Records; thence along said East line North 00°13'19" East 153.24 feet to the Northeast corner of said tract of land; thence along the North line of said tract North 90°00'00" West 146.89 feet to the East Right of Way line of Southeast Oak Street; thence along said Right of Way line North 00°00'00" East 20.00 feet to the Northeast corner of said Right of Way; thence along the North line of said Right of Way North 90°00'00" West 29.20 feet to the Southeast corner of a tract of land described in Deed Number 2019-7165 Polk County Deed Records; thence along said East line of said tract of land North 00°00'00" East 125.00 feet to the Northeast corner of said tract of land; thence along the North line of said tract of land North 90°00'00" West 50.00 feet to the Southwest corner of a tract of land described in Deed Number 2018-949 Polk county Deed Records; thence along the West line of said tract of land North 00°00'00" East 139.00 feet to the South line a tract of land described in Deed Number 2007-11388 Polk County Deed Records; thence along said South line of said tract North 90°00'00" West 55.49 feet to the Southwest corner of said tract; thence along the West line of said tract North 00°00'00" East 150.00 feet to the South Right of Way line of Southeast Academy Street; thence along said South Right of Way line North 90°00'00" East 157.49 feet; thence North 00°00'00" East 29.59 feet; thence North 64°11'59" East 13.24 feet; thence South 67°58'59" East 13.71 feet; thence North 81°05'06" East 3.58 feet; thence North 02°06'29" West 11.33 feet; North 64°23'52" East 3.70 feet; thence North 11°35'54" West 16.23 feet to the South line of a tract of land described in Deed Number 2019-14634 Polk County Deed Records; thence along the South line of said tract North 89°59'23" East 54.61 feet to the POINT OF BEGINNING

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
 Engineering and Modeling Division
 Federal Insurance and Mitigation Administration



EXHIBIT A.109

Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

PORTIONS OF THE PROPERTY REMAIN IN THE FLOODWAY (This Additional Consideration applies to the preceding 1 Property.)

A portion of this property is located within the Special Flood Hazard Area and the National Flood Insurance Program (NFIP) regulatory floodway for the flooding source indicated on the Determination/Comment Document while the subject of this determination is not. The NFIP regulatory floodway is the area that must remain unobstructed in order to prevent unacceptable increases in base flood elevations. Therefore, no construction may take place in an NFIP regulatory floodway that may cause an increase in the base flood elevation, and any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management. The NFIP regulatory floodway is provided to the community as a tool to regulate floodplain development. Modifications to the NFIP regulatory floodway must be accepted by both the Federal Emergency Management Agency (FEMA) and the community involved. Appropriate community actions are defined in Paragraph 60.3(d) of the NFIP regulations. Any proposed revision to the NFIP regulatory floodway must be submitted to FEMA by community officials. The community should contact either the Regional Director (for those communities in Regions I-IV, and VI-X), or the Regional Engineer (for those communities in Region V) for guidance on the data which must be submitted for a revision to the NFIP regulatory floodway. Contact information for each regional office can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <http://www.fema.gov/about/regoff.htm>.

INTERVENING HIGH GROUND - NO FILL PLACED (This Additional Consideration applies to the preceding 1 Property.)

Although the subject of the determination is below the elevation of the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), it is outside the Special Flood Hazard Area because of intervening high ground. Intervening high ground is natural high ground that exists between a property and/or structure and the flooding source, providing the property and/or structure protection against inundation from the base flood.

SUPERSEDES OUR PREVIOUS DETERMINATION (This Additional Consideration applies to all properties in the LOMA DETERMINATION DOCUMENT (REMOVAL))

This Determination Document supersedes our previous determination dated 11/16/2017, for the subject property.

STATE AND LOCAL CONSIDERATIONS (This Additional Consideration applies to all properties in the LOMA DETERMINATION DOCUMENT (REMOVAL))

Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

A handwritten signature in black ink, appearing to read "Luis V. Rodriguez".

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

TRANSMITTAL



DATE: April 25, 2024

JOB #: 6706

To: Jim Jacks, AICP
Senior Planner
Mid-Willamette Valley Council of Governments
100 High Street SE, Suite 200
Salem, OR 97301

PROJECT: Crystal Estates (JenRae)

FROM: Brandie Dalton, Land-Use Consultant

RE: *CRYSTAL ESTATES REVISED SITE PLANS*

APPLICANT:

CHRIS EDWARDSON
JENRAE PROPERTIES
369 SE WALNUT COURT
DALLAS, OR 97338

REPRESENTATIVE:

MULTI/TECH ENGINEERING
BRANDIE DALTON, LAND-USE CONSULTANT
1155 SE LIBERTY ROAD
SALEM, OR 97302
BDALTON@MTENGINEERING.NET

VF LAW, LLP

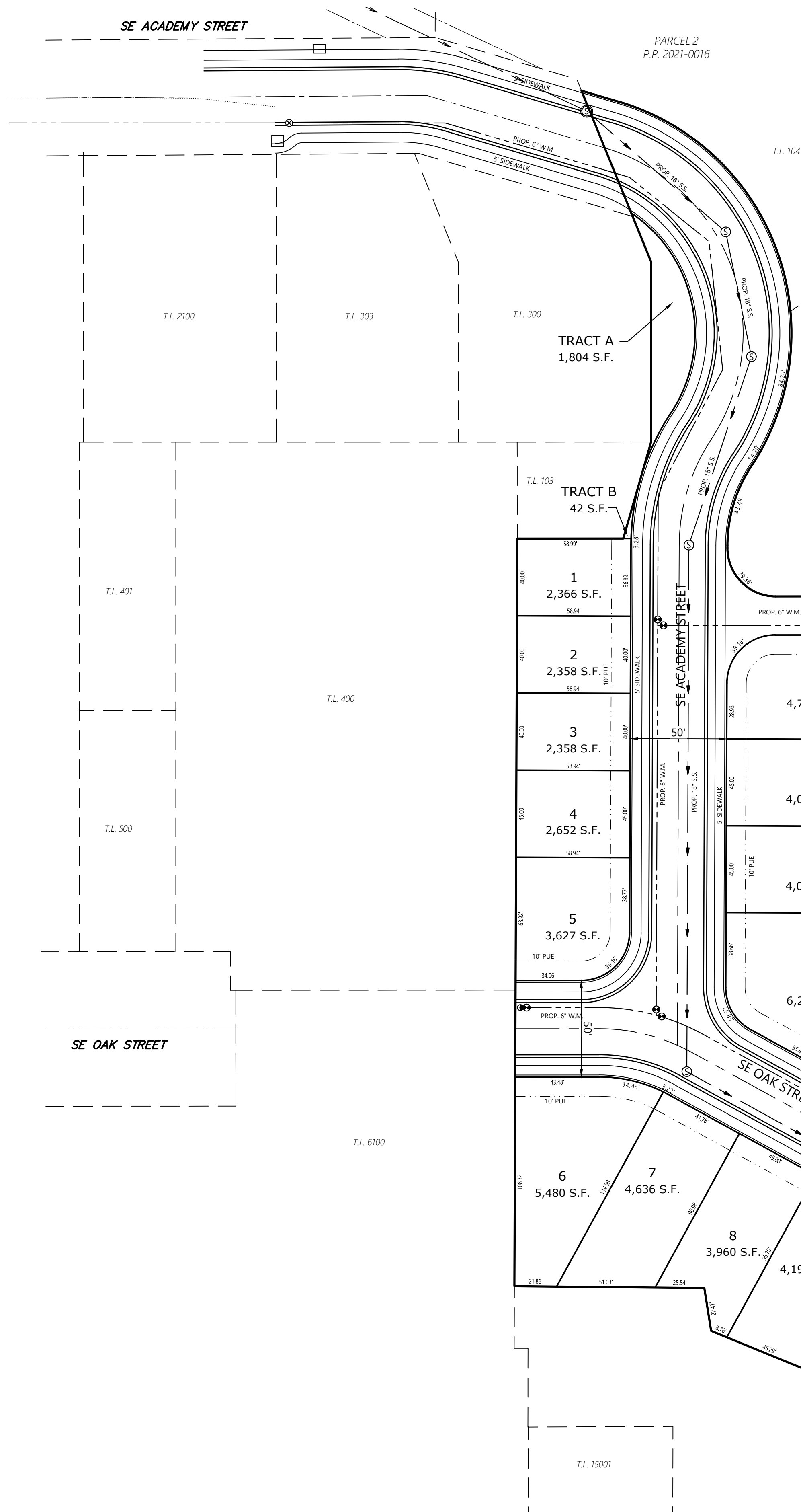
ANDREW H. STAMP, ATTORNEY
ANDREW.STAMP@VF-LAW.COM

MESSAGE: ENCLOSED ARE THE REVISED PRELIMINARY SITE PLANS FOR PROPERTY IDENTIFIED AS 7.5. 33BC/TAX LOT 106. IF YOU HAVE AN QUESTIONS OR ADDITIONAL INFORMATION IS NEEDED, PLEASE LET ME KNOW ASAP.

Thank you,
Brandie Dalton
Land-Use Consultant

CRYSTAL ESTATES

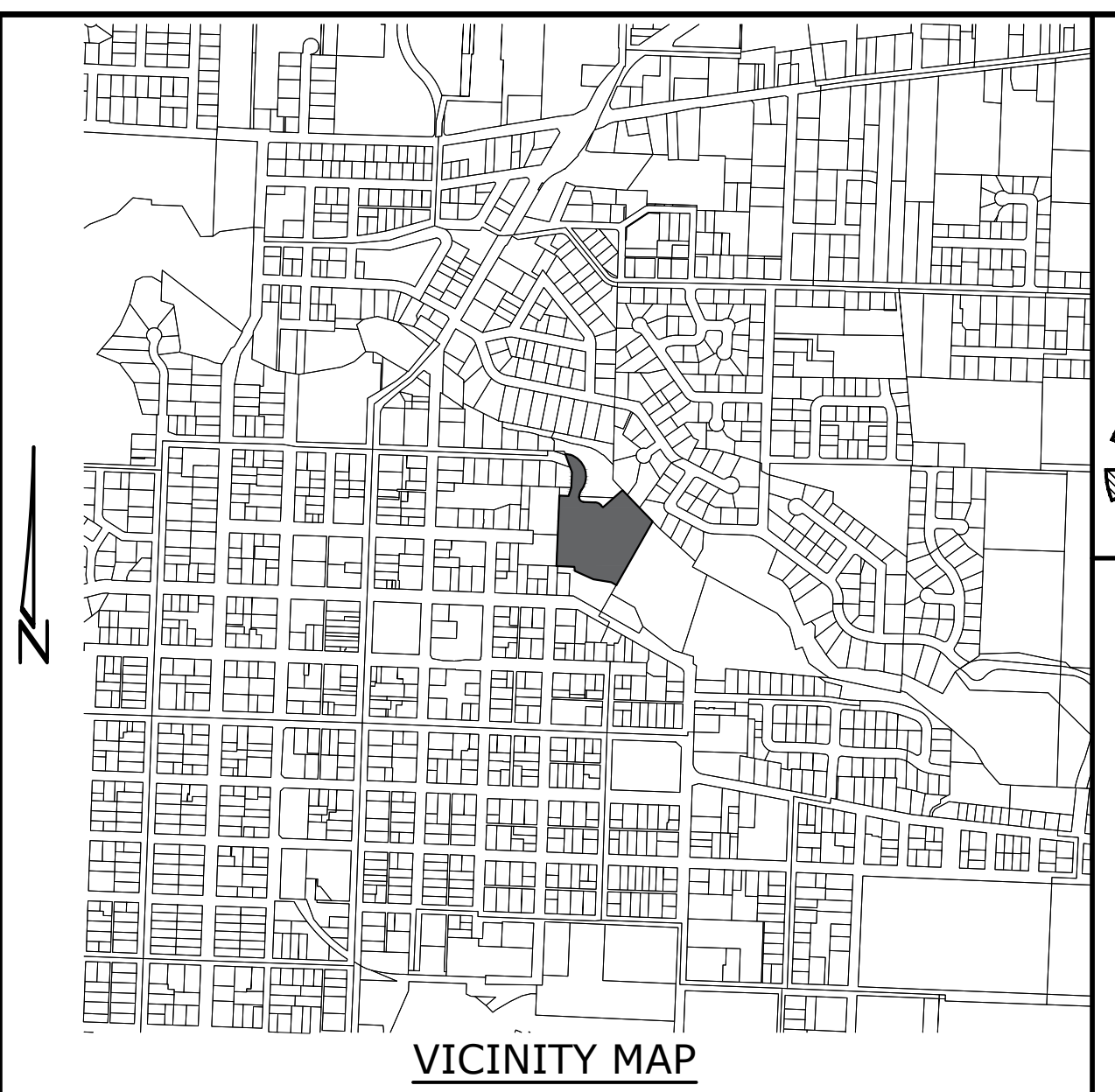
SEC. 33, T. 7 S., R. 5 W., W.M.
CITY OF DALLAS
POLK COUNTY, OREGON



NUMBER OF LOTS 25
 SMALLEST 2,358 S.F.
 LARGEST 18,532 S.F.
 AVERAGE 6,521 S.F.

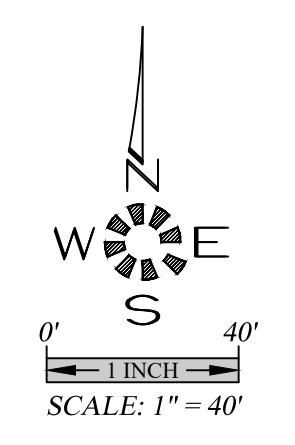
OPEN SPACE
 TRACT A 1,804 S.F.
 TRACT B 42 S.F.
 TRACT C 15,601 S.F.
 TOTAL 17,447 S.F. / 0.40 AC

SITE SIZE: 5.12 AC
 TOTAL ROW ACREAGE: 1.15 AC
 TOTAL ACREAGE WITHOUT ROW: 3.97 AC



COVER SHEET

CRYSTAL ESTATES



ABBREVIATIONS

A.C.	ASPHALTIC CONCRETE	L.P.	LIGHT POLE
ACMP	ALUMINIZED CMP	M	METER, MAIN
ASSY.	ASSEMBLY	M.H.	MANHOLE
B.O.	BLOW OFF	MTL.	METAL
B.F.V.	BUTTERFLY VALVE	O.H.	OVERHEAD
C & G	CURB & GUTTER	PC	POINT OF CURVE
CATV	CABLE TELEVISION	PCC	POINT OF CONTINUING CURVE
C.B.	CATCH BASIN	PED.	PEDESTAL
C.B.C.O.	CATCH BASIN CLEANOUT	PRC	POINT OF REVERSE CURVE
C.B.I.	CATCH BASIN INLET	PROP.	PROPOSED
C.L.	CENTERLINE	PT	POINT OF TANGENCY
CMP	CORRUGATED METAL PIPE	PUB.	PUBLIC
CLEANOUT	CLEANOUT	PUE	PUBLIC UTILITY EASMT.
CONC.	CONCRETE	PVC	POLYVINYL CHLORIDE
CONST.	CONSTRUCT	PVT.	PRIVATE
D.I.	DUCTILE IRON	P.P.	POWER POLE
DIA.	DIAMETER	P.L.	PROPERTY LINE
DWG.	DRAWING	R	RADIUS
EASMT.	EASEMENT	R-	RIM
E.G.	EXIST. GRADE / GROUND	RD	ROAD
EOP, E.P.	EDGE OF PAVEMENT	R.O.W.	RIGHT-OF-WAY
ELEC.	ELECTRIC	SAN.S. or S.S.	SANITARY SEWER
ELEV. or EL.	ELEVATION	S	SLOPE
EX. or EXIST.	EXISTING	STA.	STATION
FT.	FEET	STD.	STANDARD
F.F.	FINISH FLOOR	STL	STEEL
F.G.	FINISH GRADE	STM.DRN. or S.D.	STORM DRAIN
F.H.	FIRE HYDRANT	SVG.	SERVICE
F.M.	FORCE MAIN	SW	SIDEWALK
GUT. or GTR.	GUTTER	T.C.	TOP OF CURB
G.V.	GATE VALVE	TEL	TELEPHONE
IMP.	IMPROVEMENT	TYP.	TYPICAL
INST.	INSERT	U.G.	UNDERGROUND
INV. or I-	INVERT	VL.	VAULT
L	LENGTH, LINE	W.M.	WATER MAIN

SYMBOLS

	BLOW OFF ASSY.		MANHOLE SAN. SEWER
	CATCH BASIN		MANHOLE STORM DRAIN
	CATCH BASIN CLEANOUT		2' DIA. C.O. / M.H.
	CATCH BASIN INLET		MANHOLE TELEPHONE
	CATV PED. / BOX		MANHOLE WATER
	CLEANOUT		REDUCER / INCREASER
	ELEC. PED. / BOX		TEL. PED. / BOX
	FIRE HYDRANT		TRAFFIC PED. / BOX
	GAS LOCATION MARKER		UTILITY / POWER POLE
	GAS VALVE		WATER METER
	MAIL BOX		WATER VALVE
	CABLE TELEVISION		SANITARY SEWER EXIST.
	CENTERLINE		SANITARY SEWER PROP.
	DITCH C.L.		STORM DRAIN EXIST.
	ELECTRICAL LINE		STORM DRAIN PROP.
	GAS MAIN		WATER MAIN EXIST.
	TELEPHONE LINE		WATER MAIN PROP.

Owner / Developer:
JENRAE PROPERTIES LLC
 369 SE WALNUT CT
 DALLAS, OREGON 97338

SHEET INDEX

SHEET 101	COVER SHEET
SHEET 201	EXISTING CONDITIONS
SHEET 301	PUBLIC UTILITIES
SHEET 401	STREET & STORM DRAIN
SHEET 402	DETENTION POND

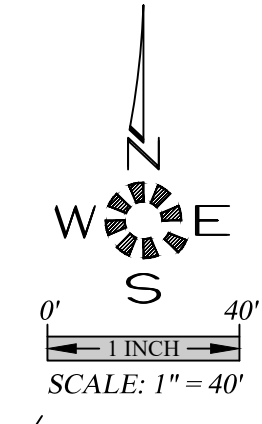
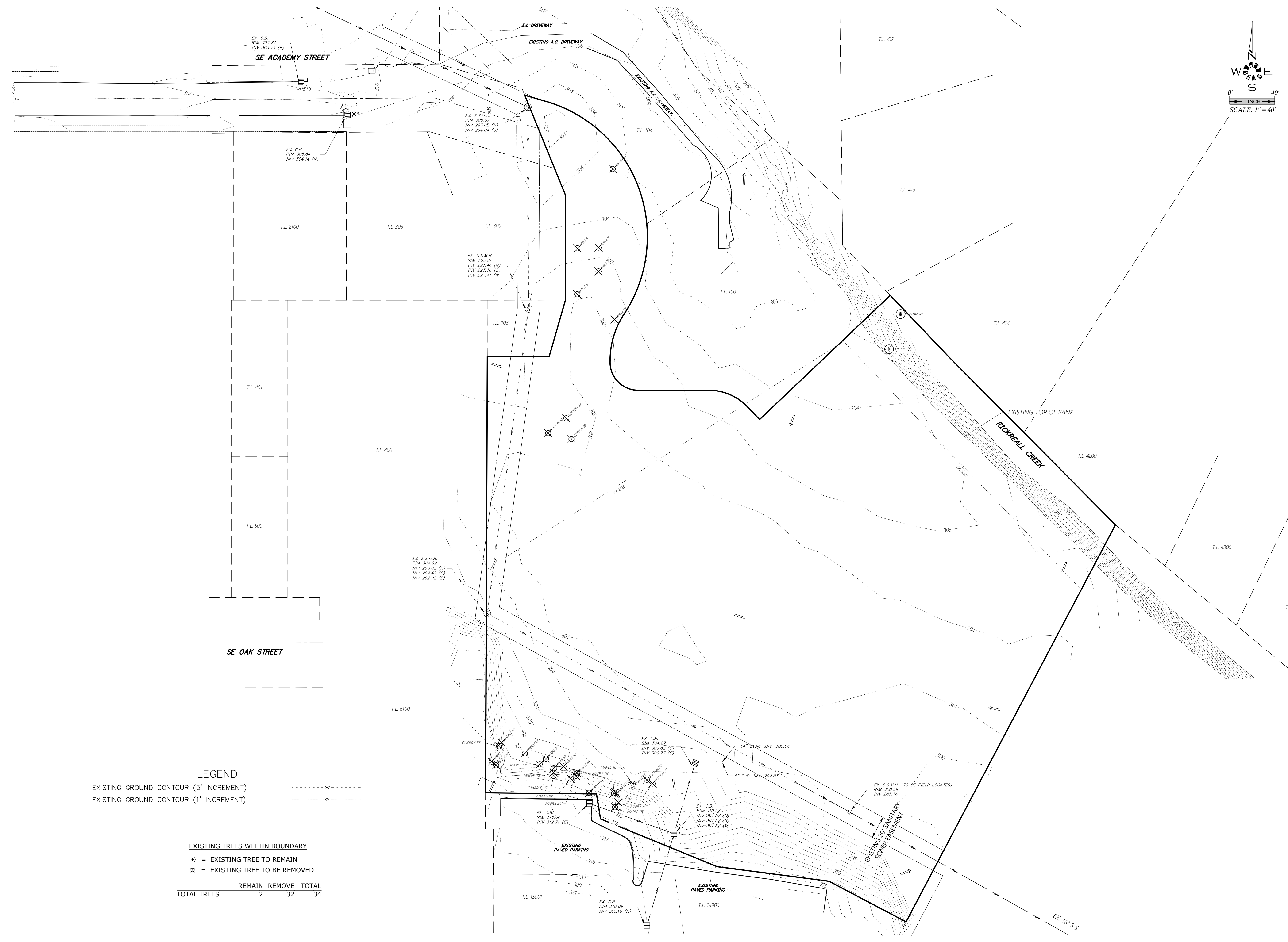
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 Drawn: T.N.S.
 Checked: M.W.H.
 Date: OCT 2021
 Scale: AS SHOWN
 As-Built:



EXPIRES: 06-30-2025
 JOB # 6706

P101



LEGEND

EXISTING GROUND CONTOUR (5' INCREMENT) ----- 90 -----

EXISTING GROUND CONTOUR (1' INCREMENT) ----- 91 -----

EXISTING TREES WITHIN BOUNDARY

○ = EXISTING TREE TO REMAIN

⊗ = EXISTING TREE TO BE REMOVED

	REMAIN	REMOVE	TOTAL
TOTAL TREES	2	32	34



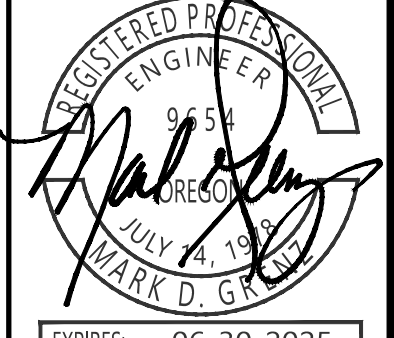
**EXISTING
CONDITIONS
PLAN**

CRYSTAL ESTATES

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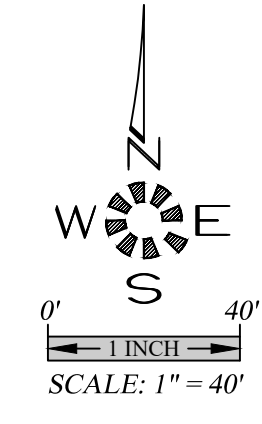
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Checked: M.W.H.
Date: OCT 2021
Scale: AS SHOWN
As-Built: _____



JOB # 6706

P201



UTILITY PLAN

CRYSTAL ESTATES

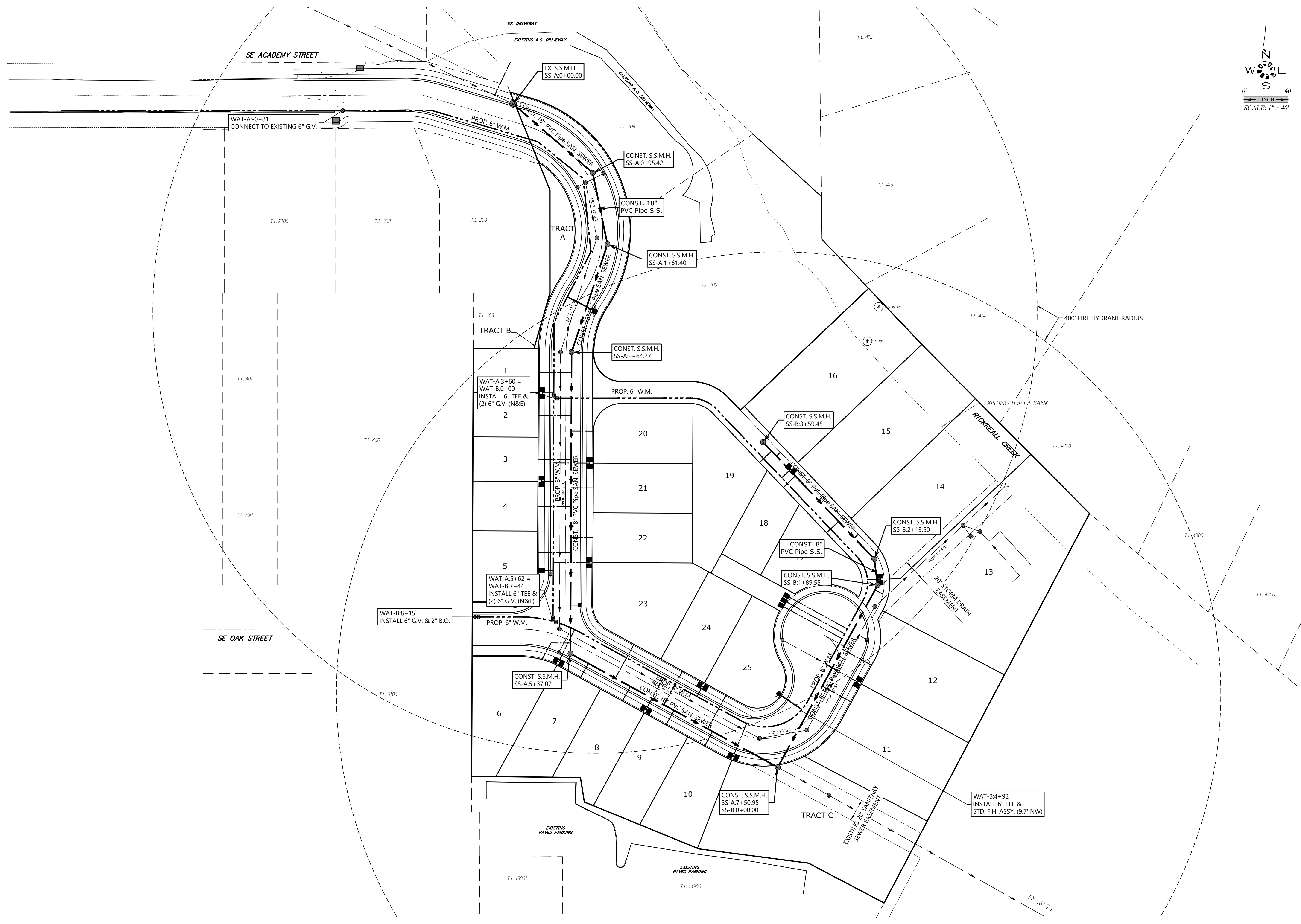
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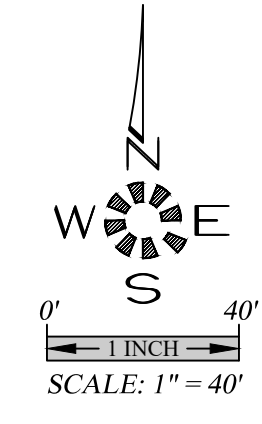
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Drawn:	T.N.S.
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Date:	OCT 2021
Scale:	AS SHOWN
As-Built:	



EXPIRES: 06-30-2025
JOB # 6706

P301



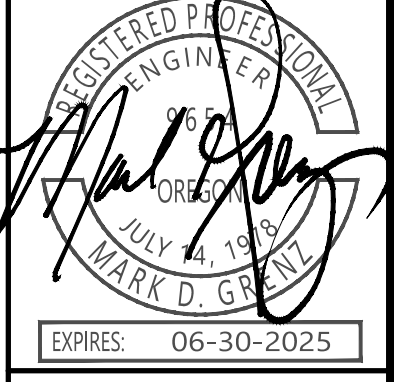


GRADING PLAN

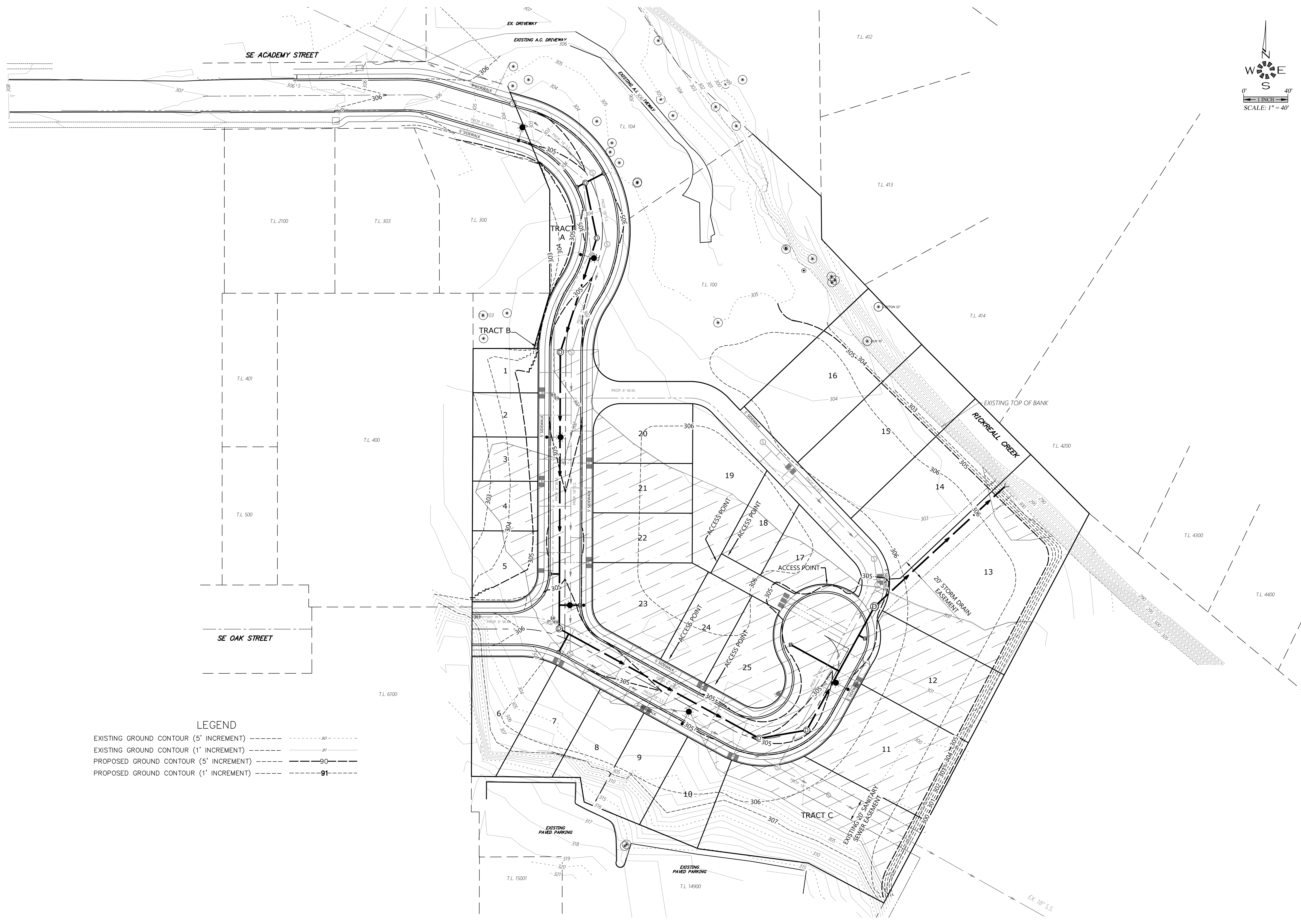
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Design:	M.D.G.
Drawn:	T.N.S.
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Date:	OCT 2021
Scale:	AS SHOWN
As-Built:	



EXPIRES: 06-30-2025
JOB # 6706
P401



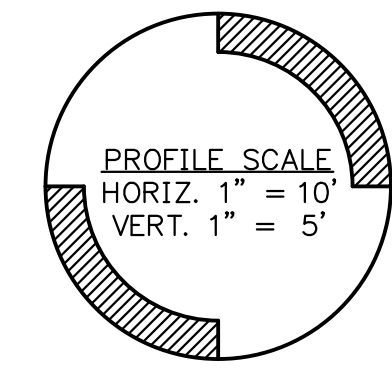
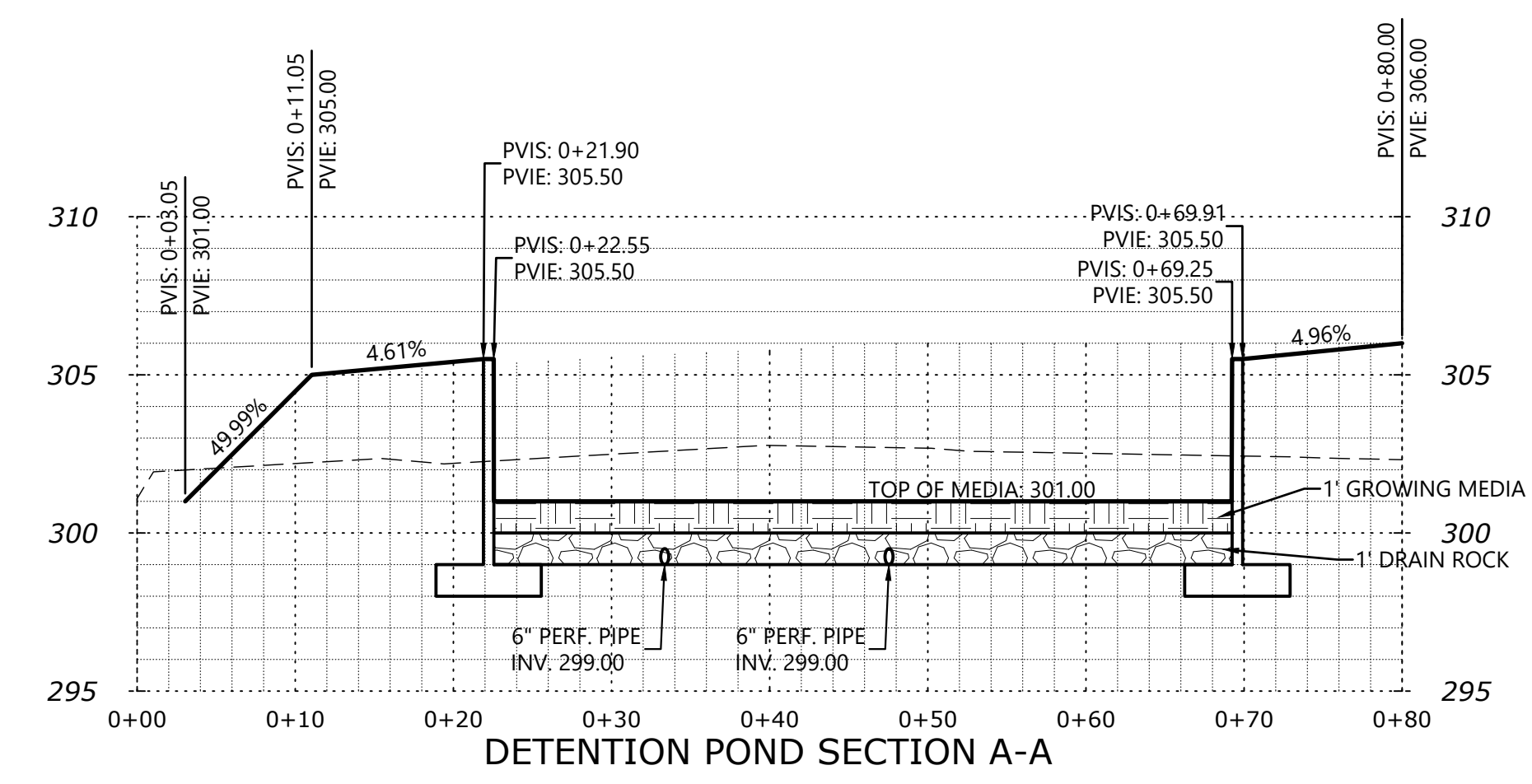
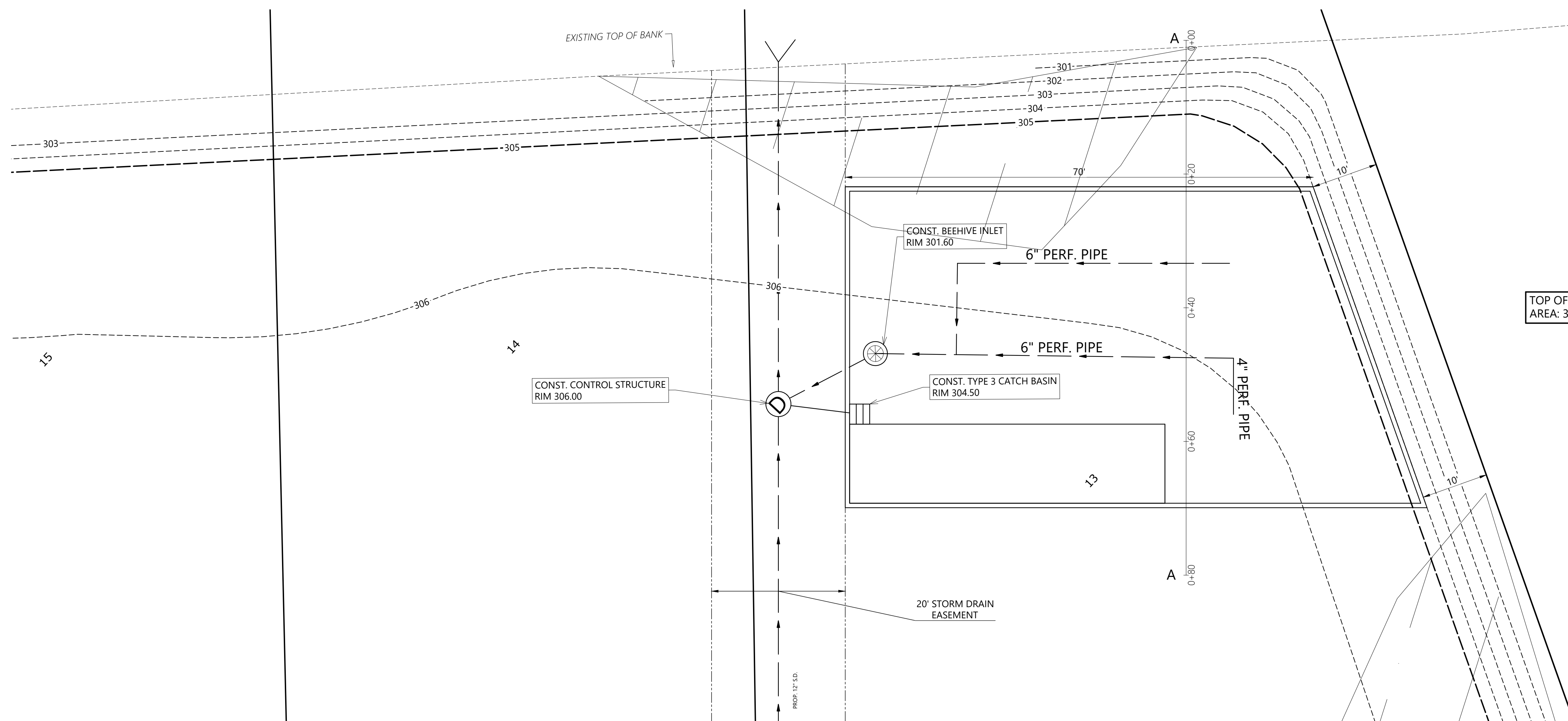
LEGEND

EXISTING GROUND CONTOUR (5' INCREMENT) ----- 90

EXISTING GROUND CONTOUR (1' INCREMENT) ----- 91

PROPOSED GROUND CONTOUR (5' INCREMENT) ----- 90

PROPOSED GROUND CONTOUR (1' INCREMENT) ----- 91

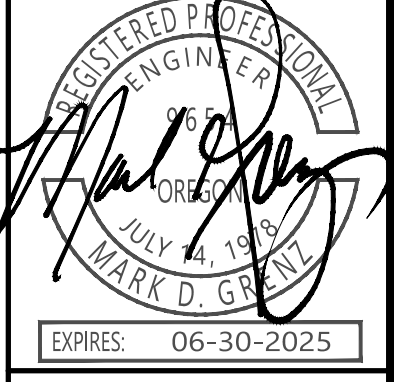


DETENTION POND

CRYSTAL ESTATES

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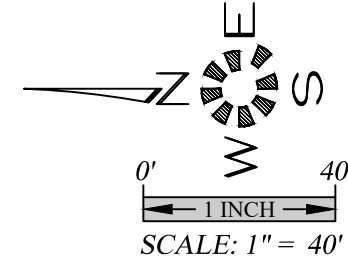
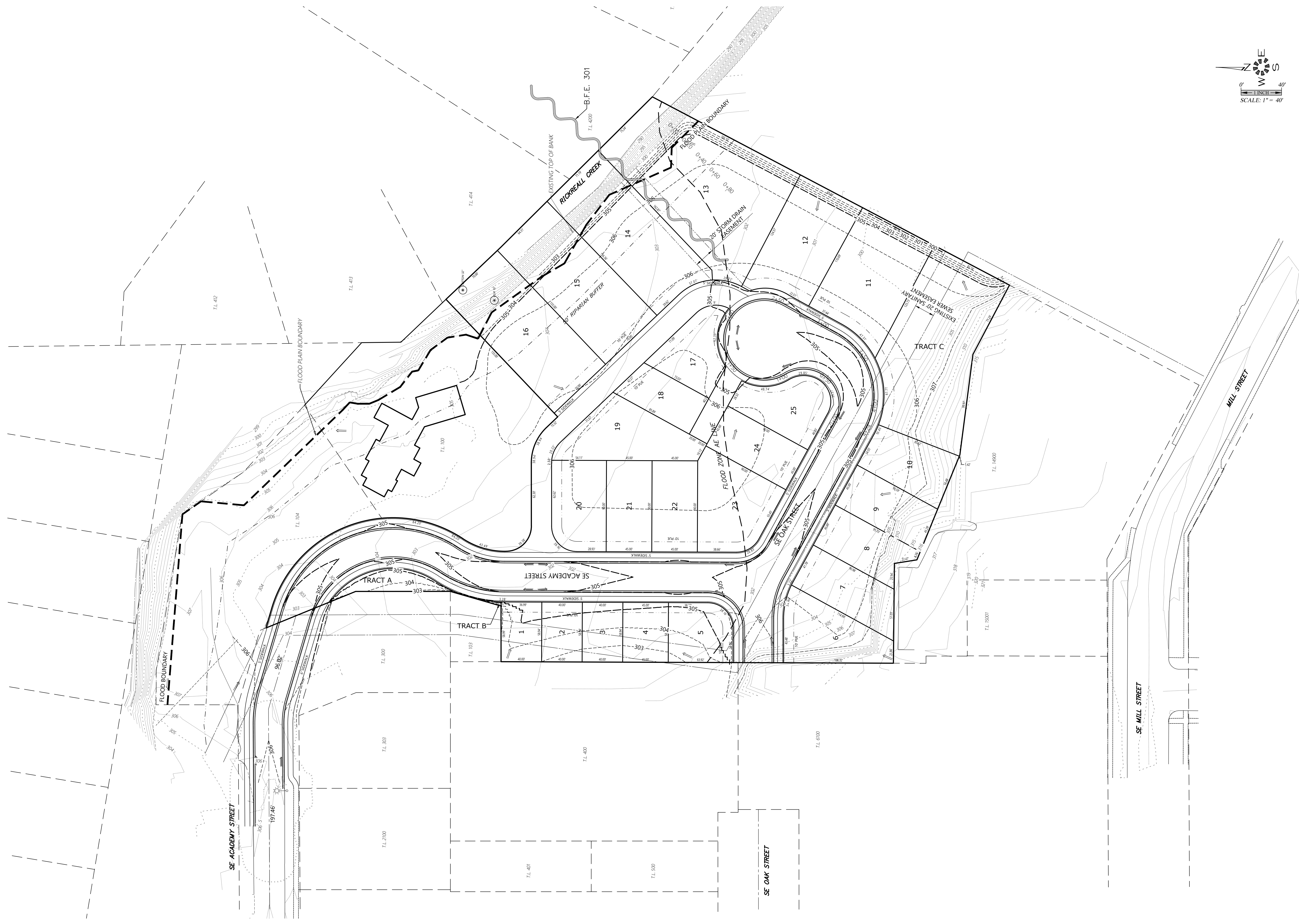


JOB # 6706

P402

H:\2021\778706 - Crystal Estates\Drawings\778706 - Floodplain.dwg 10/26/2021 10:08am FLOODPLAIN 4/14/2024 10:37:51AM CGM

EXHIBIT A.117



MULTI/TECH
 ENGINEERING SERVICES, INC.
 1155 13th ST., S.E. SALEM, OR, 97302
 PH: (503) 363 - 9227 FAX (503) 364-1260
 www.mteengineering.net office@mteengineering.net

FLOODPLAIN PLAN

CRYSTAL ESTATES

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Design:	M.D.G.
Drawn:	T.M.S.
Checked:	M.W.H.
Date:	OCT 2021
Scale:	AS SHOWN

JOB # 6706

CITY OF DALLAS
NOTICE OF PUBLIC HEARING
“Crystal Estates” - Subdivision #SUB-24-02

PROPERTY LOCATION: 300 Block of SE Academy at Rickreal Creek. Two blocks east of northbound Kings Valley Highway.

APPLICANT: Jenrae Properties, LLC

NATURE OF REQUEST: Develop a 25-lot residential subdivision

APPROVAL CRITERIA: DDC Chapter 4.3 – Land Divisions

HEARING DATE / TIME: 7:00 p.m. Tuesday, June 11, 2024

HEARING LOCATION: **In Person:** Dallas City Hall, 187 SE Court Street, Dallas, Oregon
Telephone: +1 253 215 8782. Passcode: **213 855 0622**
Watch Online: www.dallasor.gov/community/page/dallasyoutube

CITY STAFF CONTACT: Jim Jacks, Contract City Planner, jjacks@mwvcog.org Phone: 503-540-1619

At the above day and time the Dallas Planning Commission will hold a public hearing on this request. You may attend this meeting in-person at Dallas City Hall. You may also participate by telephone by dialing the number above and entering the passcode when prompted. Video of the proceedings will be broadcast live at the website above, but oral testimony must be in-person or by phone.

The Planning Commission will consider testimony which addresses the applicable criteria listed above. Testimony may be submitted in advance by writing to the Dallas Planning Department, 187 SE Court Street, Dallas, Oregon 97338, or given orally during the public hearing. The public hearing will be conducted in a manner that permits testimony from all interested parties.

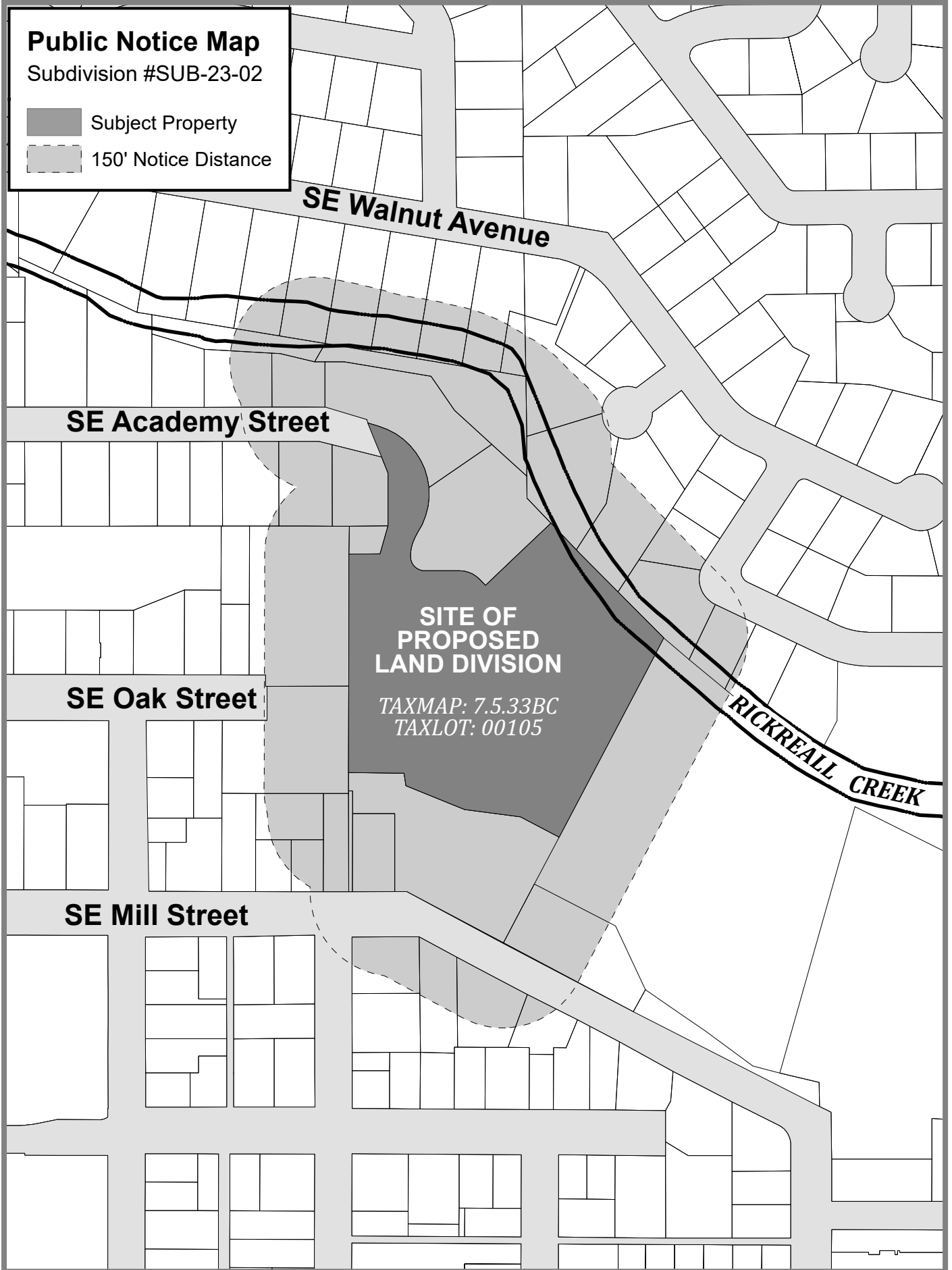
At least seven days prior to the hearing the staff report, the application and documents and evidence submitted by or on behalf of the applicant, and the applicable approval criteria will be available for review online at www.dallasor.gov/meetings or in person at City Hall. Upon request, copies will be made at 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.

Dated: May 21, 2024

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 to promptly forward a copy of this notice to every person with a documented interest, including a renter or lessee.





PO Box 631824 Cincinnati, OH 45263-1824

AFFIDAVIT OF PUBLICATION

City of Dallas, Oregon
187 SE Court Street
Dallas OR 97338

STATE OF WISCONSIN, COUNTY OF BROWN

The Statesman Journal, of general circulation as defined by Sections 193.010 to 193.110, Oregon revised Statutes; printed and Published in Salem in Marion County, Oregon; and that this Govt Public Notices is printed copy of which is hereby annexed was Published in said newspapers in the issue:

05/15/2024

and that the fees charged are legal.
Sworn to and subscribed before on 05/15/2024

Legal Clerk

Notary, State of WI, County of Brown

5.15.27

My commission expires

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NANCY HEYRMAN
Notary Public
State of Wisconsin

City of Dallas - Public hearing Notice

The Dallas Planning Commission will hold a public hearing at 7:00 pm, Tuesday, June 11, 2024 on the following:

Subdivision #SUB-23-02

An application to divide the property at Taxmap #7.5.33BC Taxlot #105 into 25 lots for a residential subdivision. Approval Criteria: DDC.4.3, Land Division.

This meeting is being held at Dallas City Hall, 187 SE Court St. You may also participate via phone by dialing 1 253 215 8782 and entering code: 213 855 0622. The Planning Commission will consider testimony which addresses the applicable criteria listed above. Testimony may be submitted orally at the public hearing or writing the Planning Department, 187 SE Court St, Dallas, OR 97338.

The staff report, the submitted application materials, and the approval criteria will be available online at least seven days prior to the hearing, at www.dallasor.gov/meetings. Copies will be provided at reasonable cost on request.

Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient for the decision maker to respond to the issue precludes appeal to the Land Use Board of Appeals.

For further information contact Jim Jacks, Contract City Planner at jjacks@mwvcog.org or (503) 540-6119.

May 15 2024

LEUG0102037

BUILDING DIVISION COMMENTS
Pre-Application Technical Notes

File Number: Crystal Estates

Date: June 3, 2024

Person Commenting: Troy Skinner

The Building Department has comments.

Dwelling permits will be required for this project for construction of New Single Family Dwellings. An electrical permit will be required for this project. (Apply at Polk County Building Department)

The proposed construction shall comply with the State of Oregon Building Code in effect as of date of application for the building permit. This currently includes the following: The 2022 edition of the Oregon Structural Specialty Code (OSSC) based on the International Building Code; The 2023 edition of the Oregon Residential Specialty Code (ORSC) based on the International Residential Code; The 2022 edition of the Oregon Mechanical Specialty Code (OMSC) based on the International Mechanical Code; The 2023 edition of the Oregon Plumbing Specialty Code (OPSC) based on the Uniform Plumbing Code; The 2023 edition of the Oregon Electrical Specialty Code (OESC) based on the National Electrical Code; and the 2022 edition of the Oregon Fire Code (OFC) based on the International Fire Code (IFC).

Please note our plan review turnaround times are typically:

New/Additions for single-family homes – Two weeks from the date the complete application is received until the plan review begins. Plan reviews take one to three days, depending on the complexity of the project. After completion of the review, a plan review letter is provided with the items needing additional information/clarification or change. Once a response to the plan review is received, it takes one to two weeks for a review of the responses. If the responses are complete and the plan review items are correct, the plans and permit can be approved***.

***All single-family projects must be routed through other departments of the City (Planning/Zoning review, Engineering review, etc...). Routing takes place concurrently with the plan review process and takes one to two weeks, longer if additional information is required. The permit cannot be issued until the routing is complete and the applicable departments have approved their portions of review.

All of the plan review time estimates can change with the volume of plan/permit activity, especially during peak construction months.

PRE-APPLICATION REVIEW COMMENTS

Department: Fire
Person Commenting: Troy Crafton
File Number: SUB-23-02
Date: May 16, 2024

1. The cul-de-sac as proposed does not meet current Oregon Fire Code, which could be mitigated with a through street connecting SE Academy Street to SE Oak Street. It must have a 96' drivable diameter and the inside turning radius and outside turning radius shall be not less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & Appendix D)

2. The turning radius must allow for our apparatus length. In question is the radius of the 90-degree turn on Oak Street at the SW area of the subdivision and the slightly over 90-degree turn, with 20' alley width, at the SW portion of the proposed alleyway.

3. The alley shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting the imposed load of fire apparatus weighing at least 75,000 lbs. Documentation from a registered engineer that the finished construction is in accordance with the approved plans or the requirements of the fire code may be requested. (OFC D102.1)

4. Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface (alleyway), "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Roads 26 feet wide or less shall be posted on both sides as a fire lane. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)

5. The hydrant spacing as proposed is in excess of Oregon Fire Code, Table C105.1, which stipulates for a dead-end road, an average spacing of 400'. It is unclear if the proposed hydrants would be added to the water grid. If not, neither would provide sufficient water flow to the subdivision as "dead-end" hydrants.

ENGINEERING DEPARTMENT COMMENTS
Pre-Application Technical Notes

File Number: SUB 23-02
Project Name: Crystal Estates (Jenrea)
Person Commenting: Tom Gilson

Date: May 30, 2024

Sewer

There is an 18" Concrete sewer line crossing the property. It will need to be realigned in parts to fit within the proposed ROW. Sewer lines and manholes outside of City ROW needs to be in an easement. Public Works favors utilities to be in ROWs and suggests new layout to eliminate private access ways.

Water

There is a 6" ductile iron water main located at the dead-end of SE Academy St & a 6" ductile iron water main at the dead end of SE Oak St. These lines need to be tied into to allow circulation. Waterlines outside of City ROW needs to be in an easement. Public Works favors utilities to be in ROWs and suggests new layout to eliminate private access ways.

Storm

The proposed storm layout appears to be adequate to serve the site.

Streets

Follow Dallas Development Code requirements for street ROW and curb-to-curb widths and sidewalk requirements.

City Permitting

A grading permit from Dallas Public Works is required prior to site construction. Construction plans for any public infrastructure must be approved by public works prior to construction and meet Dallas Construction Standards.

City Fees

System Development Charges are charged at the time of home construction. Construction plan review, grading permit, and encroachment permit fees are calculated based on the size/valuation of the project.

**CITY OF DALLAS
PLANNING COMMISSION
STAFF REPORT**

Meeting Date: June 11, 2024
Topic: 325 James Howe Road Annexation & Zone Change

Application Type: Annexation & Zone Change
Owners: Tokola Properties Inc
Applicant: DHJ Holdings LLC
Location: 325 James Howe Road

Recommended Action

The planning commission recommends that the city council approve the annexation of the subject property and approve the zone change to residential medium-density (RM).

BACKGROUND INFORMATION

Zoning: SR – Suburban Residential (Polk County Zoning)
Comprehensive Plan Map: Residential
Floodplain: No Floodplain
Lot Size: 10 Acres
Adjacent Land Uses: Single-Family Residential
Prior Land Use Approvals: Partition Plat 2012-0010 (Polk County Land Use File LP-11-08)

PROJECT OVERVIEW

Applicant has requested annexation of their property into the City of Dallas and a change of zoning from county zone Suburban Residential (SR) to city zone Residential Medium-Density (RM).

Applicant proposes to eventually construct 204 apartment units on the property, to be reviewed in a subsequent site design review application.

APPROVAL CRITERIA:

DDC Chapter 4.10 – Annexations
DDC Chapter 4.7 – Land Use District Map Amendments

ANNEXATION APPROVAL CRITERIA

The applicant proposes to annex their 10 acre property into the City of Dallas. The applicable criteria are contained in the Dallas Development Code (DDC) Section 4.10.030, “Annexation Approval Criteria.”

CRITERION:

DDC 4.10.030.A: The land is within the City’s Urban Growth Boundary.

FINDING:

A review of the Dallas Zoning Map finds that the land is within the Dallas UGB. Therefore this criterion is satisfied.

CRITERION:

DDC 4.10.030.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 is Residential Medium-Density (RM). The Comprehensive Plan designation for this area is Residential. The RM zone is one of the implementing zones for the Residential Comprehensive Plan designation, therefore the proposed zoning is consistent with the plan. This criterion is satisfied.

CRITERION:

DDC 4.10.030.C: The land is currently contiguous with the present City Limits

FINDING:

A review of the Dallas Zoning Map finds that the land abuts the present city limits. Therefore, this criterion is satisfied.

CRITERION:

DDC 4.10.030.D: Adequate City Facilities can and will be provided to and through the subject property, including water, sanitary sewer, and storm drainage.

FINDING:

Water mains of adequate capacity to support development are located within James Howe Road. Sewer mains are available ~900 feet south of the property, and the applicant would need to extend this main line to serve the property when developed. The property is serviceable by city fire protection. Overall, this criterion is satisfied.

CRITERION:

DDC 4.10.030.E: The annexation is consistent with the annexation policies contained in the Comprehensive Plan.

FINDING:

Comprehensive Plan Chapter 6 – Urban Growth Management, Policy 6.2.1 – Conversion of Urban Uses states, “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 on the following factors:

Policy 6.2.1.1 - The City will encourage the development of available land within its corporate limits before expansion into urbanizable areas.

The city has no significant multi-family land outside of the mixed use nodes, the development of which is constrained, therefore the annexation of the subject property would contribute towards increasing the supply of buildable multi-family land. Therefore, this policy is satisfied.

Policy 6.2.1.2 - The availability of sufficient buildable land to ensure market choice for commercial, industrial, single-family, multi-family and public land uses within the City Limits.

Annexation of the subject property will provide additional urbanizable land for multi-family land uses within the city. Therefore, this policy is satisfied.

Policy 6.2.1.3 - The orderly, economic and timely provision of public facilities and services as prescribed in Chapter 7, Public Facilities Plan.

Public facilities and services, including the provision of sanitary sewer service, water service, stormwater drainage, transportation (streets, sidewalks), and fire protection are available to service the property. Utility main lines and service laterals and street frontage improvements will be required to be extended at the time of development, except where code allows improvements to be deferred. Therefore, this policy is satisfied.

Policy 6.2.1.4 - Only lands that can be provided with the full range of urban facilities will be considered for annexation or rezoning.

Staff finds that the full range of required public facilities and services can be provided to the subject property. Therefore, this policy is satisfied.

Policy 6.2.1.5 - The City shall not permit “panhandle” annexations, except in extraordinary circumstances such as health hazard annexations.”

The subject property has street frontage onto a street which is also a city limit boundary, and so is not a “panhandle” extension. Therefore, this policy is satisfied.

ANNEXATION OVERALL CONCLUSION: Based on the applicant’s materials and the findings above, the Planning Commission may find that the proposal meets the approval criteria.

ZONE CHANGE APPROVAL CRITERIA

Concurrent with the annexation request, the applicant proposes to rezone their property from the Polk County zone Suburban-Residential (SR) to the City of Dallas zone Residential Medium-Density (RM). The applicable CRITERIA for zone changes are contained in the Dallas Development Code (DDC) Section 4.7.030.B, “*Criteria for Quasi-Judicial Amendments.*”

CRITERION:

DDC 4.7.030.B.1: Approval of the request is consistent with the Statewide Planning Goals.

FINDING:

Oregon has 19 Statewide Planning Goals, of which five (5) are directly applicable to the approval criteria of this request and are discussed individually below.

Goal 5 – Natural Resources: This goal requires cities to protect natural resources and conserve scenic and historic areas and open spaces, with fifteen (15) resources specified. Of these resources, the National Wetland Inventory does identify wetlands on the property, and the applicant has provided a wetland delineation. To protect this resource the City of Dallas has standards for setbacks and storm water management that must be met at the time of development.

Goal 7 – Natural Hazards: This goal requires cities to adopt comprehensive plan measures that reduce risk to people and property from natural hazards, with six (6) hazards specified. As identified by the Oregon Department of Geology and Mineral Industries and incorporated into the Polk County Multi-Jurisdictional Hazard Mitigation Plan, the subject property is located in an area of the city with high risk of landslides, high risk of expansive soils, and high risk of wildfires.

In accordance with Goal 7, the City of Dallas requires geotechnical evaluation of all new development, which can mitigate some of this landslide and expansive soils risk through site-specific design and engineering, such as structural foundation systems, as well as stormwater management to reduce risk of rain-induced landslides.

A comprehensive wildfire risk and vulnerability assessment is not available at this time. Polk County developed a Community Wildfire Protection Plan (CWPP) in 2009, which mapped wildland urban interface areas and developed actions to mitigate wildfire risk, and the city is a participant in the CWPP. The Dallas Fire Chief has not entered into the record any concerns with the proposed annexation, and fire hydrants will be installed with development of the property.

Goal 10 – Housing: This goal requires cities to encourage availability of adequate numbers of needed housing units at prices commensurate with the financial capabilities of Oregon households and allow flexibility of location, type, and density. The subject property will increase the supply of multi-family land which is buildable in the immediate term, helping to satisfy the demand for this needed housing type.

Goal 11 – Public Facilities: This goal requires cities to plan and develop a timely, orderly and efficient arrangement of public facilities and services. Water, sanitary sewer, and storm drainage of adequate capacity are adjacent to the subject property. City services, including fire and

police protection and health and recreation services, have adequate capacity to serve a development of the subject property.

Goal 12 – Transportation: This goal requires cities to provide and encourage a safe, convenient, and economic transportation system and to coordinate land use and transportation planning. Goal 12 is implemented by the Transportation Planning Rule (TPR) which requires cities to evaluate whether proposed plan amendments and zone changes are consistent with adopted land use and transportation plans, to ensure the transportation system can accommodate the development. The findings under Section 4.7.030.B.5 on page 8 related to the TPR are referenced and incorporated as finding here.

Conclusion: Staff finds that, given the above information, the proposed amendment is consistent with the statewide planning goals, and that this criterion is satisfied.

CRITERION:

DDC 4.7.030.B.2: Approval of the request is consistent with the Comprehensive Plan. Staff interprets consistency with the Comprehensive Plan to mean that the request must be substantially consistent with the Comprehensive Plan and the applicable Comprehensive Plan policies, taken as a whole. Consistency does not mean that the request must comply strictly with every aspect or element of every applicable Comprehensive Plan policy.

FINDING:

Staff observe the Comprehensive Plan to contain several policies. Below are certain policies found in Chapter 3 and 7 that staff find relevant and responds to with findings.

Comprehensive Plan Chapter 3 – Livable Residential Neighborhoods:

Policy 3.1.1. Each residential neighborhood shall be located within 1.5 miles of the Central Business District or land that is zoned or planned for general commercial or neighborhood commercial development.

The subject property is located within 1.5 miles of the CBD, so this policy is satisfied.

Policy 3.1.2. 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.

This policy is implemented by the block length and street spacing standards contained in the Dallas Development Code, so this policy is satisfied at the time of development.

Policy 3.1.3. Each residential neighborhood within a Mixed Use Node shall provide multi-family housing.

The subject property is not within a mixed use node. This policy does not apply.

Policy 3.1.4. Land planned or zoned to allow 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. Land planned or zoned to allow less dense attached middle family dwellings (like tri-plexes, four-plexes and townhomes) shall be located, in whole or in part, within a quarter mile of employment, retail and service centers but does not need to be located adjacent to planned commercial areas, or along arterials and collector streets. Land planned or zoned for medium density residential is an appropriate transition between land planned or zoned for high density residential and land planned or zoned for low density residential.

The subject property is adjacent to James Howe Road, a Major Collector, so this policy is satisfied.

Policy 3.1.5. Pedestrian and bicycle access shall be provided between commercial, open space and residential uses in all new development.

This requirement is substantially implemented by the standards of Dallas Development Code Chapter 3.1 and 3.4, which are part of a development review application.

Policy 3.1.6. Public or private park land shall be provided in proportion to residential development and in accordance with Chapter 4.5 (Level-of-Service).

This requirement is substantially implemented by the standards of Dallas Development Code Chapter 2.2, which establish requirements multi-family developments to reserve 15% of the gross area as parks and open space, with specific design standards. This will be reviewed with a development review application.

Policy 3.1.7. 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.

The subject property contains mapped riparian corridors and wetlands, and the applicant has provided a wetland delineation. Preliminary development plans indicate that the site can be successfully developed on those portions of the property outside of environmental conservation areas, and the Dallas Development Code includes provisions that address resource protection (e.g. building setbacks from top of creek bank) that can help ensure this policy is met during development.

Policy 3.1.8. Outside of the Mixed Use Node, high density residential zoning shall be limited to the area immediately adjacent to the Central Business District and to the General and neighborhood commercial zones.

The subject property is not proposed for high density residential zoning, so this policy does not apply.

Policy 3.1.9. Redevelopment of the second and third stories of buildings in the Central Business District for residential and commercial uses shall be encouraged.

The subject property is not in the central business district, so this policy does not apply.

Policy 3.3.2 – 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.

The subject property is adjacent to an existing road with existing water mains, and sewer service may be readily extended faster and at lower cost to the city than multi-family land located elsewhere in the city, therefore this policy is satisfied.

Policy 3.3.4 - 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.

The subject property is adjacent to an existing road with existing water mains, and sewer service may be readily extended faster and at lower cost to the city than multi-family land located elsewhere in the city, therefore this policy is satisfied.

Comprehensive Plan Chapter 7 – Public Facilities Plan:

Policy 7.1.2 – Urban public facilities and services shall be extended outside the City Limits through the annexation process.

The proposed zone change is concurrent with an annexation application consistent with this policy.

Policy 7.2.3 – 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.

This policy is implemented by DDC 4.7.030.B.3 which requires such a determination, and is provided herein consistent with this policy.

Conclusion: Given the above information and analysis, Staff finds that the zone change is substantially consistent with the Comprehensive Plan, and satisfies DDC 4.7.030.B.2.

CRITERION:

DDC 4.7.030.B.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.

FINDING:

Finding: Public Facilities – Staff refer to and incorporate the findings under DDC 4.10.030.D on Page 2.

Finding: Public Services – Existing city services, including fire and police protection, and health and recreation services, have adequate capacity to serve the property.

Finding: Transportation Networks – The roadway fronting the property is not improved to city standards, lacking curbs and sidewalks. Infrastructure improvements will need to be assured through conditions of approval, waivers of remonstrance, or other future improvement guarantee. Findings related to the Transportation Planning Rule under Section 4.7.030.B.5 on Page 8 are referenced and incorporated as findings here.

Conclusion: Staff finds that with conditions of approval the property and affected area are or can be served with adequate public facilities and services, and that this criterion is satisfied.

CRITERION:

DDC 4.7.030.B.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.

FINDING:

The proposed zone change to Residential Medium-Density (RM) can be found to be in the public interest, as the Dallas Housing Needs Analysis forecasts that over the next 20-years Dallas will need more RM zoned land than presently exists within city limits. Dallas has also previously been identified as a rent burdened community under ORS 456.586, to which limited supply of housing, specifically rental housing, is logically a contributing factor. Therefore increasing the supply of housing generally, and multi-family zoned land specifically, is in the public interest.

CRITERION:

DDC 4.7.030.B.5 The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.060.

FINDING:

The zone change and subsequent development is predicted to “significantly impact” the Ellendale & Levens intersection, meaning that under OAR-660-012-0060(1)(c)(C) it is predicted to “*Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*”

OAR-660-012-0060(2)(d) allows the “significant impact” to be addressed by recording a development agreement for mitigating the impact. Because the Ellendale & Levens intersection is scheduled for improvement through the City’s capital improvement program in the near future, the most efficient solution is for the developer to pay a proportionate share of the improvement project. The subsequent development of the Owner’s property with 204 apartments, under a future planned proposal, is predicted to generate 6% of the traffic through

the Ellendale & Levens intersection; therefore a recommended condition of approval is to require the developer to enter into a development agreement to pay 6% of the intersection project cost.

RECOMMENDED ACTION

That the planning commission recommend the City Council approve the Annexation and Zone Change application with conditions.

RECOMMENDED CONDITIONS:

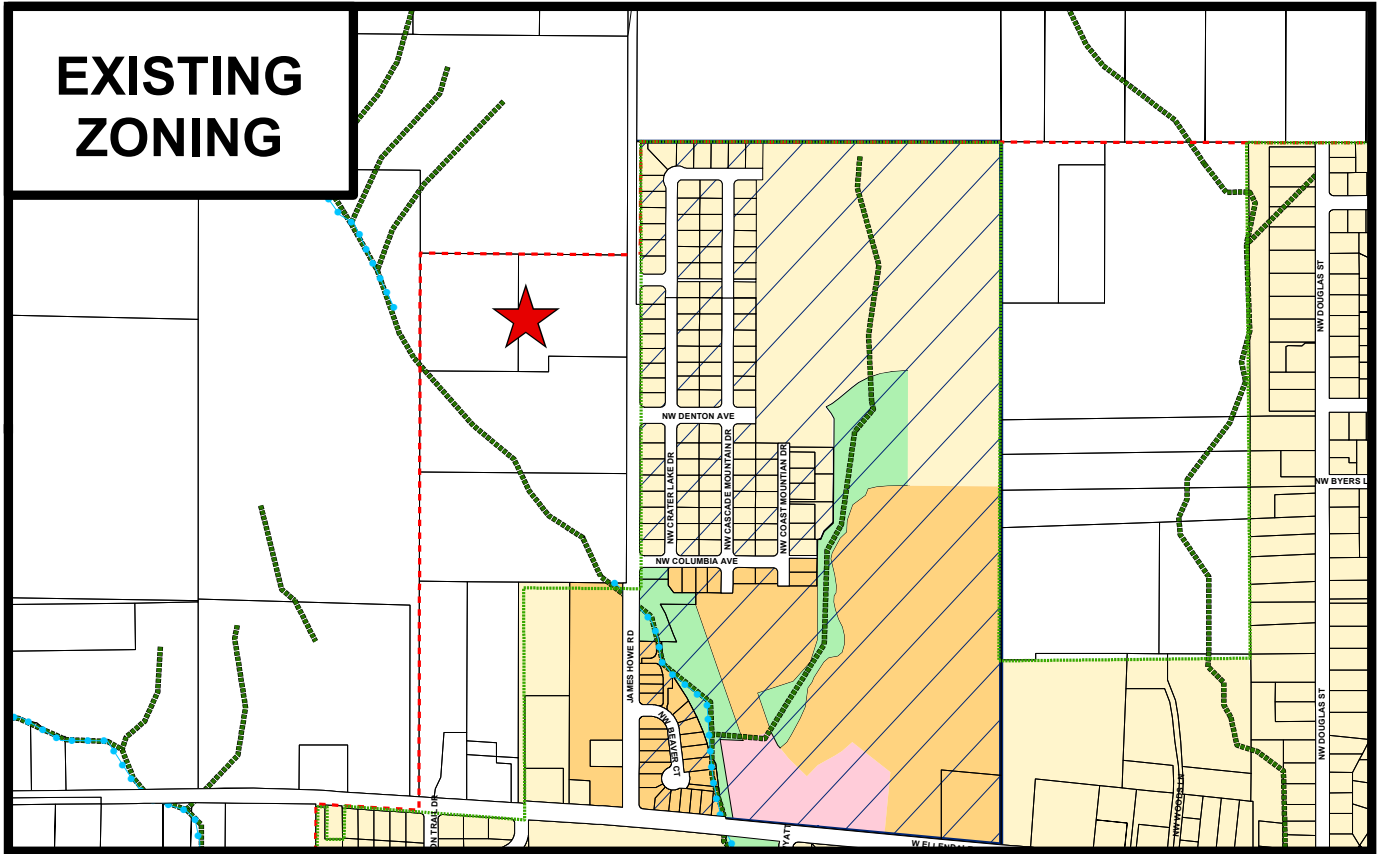
The developer shall enter into a development agreement to pay 6% of the total project costs to improve the intersection of Ellendale & Levens in such a way as to mitigate the significant effect of the proposed zone change.

RECOMMENDED MOTION:



I move to recommend that the City Council approve the annexation of the subject property and approve the zone change to Residential Medium-Density (RM).



EXHIBITS:

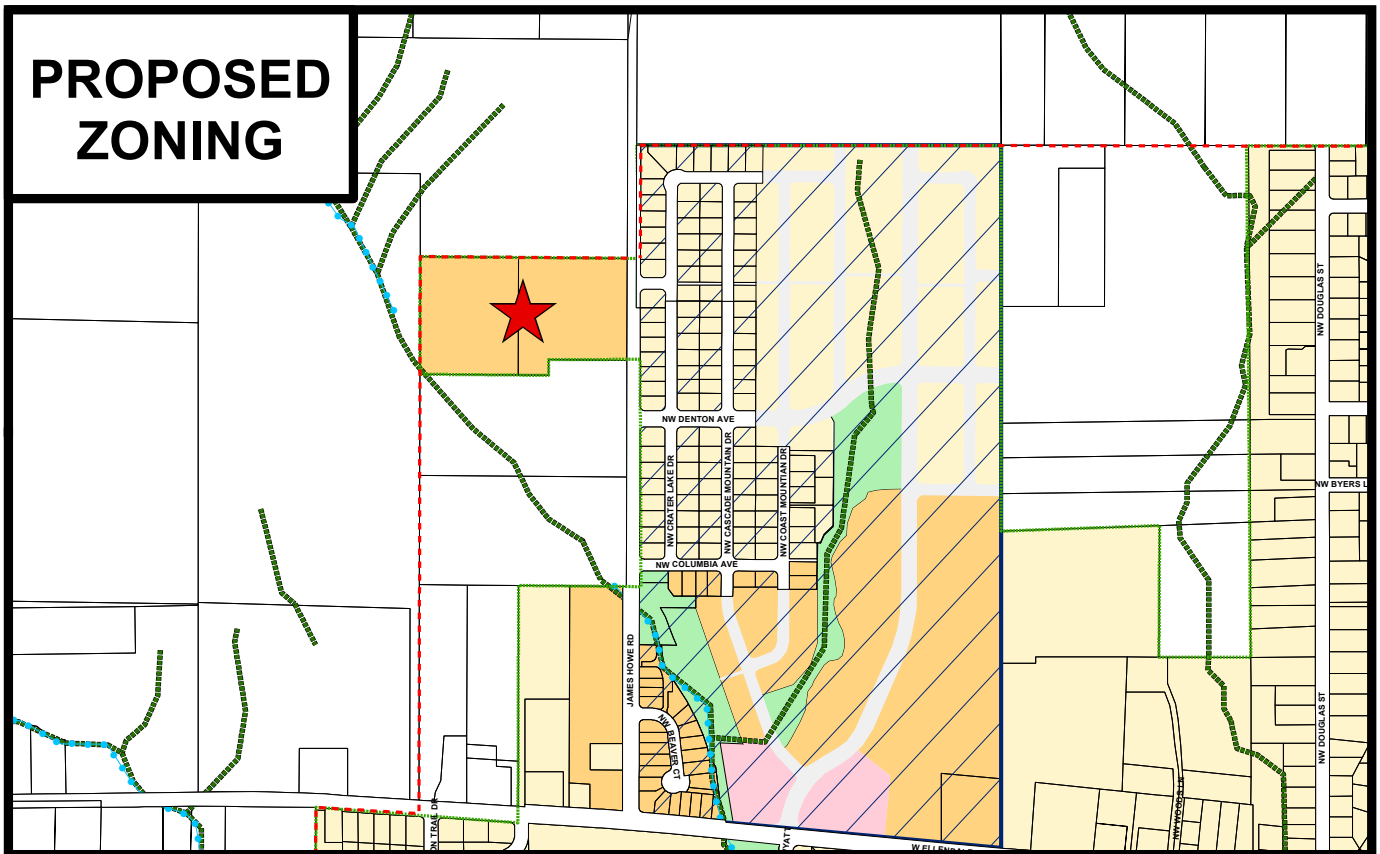
- A. Zoning Map
- B. Applicant's Written Narrative and Plans
- C. Notice of Public Hearing




Rezoning Site

 **RM** Residential Medium Density
 **CN** Neighborhood Commercial

 **RL** Residential Low Density
 **POS** Parks and Open Space





Land Use District Map Change Dallas Planning Department Development Code Type III/IV Review

Official Use Only:

File No.: ZC 24-01

Date: 2/22/2024

Fee: \$5,000 PAID

A change in land use district designations may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law. A change in land use district map designation that involves a Comprehensive Plan map amendment is reviewed and approved by the City Council, upon receiving a recommendation from the Planning Commission. The Planning Commission reviews and makes the final decision on land use district map changes that do not involve Comprehensive Plan map amendments. NOTE: A Pre-application conference is required before a Land Use District Map Change application is submitted. Please return a completed application form with attachments, and the required fee to the City of Dallas Planning Department, City Hall, Second Floor, 187 SE Court Street, Dallas, OR 97338.

Section 1 – Applicant Information

Name(s): DHJ Holdings LLC
Mailing Address: PO Box 1620, Gresham, OR 97030
Email: jeff@tokolaproperties.com
Phone Number: 503-489-0685 Cell Number: 503-213-0023

Section 2 – Property Owner Information (If not applicant)

Property Owner(s): Same as applicant
Mailing Address: _____
Email: _____
Phone Number: _____ Cell Number: _____

Section 3 – Project Description

Site Address: 325 James Howe Road Total Land Area: 10 Acres
Assessor Map/Taxlot No. Tax ID #s 575205 and 162320
Current Zoning: Residential Zoning Overlay Proposed Designation: RM
Comprehensive Plan Amendment Requested?: Yes No
Current Plan Designation: _____ Proposed Plan Designation: _____
Present Use of Property: Vacant Farm Land and SFR and Barn

Section 4 – Application Submittal Information

Please submit one electronic copy (PDF format preferred) and one paper copy of the information listed below:

- Completed application form;**
- Required fee;**

- 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.**
- Written narrative that addresses the relevant criteria contained below:**
 - Approval of the request is consistent with the **Statewide Planning Goals**;
 - Approval of the request is consistent with the **Comprehensive Plan**;
 - 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 to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and
 - 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
 - The amendment conforms to the **Transportation Planning Rule** provisions under Section 4.7.060.
- Other Information** determined by the City Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, environmental features, natural hazards, etc.), in conformance with this Code.

Section 5 – Signatures Required

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:

PROPERTY OWNER(S):  _____ Date: 2/22/2024
 Jeff Edinger, Member DHJ Holdings, LLC _____ Date: _____

APPLICANT(S)  _____ Date: 2/22/2024
 Jeff Edinger, Member DHJ Holdings, LLC _____ Date: _____

Section 6 – Transportation Planning Review (TPR)

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

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

Amendments to the Comprehensive Plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

1. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or
2. Amending the Comprehensive Plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or
4. Amending the planned function, capacity or performance standards of the transportation facility; or
5. Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.

Section 6 – Review and Approval

Official Use Only:

Approved Denied Reason for Denial: _____

Staff Signature: _____

Date: _____



February 22, 2024

Zone Change Application Submittal Information – 325 James Howe Road

Attachments included with this application:

1. Completed Application Form
2. \$5,000 fee for joint Annexation and Zone Change Application
3. Property Deed
4. Boundary Survey and Legal Description
5. Proposed Site Plan
6. TPR Memo/Transportation Analysis dated August 18, 2023
7. Wetlands Delineation Map
8. Services Letter dated February 15, 2024, from Civil Engineer Steve Ward
9. Traffic Impact Analysis dated December 2023

The following is our written narrative addressing the relevant criteria contained in the Application:

A. Approval of the request is consistent with Statewide Planning Goals

Proposed Finding: The Proposed Zone change is consistent with Statewide Planning Goals. Specifically, the approval of a zone change to RM Zoning meets the goals of the following relevant state planning goals:

1. CITIZEN INVOLVEMENT - Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process."

Proposed Finding: The Annexation and Zone Change Application are to be approved by the City Council after no less than two public hearings. City staff shall abide by all notice requirements under state and local law.

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.

Proposed Finding: The proposed zoning for the annexed area is RM which is consistent with the Comprehensive Plan which has a residential zoning overlay on these parcels. The proposed RM zoning is an allowed use per the Comprehensive Plan. No goal exception is requested or required.

5. OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES - Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands.

Proposed Finding: The landowner has identified wetlands on the site and has commissioned a Wetlands Delineation Map (see attached). The wetlands on the site will



be avoided. A site map showing the proposed development and avoidance of the identified wetlands is attached.

6. HOUSING - This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Proposed Finding: The City of Dallas has prepared a Housing Needs Analysis determining the housing needs of the city. Multifamily and workforce housing is a need identified within the City of Dallas and this development will meet those needs.

11. PUBLIC FACILITIES AND SERVICES - Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

Proposed Finding: The City has sufficiently planned for public services to meet the community's needs and has identified adequate services to meet the needs of the proposed development for the subject property. See attached Services Letter dated February 15, 2024, from Civil Engineer Steve Ward.

12. TRANSPORTATION - The goal aims to provide "a safe, convenient and economic transportation system."

Proposed Finding: The landowner has commissioned DKS Associates to complete a TPR Evaluation. This evaluation was completed in August of 2023 and it "determined that the proposed zone change will not create a significant effect on the surrounding transportation system and the TPR is satisfied."

B. Approval of the request is consistent with the Comprehensive Plan

Proposed Finding: Yes, the annexation is consistent with the policies contained in the Comprehensive Plan. Specific Goals and Policies outlined in the Comprehensive Plan that will be met by the zone change are as follows:

Section 3.1.4 Land planned or zoned to allow 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. Land planned or zoned to allow less dense attached middle family dwellings (like tri-plexes, four-plexes and townhomes) shall be located, in whole or in part, within a quarter mile of employment, retail and service centers but does not need to be located adjacent to planned commercial areas, or along arterials and



collector streets. Land planned or zoned for medium density residential is an appropriate transition between land planned or zoned for high density residential and land planned or zoned for low density residential.

Proposed Finding: The proposed zoning for this property is Medium Density Residential and we intend on building multi-family housing on the parcels. The parcels are located on a collector street and the use, and zoning, reflect an appropriate transition between existing and planned development in the area. The goal is satisfied.

Section 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.

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.

Proposed Finding: See attached letter dated February 15, 2024, from Civil Engineer Steve Ward. Adequate Public Facilities exist and are easily available to the subject properties. In addition, the attached TPR Memo and TIA illustrate that adequate transportation facilities exist in the city. This goal is satisfied.

3.4 Innovative Techniques

To ensure that affordable, higher density housing is provided consistent with the conservation of existing neighborhoods and identified natural resources, the following policies shall be implemented through the provisions of the Dallas Development Code:

1. Minimum as well as maximum residential densities shall be required in all residential zones to ensure that buildable residential land within the Dallas UGB is used efficiently and the public costs of providing urban services are minimized. The following minimum densities shall apply to each net buildable acre (i.e., 43,650 square feet of buildable area, exclusive of streets, recreational areas, designated open space and public utilities):

- a) RL 04-09 dwelling units per net buildable acre
- b) RM 06-16 dwelling units per net buildable acre
- c) RH 10-40 dwelling units per net buildable acre All three residential zones (RL, RM, and RH) implement the Comprehensive Plan Map land use designation of Residential.

Proposed Finding: The property is to be zoned RM which is the most efficient use of land in this area of the City. This policy is met by the proposed annexation, zone change, and development.

3.10 Optimize Available Land within the UGB for Medium Density

Results of Housing Needs Analysis of 2019 show the current UGB to contain 680 acres of buildable residential land, and that residential land need is forecasted to be 365 acres for the next 20 years. While Dallas has a surplus of available land within UGB that is planned for residential, the recommended forecast method shows Dallas to be deficient in medium



density housing types. To ensure medium density housing is provided, Dallas should consider the following policies:

1. Consider legislative zoning map amendments to the official zoning map that allow some RL zoned properties within the UGB to become RM, consistent with siting policies.
2. Encourage a mix of housing types in RM and RH zones.

Proposed Finding: The property is to be zoned RM and we plan on building medium density rental product which is undersupplied in the City. This product type will create workforce housing and will meet the needs of residents that are unable, or choose not to own a home. This policy is satisfied with the annexation and proposed development.

- C. The property and affected area are presently provided with adequate public facilities, services and transportation networks** to support the use, or such 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.

Proposed Finding: See attached letter dated February 15, 2024, from Civil Engineer Steve Ward. The City of Dallas, in response to questions submitted in a pre-application meeting that occurred on October 19, 2023 (PRE 23-15), has indicated that there are adequate Water Sewer and Storm facilities to service the property.

Water: there is a 12" ductile iron water main in front of the subject property in James Howe Road. This line has more than adequate capacity to serve the property and its intended use.

Sewer: there is a 10" PVC sewer main at the intersection of James Howe Road and Columbia Road which is large enough and deep enough for the development to connect to and has adequate capacity to serve the property and its intended use. The developer will be responsible for the cost to construct and connect this sewer from the subject property to the connection point in James Howe Road.

Storm: A storm facility will be constructed on site to manage the flow and rate of water leaving the site. Forestry Creek flows through the SW corner of the property and is the natural drainage for this site.

Traffic: The landowner has commissioned DKS Associates to complete a Traffic Impact Analysis. This TIA was completed in December of 2023 and identifies adequate facilities to meet the needs of this development or improvements and cost sharing measures to meet any deficiencies. The TIA identifies mitigation measures, and the applicant agrees to participate in mitigating those measures.

- D. 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.



Proposed Finding: The zone change to RM is simply a classification within the Residential Overlay defined and classified in the Comprehensive Plan and Map. The Comprehensive Plan has already identified that residential zoning for the subject property is in the public interest with regard to community conditions and the developer is further defining what type of residential zoning best meets the community's needs.

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

Proposed Finding: Please see the attached TPR Memo/Transportation Analysis dated August 18, 2023, and the attached Traffic Impact Analysis dated December 2023 which shows that the amendment conforms to the Transportation Planning Rule provisions under Section 4.7.060.



Annexation Application

Dallas Development Code 4.10

Application Fee - \$2000 for one acre or less
\$3000 for more than one acre

Official Use Only
ANX- <u>24-02</u>
Rec. <u>2/22/24</u>

Applicant's Name

Mailing Address

Phone

Email

Property Address

No address

Assessor Map & Taxlot
(if no existing address)

Property Size (acres)

Submit with the application the materials listed on page 2, including site plan and property deed, and a zone change application.

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:

Applicant's Signature

Date

Property Owner Signature
(optional)

Date

Step 1

Please submit payment in the amount stated above:

Finance Department
187 SE Court Street
Dallas, OR 97338
503-831-4060



Step 2

Please return completed form and receipt to:

Planning Department
187 SE Court Street
Dallas, OR 97338
503-831-3571
planning@dallasor.gov

For Official Use Only

Approved

Ordinance #

Denied

Reason for Denial

Annexation Application

Dallas Development Code Chapter 4.10

4.10.015 Procedure

All annexations shall be processed in the same manner as a Type IV procedure, with the exception that the requirements of state law regarding annexations shall be met.

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.
- b. Agreement to deposit an amount sufficient to retire any outstanding indebtedness of special districts defined in ORS 222.510.
- 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.
- d. Written findings addressing the criteria in 4.10.030.
- e. Application by the property owner for a zone change and Comprehensive Plan amendment.
- f. The required fee set by resolution of the City Council.

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.



February 22, 2024

Annexation Application Submittal Information – 325 James Howe Road

Annexation Application Requirements and Responses to those Requirements

Attachments included with this application:

1. Completed Application Form
2. \$5,000 fee for joint Annexation and Zone Change Application
3. Property Deed
4. Boundary Survey and Legal Description
5. Proposed Site Plan
6. TPR Memo/Transportation Analysis dated August 18, 2023
7. Wetlands Delineation Map
8. Services Letter dated February 15, 2024, from Civil Engineer Steve Ward
9. Traffic Impact Analysis dated December 2023

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

Proposed Finding: With the completion and execution of the City Annexation Application we consent to Annexation. We have some concern with the language “non-revocable”. It is our understanding that completeness requirements are not a basis for approval or denial of a land use application. If a non-revocable condition is required, we request that the City provide a form for granting the City a nonrevocable consent to annexation together with a summary of the authority for this provision and an explanation of the nexus between a legitimate state interest and the requirement that an applicant waive its right of remonstrance.

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

Proposed Finding: If this section is applicable, we request more information regarding this deposit requirement. It is our understanding that completeness requirements are not a basis for approval or denial of a land use application. ORS 222.510 applies to the annexation of an “entire area” of a service district and the extinguishment of such district. With this in mind, we don’t believe that ORS 222.510 is applicable to this application.

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.

Proposed Finding: Please see the attached boundary survey and legal description identified as Applicant Exhibit No. 4.



D. Written findings addressing the criteria in 4.10.030.

Proposed Finding: Please see Applicant’s proposed findings of fact below under “4.10.030 Approval Criteria.”

E. Application by the property owner for a zone change and Comprehensive Plan amendment.

Proposed Finding: Please see attached application for Land Use District Map Change.

F. The required fee set by resolution of the City Council.

Proposed Finding: Included with this application is a fee of \$5,000, which covers the cost of the joint Annexation Application and Zone/Land Use Change Application.

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.

Proposed Finding: The Subject Property is located within the City’s urban growth boundary and is contiguous with the existing City boundary on James Howe Road. The annexation is proposed by the property owner. Upon annexation, by operation of law and pursuant to this joint application, the Subject Property shall be subject to the City’s comprehensive plan. The City may process this annexation without voter approval under either ORS 222.120(4)(b) or ORS 222.127(2).

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.

Proposed Finding: Yes, the land is located 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.

Proposed Finding: The proposed zoning for the annexed parcels is RM and is consistent with, and meets the needs of, the Comprehensive Plan. The City of Dallas Comprehensive Plan Map designates these parcels as residential. The proposed RM zoning the applicant is seeking is an allowed and desired use per the Comprehensive Plan.

Specific Goals and Policies outlined in the Comprehensive Plan that will be met by the annexation are as follows:



Section 3.1.4 Land planned or zoned to allow 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. Land planned or zoned to allow less dense attached middle family dwellings (like tri-plexes, four-plexes and townhomes) shall be located, in whole or in part, within a quarter mile of employment, retail and service centers but does not need to be located adjacent to planned commercial areas, or along arterials and collector streets. Land planned or zoned for medium density residential is an appropriate transition between land planned or zoned for high density residential and land planned or zoned for low density residential.

Proposed Finding: The proposed zoning for this property is Medium Density Residential and we intend on building multi-family housing on the parcels. The parcels are located on a collector street and the use, and zoning, reflect an appropriate transition between existing and planned development in the area. The goal is satisfied.

Section 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.

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.

Proposed Finding: See attached letter dated February 15, 2024, from Civil Engineer Steve Ward. Adequate Public Facilities exist and are easily available to the subject properties. In addition, the attached TPR Memo and TIA illustrate that adequate transportation facilities exist in the city. This goal is satisfied.

3.4 Innovative Techniques

To ensure that affordable, higher density housing is provided consistent with the conservation of existing neighborhoods and identified natural resources, the following policies shall be implemented through the provisions of the Dallas Development Code:

1. Minimum as well as maximum residential densities shall be required in all residential zones to ensure that buildable residential land within the Dallas UGB is used efficiently and the public costs of providing urban services are minimized. The following minimum densities shall apply to each net buildable acre (i.e., 43,650 square feet of buildable area, exclusive of streets, recreational areas, designated open space and public utilities):

- a) RL 04-09 dwelling units per net buildable acre
 - b) RM 06-16 dwelling units per net buildable acre
 - c) RH 10-40 dwelling units per net buildable acre
- All three residential zones (RL, RM, and RH) implement the Comprehensive Plan Map land use designation of Residential.

Proposed Finding: The property is to be zoned RM which is the most efficient use of land in this area of the City. This policy is met by the proposed annexation, zone change, and development.



3.10 Optimize Available Land within the UGB for Medium Density

Results of Housing Needs Analysis of 2019 show the current UGB to contain 680 acres of buildable residential land, and that residential land need is forecasted to be 365 acres for the next 20 years. While Dallas has a surplus of available land within UGB that is planned for residential, the recommended forecast method shows Dallas to be deficient in medium density housing types. To ensure medium density housing is provided, Dallas should consider the following policies:

1. Consider legislative zoning map amendments to the official zoning map that allow some RL zoned properties within the UGB to become RM, consistent with siting policies.
2. Encourage a mix of housing types in RM and RH zones.

Proposed Finding: The property is to be zoned RM and we plan on building medium density rental product which is undersupplied in the City. This product type will create workforce housing and will meet the needs of residents that are unable, or choose not to own a home. This policy is satisfied with the annexation and proposed development.

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

Proposed Finding: Yes, the land is 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.

Proposed Finding: Please see attached Services Letter dated February 15, 2024 from Civil Engineer Steve Ward. Per the City of Dallas, in response to questions submitted in a pre-application meeting that occurred on October 19, 2023 (PRE 23-15), There is adequate City facilities to service the property.

Water: there is a 12" ductile iron water main in front of the subject property in James Howe Road. This line has more than adequate capacity to serve the property and its intended use.

Sewer: there is a 10" PVC sewer main at the intersection of James Howe Road and Columbia Road which is large enough and deep enough for the development to connect to and has adequate capacity to serve the property and its intended use. The developer will be responsible for the cost to construct and connect this sewer from the subject property to the connection point in James Howe Road.

Storm: A storm facility will be constructed on site to manage the flow and rate of water leaving the site. Forestry Creek flows through the SW corner of the property and is the natural drainage for this site.



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

Proposed Finding: Yes, the annexation is consistent with the policies contained in the Comprehensive Plan. See Section B Above and Section B of the Zone Change Application for an Explanation of findings. In general the proposed annexation, zoning, and multi-family development meets the goals of 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.

Proposed Finding: N/A - The subject property is not located within a Mixed-Use Node.

Attachment No. 4

EXHIBIT A

Legal description for:
Annexation to the City of Dallas, Oregon

A tract of land situated in the northeast one-quarter of Section 30, Township 7 South, Range 5 West of the Willamette Meridian, Polk County, Oregon, said tract of land being Parcel 1 and Parcel 2 of Partition Plat 2012-10, Book of Partition Plats for Polk County, Oregon, the overall boundary of said Parcels being more particularly described as follows:

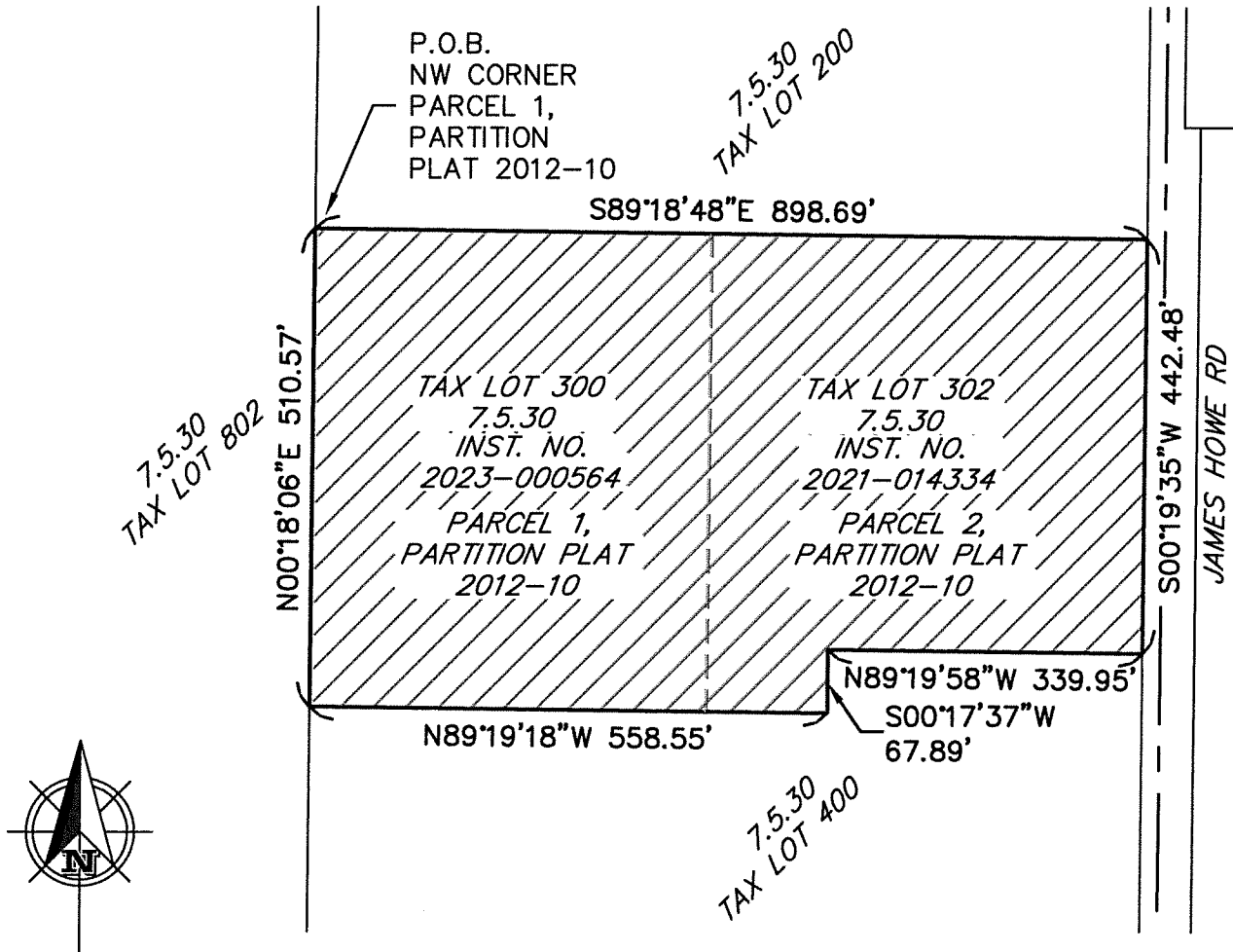
Beginning at the northwest corner of the aforementioned Parcel 1, said corner being marked by a 5/8" iron rod with a yellow plastic cap stamped "RICHARDSON PLS 1038"; and running thence:
South 89°18'48" East 898.69 feet to a like monument, said monument being on the westerly right of way of James Howe Road;
thence South 00°19'35" West 442.48 feet along said westerly right of way to a like monument;
thence leaving said westerly right of way, North 89°19'58" West 339.95 feet to a like monument;
thence South 00°17'37" West 67.89 feet to a like monument;
thence North 89°19'18" West 558.55 feet to a like monument;
thence North 00°18'06" East 510.57 feet to the Point of Beginning, containing 10.00 acres of land, more or less.

Bearings based on the Oregon Coordinate Reference System (OCRS), Salem Zone, NAD83 (Epoch 2010.00)



EXPIRES: 6-30-24

EXHIBIT B



LEGEND

P.O.B. – POINT OF BEGINNING

ANNEXATION TO
THE CITY OF
DALLAS, OREGON



AREA OF ANNEXATION
10.00 ACRES

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gregory L. Wilson

OREGON
JULY 19, 1994
GREGORY L. WILSON
2687

EXPIRES: 6/30/2024

BARKER SURVEYING
3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800

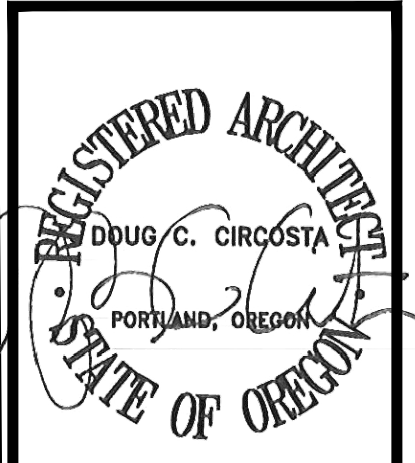
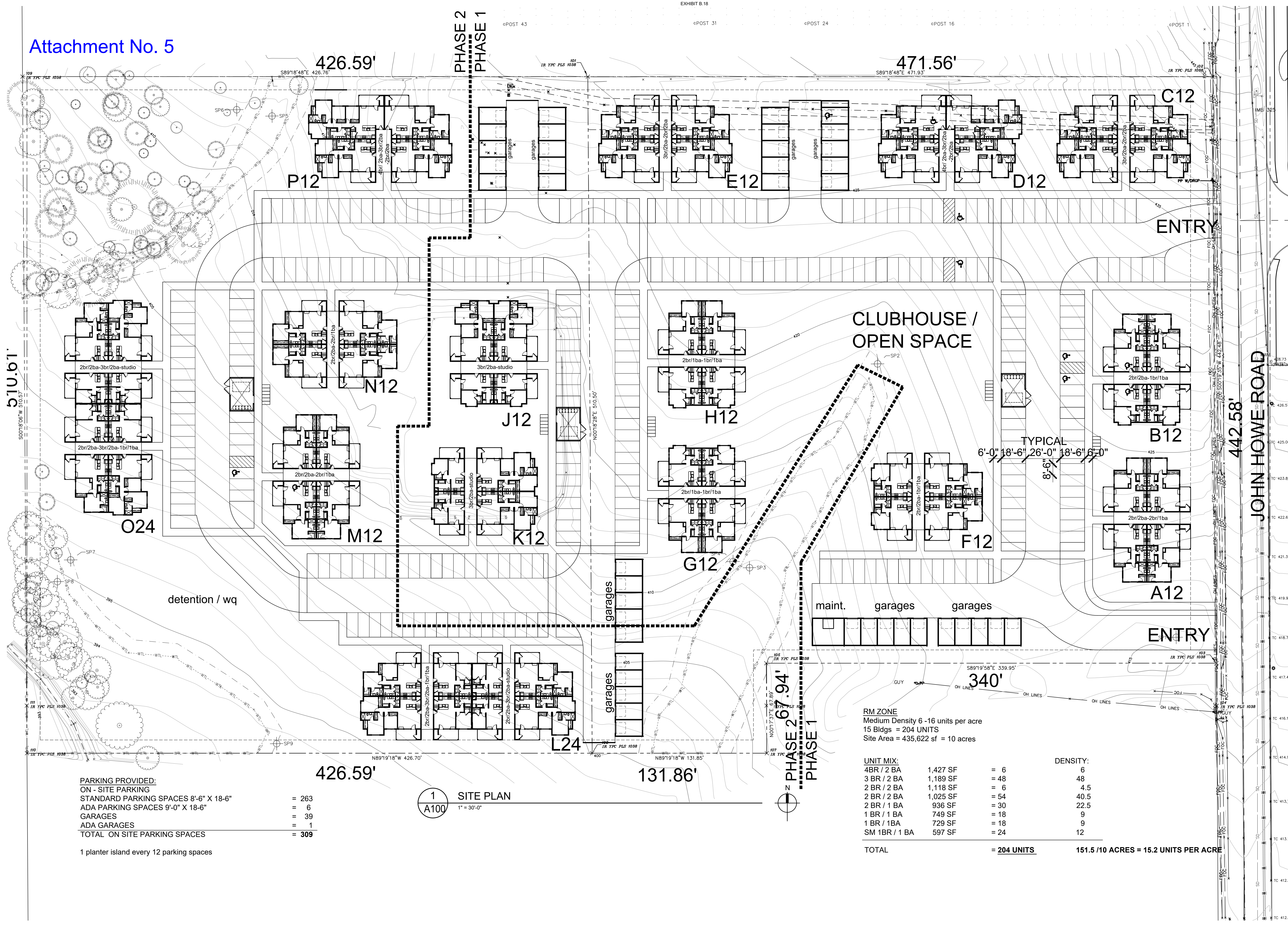
DATE: 02/08/2024
DRAWN BY GL



OWNER
TOKOLA PROPERTIES, INC.
1700 NW CIVIC DR.
GRESHAM, OR 97030

LOCATED IN THE
N.E. 1/4 SEC. 30,
T. 7 S., R. 5 W., W.M.,
POLK COUNTY, OREGON

Attachment No. 5



© 2024
 Doug Circosta, Architect
 503-730-6908
 14670 SW Forest Drive
 Beaverton, OR 97007

TOKOLA - DALLAS APARTMENTS
 JOHN HOWE ROAD
 DALLAS, OREGON

job no.: 2408
 date: 2/18/2024

SITE PLAN

A100

PARKING PROVIDED:
 ON - SITE PARKING = 263
 STANDARD PARKING SPACES 8'-6" X 18'-6" = 6
 ADA PARKING SPACES 9'-0" X 18'-6" = 39
 GARAGES = 1
 ADA GARAGES = 1
 TOTAL ON SITE PARKING SPACES = 309

1 planter island every 12 parking spaces

1 SITE PLAN
 A100 1" = 30'-0"

RM ZONE
 Medium Density 6 -16 units per acre
 15 Bldgs = 204 UNITS
 Site Area = 435,622 sf = 10 acres

UNIT MIX:	SF	Count
4BR / 2 BA	1,427 SF	= 6
3 BR / 2 BA	1,189 SF	= 48
2 BR / 2 BA	1,118 SF	= 6
2 BR / 2 BA	1,025 SF	= 54
2 BR / 1 BA	936 SF	= 30
1 BR / 1 BA	749 SF	= 18
1 BR / 1 BA	729 SF	= 18
SM 1BR / 1 BA	597 SF	= 24

DENSITY:	Count
6	6
4.5	48
40.5	40.5
22.5	22.5
9	9
9	9
12	12

TOTAL = 204 UNITS 151.5 /10 ACRES = 15.2 UNITS PER ACRE



TRANSPORTATION ANALYSIS

DATE: August 18, 2023

TO: Jeff Edinger | Tokola Properties Inc.

FROM: Jenna Bogert, P.E. | DKS Associates

SUBJECT: Dallas Multifamily Development
 Transportation Planning Rule (TPR) Evaluation Project #24257-000

INTRODUCTION

This memorandum provides an evaluation of the Transportation Planning Rule (TPR) for the subject property located at 325 James Howe Road in Dallas, Oregon. This property is currently located outside of the city limits but will be annexed into the city as part of the land use action. The property is currently within the City’s urban growth boundary (UGB). The property will require a zone change from Suburban Residential Zone (Polk County) to Residential Medium Density (City of Dallas).

The proposed zone change must be in accordance with Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR). The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses.

TRANSPORTATION PLANNING RULE (TPR) EVALUATION

Per OAR 660-012-0060, Section (9), a zoning map amendment would not significantly affect an existing or planned transportation facility if all of the following requirements are met:

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

This requirement is met since the proposed Residential Medium Density zoning is consistent with the City’s Comprehensive Plan Map designation of Residential.

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

This requirement is met since the City of Dallas has an acknowledged TSP and the

proposed Residential Medium Density zoning is consistent with the TSP assumptions.

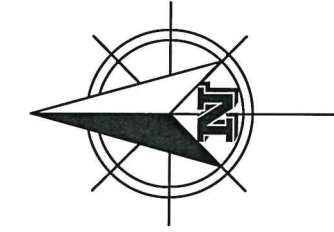
(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

This requirement is met as the area was included in the City's urban growth boundary at the time of the City's current TSP adoption.

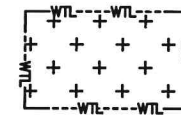
Because all of the above listed requirements are met, it is determined that the proposed zone change will not create a significant effect on the surrounding transportation system and the TPR is satisfied.

(1 OF 2)

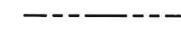
WETLAND DELINEATION MAP



SCALE: 1" = 60'
DATE: 6/19/2023



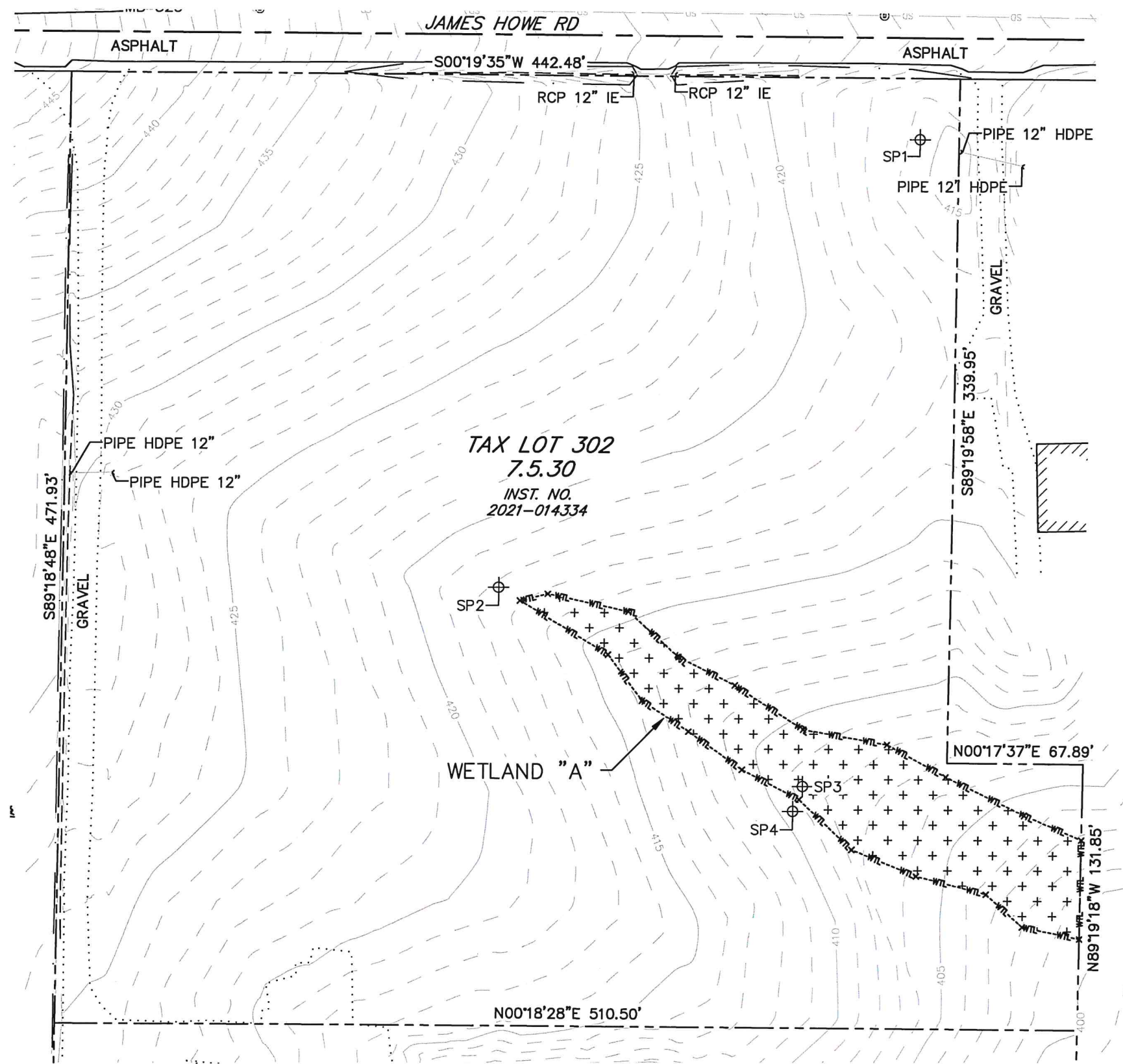
WETLAND "A" AREA=
11,411 SF/0.26 ACRES



STUDY AREA BOUNDARY=
TAX LOT 302 - 7.5.30
219,602 SF/5.0 ACRES



SAMPLE PLOT



TAX LOT 302
7.5.30
INST. NO.
2021-014334

WETLAND "A"

SEE SHEET 2

WETLAND AREA WERE FIELD
SURVEYED WITH A TRIMBLE
R12i (GPS-OREGON
COORDINATE REFERENCE
SYSTEM-NGVD29) TO AN
ACCURACY OF 0.1 FEET

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
JANUARY 10, 2023
BRAD ROBERT HARRIS
96889PLS

EXPIRES: 6/30/2025

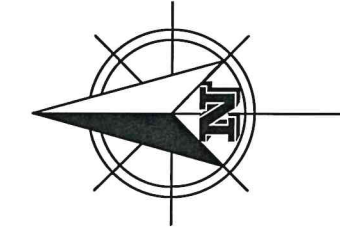


**BARKER
SURVEYING**

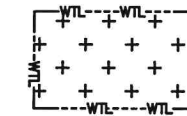
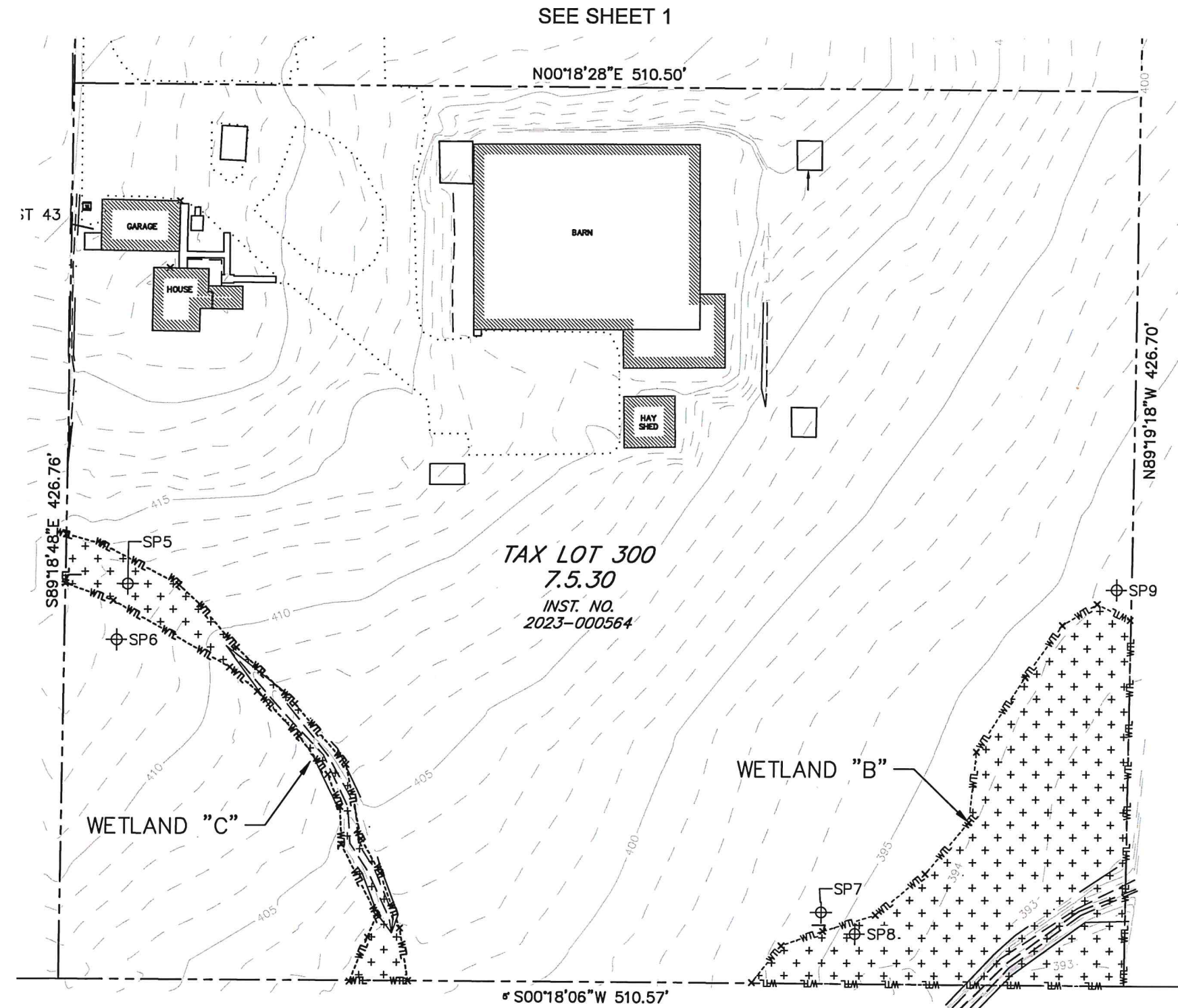
3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800
FAX (503) 363-2469
EMAIL: BRAD@BARKERWILSON.COM

(2 OF 2)

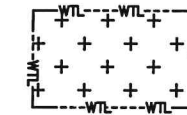
WETLAND DELINEATION MAP



SCALE: 1" = 60'
DATE: 6/19/2023



WETLAND "B" AREA=
15,381 SF/0.35 ACRES



WETLAND "C" AREA=
3,727 SF/0.08 ACRES

STUDY AREA BOUNDARY=
TAX LOT 300 - 7.5.30
217,856 SF/5.0 ACRES

SP # SAMPLE PLOT

WETLAND AREA WERE FIELD SURVEYED WITH A TRIMBLE R12i (GPS-OREGON COORDINATE REFERENCE SYSTEM-NGVD29) TO AN ACCURACY OF 0.1 FEET

REGISTERED PROFESSIONAL LAND SURVEYOR

PRELIMINARY

OREGON
JANUARY 10, 2023
BRAD ROBERT HARRIS
96889PLS

EXPIRES: 6/30/2025



3657 KASHMIR WAY SE
SALEM, OREGON 97317
PHONE (503) 588-8800
FAX (503) 363-2469
EMAIL: BRAD@BARKERWILSON.COM



WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS & PLANNERS

February 15, 2024

Mr. Jeff Edinger
Vice President
Tokola Properties Inc.
1700 NW Civic Drive, Suite 220
Gresham, OR 97030

RE: Tokola Properties James Howe Road Development

Dear Jeff,

Per your request, this letter is to document adequate City facilities can and will be provided to and through the subject property, including water, sanitary sewer, and storm drainage.

Proposed Finding: Per the City of Dallas, in response to questions submitted in a pre-application meeting that occurred on October 19, 2023 (PRE 23-15), There is adequate City facilities to service the property. Please see the attached City Memo dated November 27, 2023.

Water: There is a 12" ductile iron water main in front of the subject property in James Howe Road. This line has more than adequate capacity to serve the property and its intended use.

Sewer: There is a 10" PVC sewer main at the intersection of James Howe Road and Columbia Road which is large enough and deep enough for the development to connect to and has adequate capacity to serve the property and its intended use. The developer will be responsible for the cost to construct and connect this sewer from the subject property to the connection point in James Howe Road.

Storm: A storm facility will be constructed on site to manage the flow and rate of water leaving the site. Forestry Creek flows through the SW corner of the property and is the natural drainage for this site. Stormwater detention will be provided in the SW corner of the property per City Standards.

Please call if you have any questions or need any additional information.

Sincerely,
Westech Engineering

A handwritten signature in black ink, appearing to read 'Steven A Ward', is written over a horizontal line. The signature is fluid and cursive.

Steven A Ward PE

DALLAS MULTIFAMILY DEVELOPMENT TRAFFIC IMPACT ANALYSIS (TIA)

DECEMBER 2023



PREPARED FOR

TOKOLA PROPERTIES INC.

Jeff Edinger

PREPARED BY

DKS ASSOCIATES

Jenna Bogert, PE
Harrison Steiger



117 COMMERCIAL STREET NE, SUIT



EXPIRES: DEC. 31, 2023

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INTRODUCTION

This study evaluates the transportation impacts associated with the proposed multifamily development located west of SW James Howe Road and north of Ellendale Avenue in Dallas, Oregon. The proposed development is a 204-unit multifamily housing development on a 10-acre site. There are 13 buildings with 12 units each and 2 buildings with 24 units each, for a proposed total of 15 buildings. This project will be built in 2 phases. The first phase will construct 120 units and the second phase will construct the remaining 84 units.

The proposed site plan proposes two access points onto SW James Howe Road. The project site is currently located outside of the city limits but will be annexed into the city as part of the land use action.

The purpose of this transportation study is to conduct a traffic impact analysis (TIA), which will identify any potential mitigation measures that might be needed to offset transportation impacts that the proposed development may have on the nearby transportation network in the near-term.

TRAFFIC IMPACT ANALYSIS (TIA)

The traffic impact analysis is focused on six intersections which were selected for evaluation based on previous traffic studies in the vicinity of the project area. The intersections are listed below and shown in Figure 1. Important characteristics of the study area and proposed project are listed in Table 1.

1. W Ellendale Avenue / James Howe Road
2. W Ellendale Avenue / SW Wyatt Street
3. W Ellendale Avenue / NW Douglas Street
4. W Ellendale Avenue / SW Levens Street
5. W Ellendale Avenue / NW Jasper Street
6. NE Kings Valley Highway / W Ellendale Avenue

TABLE 1: STUDY AREA & DEVELOPMENT CHARACTERISTICS

STUDY AREA	
NUMBER OF STUDY INTERSECTIONS	Six intersections
ANALYSIS PERIODS	Weekday AM peak hour (one hour between 7am – 9am) Weekday PM peak hour (one hour between 4pm – 6pm)
PROPOSED DEVELOPMENT	
PROPOSED LAND USE	Multifamily Residential
PROJECT TRIPS	86 (21 in, 65 out) AM peak hour trips 108 (68 in, 40 out) PM peak hour trips
VEHICULAR ACCESS POINTS	Two proposed access points from James Howe Rd



FIGURE 1: STUDY AREA

EXISTING CONDITIONS

This chapter provides documentation of existing study area conditions, including the study area roadway network, pedestrian and bicycle facilities, and existing traffic volumes and operations.

STUDY AREA ROADWAY NETWORK

Key roadways and their existing characteristics in the study area are summarized in Table 2. The functional classifications for City of Dallas streets are provided in the City of Dallas Transportation System Plan (TSP).¹

TABLE 2: STUDY AREA ROADWAY CHARACTERISTICS

ROADWAY	JURISDICTION	CLASSIFICATION	NUMBER OF LANES	POSTED SPEED	SIDEWALKS	BIKE LANES
NE KINGS VALLEY HIGHWAY	ODOT	District Highway	2	30 mph	Yes	Yes
W ELLENDALE (EAST OF NE KINGS VALLEY HWY)	ODOT	District Highway	2	35 mph	Yes	Yes
W ELLENDALE (WEST OF NE KINGS VALLEY HWY)	City of Dallas	Collector	2	25 mph ^a	Partial ^b	Partial ^c
NW JASPER STREET	City of Dallas	Collector	2	25 mph	Yes	No
SW LEVENS STREET	City of Dallas	Minor Arterial	2	25 mph	Yes	No
NW DOUGLAS STREET	City of Dallas	Collector	2	25 mph	Yes	No
SW WYATT STREET	City of Dallas	Collector	2	25 mph	Partial ^d	No
SW JAMES HOWE ROAD	City of Dallas	Collector	2	25 mph	Yes	Yes

^a W Ellendale Posted Speed 35 mph west of SW River Drive

^b Gaps in sidewalks along south side of W Ellendale between NW Jasper Street to SW Levens Street

^c No bike lanes on W Ellendale Avenue west of NW Jasper Street to SW River Drive

^d Gaps in sidewalk along east side of SW Wyatt Street

¹ Dallas Transportation System Plan, City of Dallas and the Oregon Department of Transportation, December 2008

Bicycle and Pedestrian Facilities

Bike lanes and sidewalks currently exist along NE Kings Valley Highway and W Ellendale Avenue with the exception of a gap in bicycle facilities on W Ellendale Avenue between SW River Drive and NW Jasper Street. The other study area roadways include sidewalks but no bike lanes. At W Ellendale Avenue/NE Douglas Street there are no pedestrian ramps on the northeast corner of the intersection. There is a new multi-use path along the east side of James Howe Rd that extends north of Denton Ave.

The NE Kings Valley Highway/W Ellendale Avenue signalized intersection provides marked pedestrian crosswalks at all approaches with pushbuttons and countdown timers for all crossings. The W Ellendale Avenue/NW Jasper Street unsignalized intersection includes a marked crosswalk on the north leg and the east leg. At W Ellendale Avenue/SW Levens Street the pedestrian crossing facilities are located approximately 200 feet back from the intersection on each leg. To the north of the intersection is a sidewalk that connects with Dallas Retirement Village. West of NW Hillcrest Drive there are no marked midblock or intersection crossing locations.

Public Transit Service

Cherriots provides weekday public transit service to Dallas. The nearest transit stop to the project site is approximately 2 miles away at the Dallas Walmart.

PLANNED PROJECTS

The following is a list of projects within the study area that are identified in the City of Dallas' Transportation System Plan (TSP) and have not yet been completed²

- Wyatt Node Connections: Extend SW Wyatt St north to city boundary (or Webb Rd) and create east-west connector road from James Howe Rd to NW Denton Ave and Fairhaven Ln.
- W Ellendale Ave / SW Levens St: Add signal
- W Ellendale Ave / SW James Howe Rd: Add SB left turn pocket
- W Ellendale Ave: Strip bicycle lanes from western city limits to eastern city limits.
- W Ellendale Ave: Construct new sidewalk on north side of roadway from Wyatt St to western city limits and widen sidewalk between LaCreole Dr and Levens St, possible buffering with landscaping.
- W Ellendale Ave / SW Levens St: Improve pedestrian safety with various treatments, including raised medians, marked crosswalks, illumination.

EXISTING TRAFFIC VOLUMES

New intersection turning movement count data was collected during the weekday AM (7:00am – 9:00am) and PM peak period (4:00pm – 6:00pm) on Tuesday, September 12th, 2023, at the study intersections. A seasonal adjustment factor of 1.045 was applied to the PM peak hour volumes to

² City of Dallas Transportation System Plan – Chapter 4. CH2MHill. December 1, 2008

represent the 30th Highest Hourly Volumes (30HV). See the appendix for details on the seasonal adjustment factor calculations. No adjustment factors were applied to the AM peak hour volumes.

Figure 2 shows the adjusted Existing PM peak hour traffic volumes for the study intersections, along with the lane configurations and traffic control.

INTERSECTION PERFORMANCE MEASURES

Agency mobility standards often require intersections to meet level of service (LOS) or volume-to-capacity (v/c) intersection operation thresholds.

- The intersection LOS is similar to a “report card” rating based upon average vehicle delay. Level of service A, B, and C indicate conditions where traffic moves without significant delays over periods of peak hour travel demand. Level of service D and E are progressively worse operating conditions. Level of service F represents conditions where average vehicle delay has become excessive and demand has exceeded capacity. This condition is typically evident in long queues and delays.
- The volume-to-capacity (v/c) ratio represents the level of saturation of the intersection or individual movement. It is determined by dividing the peak hour traffic volume by the maximum hourly capacity of an intersection or turn movement. When the V/C ratio approaches 0.95, operations become unstable and small disruptions can cause the traffic flow to break down, resulting in the formation of excessive queues.

The City of Dallas requires study intersections on public streets to meet its minimum acceptable volume to capacity (v/c) standard of $v/c < 0.85$ during the AM or PM peak hour³. ODOT’s Oregon Highway Plan operating standard for intersections along OR223 (Kings Valley Highway) within the city is a v/c ratio of 0.95.⁴

³ City of Dallas Development Code – Section 3.4.010

⁴ Oregon Highway Plan – Table 6: Volume to Capacity Ratio Targets for Peak Hour Operating Conditions

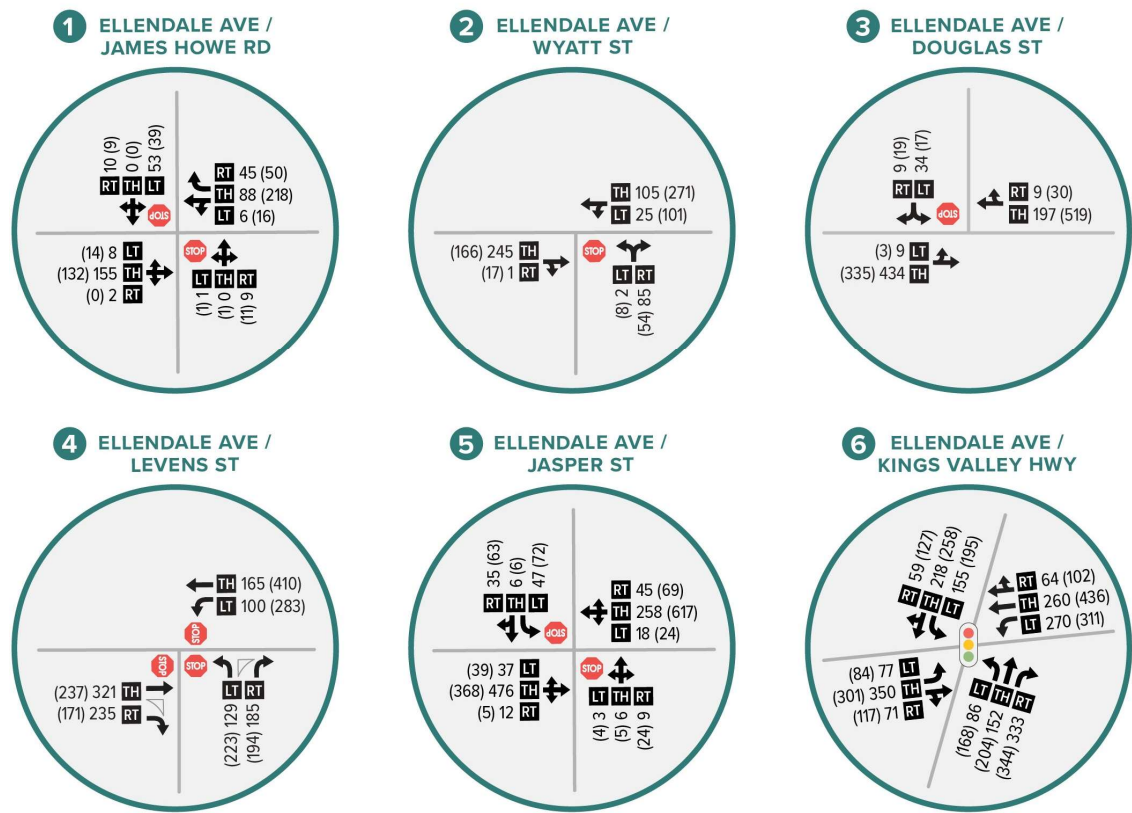


FIGURE 2: EXISTING AM (PM) PEAK HOUR TRAFFIC VOLUMES

EXISTING INTERSECTION OPERATIONS

Intersection operations were analyzed for the AM and PM peak hour at all study intersections for the existing conditions using Highway Capacity Manual (HCM) 6th Edition methodology.⁵ The volume to capacity (v/c) ratio, delay, and level of service (LOS) of each study intersection are listed in Table 3. As shown, the Ellendale Ave / Levens St intersection does not meet the operating standard during the PM peak hour under existing conditions.

TABLE 3: EXISTING (2023) INTERSECTION OPERATIONS

INTERSECTION	OPERATING STANDARD	AM PEAK HOUR			PM PEAK HOUR		
		V/C	DELAY	LOS	V/C	DELAY	LOS
SIGNALIZED							
NE KINGS VALLEY HWY / ELLENDALE AVE	0.95 v/c ratio	0.77	32.9	C	0.80	40.8	D
UNSIGNALIZED							
W ELLENDALE AVE / JAMES HOWE RD	0.85 v/c ratio	0.12	12.2	B	0.09	13.2	B
W ELLENDALE AVE / SW WYATT ST	0.85 v/c ratio	0.01	12.8	B	0.03	15.6	C
W ELLENDALE AVE / NW DOUGLAS ST	0.85 v/c ratio	0.11	16.3	C	0.07	19.2	C
W ELLENDALE AVE / SW LEVENS ST	0.85 v/c ratio	0.69	15.7	C	0.89	25.7	D
W ELLENDALE AVE / NW JASPER ST	0.85 v/c ratio	0.34	37.6	E	0.63	74.9	F
SIGNALIZED INTERSECTION: Delay = Average Intersection Delay (secs) v/c = Total Volume-to-Capacity Ratio LOS = Total Level of Service		STOP-CONTROLLED INTERSECTION: Delay = Critical Movement Delay (secs) v/c = Critical Movement Volume-to-Capacity Ratio LOS = Critical Level of Service			BOLD = DOES NOT MEET OPERATING STANDARD		

⁵ Highway Capacity Manual, 6th Edition, Transportation Research Board, 2017.

CRASH ANALYSIS

Crash data was obtained for the five most recent years of available data (2017-2021) at the study intersections. A total of 60 crashes were reported. One fatal crash and one serious injury (A) were reported during that time period. The fatal crash involved a vehicle failing to yield at the W Ellendale Ave / Jasper St intersection and striking a pedestrian who was in the roadway. The serious injury crash took place at the W Ellendale Ave / NE Kings Valley Hwy intersection and was caused by an improper turn. Both crashes occurred in 2020.

For each analysis site, the Calculated Crash Rate is calculated based on crash frequency, vehicle volume, and type of intersection. These Calculated Crash Rates are then compared to the Published Statewide Comparison Crash Rates (based on 90th percentile crash rates). The purpose of comparing the Calculated Crash Rate to the ODOT Critical Crash Rates is to identify any sites where the calculated rates are greater than any of the ODOT rates, as shown in Table 3. The W Ellendale Ave / Jasper St intersection crash rate exceeds the ODOT comparison crash rate.

This intersection of Ellendale Avenue / Jasper Street had a total of 18 crashes between 2017 and 2021. There were a total of three pedestrian-involved crashes, including one fatality. The majority of crashes at the intersection are angle or turning related (11 crashes) or rear-end crashes (4 crashes). The highest cause of crashes at the intersection is minor street vehicles failing to yield to the major street vehicles. It is recommended that a sight distance evaluation be conducted by the City to verify that no signs, foliage, or other obstructions are hindering sight distance at the intersection. Due to the high number of pedestrian-related crashes, additional safety improvements for pedestrians should also be considered such as lighting, Rectangular Rapid Flashing Beacons (RRFB), and advance crosswalk warning signage.

TABLE 4: CRITICAL CRASH RATE EVALUATION

ROADWAY	CRASHES						CALCULATED CRASH RATE	PUBLISHED ODOT COMPARISON CRASH RATE
	FATAL	SERIOUS INJURY	MINOR INJURY	POSSIBLE INJURY	PDO	TOTAL		
NE KINGS VALLEY HWY / ELLENDALE AVE	0	1	5	14	15	35	0.757	0.860
W ELLENDALE AVE / JAMES HOWE RD	0	0	1	0	0	1	0.117	0.408
W ELLENDALE AVE / SW WYATT ST	0	0	0	0	0	0	0	0.293
W ELLENDALE AVE / NW DOUGLAS ST	0	0	0	0	0	0	0	0.293
W ELLENDALE AVE / SW LEVENS ST	0	0	1	3	0	4	0.151	0.293
W ELLENDALE AVE / NW JASPER ST	1	0	1	11	5	18	0.795	0.408

The Safety Priority Index System (SPIS) is a ranking system developed by ODOT to identify potential safety problems on state highways. SPIS scores are developed based upon crash

frequency, crash severity, and traffic volume for a 0.10 mile or variable length segment along the state highway over a rolling three-year window. No study intersections were flagged as a SPIS site.

PROJECT IMPACTS

This chapter reviews the impacts that the proposed development may have on the transportation system within the study area. This analysis includes trip generation, trip distribution, future traffic volume development, and operations analysis for the study intersections.

PROPOSED DEVELOPMENT

The proposed development is a 204-unit multifamily residential development on SW James Howe Rd. There are five different units proposed: 24 studio units, 38 one-bedroom units, 92 two-bedroom units, and 46 three-bedroom units. The development sprawls 10 acres and will be zoned as medium density residential.

FUTURE ANALYSIS SCENARIOS

Operating conditions were analyzed at the study intersections for the following traffic scenarios in the 2027 AM and PM peak hours. All future analysis scenarios assume the same traffic control as existing conditions.

The comparison of the following scenarios enables the assessment of project impacts:

- Existing + Background (No Build)
- Existing + Background + Project (Build)

TRIP GENERATION

Trip generation is the method used to estimate the number of vehicles added to site driveways and the adjacent roadway network by a development during a specified period (e.g., PM peak hour). The Institute of Transportation Engineers (ITE) publishes trip generation rates for the various land uses that can be applied to determine estimated traffic volumes.⁶

Table 4 shows the total number of trips that this development will produce. ITE code 220 (Multifamily Housing) was used for all 204 units. The proposed project is estimated to generate a total of 86 AM peak hour trips (21 in, 65 out) and 108 PM peak hour trips (68 in, 40 out).

TABLE 4: PROJECT VEHICLE TRIP GENERATION

LAND USE (ITE CODE)	SIZE	AM PEAK TRIP			PM PEAK TRIP		
		IN	OUT	TOTAL	IN	OUT	TOTAL
LOW-RISE MULTIFAMILY HOUSING (220)	204 UNITS	21	65	86	68	40	108

⁶ Trip Generation Manual, 11th Edition, Institute of Transportation Engineers, 2021.

VEHICLE TRIP DISTRIBUTION

Vehicle trip distribution provides an estimation of where vehicles would be coming from and going to. It is given as a percentage at key gateways to the study area and is used to route project trips through the study intersections. Figure 3 shows the trip distribution for the proposed site. The trip distribution for the passenger car trips was based on a previous trip distribution for a residential development near the project site.

The vehicle trips generated by the site expansion were distributed as follows:

- 35% east of the project site (to/from OR223, W Ellendale Ave, etc)
- 30% southwest of the project site via Kings Valley Hwy
- 15% northwest of the project site via Kings Valley Hwy
- 15% south of the project site via Levens St
- 5% west of the project site via W Ellendale Rd

FUTURE TRAFFIC VOLUMES

Traffic volumes were estimated at the study intersections for the two future analysis scenarios previously listed. A 2027 No Build scenario that does not account for traffic generated by the development, and a 2027 Build scenario that does account for traffic generated by the development.

The future 2027 traffic volumes were estimated by applying a growth rate of 2.5% per year to the existing 2023 traffic volumes on W Ellendale Avenue, James Howe Road, and Kings Valley Highway to represent vehicle growth associated with the residential development that is yet to be constructed west of James Howe Road and north of W Ellendale Avenue. A growth rate of 1% per year was applied to all other street approaches.

4 shows the 2027 No Build AM and PM peak hour traffic volumes. 5 shows the 2027 Build AM and PM peak hour traffic volumes.

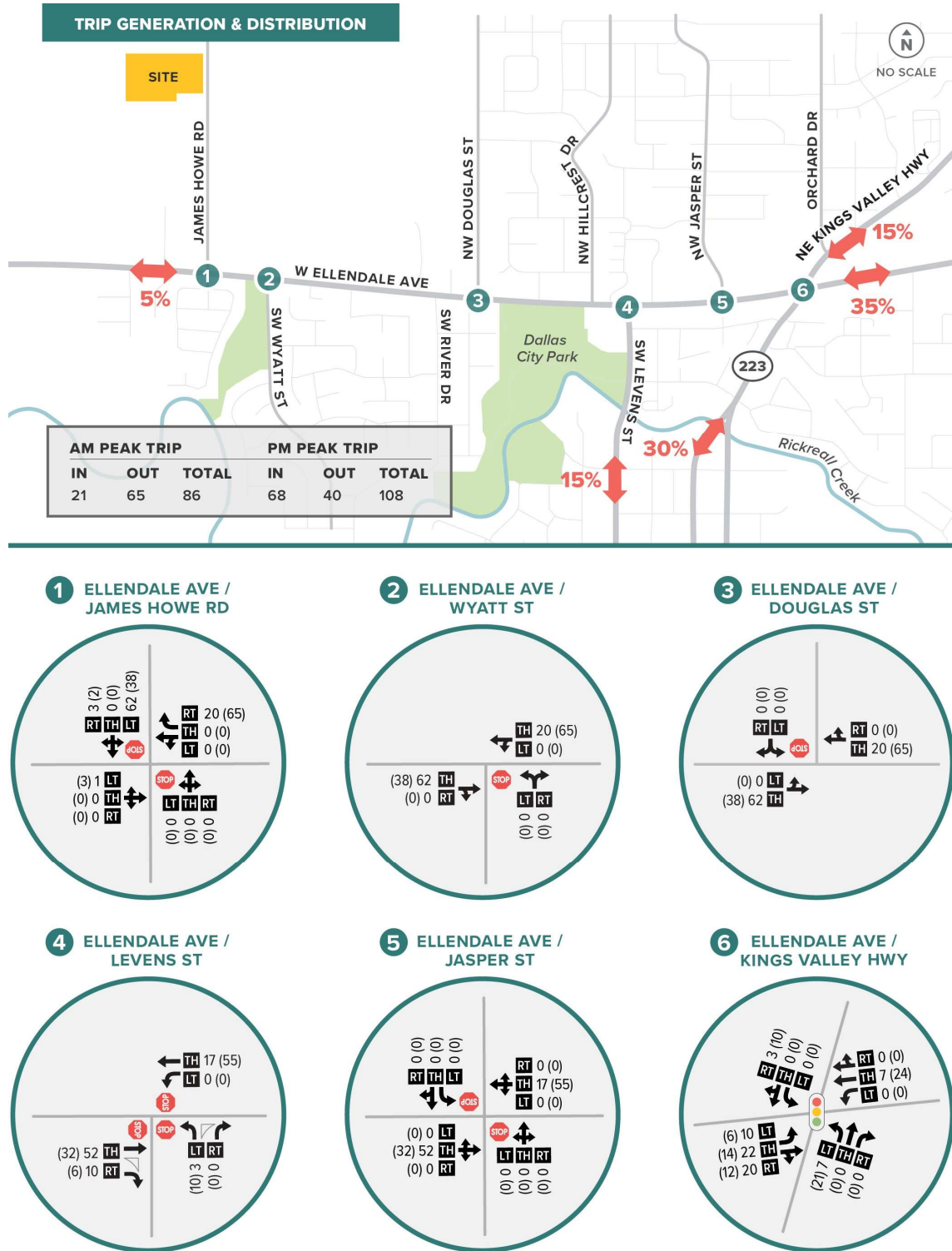


FIGURE 3: PROJECT TRIPS & TRIP DISTRIBUTION



FIGURE 4: FUTURE NO BUILD AM(PM) TRAFFIC VOLUMES

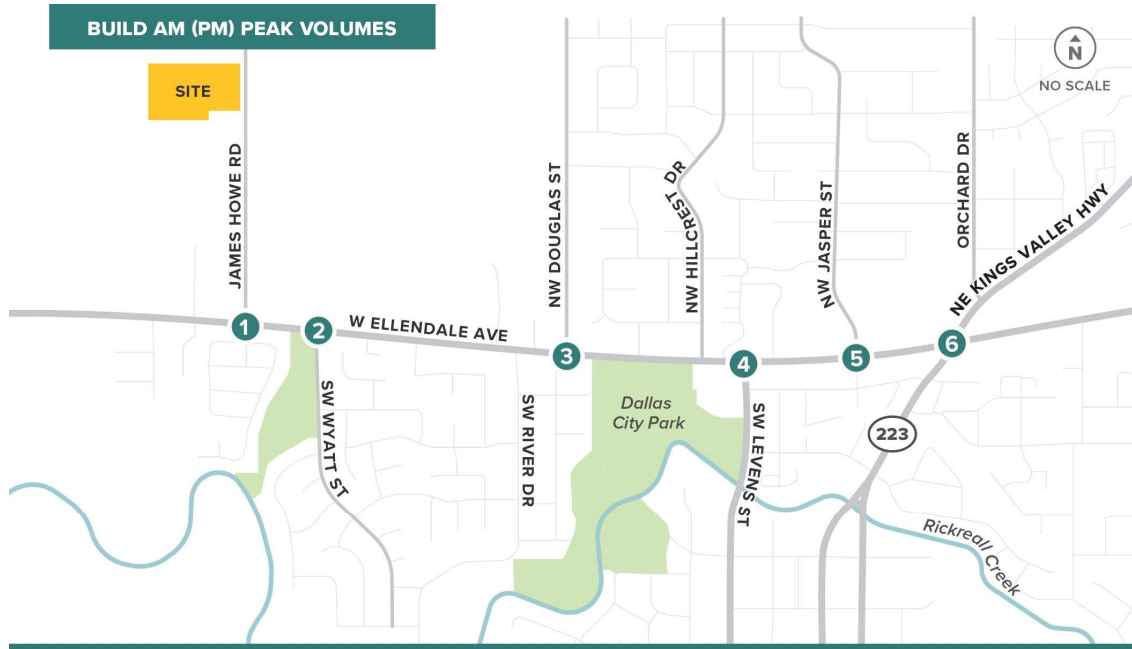


FIGURE 5: FUTURE BUILD AM(PM) TRAFFIC VOLUMES

FUTURE INTERSECTION OPERATIONS

Intersection operations were analyzed for the AM and PM peak hour at all study intersections for the future scenarios using Highway Capacity Manual (HCM) 6th Edition methodology.⁷ The volume to capacity (v/c) ratio, delay, and level of service (LOS) of each study intersection are listed in Tables 4 and 5.

As shown, the W Ellendale Avenue/Levens Street intersection fails under the no-build scenario and the build scenario. W Ellendale Avenue / Jasper Street fails during the PM peak hour under the build scenario.

TABLE 5: FUTURE INTERSECTION OPERATIONS (NO BUILD)

INTERSECTION	OPERATING STANDARD	AM PEAK HOUR			PM PEAK HOUR		
		V/C	DELAY	LOS	V/C	DELAY	LOS
SIGNALIZED							
NE KINGS VALLEY HWY / ELLENDALE AVE	0.95 v/c ratio	0.85	41.2	D	0.87	56.6	E
UNSIGNALIZED							
W ELLENDALE AVE / JAMES HOWE RD	0.85 v/c ratio	0.13	12.7	B	0.10	14.1	B
W ELLENDALE AVE / SW WYATT ST	0.85 v/c ratio	0.01	13.5	B	0.03	16.8	C
W ELLENDALE AVE / NW DOUGLAS ST	0.85 v/c ratio	0.13	17.9	C	0.08	21.4	C
W ELLENDALE AVE / SW LEVENS ST	0.85 v/c ratio	0.78	18.3	C	1.01	35.2	E
W ELLENDALE AVE / NW JASPER ST	0.85 v/c ratio	0.44	50.6	F	0.84	130.4	F
SIGNALIZED INTERSECTION: Delay = Average Intersection Delay (secs) v/c = Total Volume-to-Capacity Ratio LOS = Total Level of Service		STOP-CONTROLLED INTERSECTION: Delay = Critical Movement Delay (secs) v/c = Critical Movement Volume-to-Capacity Ratio LOS = Critical Level of Service			BOLD/HIGHLIGHTED = DOES NOT MEET OPERATING STANDARD		

⁷ Highway Capacity Manual, 6th Edition, Transportation Research Board, 2017.

TABLE 6: FUTURE INTERSECTION OPERATIONS (BUILD)

INTERSECTION	OPERATING STANDARD	AM PEAK HOUR			PM PEAK HOUR		
		V/C	DELAY	LOS	V/C	DELAY	LOS
SIGNALIZED							
NE KINGS VALLEY HWY / ELLENDALE AVE	0.95 v/c ratio	0.88	47.9	D	0.91	65.0	E
UNSIGNALIZED							
W ELLENDALE AVE / JAMES HOWE RD	0.85 v/c ratio	0.28	14.4	B	0.2	15.4	C
W ELLENDALE AVE / SW WYATT ST	0.85 v/c ratio	0.01	14.9	B	0.03	18.9	C
W ELLENDALE AVE / NW DOUGLAS ST	0.85 v/c ratio	0.15	19.9	C	0.10	24.5	C
W ELLENDALE AVE / SW LEVENS ST	0.85 v/c ratio	0.90	24.0	C	1.15	49.8	E
W ELLENDALE AVE / NW JASPER ST	0.85 v/c ratio	0.51	63.8	F	1.00	189.7	F
SIGNALIZED INTERSECTION: Delay = Average Intersection Delay (secs) v/c = Total Volume-to-Capacity Ratio LOS = Total Level of Service		STOP-CONTROLLED INTERSECTION: Delay = Critical Movement Delay (secs) v/c = Critical Movement Volume-to-Capacity Ratio LOS = Critical Level of Service			BOLD/HIGHLIGHTED = DOES NOT MEET OPERATING STANDARD		

RECOMMENDED TRANSPORTATION MITIGATIONS

The following improvement projects have been identified to mitigate the two intersections along W Ellendale Street to meet the City’s v/c ratio performance standard. The recommended improvements are described below.

W Ellendale Street at SW Levens Street

At this intersection, a traffic signal is needed to provide adequate vehicle capacity. Today, the W Ellendale St / SW Levens St intersection does not meet the City’s operating standard during the PM peak hour and continues to degrade with the proposed development. The City’s Transportation System Plan calls for a traffic signal at the intersection, which will be warranted by 2027 based on

the vehicle volumes. See the attached preliminary traffic signal warrant. It is recommended that the developer pay their proportionate share cost of the future traffic signal project. The calculated proportionate share percentage is 6%. The proportionate share calculation is the number of total entering project trips divided by the total entering vehicle volumes under 2027 Build conditions during the PM peak hour.

W Ellendale Street at NW Jasper Street

There are no improvements identified for this intersection in the City’s TSP. At this intersection, the developer should install left turn lanes on the eastbound and westbound approaches. This would require restriping the east and west approaches on Ellendale Street to include left turn lane pockets. Some on-street parking would need to be removed on the south side of the west leg of the intersection. This will not fully mitigate the intersection but will improve operations and safety in the interim and would likely be proportional to the development’s impacts at this intersection.

The table below shows the intersection operations for the two intersections with the identified transportation improvements in place. As shown, the W Ellendale Street/ SW Levens Street intersection will meet the City’s operating standard with the traffic signal in place. The W Ellendale St / NW Jasper St will not meet the City’s standard during the PM peak hour but will have a 9% decrease in its volume to capacity ratio. The introduction of a traffic signal at SW Levens Street will create a platooning effect for eastbound traffic entering the SW Jasper Street intersection, 0.2 miles east of NW Levens Street. Platooning from the traffic signal creates gaps in traffic on W Ellendale Street, such that vehicles turning off SW Jasper Street will have increased opportunities to enter the flow of traffic on W Ellendale Street.

TABLE 7: FUTURE INTERSECTION OPERATIONS WITH IMPROVMENTS (BUILD)

INTERSECTION	OPERATING STANDARD	MITIGATION	AM PEAK HOUR			PM PEAK HOUR		
			V/C	DELAY	LOS	V/C	DELAY	LOS
W ELLENDALE ST / SW LEVENS ST	0.85 v/c ratio	Traffic Signal	0.55	13.7	B	0.59	15.7	B
W ELLENDALE ST / NW JASPER ST	0.85 v/c ratio	Left Turn Lanes	0.49	59.7	F	0.91	153.8	F
SIGNALIZED INTERSECTION:		STOP-CONTROLLED INTERSECTION:				BOLD/HIGHLIGHTED = DOES NOT MEET OPERATING STANDARD		
Delay = Average Intersection Delay (secs)		Delay = Critical Movement Delay (secs)						
v/c = Total Volume-to-Capacity Ratio		v/c = Critical Movement Volume-to-Capacity Ratio						
LOS = Total Level of Service		LOS = Critical Level of Service						

SITE PLAN REVIEW

This section reviews the project site plan for consistency with the Dallas Transportation System Plan and other applicable transportation standards, including the Dallas Development Code and Dallas Public Works Standards. The purpose of this review is to help identify any major site plan

design concerns that could impact the greater project goals and could necessitate overall site plan changes. The site plan is provided in the appendix.

VEHICULAR SITE ACCESS

There are two proposed site accesses (driveways) for the project. Both access points provide access to/from James Howe Road. These access points are required to meet the City’s Access Spacing Standards for Collectors.⁸ The access spacing for collectors is to be a minimum of 50 feet from centerline to centerline. The access spacing between the two proposed site accesses is approximately 300 feet and meets the minimum spacing requirement. The proposed northern site access should be aligned with the existing public street, NW Crater Lake Drive, for vehicle safety. Offset intersections can create a safety issue for vehicles turning in and out of the side streets.

FRONTAGE IMPROVEMENTS

The project site shall provide street frontage improvements on James Howe Rd consistent with the City of Dallas’ collector cross section standard, for which the roadways are classified as such.⁹ Today, James Howe Road fronting the project site has 2 travel lanes and a planter strip and multi-use sidewalk on the opposite side of the roadway. Based on the standards, a minor arterial is to include a 5-foot bike lane, 8 feet of parking, a planting strip, and a 5-foot sidewalk.

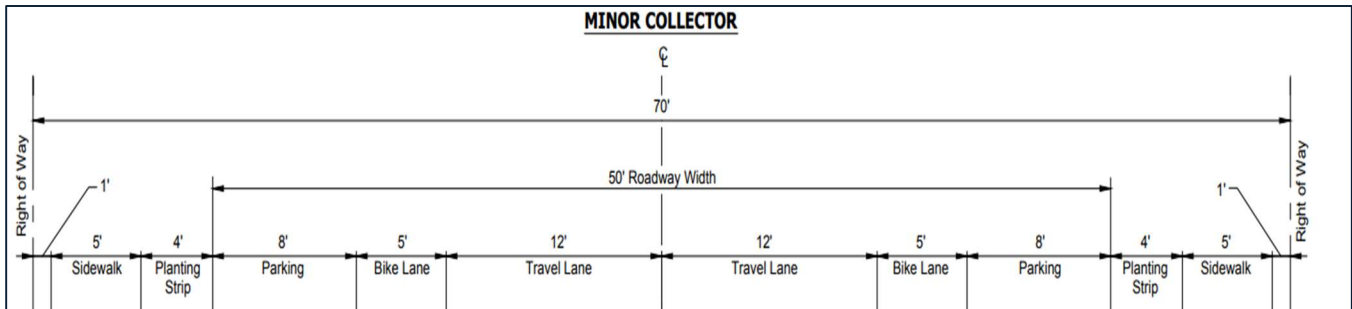


FIGURE 6: STANDARD MINOR COLLECTOR CROSS-SECTION

ON-SITE CIRCULATION

The City’s Developmental Code states that new developments shall be required to provide a circulation system that accommodates expected traffic on the site.¹⁰ There are proposed 26-foot roadway widths throughout the buildings that provide adequate circulation. Additionally, there is parking in front of every building that does not interfere with the proposed circulation. The proposed roadway network throughout the development is shown in the site plan.

⁸ City of Dallas Development Code, Table 3.1.020F(2)

⁹ City of Dallas Oregon Standard Drawing – Standard Collector Cross-Sections, RD002

¹⁰ City of Dallas Development Code, Section 3.1.020P

SUMMARY

The key findings of the transportation impact analysis (TIA).

- The proposed project is a multifamily residential development consisting of 15 buildings consisting of 204 total units.
- The proposed development is expected to generate 86 (21 in, 65 out) AM peak hour vehicle trips and 108 (68 in, 40 out) PM peak hour vehicle trips.
- Under Existing 2023 conditions and future 2027 No Build, the W Ellendale St / SW Levens Street intersection does not operate within the City's v/c standard during the PM peak hour.
- Under the 2027 Build conditions, the W Ellendale St / SW Levens St intersection does not operate within the City's v/c standard during the AM or PM peak hour, and the W Ellendale St / NW Jasper St does not operate within the City's v/c standard during the PM peak hour.
- Based on the crash history at the W Ellendale St / SW Jasper St intersection, it is recommended that the City consider conducting a sight distance evaluation to verify that no signs, foliage, or other obstructions are hindering sight distance at the intersection. Due to the high number of pedestrian related crashes at the intersection, additional safety improvements for pedestrians should also be considered such as lighting, Rectangular Rapid Flashing Beacons (RRFB), and advance crosswalk warning signage to improve pedestrian safety.
- As a mitigation at W Ellendale/NW Jasper Street intersection, the developer should install left turn lanes on the eastbound and westbound approaches. This would require restriping the east and west approaches on W Ellendale Street to include left turn lane pockets and some on-street parking would need to be removed on the south side of the west leg of the intersection.
- The developer should pay the City a proportionate share (6%) of the future traffic signal at the W Ellendale/SW Levens Street intersection.
- The project site shall provide street frontage improvements on James Howe Rd consistent with the City of Dallas' collector cross section standard.
- The proposed northern project site access should be aligned with the existing public street, NW Crater Lake Drive, for vehicle safety. Offset intersections can create a safety issue for vehicles turning in and out of the side streets.

CITY OF DALLAS
NOTICE OF PUBLIC HEARING
Annexation #ANX-24-02 -- Zone Change #ZC-24-02

PROPERTY LOCATION: 325 James Howe Road

APPLICANT: DHJ Holdings LLC

NATURE OF REQUEST: Annex property into the city limits of the City of Dallas and change from county zoning to city zone RM – Residential Medium Density.

APPROVAL CRITERIA: DDC Chapter 4.10 – Annexation
DDC Chapter 4.7 – Land Use District Map Changes

HEARING DATE / TIME: 7:00 p.m. Tuesday, June 11, 2024

HEARING LOCATION: **In Person:** Dallas City Hall, 187 SE Court Street, Dallas, Oregon
Telephone: +1 253 215 8782 Passcode: **213 855 0622**
Watch Online: www.dallasor.gov/community/page/dallasyoutube

CITY STAFF CONTACT: Chase Ballew, City Planner Phone: 503-831-3570
chase.ballew@dallasor.gov TDD: 503-623-7355

At the above day and time the Dallas Planning Commission will hold the first of two public hearings on this request. You may attend this meeting in-person at Dallas City Hall. You may also participate by telephone by dialing the number above and entering the passcode when prompted. Video of the proceedings will be broadcast live at the website above, but oral testimony must be in-person or by phone.

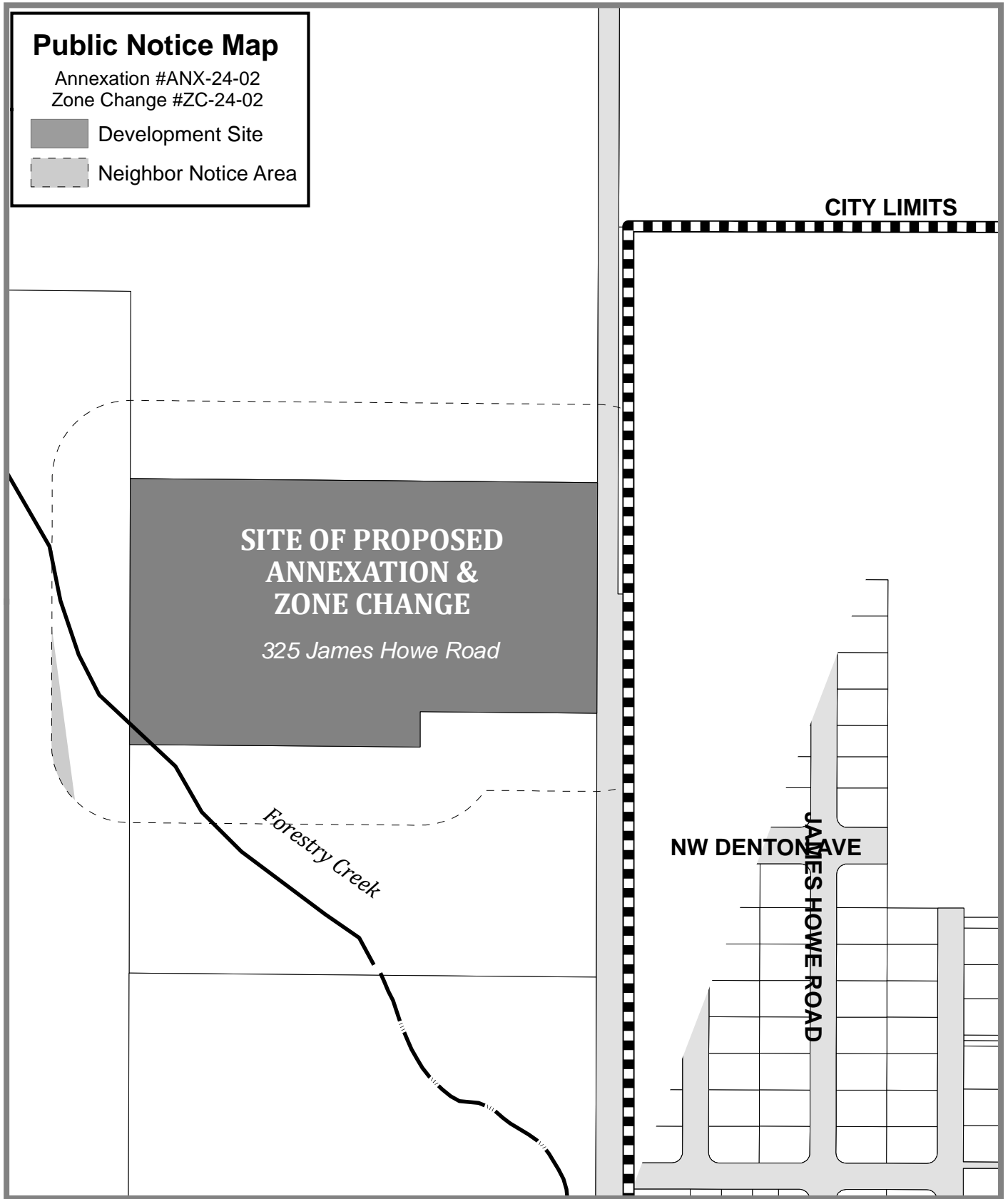
The Planning Commission will consider testimony which addresses the applicable criteria listed above. Testimony may be submitted in advance by writing to the Dallas Planning Department, 187 SE Court Street, Dallas, Oregon 97338, or given orally during the public hearing. The public hearing will be conducted in a manner that permits testimony from all interested parties.

At least seven days prior to the hearing the staff report, the application and documents and evidence submitted by or on behalf of the applicant, and the applicable approval criteria will be available for review online at www.dallasor.gov/meetings or in person at City Hall. Upon request, copies will be made at 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.

Dated: May 21, 2024

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 to promptly forward a copy of this notice to every person with a documented interest, including a renter or lessee.



CHEN JEFF BU & HONG LING
541 NW CRATER LAKE DR
DALLAS, OR 97338

**CITY OF DALLAS
PLANNING COMMISSION
STAFF REPORT**

Meeting Date: June 11, 2024
Topic: Polk County Behavioral Health - #SDR-24-03 - #VAR-24-05

Application Type: Site Design & Variance
Applicant: Sarah Rose on behalf of Polk County
Location: 182 SW Academy Street

RECOMMENDED ACTION

Approval with Conditions

BACKGROUND INFORMATION

Zoning: CBD – Central Business District
Comprehensive Plan: Central Business District
Floodplain: Contains Floodplain
Adjacent Land Uses: Retail; Office; Hotel; Park Trail

PROJECT OVERVIEW

The applicant’s request is to construct a 10,000 square foot office building in the Central Business District zone. In this zone, offices are a permitted use, subject to design standards.

The applicant is also requesting variance to certain design standards; as the variance must be decided by the Planning Commission, the associated site design review is elevated to the Planning Commission for review as well.

APPROVAL CRITERIA:

DDC 4.2.060.A – Site Design Review Approval Criteria
DDC 5.1.030.B – Class-B Variance Approval Criteria

Staff refer to and incorporate the applicant’s written narrative for supportive findings in response to the above mentioned criteria (**Exhibit A**). Staff generally concur with the applicant’s findings, with additional specific findings as follows.

Consistent with DDC 2.3.080.C, adjustments to the specific provisions of DDC Section 2.3.080 are allowed through a Type II procedure, when the adjustments are consistent with the purposes of this section and the applicant provides an alternate proposal that meets the intent of the standard being adjusted. As some qualifying improvements are not proposed as part of this project, a concurrent variance application is provided.

SITE DESIGN REVIEW CRITERIA

The Site Design Review approval criteria shall be met. Applicable approval criteria are contained in Dallas Development Code section 4.2.060.A.

Criterion:

DDC 4.2.060.A.1 – The application is complete, as determined in accordance with chapter 4.1 – Types of Applications and Section 4.2.050.

Finding:

The application was determined to be complete, and the Planning Official determined that the materials supplied with the conditional use application provides sufficient information to evaluate the proposal.

Criterion:

DDC 4.2.060.A.2 – The application complies with all of the applicable provisions of the underlying Land Use District (Article 2), including building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable provisions.

Finding:

In the Central Business District (CBD) zone, offices are a permitted use, subject to development standards.

In the Central Business District (CBD) zone lot coverage is limited to 90%. While no lot coverage calculation is provided, the lot includes the Rotary Stage and Amphitheater, which is predominantly grass, so it is clear that the site does not exceed the 90% limit. No land division is proposed, so minimum lot size/dimension standards don't apply.

Standards for building architectural design in commercial zones are contained in DDC 2.3.080, and the applicant is requesting a design exception / Class-B Variance to the Build-to Line standard.

DDC.2.3.050.C.1 Height.

Minimum and maximum building height shall conform to the standards of the applicable zone district. Project proposals involving a building height increase under Section 2.3.070 are subject to Type III Site Design Review. See Section 4.2.040.

The proposed building is 2 stories, and the maximum building height for a single-use building in the Central Business District (CBD) zone is 5 stories. There is no minimum height outside of the courthouse square Downtown Pedestrian Core Area. This standard is satisfied.

DDC 2.3.080.C.2. Build-to Line

Commercial buildings, including mixed-use buildings containing residential and commercial uses, shall conform to the Build-to Line standards in Section 2.3.030. The standard is met in the CG and CN districts when at least fifty (50) percent of the abutting street frontage has a building placed no farther from at least one street property line than the required Build-to Line in Table 2.3.030. In the CBD, at least eighty (80) percent of the abutting street frontage shall have a building placed no farther from at least one street property line than the required Build-to-Line. An

exception to the Build-to Line may be approved or required in the following situations:

- a) Where a proposed building is adjacent to a single-family dwelling, and an increased setback promotes compatibility with the adjacent dwelling.*
- b) Where access limitations or other applicable transportation requirements preclude development at the build-to line, the building shall orient to an internal shopping street, as described under subsection 2.3.060.D, where the build-to line shall apply.*
- c) Where the sidewalk width is extended for public use, or a public plaza is proposed to be placed between the building and public right-of-way, subject to Site Design Review. Exceptions to the build-to line may also be made through Site Design Review for planter boxes and other non-permanent structures incorporated into the building wall, provided the planter box does not exceed a height of thirty (30) inches above sidewalk grade.*
- d) Where a significant tree or other environmental feature precludes strict adherence to the standard and will be retained and incorporated in the design of the project.*
- e) Where a public utility easement or similar restricting legal conditions make conformance with the Build-to Line impracticable, the building shall instead be placed as close to the street as possible given the legal constraint, and pedestrian amenities (e.g., plaza, courtyard, landscaping, outdoor seating area, etc.) shall be provided within the street setback in said location.*

In the Central Business District (CBD) zone, new buildings must be constructed to have their street-facing walls abutting the property line for at least 80 percent of the property frontage. The proposed building does not conform to this standard, and is setback roughly 100 feet from the existing street property line. As discussed in the applicant's narrative, presently there is excess right-of-way which does not follow the curve of the road, which would prevent the building from abutting the sidewalk even with a zero-foot setback. In addition, if the building were located as close to the street and sidewalk as possible, the difference in grade would require extensive fill within the FEMA floodplain in order to bring the building up to sidewalk height.

As stated above, Section 2.3.080.C.2 provides for administrative exceptions to the Build-to Line standard. However, the applicant's proposal does not qualify for any of the administrative exceptions. Therefore, the applicant has submitted a concurrent Class-B Variance request on this topic. The findings from the Class-B Variance section of this report related to the Build-to Line Standard are incorporated as findings under this criterion by reference.

DDC 2.3.080.E.1. Transparency along Ground Level

Except as approved for parking structures or accessory structures, buildings shall provide display windows, windowed doors and transom windows to express a storefront character. The ground floor, street-facing elevation(s) of all buildings shall comprise at least sixty percent (60%) transparent windows, measured as a section extending the width of the street-facing elevation between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane seventy-two (72) inches above the sidewalk grade. Upper floors may have less window area, but shall follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices. Buildings without a street-facing elevation, such as those that are setback behind another building and those that are oriented to a civic space (e.g., internal plaza or court), shall meet the sixty percent (60%) transparency standard on all

elevations abutting civic spaces(s) and on elevations containing a primary entrance. All side and rear elevations, except for zero-lot line/common wall elevations (where windows are not required), shall provide no less than thirty percent (30%) transparency. Exceptions to the elevations described above (30" – 72" above sidewalk) may be approved where existing topography makes compliance impractical. Where an exception to the window transparency requirement is made for parking garages or similar structures, the building design must incorporate openings or other detailing that resembles the window patterns (rhythm and scale).

Due to the curve of the road and the setback of the building, the street-facing elevation is the southeast elevation, which contains the primary entrance, and is almost entirely comprised of glass. Remaining elevations contain at least 30% transparency, except the north elevation, which has restrooms and storage areas abutting the exterior wall.

DDC 2.3.080.E.2. Ground Floor Windows

Ground floor elevations must contain windows that are framed, for example, by piers or pilasters (sides); awnings, canopies or trim/hoods (tops); and kick plates or bulkheads (base).

Ground floor windows are framed with base bulkheads and trim.

DDC 2.3.080.E.3. Upper Floor Windows

Upper floor window orientation shall primarily be vertical, or have a width that is no greater than height. Paired or grouped windows that, together, are wider than they are tall, shall be visually divided to express the vertical orientation of individual windows.

Upper floor windows are either square or paired together in multi-pane windows whose panes are either square or oriented vertically.

DDC 2.3.080.E.4. Window Trim.

At a minimum, windows shall contain trim, reveals or recesses of not less than four (4) inches in width or depth as applicable. The use of decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features) is encouraged.

Most windows are trimmed and many include decorative detailing in the form of exaggerated lintels and sills.

DDC 2.3.080.E.5. Projecting Windows, Display Cases

Windows and display cases shall not break the front plane of the building (e.g., projecting display boxes are discouraged). For durability and aesthetic reasons, display cases, when provided, shall be flush with the building façade (not affixed to the exterior) and integrated into the building design with trim or other detailing. Window flower boxes are allowed provided they do not encroach into the pedestrian through-zone.

No projecting windows or display cases are proposed.

DDC 2.3.080.E.6. Pedestrian Entrances

Ground level entrances shall be at least partly transparent to encourage an inviting and successful business environment. This standard may be met by providing a door with a window(s), a transom window above the door, or sidelights beside the door. Where ATMs or

other kiosks are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.

The pedestrian entrance on the southeast-facing façade is comprised principally of transparent glass forming an entry vestibule, with glass double door and dual side lights, transom windows, and second-story atrium windows.

DDC 2.3.080.E.7 Corner Entrances

Buildings on corner lots shall have corner entrances that open onto a concrete or paver landing (widened sidewalk or plaza) that extends from the adjacent sidewalk; the landing shall be at least 3 feet in width and depth. Such building entrances are not required to be recessed, but shall have an awning, recess or canopy for weather protection. Where a corner entrance is not provided, the building plan shall provide for a corner plaza consistent with Section 2.3.090, below, and the building shall provide architectural features (e.g., alcove with seating or artwork) at the corner that emphasizes the corner as a civic space.

The corner of the property is presently occupied by the Rotary Stage & Amphitheater, so orienting the building to the street corner is not practical, and the corner is already heavily emphasized as a civic space.

DDC 2.3.080.E.8 Remodels

The scale and proportion of altered or added building elements, such as the size and relationship of new windows, doors, entrances, columns and other features shall be visually compatible with the original architecture.

This is a new building so this section does not apply.

DDC 2.3.080.E.9 Street Level Entrances

All primary building entrances shall open to the sidewalk and be ADA accessible. Primary entrances above or below grade may be allowed where ADA accessibility is provided.

As stated above the applicant is requesting variance to the build-to-line standards, therefore the building will not open to the sidewalk. Due to floodplain considerations, the building will be below the grade of the sidewalk, and an accessible path to the street will be provided.

DDC 2.3.080.E.10 Street Level/Upper Floors

Building elevations shall contain detailing that visually defines street level building spaces (storefronts). The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt course, or similar detailing, materials and/or fenestration.

The building contains belt courses, change in materials, and upper story setbacks to provide distinction between upper and lower stories.

DDC 2.3.050.F.1 Upper Story Setback in the Central Business District

Buildings exceeding forty-eight (48) feet in height: where the building exceeds forty-five (45) feet in height, as applicable, it shall step-back at least eight (8) feet from the front plane of the building that is closest to the street.

The proposed building does not exceed the specified height threshold, so this section does not apply.

DDC 2.3.080.G.1 Horizontal Rhythm

All building elevations facing a street or civic space must incorporate rhythmic divisions. Front elevations should be articulated not less than once every twenty-five (25) feet. Articulation should be subtle. For example, slight offsets in a building elevation, roofline and/or the rhythmic placement of windows, pilasters, awnings, trim, art/medallions, or other detailing and ornamentation are preferred. Changes in paint color do not satisfy this standard. Side and rear elevations may be articulated less frequently but should complement the overall building design. The City may require architectural detailing on a zero-lot line elevation to reduce the apparent scale and avoid blank walls (i.e., until an abutting property develops).

The proposed building is heavily articulated, with offsets in the building elevation, placement of doors and windows, and changes in materials.

DDC 2.3.080.G.2 Horizontal Lines

New buildings and exterior remodels shall follow prominent horizontal lines existing on adjacent buildings at similar levels along the street frontage. Examples of such horizontal lines include: the base below a series of storefront windows; an existing awning or canopy line, or belt course between building stories; and/or an existing cornice or parapet line. Exceptions: Where existing buildings do not meet the City's current architectural standards, a new building may establish new horizontal lines.

The proposed new building is roughly 100 feet from the nearest other building, so there are no existing horizontal lines to follow.

DDC 2.3.080.G.3 Ground Floor/Upper Floor Division

A clear visual division shall be maintained between the ground level floor and upper floors, for example, through the use of a belt course, transom, awnings or canopies.

The building contains belt courses, change in materials, and upper story setbacks to provide distinction between upper and lower stories.

DDC 2.3.080.G.4 Building Base

Buildings shall have a foundation or base, typically from ground to the bottom of the lower window sills, with changes in volume or material, to give a sense of strength.

The building has a defined base of stone material extending from the lower windowsill to the ground.

DDC 2.3.080.I.1 Primary Materials

Exterior building materials shall predominately consist of brick, wood or fiber cement (lap, panel, board and batten, shingle or similar siding), stucco, stone and/or similar masonry. Pitched roof materials shall be wood or asphalt shingles, or standing rib seam sheet metal-matte finish. Roof colors must be non-reflective and light in color to reduce the heat island effect (e.g., light gray or ash, not black or charcoal). All windows and doors must have wood or vinyl trim that is at least four (4) inches deep, or masonry trim and sills with a similar depth. Rough-hewn wood, timbers and metals may be used as accents but not as the primary exterior cladding. Metal may be used as an accent but not as a predominant siding material on any street-facing elevation. See also, Secondary Materials and Substitute Materials, below.

Exception: Rear and side elevations that are not visible from any public way or parking area are exempt. Textured concrete or split-face masonry block may be used.

Exterior materials are primarily fiber cement, in the form of lap siding, board and batten siding, fascia boards, and window trim, with stone veneer at the base.

DDC 2.3.080.I.2 Change in Materials

Elevations should incorporate changes in material that define a building's base, middle and top and create visual interest and relief. Side and rear elevations that do not face a street, public parking area, pedestrian access way or plaza may utilize changes in texture and/or color of materials in the interest of affordability, provided that the design is consistent with the overall composition of the building. Exception: Rear and side elevations that are not visible from any public way or parking area are exempt. A change in materials is not required.

All exterior surfaces are either stone veneer or fiber cement, however the fiber cement is deployed in different orientations to give the appearance of different materials.

DDC 2.3.080.I.3 Secondary Materials

Any of the materials listed above may also be used as secondary materials or accents. Metals such as copper, steel, iron, bronze and similar appearance metals may be used as trims or accents (e.g., flashing, wainscoting, weather protection features, ornamentation, etc.) when non-reflective and compatible with the overall building design, subject to approval through Site Design Review.

All exterior surfaces are either stone veneer or fiber cement, however the fiber cement is deployed in different orientations to give the appearance of different materials.

DDC 2.3.080.I.4 Substitute Materials

Substitute materials that are equal in appearance and durability to those in subsection '1' may be approved through Site Design Review. The applicant will be required to provide specifications from the manufacturer.

No substitute materials were requested so this section does not apply.

DDC 2.3.080.I.5 Color

Color schemes should be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes should tie together signs, ornamentation, awnings, canopies and entrances. There shall be no more than one base color for each twenty-five (25) foot horizontal dimension of the front elevation; on small buildings, one base color for the entire front elevation is preferred. Using only one or two accent colors is also preferred, except where precedent exists for using more than two colors with some architectural styles. Natural wood finishes are appropriate for doors, window sashes and trim, signs, canopies and other architectural accents. Reflective, luminescent, sparkling, and "day-glow" colors and finishes, and clashing paint colors or patterns are prohibited. Metals shall be finished in mute, earth-tones or otherwise burnished to minimize glare.

Color illustrations / renderings were not provided.

DDC 2.3.080.I.6 Restoration and Rehabilitation

Historic restoration and rehabilitation projects shall incorporate original materials and design elements (e.g., previously covered over), to the extent practicable.

This is a new building so this section does not apply.

DDC 2.3.080.I.7 Signs

All signs, including building-mounted signs, shall comply with Chapter 3.6.

Monument signs are shown on plans and can comply with the size and placement limits of DDC.3.6.

DDC 2.3.080.J Pedestrian Shelters.

Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least seventy-five percent (75%) of a building's ground floor elevation(s) where the building abuts a sidewalk, civic space (e.g., plaza), pedestrian access way, or outdoor seating area. Pedestrian shelters used to meet the above standard shall extend at least five (5) feet over the pedestrian area, be proportionate to the building in its dimensions, and not obscure the building's architectural details. If mezzanine or transom windows exist, the shelter shall be below such windows where practical. Pedestrian shelters shall align with one another to the extent practical. Use of colored canvas (not plastic) awnings and wood canopies, consistent with historical styles, is encouraged, though metal and plexi-glass canopies may be approved when consistent with a building's overall composition. Exception: The City may reduce the minimum shelter depth upon finding that existing right-of-way dimensions, easements, or building code requirements preclude a larger shelter.

Canopies are provided over all entryways. Much of the building perimeter is abutting landscaping, for which canopies are not required.

Staff finds the application complies with the development standards outlined in DDC 4.3.080. This criterion is satisfied.

Criterion:

DDC 4.2.060.A.3 – The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2, non-conforming uses and development.

Finding:

A recommended condition of approval is for the existing driveway approaches to be evaluated for ADA-compliance, and to be replaced if found deficient. No other potentially non-conforming development exists on site. This criterion is satisfied.

Criterion:

DDC 4.2.060.A.4 – The proposal complies with all of the design standards in Article 3.

Finding:

Chapter 3.1 – Site Access

The existing driveway from Main Street will be used as the primary site access, with secondary site access from the existing driveway on Academy Street. A recommended condition of approval is for the existing driveway approaches to be evaluated for ADA-compliance, and to be replaced if found

deficient. Pedestrian access is provided via walkways connecting to the public right of way at Main Street and to the existing Academy Building and accessible parking areas.

Conceptual plans for a second walkway and street-fronting plaza are shown, dependent on future right-of-way vacation, and are not part of this approval.

Chapter 3.2 – Landscaping

A landscaping plan has been provided. No “Significant Vegetation” as defined in the Dallas Development Code exists on the site. The landscaping standards of Chapter 3 requires a minimum of 5% of the site be landscaped. While no landscaping percentage is provided, review of the site plan clearly illustrates this threshold is not exceeded. Street trees and parking lot perimeter trees are shown on plans.

Chapter 3.3 – Parking

As proposed, 51 parking spaces will be removed to accommodate the footprint of the new building, and a parking lot expansion of 40 replacement parking spaces will be constructed, resulting in a net loss of 11 parking spaces. No off-Street parking is required in the Central Business District (CBD) zone. The parking standard is satisfied.

Chapter 3.4 – Public Facilities

The application does not propose constructing public infrastructure.

Chapter 3.6 – Signs

A new monument sign is shown facing Main Street. A sign permit application shall be required at the time of building permit.

In summary, staff finds the application complies with the design standards of Article 3.

Criterion:

DDC 4.2.060.A.5 – Existing conditions of approval required as part of a prior land use decision, including land divisions, conditional use permits, master planned developments, or other approval, shall be met.

Finding:

City staff are not aware of any prior conditions of approval which would affect this application. This criterion does not apply.

CLASS B VARIANCE

A variance is requested for the project, subject to the approval criteria of DDC.5.1.040:

Criterion:

DDC 5.1.040.B.1: The variance is necessary because the subject Code provision does not account for special or unique circumstances of the subject site, existing development patterns, or adjacent uses.

Finding:

Staff concur with the applicant's statement, and find that the shape of the development site relative to the right-of-way and floodplain constitute a special or unique circumstances which make development in full conformance with the code impractical. This standard is satisfied.

Criterion:

DDC 5.1.040.B.2: The variance is the minimum necessary to address the special or unique physical circumstances referenced above [under subsection B.1].

Finding:

The building is sited as close to the street as possible while minimizing the fill introduced to the floodplain. This standard is satisfied.

Criterion:

DDC 5.1.040.B.3. The variance conforms to the provisions of [DDC.5.1.040.F Variance to Maximum or Minimum Yard Setbacks to Avoid or Reduce Impacts in areas subject to Geological Hazards, Floodplains, Significant Trees, Wetlands, or Other Natural Features.]

The City may grant a variance to the applicable setback requirements of this Code for the purpose of avoiding or reducing impact to floodplains, significant trees, wetlands, or other natural features. Modification of the standard shall not be more than is necessary for the preservation of the nature feature to be protected

Finding:

The building is sited away from the street in order to minimizing the fill introduced to the floodplain. This standard is satisfied.

Criterion:

DDC 5.1.040.B.4: The variance does not conflict with other applicable City policies or regulations.

Finding:

City staff could not identify any conflicting policies or regulations. This standard is satisfied.

Criterion:

DDC 5.1.040.B.5: The variance results in no foreseeable harm to adjacent property owners or the public.

Finding:

Staff were unable to identify any foreseeable harm to adjacent property owners or the public as a result of the variance.

FLOODPLAIN DEVELOPMENT PERMIT

A floodplain development permit is required for the project, subject to the approval criteria of Dallas Development Code section 2.7.190-200, which states that where development in the flood hazard area is allowed, such development shall comply with the following:

Criterion:

DDC 2.7.190.A. - Alteration of Watercourses

The flood carrying capacity within the altered or relocated portion of a watercourse must be maintained. Maintenance must be provided within the altered or relocated portion of a watercourse to ensure that the flood carrying capacity is not diminished. Any alteration of a watercourse shall require compliance with sections 2.7.150(C)(2) and 2.7.150(C)(3)

Finding:

No alteration is proposed. This standard does not apply.

CRITERION:

DDC 2.7.190.B – Anchoring

- 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.*
- 2. All manufactured dwellings shall be anchored per section 2.7.200(C)(4).*

Finding:

Anchoring of buildings will be addressed as part of building permits, not site design. This standard does not apply at this time.

Criterion:

DDC 2.7.190.C - Construction Materials and Methods

- 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.*
- 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.*

Finding:

Infrastructure construction plans must be approved by Dallas Public Works prior to installation. Conditions of approval are proposed to ensure compliance with these standards. The criterion is satisfied.

Criterion:

DDC 2.7.190.D - Utilities and Equipment

- 1. Water Supply, Sanitary Sewer, and On-site Waste Disposal Systems*
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.*
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.*

- c. *On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.*
2. *Electrical, Mechanical, Plumbing, and Other Equipment*
Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood elevation or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall, if replaced as part of a substantial improvement meet all the requirements of this section.

Finding:

Infrastructure construction plans must be approved by Dallas Public Works prior to installation. Conditions of approval are proposed to ensure compliance with these standards. The criterion is satisfied.

Criterion:

DDC 2.7.190.E. – Tanks

1. *Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.*
2. *Above-ground tanks shall be installed one foot or more above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.*

Finding:

No storage tanks are identified. This standard does not apply.

Criterion:

DDC 2.7.060.F - Subdivision Proposals & Other Proposed Developments

1. *All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is less, shall include within such proposals, Base Flood Elevation data.*
2. *All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:*
 - a. *Be consistent with the need to minimize flood damage.*
 - b. *Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.*
 - c. *Have adequate drainage provided to reduce exposure to flood hazards.*

Finding:

Base flood elevation data is available for the site, and development appears to be designed to be above the elevation of the floodplain or otherwise floodproofed. Utility infrastructure plans must be approved by Dallas Public Works prior to installation, and structures must obtain flood

elevation certificates verifying they are constructed above the flood elevation. Conditions of approval are proposed to ensure compliance with these standards. The criterion is satisfied.

Criterion:

DDC 2.7.190.G - Use of Other Base Flood Elevation Data

When Base Flood Elevation data has not been provided in accordance with section 2.7.070, the Floodplain Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer section 2.7.180. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of section 2.7.190(F).

Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, and other relevant evidence where available. At a minimum, the elevation of residential structures and non-residential structures that are not dry flood proofed must be at least two feet above the highest adjacent grade. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

Finding:

Base flood elevation data is available, so alternate data is not necessary. This standard does not apply.

Criterion:

DDC 2.7.190.H. - Structures Located in Multiple or Partial Flood Zones

In coordination with the Oregon Specialty Codes:

- 1. When a structure is located in multiple flood zones on the city's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.*
- 2. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements*

Finding:

The structure is located in the 500-year and 100-year floodplain. Being more restrictive, the standards of the 100-year floodplain (AE Zone) shall apply.

Criterion:

DDC 2.7.190.I. - Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet above the Base Flood Elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

Finding:

The proposed building is not a critical facility. This standard does not apply.

Criterion:

DDC 2.7.190.J. - Maintaining Flood Storage Capacity

Development within the special flood hazard area shall result in no net loss in flood storage capacity. No net loss may be documented by demonstrating that the volume of material the development adds to the special flood hazard area below the BFE is less than or equal to the volume of material removed. No net loss may also be documented by hydraulic analysis certified by a registered professional engineer, subject to a Type II review per section 4.1.030.

Finding:

The development has been designed to balance cut and fill as closely as possible. Final calculations shall be provided with the site grading permit application. This standard can be satisfied.

RECOMMENDED ACTION

Staff recommends that the Site Design Review application and Variance be approved with the following conditions.

RECOMMENDED CONDITIONS OF APPROVAL

- 1) The applicant shall obtain a grading permit from Dallas Public Works, and comply with applicable standards in Dallas Development Code Chapter 2.7 for work within a floodplain.
- 2) The applicant shall obtain all required building permits and receive final inspection from the Dallas Building Department prior to occupancy.
- 3) The existing driveway approaches shall be evaluated for ADA-compliance, and shall be replaced if found to be non-compliant

RECOMMENDED MOTION:

I move to approve the application for a Site Design Review and Class-B Variance with the conditions stated in the staff report.

EXHIBITS

- A. Applicant's Narrative
- B. Applicant's Architectural & Site Plans



Site Design Review Application

Dallas Planning Department

Type II/III

Official Use Only:

File No.: SDR 24-03

Date: 4/19/2024

Fee: \$1,500 PAID

Site Design Review is a discretionary review conducted by the Planning Official or the Planning Commission with a public hearing when one or more adjustments to code standard(s) are proposed and such adjustments are not otherwise allowed as Class A Variances under Dallas Development Code Chapter 5.1. Site Design Review ensures compliance with the land use and development standards in Article 2, the design standards and public improvement requirements in Article 3, and other applicable regulations. A pre-application conference is required before a Type III application is submitted. Please return a completed application form with attachments, and the required fee to the Dallas Planning Department, Dallas City Hall, Second Floor, 187 SE Court Street, Dallas, Oregon 97338.

Section 1 – Applicant Information

Name(s): Sarah Rose

Mailing Address: 1100 Liberty St SE STE 200 Salem OR 97302

Email: srose@accoac.com Phone Number: 503.581.4114 Cell Number: _____

Section 2 – Property Owner Information (If not applicant)

Property Owner(s): Polk County, Attn: Matt Hawkins

Mailing Address: 850 Main St Dallas, OR 97338

Email: hawkins.matt@co.polk.or.us Phone Number: 503.623.1888 Cell Number: _____

Section 3 – Project Description

Please describe your project: New 10,000 SF, 2-story office building

Site Address: 182 SW Academy St Total Land Area: 4.6 acres

Assessor Map/Taxlot No. 4200 321738 Zoning: CBD

Present Use of Property: Existing Academy Building

Section 4 – Application Submittal Information

Please submit one electronic copy (PDF format preferred) and one paper copy of the information listed below.

- Application Form.
- Application Fee.
- Property Deed and all existing and proposed restrictions or covenants, including those for access control.
- Narrative that addresses the relevant criteria in sufficient detail for review and decision-making (see Section 6, page 3).
- Traffic Impact Analysis when required, shall be prepared in accordance with the road authority's requirements. See Section 4.1.090, and Section 3.4.010 for relevant standards.

- Proposed Site Plan. The site plan shall contain the following information:
 - The proposed development site, including boundaries, dimensions, and gross area;
 - Features identified on the existing site analysis maps that are proposed to remain on the site;
 - Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
 - The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
 - The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
 - The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
 - The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);
 - Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
 - Loading and service areas for waste disposal, loading and delivery;
 - Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
 - Location, type, and height of outdoor lighting;
 - Location of mail boxes, if known;
 - Name and address of project designer, if applicable;
 - Locations of bus stops and other public or private transportation facilities;
 - Locations, sizes, and types of signs
- Architectural drawings. Architectural drawings showing one or all of the following shall be required for new commercial, commercial/residential, industrial and multifamily buildings, and major remodels of the same:
 - Building elevations (as determined by the City Planning Official) with building height and width dimensions;
 - Building materials, colors and type;
 - The name of the architect or designer.
- Preliminary grading plan. A preliminary grading plan prepared by a registered engineer shall be required for development sites one-half (1/2) acre or larger. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required, in accordance with Section 3.4.040.
- Landscape plan. Where a landscape plan is required, it shall show the following:
 - The location and height of existing and proposed fences, buffering or screening materials;
 - The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
 - The location, size, and species of the existing and proposed plant materials (at time of planting);
 - Existing and proposed building and pavement outlines;
 - Specifications for soil at time of planting, irrigation if plantings are not drought-tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule;
 - Other information as deemed appropriate by the City Planning Official. An arborist's report may be required for sites with mature trees that are protected under Chapter 3.2. Landscape, Street Trees, Fences and Walls of this Code.
- Other information determined by the City Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code.

Section 5 – Signatures Required

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:

PROPERTY OWNER(S)

Property Owner's Signature: M. Hoffmann Date: 3/26/24

Property Owner's Signature: _____ Date: _____

APPLICANT(S)

Applicant's Signature: JW Date: 03.25.24

Applicant's Signature: _____ Date: _____

Section 6 – Application Review Criteria

Approval Criteria. An application for Site Design Review shall be approved if the proposal meets all of the following criteria. The City decision making body may, in approving the application may impose reasonable conditions of approval, consistent with the applicable criteria:

1. The application is complete, as determined in accordance with Chapter 4.1 - Types of Applications and Section 4.2.050, above.
2. The application complies with all of the applicable provisions of the underlying Land Use District (Article 2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable standards.
3. The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2, Non-Conforming Uses and Development.
4. The proposal complies with all of the Design Standards in Article 3:
 - a. Chapter 3.1 - Access and Circulation;
 - b. Chapter 3.2 - Landscaping, Significant Vegetation, Street Trees, Fences and Walls;
 - c. Chapter 3.3 - Parking and Loading, for automobiles and bicycles;
 - d. Chapter 3.4 - Public Facilities and Franchise Utilities;
 - e. Chapter 3.5 - Signs;
 - f. Chapter 3.6 - Other Standards.
5. Existing conditions of approval required as part of a prior land use decision, including Land Divisions (Chapter 4.3), Conditional Use Permits (Chapter 4.4), Master Planned Developments (Chapter 4.5) or other approval, shall be met.

Note: Compliance with other City codes and requirements, though not applicable land use criteria, may be required prior to issuance of building permits.

April 17, 2024

Planning Manager
City of Dallas Planning Division
187 SE Court Street
Dallas, OR 97338

RE: Polk County Behavioral Health Building
Same lot as: 182 SW Academy
Dallas, OR 97338



To Whom it May Concern:

Our written statement to request a Class B Variance for the Build-To Line Development Standard 2.3.030, is as follows:

1. *The variance is necessary because the subject Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses.*
 - i. *Proposed Response:* Due to the location and curve of the street and its distance to the site, it is not possible to achieve a 0' setback to the public street right-of-way. The Code states that the build-to line may be increased if we provide a public pedestrian amenity between a primary building entrance and the street right-of-way. The area of land between our site and the street is proposed to be vacated from ODOT/City ownership to add to this project. If this occurs, we plan to create a public amenity in this quadrant. We propose to provide benches, hardscape and landscaped areas as a public amenity next to the existing bus stop at the street. Refer to the attached site plan for future conceptual amenity. We feel the proposed development equally or better meets the intent of the setback requirements.
2. *The variance is the minimum necessary to address the special or unique physical circumstances referenced in subsection 5.1.040B (1).*
 - i. *Proposed Response:* DEQ cut/fill requirements and flood plane issues along the creek negate the ability to place the new building adjacent to the street. The new building will be sited in the existing parking lot, in the portion closest to the street. The location of the building represents the minimum variance request to the Development Standard.
3. *The variance conforms to the provisions of subsections 5.1.040C through 5.1.040G, as applicable.*
 - i. *Proposed Response:* The proposed design will comply with 5.1.040C through 5.1.040G, as applicable:
 - a. The proposed design will comply with Vehicular Access and Circulation Standards based upon 5.1.040C.
 - b. The proposed design will comply with Street Tree Requirements based upon 5.1.040D.

City of Dallas Planning Division
Class B Variance
Polk Co Behavioral Health Building
04.17.2024
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- c. The proposed design will comply with Parking and Loading Standards based upon 5.1.040E.
 - d. The proposed design will comply with Maximum or Minimum Yard Setbacks to Avoid or Reduce Impacts in Areas Subject to Geological Hazards, Floodplains, Significant Trees, Wetlands, or Other Natural Features based upon 5.1.040F.
 - e. The proposed design will comply with Transportation Improvement Requirements based upon 5.1.040G.
4. *The variance does not conflict with other applicable City policies or other applicable regulations.*
- i. *Proposed Response:* No, the variance requests do not conflict with other applicable City policies or applicable regulations. All Building Department, Public Works, Fire and Planning provisions will be adhered to.
5. *The variance will result in no foreseeable harm to adjacent property owners or the public.*
- i. *Proposed Response:* The variance will not result in any foreseeable harm to adjacent property owners or the public; the proposed variance will better the community by providing a public amenity and placing the building so as to not impact adjacent properties.

Thank you for taking the time to review our statement. Feel free to reach out if you have any questions.

Sincerely,



Sarah Rose, AIA

Enc.

cc: Matt Hawkins, hawkins.matt@co.polk.or.us

CODE COMPLIANCE

PROJECT INFORMATION:

PROJECT NUMBER: 2022.0079.000
 PRINCIPLE ARCHITECT: RICHARD ROTHWEILER, AIA
 PROJECT ARCHITECT: SARAH ROSE, AIA
 CODE: 2022 OSSC, AMENDMENTS BASED ON 2021 IBC
 PROJECT DESCRIPTION: NEW 10,000 SF TWO-STORY OFFICE BUILDING

ZONING CODE REVIEW:

SITE LOCATION: 182 SW ACADEMY STREET, DALLAS, OREGON 97338
 LISTED ZONE: CBD - CENTRAL BUSINESS DISTRICT CITY OF DALLAS
 ADJACENT ZONES: CBD - CENTRAL BUSINESS DISTRICT SECT 2.3.010
 LOT AREA: 200,376 SF = 4.6 ACRES TABLE 2.3.030
 NEW BUILDING AREA:
 FIRST FLOOR: 7,110 SF
 SECOND FLOOR: 3,190 SF
 NEW TOTAL BUILDING AREA: 10,300 SF
 LOT COVERAGE:
 EXISTING BUILDING AREA: 21,906 SF = 11%
 PROPOSED BUILDING AREA: 10,300 SF = 5%
 TOTAL BUILDING AREA: 32,206 SF = 16%
 SETBACKS:
 RIPARIAN R.O.W.: 10' SETBACK, COMPLIES
 PARKING LOT SETBACK: 4' LANDSCAPED SETBACK, COMPLIES
 OFF STREET PARKING:
 EXISTING PARKING: 120 STALLS
 EXISTING PARKING TO BE REMOVED: -51 STALLS
 PROPOSED PARKING: +40 STALLS
 TOTAL PARKING: 109 STALLS
 BIKE PARKING:
 REQUIRED: 2 STALLS
 PROVIDED: 2 STALLS, COMPLIES

USE AND OCCUPANCY CLASSIFICATION (CHAPTER 3):

GOVERNMENT OFFICES: GROUP B SECT. 304.1

GENERAL BUILDING HEIGHTS AND AREAS (CHAPTER 5):

ALLOWABLE BUILDING HEIGHT: 60'-0" MAX, COMPLIES TABLE 504.3
 ALLOWABLE STORIES ABOVE GRADE: 3 STORIES, COMPLIES TABLE 504.4
 ALLOWABLE AREA: 27,000 SF PER STORY, COMPLIES TABLE 506.2
 PROPOSED AREA/STORIES: 10,300 GSF / 2 STORIES

TYPES OF CONSTRUCTION (CHAPTER 6)

CONSTRUCTION TYPE: VB, SPRINKLED TABLE 601
 BUILDING ELEMENTS:
 STRUCTURAL FRAME: 0-HR TABLE 601
 EXTERIOR BEARING WALL: 0-HR TABLE 601
 INTERIOR BEARING WALL: 0-HR TABLE 601
 EXTERIOR NON-BEARING WALL:
 x < 5'-0" = 1-HR TABLE 705.5
 5 10'-0" = 1-HR (NORTH) TABLE 705.5
 10'-0" x < 30'-0" = 0-HR TABLE 705.5
 x 30'-0" = 0-HR TABLE 705.5
 INTERIOR NON-BEARING WALL: 0-HR TABLE 601
 FLOOR, INCLUDING BEAMS: 0-HR TABLE 601
 ROOF, INCLUDING BEAMS: 0-HR TABLE 601

FIRE-RESISTANCE-RATED CONSTRUCTION (CHAPTER 7)

EXTERIOR WALLS, PROJECTIONS: NOT PERMITTED TABLE 705.2
 0-2 FT
 2-3 FT 24 INCHES
 3-5 FT 1/2 OF FSD
 5 FT + 40 INCHES
 FIRE RATING: GREATER THAN 10 FEET, RATED ONLY FROM INTERIOR SECT. 705.5
 WALL OPENINGS: UP, S - NOT PERMITTED TABLE 705.8
 0-3 FT
 3-5 FT UP, S - 15%
 5-10 FT UP, S - 25%
 10-15 FT UP, S - 45%
 15-20 FT UP, S - 75%
 20-25 FT UP, S - NO LIMIT
 25-30 FT UP, S - NO LIMIT
 30 FT + UP, S - NO LIMIT (NORTH, EAST, SOUTH, WEST SIDES)
 UNPROTECTED OPENINGS ALLOWED WHERE EXTERIOR WALL IS NOT RATED SECT. 705.8.1 EX 2
 FIRE WALLS: N/A SECT 706
 FIRE BARRIERS: N/A SECT 707
 FIRE PARTITIONS: N/A SECT 708
 HORIZONTAL ASSEMBLIES: N/A SECT 711
 OPENING PROTECTIVE: N/A SECT 716

INTERIOR FINISHES (CHAPTER 8)

OCCUPANCY: GROUP B, SPRINKLED
 VERTICAL EXITS: CLASS B TABLE 803.13
 EXIT CORRIDORS: CLASS C TABLE 803.13
 ROOMS: CLASS C TABLE 803.13

FIRE PROTECTION SYSTEM (CHAPTER 9)

B OCCUPANCY: SPRINKLED, NON-REQUIRED SECT. 903.2
 FIRE ALARM: MANUAL ALARM NOT REQUIRED SECT. 907.2.2x1

MEANS OF EGRESS (CHAPTER 10)

OCCUPANT LOAD: 95 OCCUPANTS
 EGRESS WIDTH:
 REQUIRED: 95 OCC x (0.2) = 19"
 36: EA (3) = 108"
 72: EA (2) = 144"
 PROVIDED: TOTAL = 252" SECT. 1005.3.2
 EGRESS ILLUMINATION: REQUIRED SECT. 1006.1
 PANIC HARDWARE: OCC LOAD > 50, ALL EXITS
 COMMON PATH: B OCC, SPRINKLED 100 FT TABLE 1006.2.1
 STORIES WITH ONE EXIT: B OCC 49 MAX OCCUPANTS <75 LF TABLE 1006.3.4(2)
 EXIT TRAVEL DISTANCE: B OCCUPANCY, SPRINKLED 300 FT, COMPLIES TABLE 1017.2
 CORRIDOR: 0-HOUR RATING B OCC, SPRINKLED TABLE 1020.2

ACCESSIBILITY (CHAPTER 11)

PARKING AND LOADING FACILITIES
 NEW SPACES: 40
 NEW ACCESSIBLE SPACES: 3
 ACCESSIBLE SPACES REQUIRED: 2

PLUMBING SYSTEMS (CHAPTER 29)

B OCCUPANT LOAD: 95 TABLE 2902.1
 MALES: 48
 FEMALES: 48

	MEN					WOMEN					UNISEX				
	WC	LAV	UR	DF	SHWR	WC	LAV	DF	SHWR	WC	LAV	UR	SINK	SHWR	
B OCC	1.92	1.2	-	-	-	1.92	1.2	-	-	-	-	-	-	-	
REQUIRED:	2	2	-	-	-	2	2	-	-	-	-	-	-	-	
WITH URINAL:	-	2	-	2	-	2	2	-	-	-	4	-	-	-	
PROVIDED:	-	-	-	2	-	-	-	-	-	7	7	6	1	2	

DESIGN IS IN EXCESS +5 WC, +3 LAVS, 2 URINALS, +1 SINK, AND +2 SHOWERS

CONSTRUCTION DOCUMENTS

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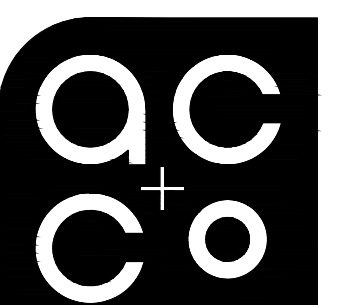
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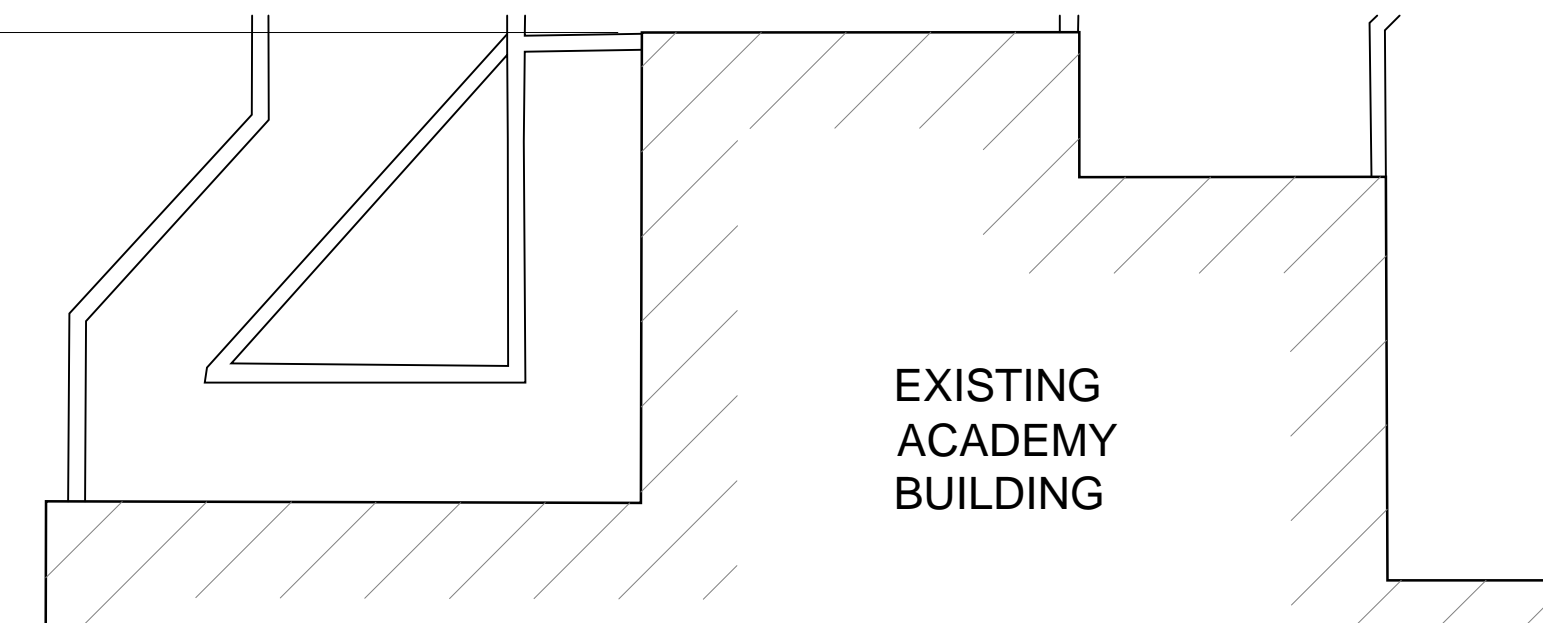
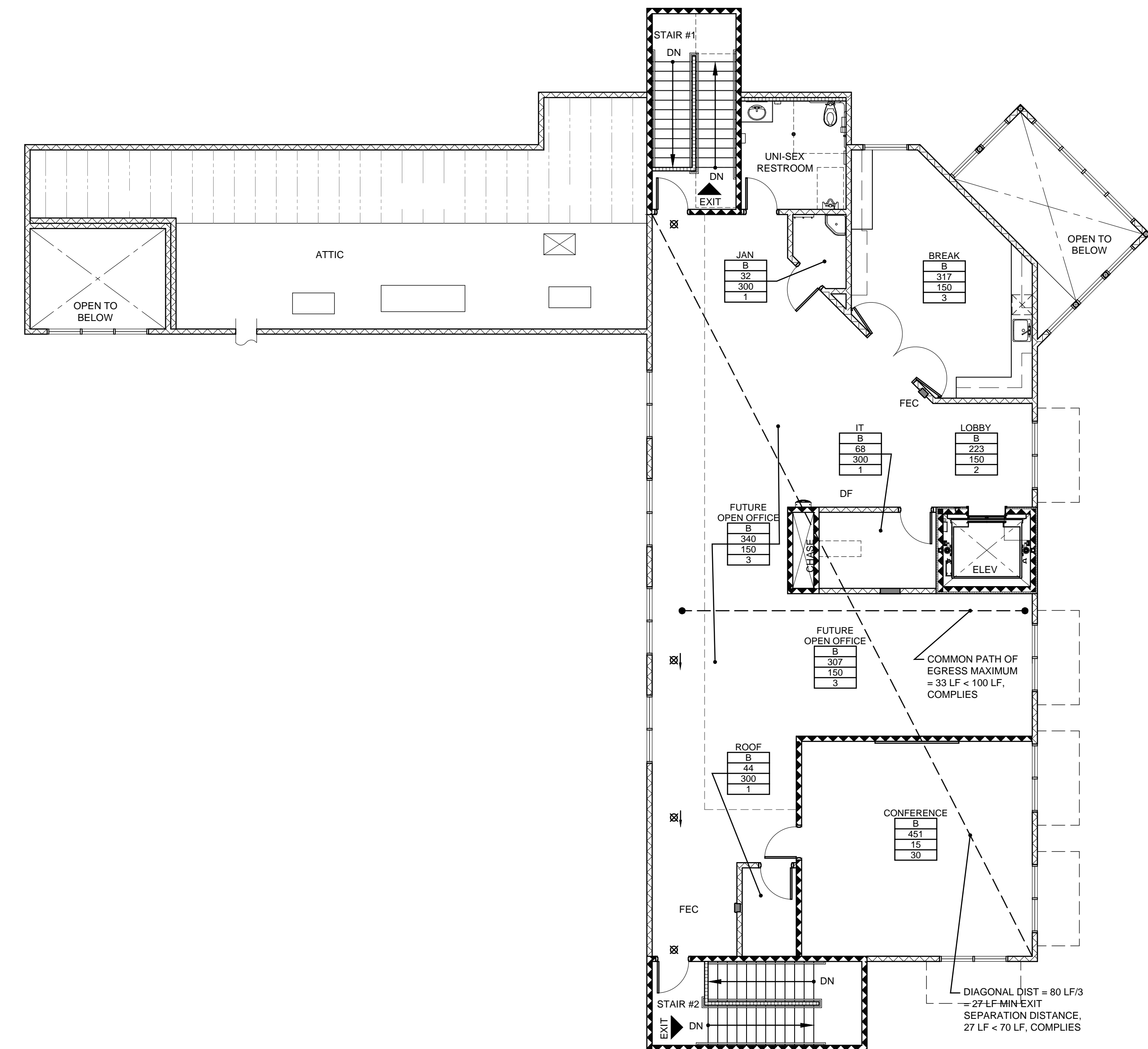
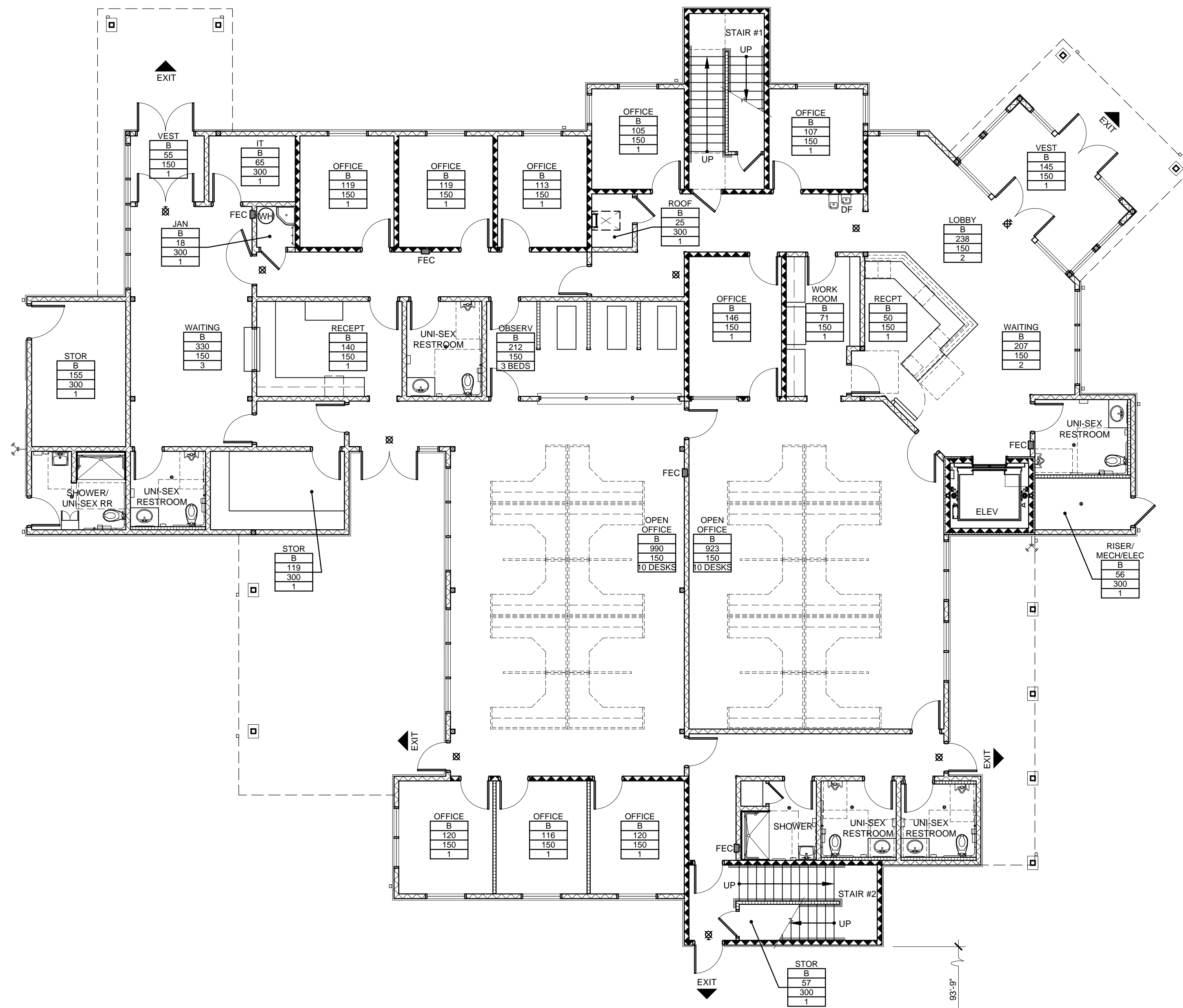
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A0.1

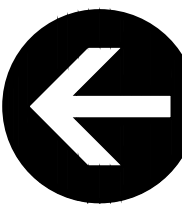
SYMBOL LEGEND

ROOM	←	OCCUPANCY CLASSIFICATION
B	←	SQUARE FOOTAGE OF AREA
D	←	OCCUPANT LOAD FACTOR
10	←	OCCUPANTS
1	←	
⊗		EXIT EGRESS SIGN WITH BATTERY BACKUP
□		FEC SEMI-RECESSED FIRE EXTINGUISHER CABINET
DF		DRINKING FOUNTAIN, REFER TO PLUMBING DRAWINGS
EXIT		REQUIRED EXIT



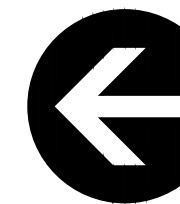
1 CODE REVIEW FLOOR PLAN - FIRST FLOOR
SCALE: 1/8" = 1'-0"

7,110 GSF
51 OCC



2 CODE REVIEW FLOOR PLAN - SECOND FLOOR
SCALE: 1/8" = 1'-0"

3,190 GSF
44 OCC



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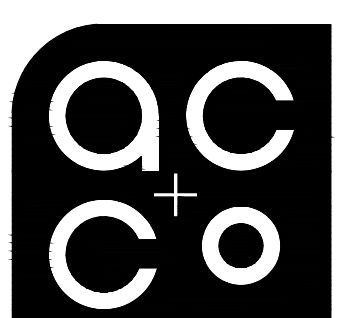
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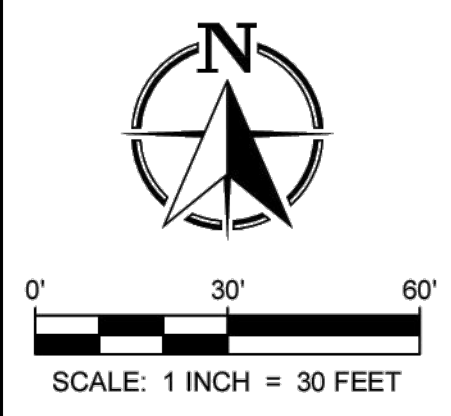
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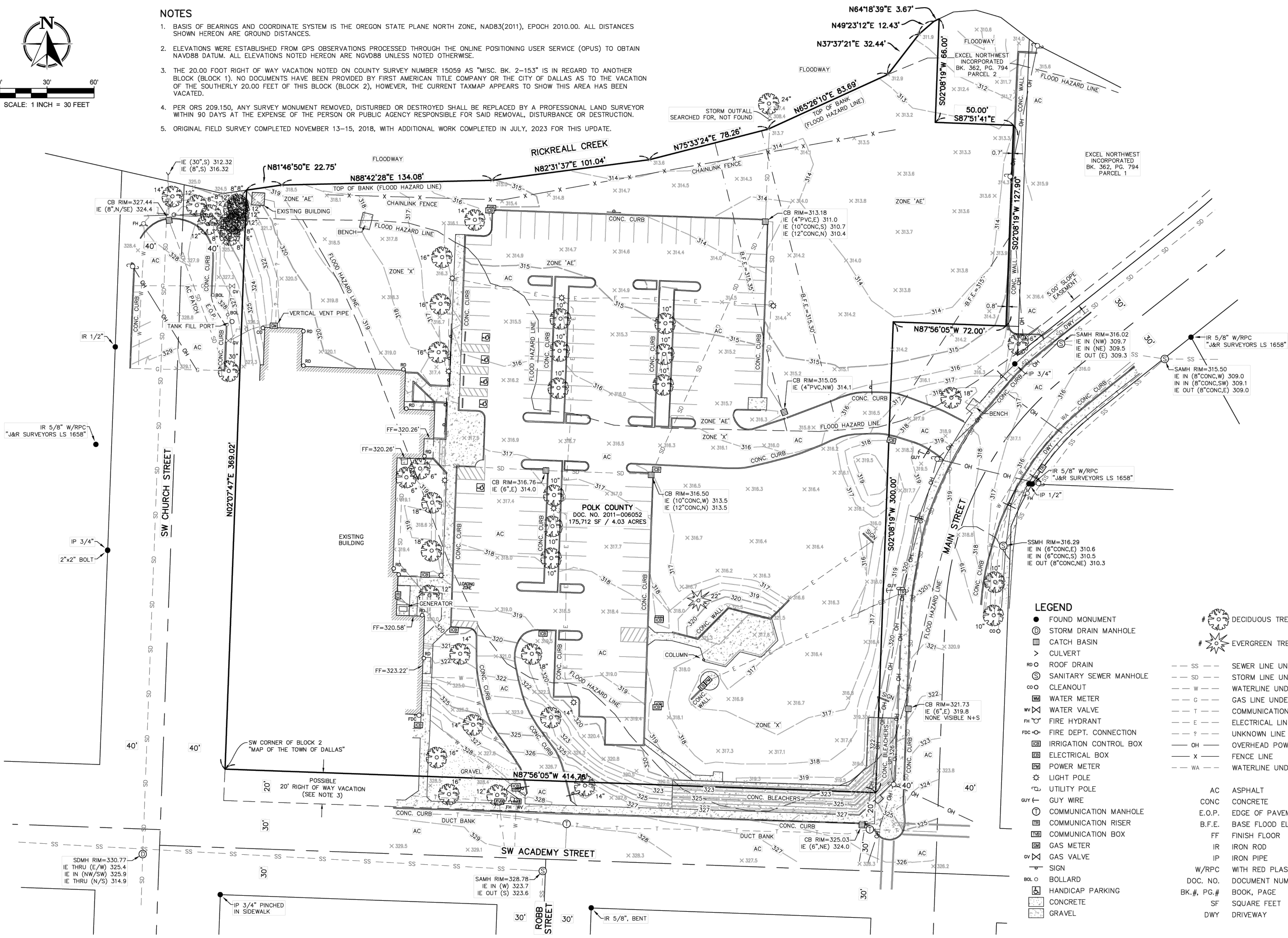
SHEET

A0.2



NOTES

1. BASIS OF BEARINGS AND COORDINATE SYSTEM IS THE OREGON STATE PLANE NORTH ZONE, NAD83(2011), EPOCH 2010.00. ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES.
2. ELEVATIONS WERE ESTABLISHED FROM GPS OBSERVATIONS PROCESSED THROUGH THE ONLINE POSITIONING USER SERVICE (OPUS) TO OBTAIN NAVD88 DATUM. ALL ELEVATIONS NOTED HEREON ARE NAVD88 UNLESS NOTED OTHERWISE.
3. THE 20.00 FOOT RIGHT OF WAY VACATION NOTED ON COUNTY SURVEY NUMBER 15059 AS "MISC. BK. 2-153" IS IN REGARD TO ANOTHER BLOCK (BLOCK 1). NO DOCUMENTS HAVE BEEN PROVIDED BY FIRST AMERICAN TITLE COMPANY OR THE CITY OF DALLAS AS TO THE VACATION OF THE SOUTHERLY 20.00 FEET OF THIS BLOCK (BLOCK 2), HOWEVER, THE CURRENT TAXMAP APPEARS TO SHOW THIS AREA HAS BEEN VACATED.
4. PER ORS 209.150, ANY SURVEY MONUMENT REMOVED, DISTURBED OR DESTROYED SHALL BE REPLACED BY A PROFESSIONAL LAND SURVEYOR WITHIN 90 DAYS AT THE EXPENSE OF THE PERSON OR PUBLIC AGENCY RESPONSIBLE FOR SAID REMOVAL, DISTURBANCE OR DESTRUCTION.
5. ORIGINAL FIELD SURVEY COMPLETED NOVEMBER 13-15, 2018, WITH ADDITIONAL WORK COMPLETED IN JULY, 2023 FOR THIS UPDATE.



LEGEND

- FOUND MONUMENT
- ⊕ STORM DRAIN MANHOLE
- ⊕ CATCH BASIN
- > CULVERT
- ⊙ ROOF DRAIN
- ⊙ SANITARY SEWER MANHOLE
- ⊙ CLEANOUT
- ⊙ WATER METER
- ⊙ WATER VALVE
- ⊙ FIRE HYDRANT
- ⊙ FIRE DEPT. CONNECTION
- ⊙ IRRIGATION CONTROL BOX
- ⊙ ELECTRICAL BOX
- ⊙ POWER METER
- ⊙ LIGHT POLE
- ⊙ UTILITY POLE
- ⊙ GUY WIRE
- ⊙ COMMUNICATION MANHOLE
- ⊙ COMMUNICATION RISER
- ⊙ COMMUNICATION BOX
- ⊙ GAS METER
- ⊙ GAS VALVE
- ⊙ SIGN
- ⊙ BOLLARD
- ⊙ HANDICAP PARKING
- ⊙ CONCRETE
- ⊙ GRAVEL
- ⊙ DECIDUOUS TREE & TRUNK SIZE
- ⊙ EVERGREEN TREE & TRUNK SIZE
- SS --- SEWER LINE UNDERGROUND
- SD --- STORM LINE UNDERGROUND
- W --- WATERLINE UNDERGROUND
- G --- GAS LINE UNDERGROUND
- T --- COMMUNICATION LINE UNDERGROUND
- E --- ELECTRICAL LINE UNDERGROUND
- ? --- UNKNOWN LINE UNDERGROUND
- OH --- OVERHEAD POWER LINE
- X --- FENCE LINE
- WA --- WATERLINE UNDERGROUND ASBUILT
- AC ASPHALT
- CONC CONCRETE
- E.O.P. EDGE OF PAVEMENT
- B.F.E. BASE FLOOD ELEVATION
- FF FINISH FLOOR
- IR IRON ROD
- IP IRON PIPE
- W/RPC WITH RED PLASTIC CAP
- DOC. NO. DOCUMENT NUMBER
- BK.#, PG.# BOOK, PAGE
- SF SQUARE FEET
- DWY DRIVEWAY

FFN SURVEYING
 7230 3rd Street SE #145, Turner, OR 97392
 P: (503) 558-3330 E: info@ffnsurveying.com

TOPOGRAPHIC SURVEY
FOR: POLK COUNTY ACADEMY BUILDING
 IN THE NE 1/4 OF SECTION 32, T.7S, R.5W, W.M.
 CITY OF DALLAS, POLK COUNTY, OREGON

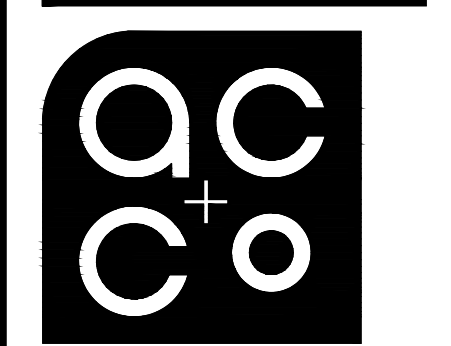
REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON
 SEPTEMBER 12, 2017
 STEVEN LEE HOWELL
 91569
 RENEWAL: 6-30-2025

NO.	DATE	DESCRIPTION
2	07/JUL/23	ADDITIONAL TOPOGRAPHIC SURVEY
1	03/DEC/18	VERTICAL DATUM SHIFT UP TO NAVD88
0	21/NOV/18	INITIAL RELEASE

JOB NO. 18-054
 SHEET 1/1

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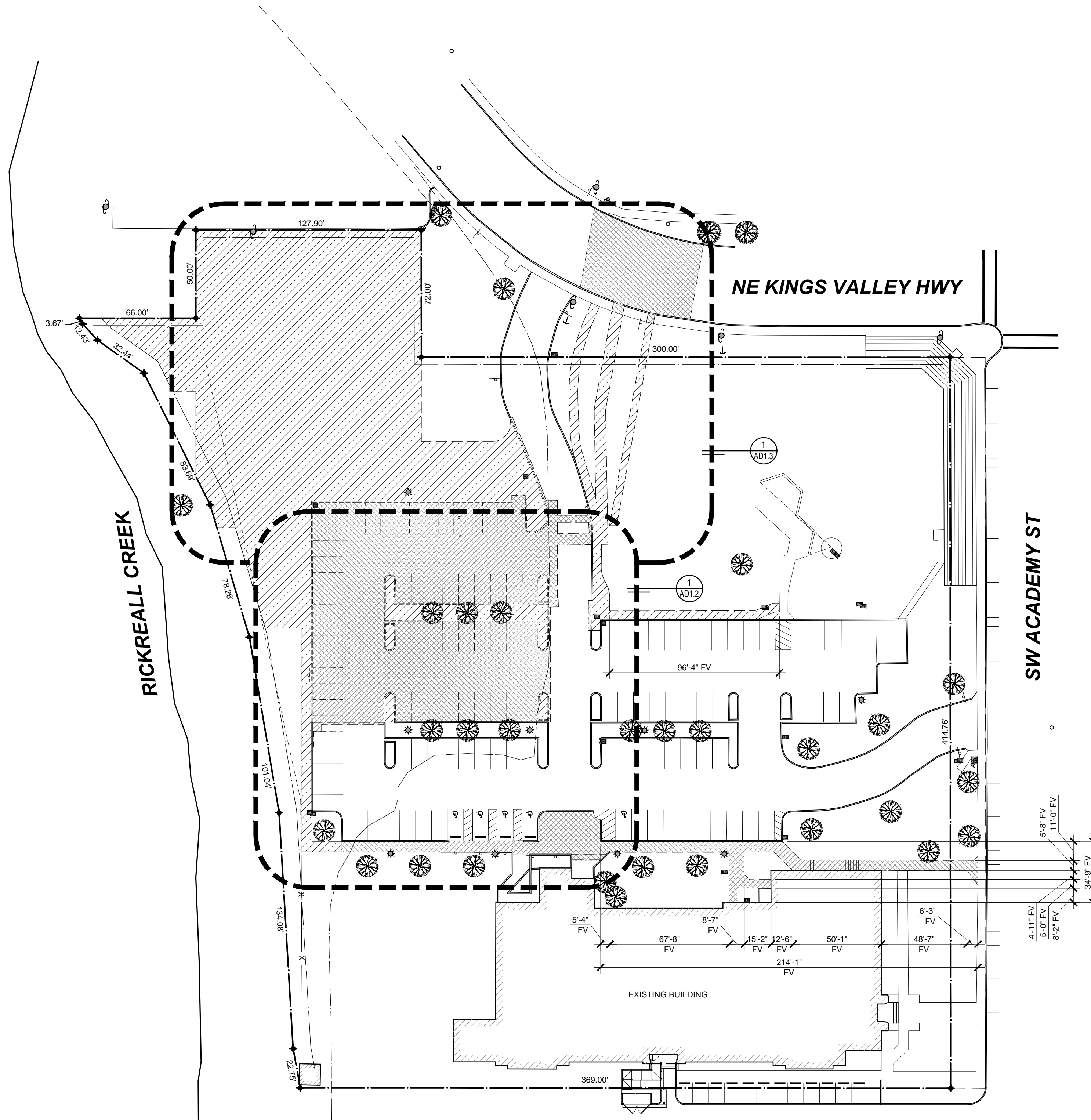
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A0.3

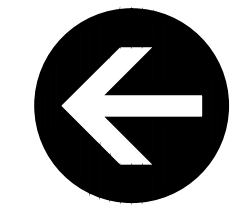


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SITE LEGEND

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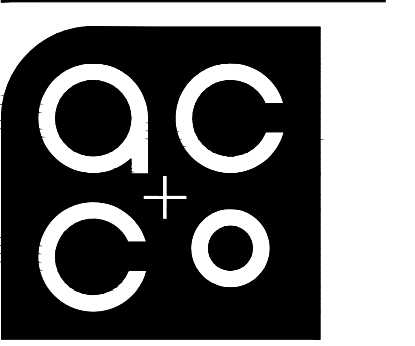
1 OVERALL SITE PLAN - DEMOLITION
SCALE: 1" = 40'-0"



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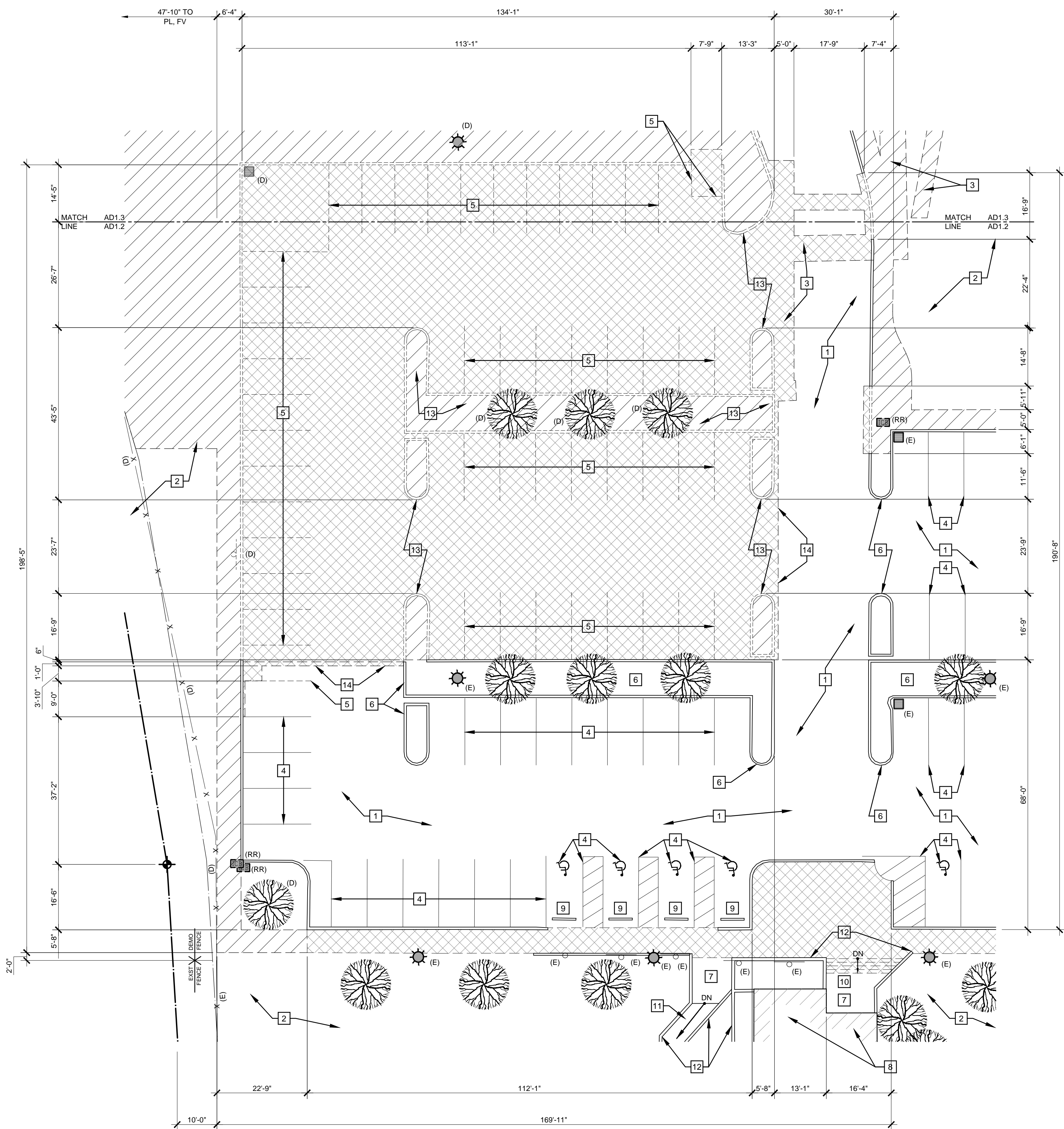
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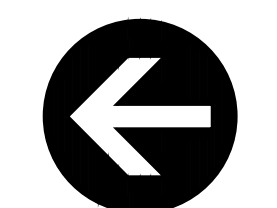


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- REFERENCE NOTES:**
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 - EXISTING LANDSCAPED AREA TO REMAIN
 - EXISTING ASPHALT, LANDSCAPING OR CONCRETE TO BE REMOVED FOR UTILITY TRENCHING. INFILL TO MATCH EXISTING, REFER TO CIVIL DRAWINGS
 - EXISTING PARKING STRIPE TO REMAIN
 - EXISTING PARKING STRIPE TO BE REMOVED
 - EXISTING LANDSCAPED PARKING ISLAND TO REMAIN
 - EXISTING CONCRETE SIDEWALK TO REMAIN
 - EXISTING BUILDING TO REMAIN
 - EXISTING WHEEL STOP TO REMAIN
 - EXISTING STAIRS, HANDRAIL AND GUARDRAIL (WHERE OCCURS) TO REMAIN
 - EXISTING RAMP, HANDRAIL AND GUARDRAIL (WHERE OCCURS) TO REMAIN
 - EXISTING EXTERIOR PARTIAL HEIGHT WALL TO REMAIN
 - EXISTING LANDSCAPED PARKING ISLAND TO BE REMOVED
 - EXISTING ASPHALT TO BE SAWCUT AND REMOVED FOR NEW CURB CONSTRUCTION. INFILL WITH NEW ASPHALT TO MATCH EXISTING, REFER TO CIVIL DRAWINGS

1 ENLARGED SITE PLAN - DEMOLITION
SCALE: 1/16" = 1'-0"



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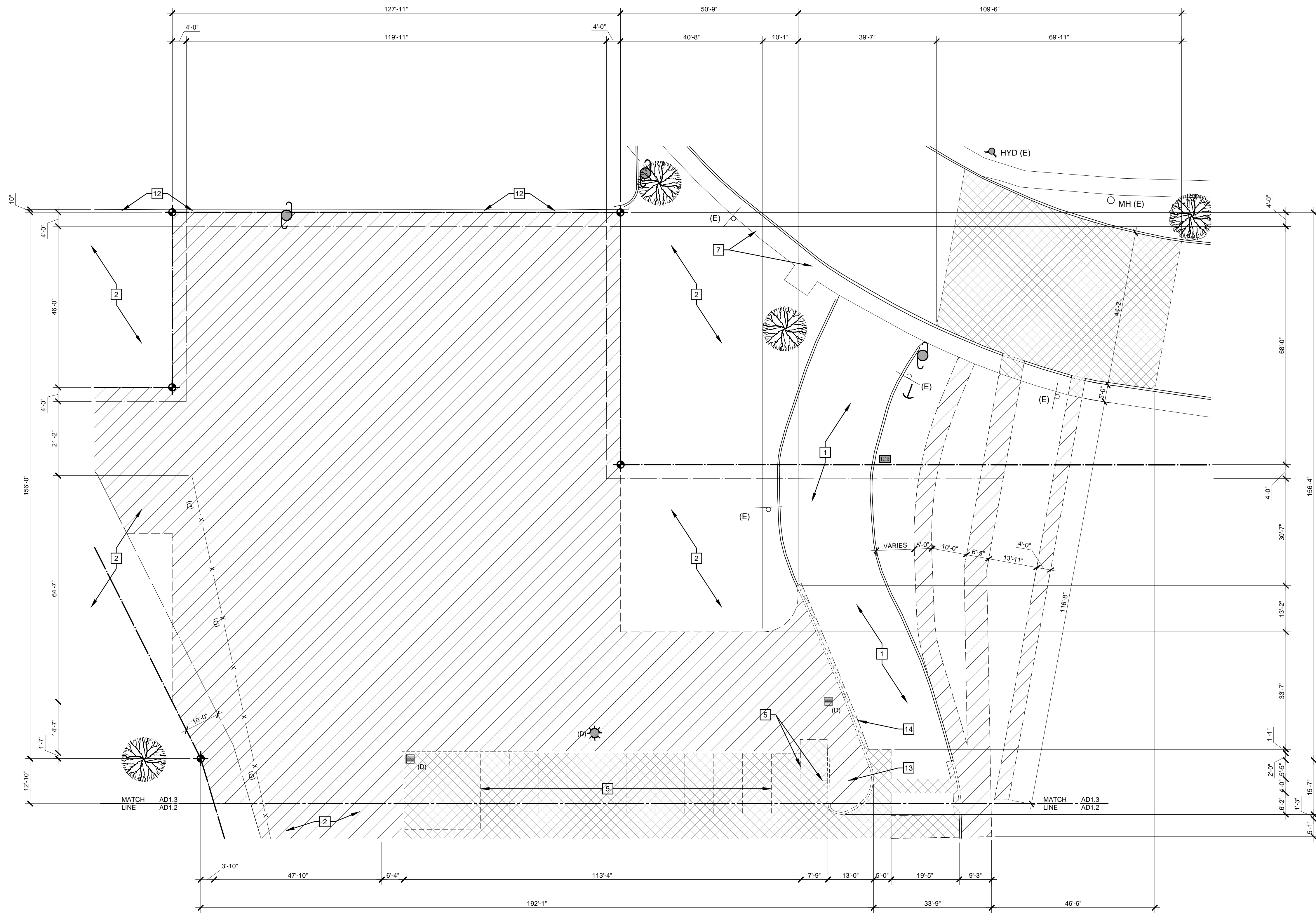
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- EXISTING ASPHALT TO REMAIN
- EXISTING LANDSCAPED AREA TO REMAIN
- EXISTING ASPHALT, LANDSCAPING OR CONCRETE TO BE REMOVED FOR UTILITY TRENCHING. INFILL TO MATCH EXISTING, REFER TO CIVIL DRAWINGS
- EXISTING PARKING STRIPE TO REMAIN
- EXISTING PARKING STRIPE TO BE REMOVED
- EXISTING LANDSCAPED PARKING ISLAND TO REMAIN
- EXISTING CONCRETE SIDEWALK TO REMAIN
- EXISTING BUILDING TO REMAIN
- EXISTING WHEEL STOP TO REMAIN
- EXISTING STAIRS, HANDRAIL AND GUARDRAIL (WHERE OCCURS) TO REMAIN
- EXISTING RAMP, HANDRAIL AND GUARDRAIL (WHERE OCCURS) TO REMAIN
- EXISTING EXTERIOR PARTIAL HEIGHT WALL TO REMAIN
- EXISTING LANDSCAPED PARKING ISLAND TO BE REMOVED
- EXISTING ASPHALT TO BE SAWCUT AND REMOVED FOR NEW CURB CONSTRUCTION. INFILL WITH NEW ASPHALT TO MATCH EXISTING, REFER TO CIVIL DRAWINGS

CONSTRUCTION DOCUMENTS
 NOT FOR CONSTRUCTION
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JOB NO. 2022.0079
 DATE APRIL 12, 2024
 DRAWN SR
 REVISIONS

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 1100 Liberty St SE,
 Suite 200
 Salem, OR 97302-5385
 P: 503.581.4114
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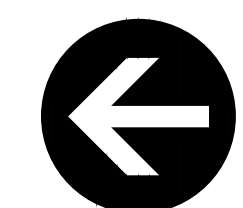
POLK CO. HEALTH

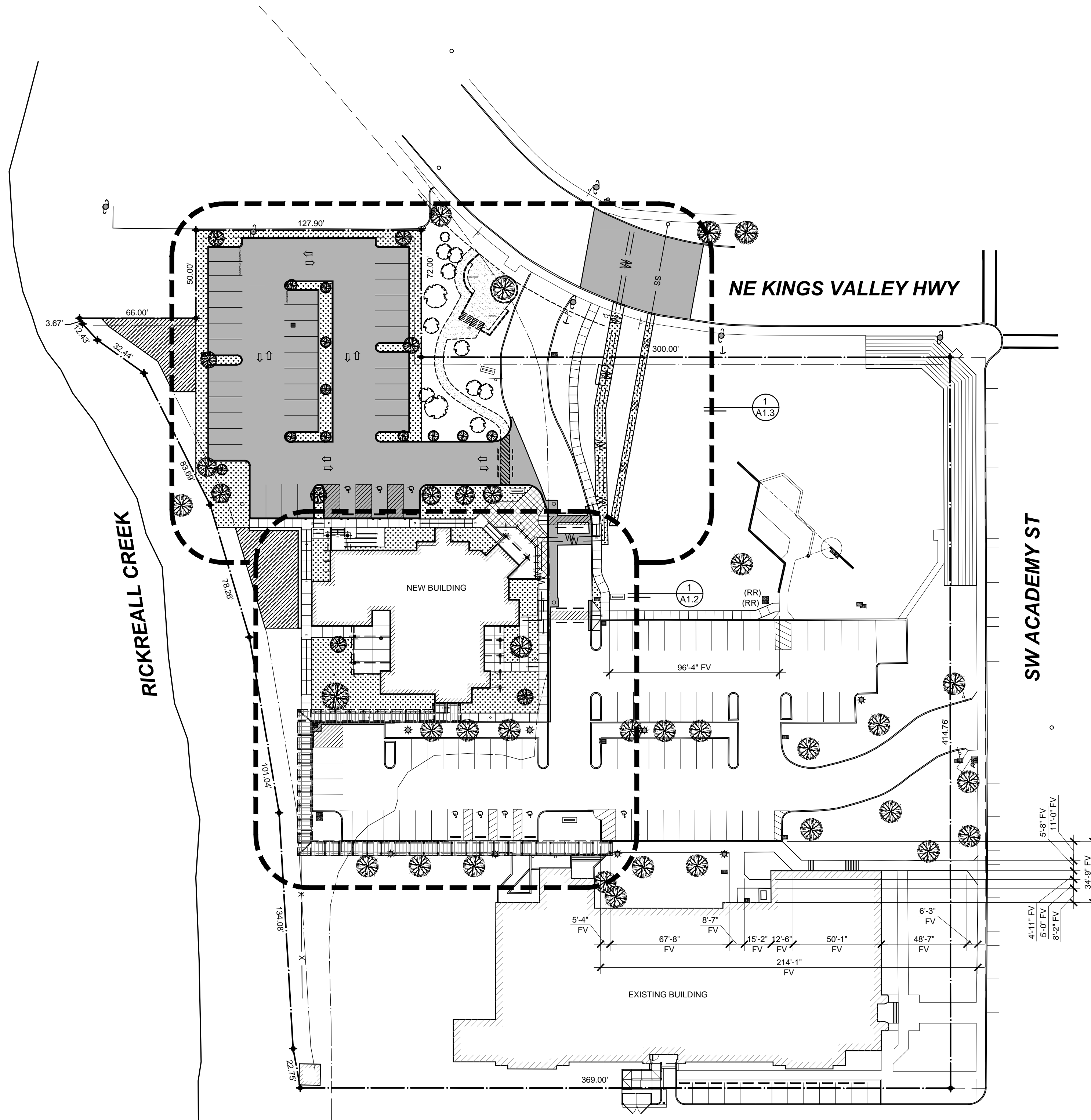
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SHEET

AD1.3

1 ENLARGED SITE PLAN - DEMOLITION
 SCALE: 1/16" = 1'-0"



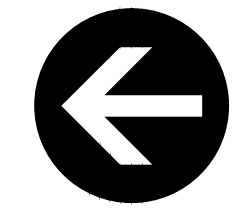


- GENERAL NOTES:**
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 - IN CASE OF ANY CONFLICTS IN THE REQUIREMENTS OF THE CONTRACT DOCUMENTS, THE CONTRACTOR IS REQUIRED TO INCLUDE THE BETTER QUALITY AND LARGER QUANTITY OF THE WORK.
 - CONTRACTOR AND BIDDERS SHALL USE COMPLETE SETS OF CONTRACT DOCUMENTS; NEITHER THE OWNER NOR ARCHITECT ASSUMES RESPONSIBILITY FOR ERRORS OR MISINTERPRETATIONS RESULTING FROM THE USE OF INCOMPLETE SETS OF CONTRACT DOCUMENTS.
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 - THIS SURVEY HAS BEEN PROVIDED BY THE OWNER. INFORMATION SHOWN HEREIN IS INCLUDED FOR CONTRACTOR'S REFERENCE ONLY. AC+CO ARCHITECTURE DOES NOT WARRANT INFORMATION SHOWN HEREON AS NECESSARILY COMPLETE OR ACCURATE.

SITE LEGEND

	NEW CONCRETE PAVEMENT, REFER TO CIVIL DRAWINGS
	NEW LANDSCAPED AREA AND TRENCH INFILL (WHERE OCCURS), REFER TO CIVIL AND LANDSCAPE DRAWINGS
	NEW ASPHALT PAVING, REFER TO CIVIL DRAWINGS
	NEW GSI / DETENTION AREA, REFER TO CIVIL DRAWINGS
	NEW CONCRETE CURB REFER TO CIVIL DRAWINGS ² _(A1.4)
	EXISTING CURB TO REMAIN, REFER TO CIVIL DRAWINGS
	PROPERTY LINE BOUNDARY, REFER TO SURVEY
	SETBACK LINE, REFER TO SURVEY
	EXISTING FENCE TO REMAIN
	NEW CONCRETE PAVEMENT JOINT ¹ _(A1.4)
	NEW CLEAN OUT, (E) DESIGNATES EXISTING TO REMAIN, REFER TO CIVIL DRAWINGS
	NEW MAN HOLE, (E) DESIGNATES EXISTING TO REMAIN, REFER TO CIVIL DRAWINGS
	NEW DOWN SPOUT, REFER TO CIVIL DRAWINGS
	NEW CATCH BASIN OR AREA DRAIN, (E) DESIGNATES EXISTING TO REMAIN, REFER TO CIVIL DRAWINGS
	EXISTING WATER METER TO REMAIN, (RR) DESIGNATES RELOCATED WATER METER, REFER TO CIVIL DRAWINGS
	NEW FIRE HYDRANT, (E) DESIGNATES EXISTING HYDRANT TO REMAIN, REFER TO CIVIL DRAWINGS
	EXISTING POWER POLE TO REMAIN, REFER TO ELECTRICAL DRAWINGS
	EXISTING LIGHT POLE TO REMAIN, (N) DESIGNATES NEW, REFER TO ELECTRICAL DRAWINGS
	NEW SIGN, (E) DENOTES EXISTING TO REMAIN
	EXISTING TREE TO REMAIN, (N) DENOTES NEW TREE, REFER TO LANDSCAPE DRAWINGS

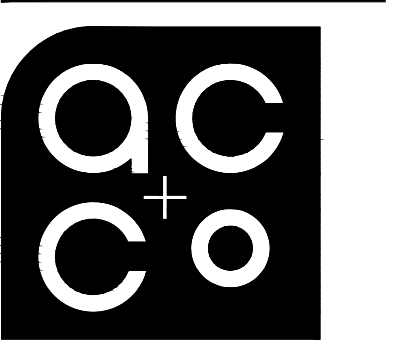
1 OVERALL SITE PLAN
SCALE: 1" = 40'-0"



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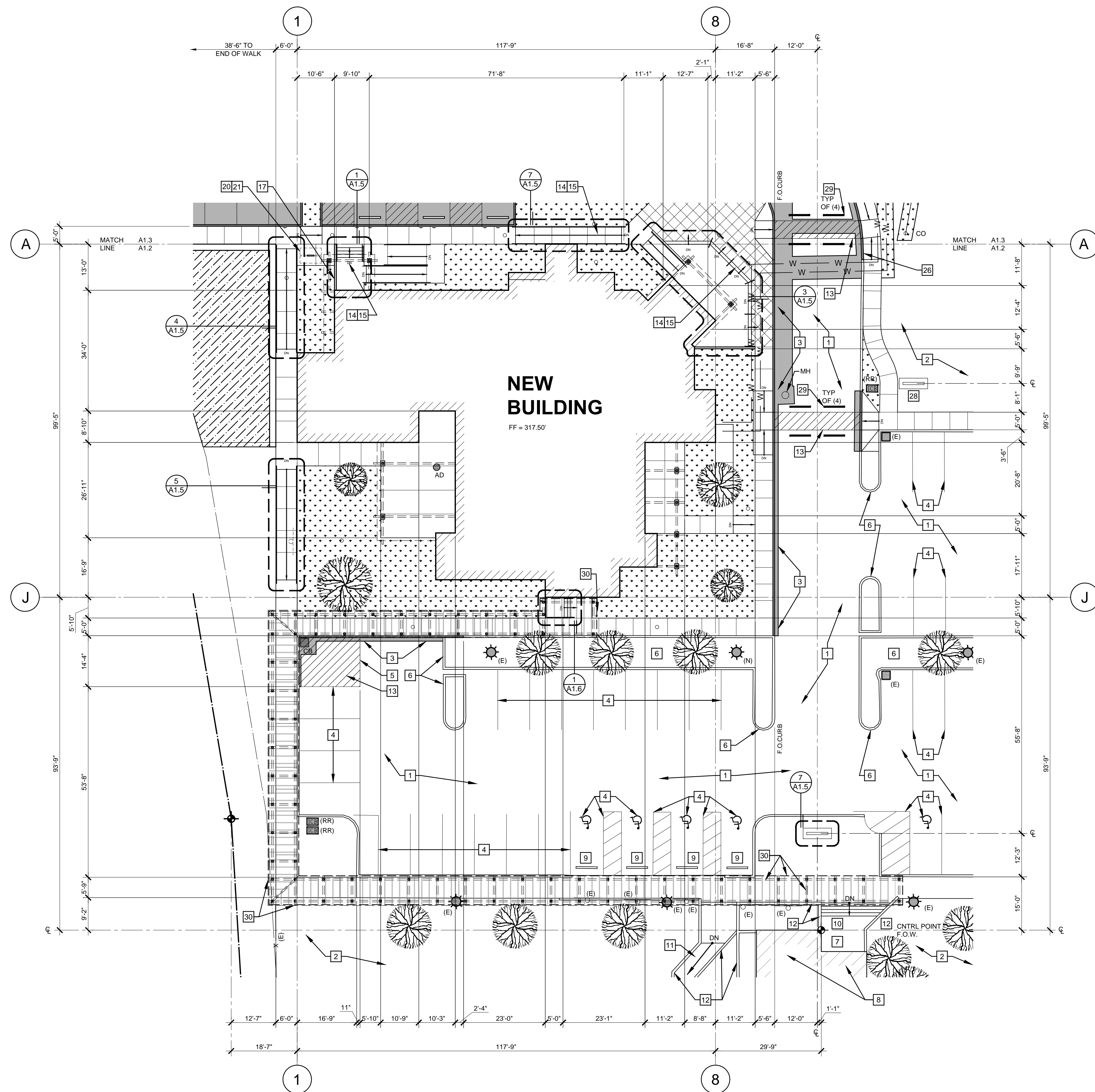
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HEALTH

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A1.1



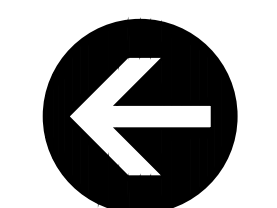
- REFERENCE NOTES:**
- 1 EXISTING ASPHALT TO REMAIN
 - 2 EXISTING LANDSCAPED AREA TO REMAIN
 - 3 NEW ASPHALT INFILL TO MATCH EXISTING FOR UTILITY CONNECTION AND NEW CURB CONSTRUCTION. REFER TO CIVIL DRAWINGS
 - 4 EXISTING PARKING STRIPE TO REMAIN
 - 5 NEW 4" PAINTED PARKING STRIPE
 - 6 EXISTING LANDSCAPED PARKING ISLAND TO REMAIN
 - 7 EXISTING CONCRETE SIDEWALK TO REMAIN
 - 8 EXISTING BUILDING TO REMAIN
 - 9 EXISTING WHEEL STOP TO REMAIN
 - 10 EXISTING STAIRS, HANDRAIL AND GUARDRAIL (WHERE OCCURS) TO REMAIN
 - 11 EXISTING RAMP, HANDRAIL AND GUARDRAIL (WHERE OCCURS) TO REMAIN
 - 12 EXISTING EXTERIOR PARTIAL HEIGHT WALL TO REMAIN
 - 13 NEW 4" PAINTED SAFETY STRIPES AT 24" OC
 - 14 NEW CONCRETE RAMP OR STAIR. REFER TO A1.5
 - 15 NEW GALVANIZED METAL HANDRAIL AND GUARDRAIL, WHERE OCCURS (A1.4, A1.5)
 - 16 NEW OFCI BENCH
 - 17 NEW CONCRETE RETAINING WALL. REFER TO CIVIL DRAWINGS
 - 18 NEW 'LAW ENFORCEMENT PARKING ONLY' SIGN (A1.4)
 - 19 NEW CONCRETE WHEEL STOP (A1.4)
 - 20 NEW DEDICATED BICYCLE PARKING AREA
 - 21 NEW BIKE RACK (A1.4, A1.4)
 - 22 NEW PAINTED ARROW MARKINGS (A1.4)
 - 23 NEW HANDICAP ACCESSIBLE PARKING SIGN (A1.4, A1.4)
 - 24 NEW PAINTED HANDICAP SYMBOL (A1.4)
 - 25 NEW DDCA. REFER TO CIVIL DRAWINGS
 - 26 DEPRESSED CURB CUT, TAPERED. REFER TO CIVIL DRAWINGS (A1.4)
 - 27 NEW 12" TALL PAINTED LETTERING, 'COMPACT. AT SIM CONDITION. NO PARKING'
 - 28 NEW OFCI MONUMENT SIGN
 - 29 NEW SURFACE-MOUNTED 8'-0" WIDE SPEED BUMP
 - 30 NEW POST AND BEAM AWNING. REFER TO A1.6 AND STRUCTURAL DRAWINGS

- GENERAL NOTES:**
1. GENERAL NOTES APPLY TO ALL DRAWINGS.
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- SITE LEGEND**
- NEW CONCRETE PAVEMENT, REFER TO CIVIL DRAWINGS
 - NEW LANDSCAPED AREA AND TRENCH INFILL (WHERE OCCURS), REFER TO CIVIL AND LANDSCAPE DRAWINGS
 - NEW ASPHALT PAVING, REFER TO CIVIL DRAWINGS
 - NEW GSI / DETENTION AREA, REFER TO CIVIL DRAWINGS
 - NEW CONCRETE CURB REFER TO CIVIL DRAWINGS (A1.4)
 - EXISTING CURB TO REMAIN, REFER TO CIVIL DRAWINGS
 - PROPERTY LINE BOUNDARY, REFER TO SURVEY
 - SETBACK LINE, REFER TO SURVEY
 - EXISTING FENCE TO REMAIN
 - NEW CONCRETE PAVEMENT JOINT (A1.4)
 - NEW CLEAN OUT, (E) DESIGNATES EXISTING TO REMAIN, REFER TO CIVIL DRAWINGS
 - NEW MAN HOLE, (E) DESIGNATES EXISTING TO REMAIN, REFER TO CIVIL DRAWINGS
 - NEW DOWN SPOUT, REFER TO CIVIL DRAWINGS
 - NEW CATCH BASIN OR AREA DRAIN, (E) DESIGNATES EXISTING TO REMAIN, REFER TO CIVIL DRAWINGS
 - EXISTING WATER METER TO REMAIN, (RR) DESIGNATES RELOCATED WATER METER, REFER TO CIVIL DRAWINGS
 - NEW FIRE HYDRANT, (E) DESIGNATES EXISTING HYDRANT TO REMAIN, REFER TO CIVIL DRAWINGS
 - EXISTING POWER POLE TO REMAIN, REFER TO ELECTRICAL DRAWINGS
 - EXISTING LIGHT POLE TO REMAIN, (N) DESIGNATES NEW, REFER TO ELECTRICAL DRAWINGS
 - NEW SIGN, (E) DENOTES EXISTING TO REMAIN
 - EXISTING TREE TO REMAIN, (N) DENOTES NEW TREE, REFER TO LANDSCAPE DRAWINGS

- CURB RADII:**
- | | |
|---------|----------|
| 1 1'-6" | 4 2'-6" |
| 2 2'-3" | 5 4'-6" |
| 3 2'-5" | 6 10'-0" |

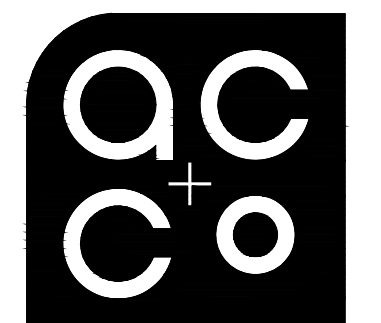
1 ENLARGED SITE PLAN
SCALE: 1/16" = 1'-0"



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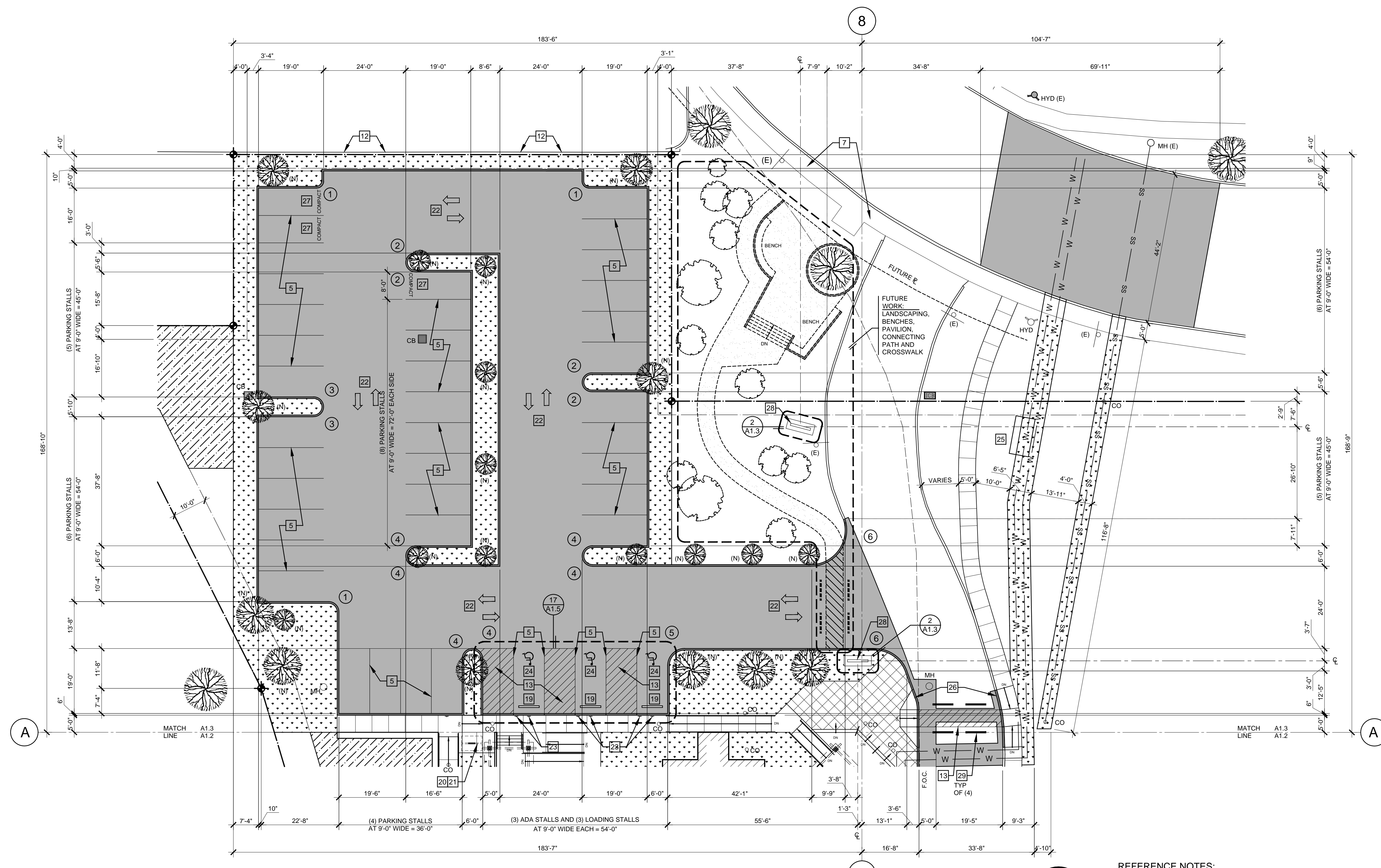
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HEALTH

PENDING ADDRESS
DALLAS, OR 97338

SHEET

A1.2



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- CURB RADII:**
- 1 1'-6"
 - 2 2'-3"
 - 3 2'-5"
 - 4 2'-6"
 - 5 4'-6"
 - 6 10'-0"

- SITE LEGEND**
- NEW CONCRETE PAVEMENT, REFER TO CIVIL DRAWINGS
 - NEW LANDSCAPED AREA AND TRENCH INFILL (WHERE OCCURS), REFER TO CIVIL AND LANDSCAPE DRAWINGS
 - NEW ASPHALT PAVING, REFER TO CIVIL DRAWINGS
 - NEW GSI / DETENTION AREA, REFER TO CIVIL DRAWINGS
 - NEW CONCRETE CURB REFER TO CIVIL DRAWINGS
 - EXISTING CURB TO REMAIN, REFER TO CIVIL DRAWINGS
 - PROPERTY LINE BOUNDARY, REFER TO SURVEY
 - SETBACK LINE, REFER TO SURVEY
 - EXISTING FENCE TO REMAIN
 - NEW CONCRETE PAVEMENT JOINT
 - NEW CLEAN OUT, (E) DESIGNATES EXISTING TO REMAIN, REFER TO CIVIL DRAWINGS
 - NEW MAN HOLE, (E) DESIGNATES EXISTING TO REMAIN, REFER TO CIVIL DRAWINGS
 - NEW DOWN SPOUT, REFER TO CIVIL DRAWINGS
 - NEW CATCH BASIN OR AREA DRAIN, (E) DESIGNATES EXISTING TO REMAIN, REFER TO CIVIL DRAWINGS
 - EXISTING WATER METER TO REMAIN, (RR) DESIGNATES RELOCATED WATER METER, REFER TO CIVIL DRAWINGS
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 - EXISTING POWER POLE TO REMAIN, REFER TO ELECTRICAL DRAWINGS
 - EXISTING LIGHT POLE TO REMAIN, (N) DESIGNATES NEW, REFER TO ELECTRICAL DRAWINGS
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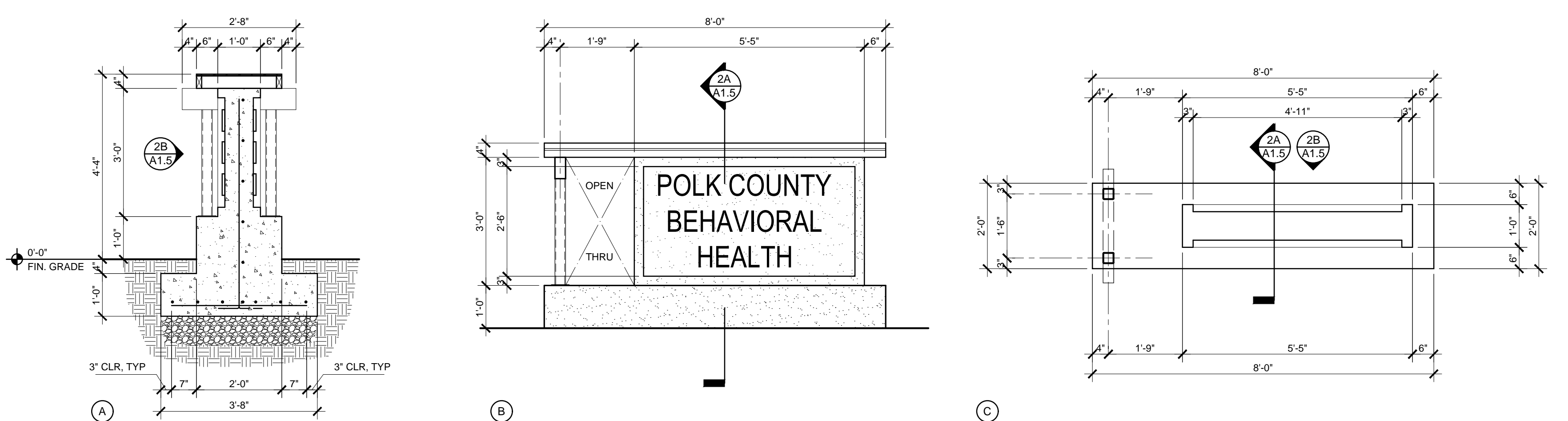
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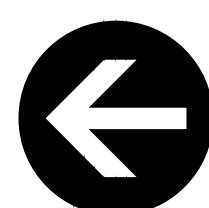
A1.3

1 ENLARGED SITE PLAN
 SCALE: 1/16" = 1'-0"

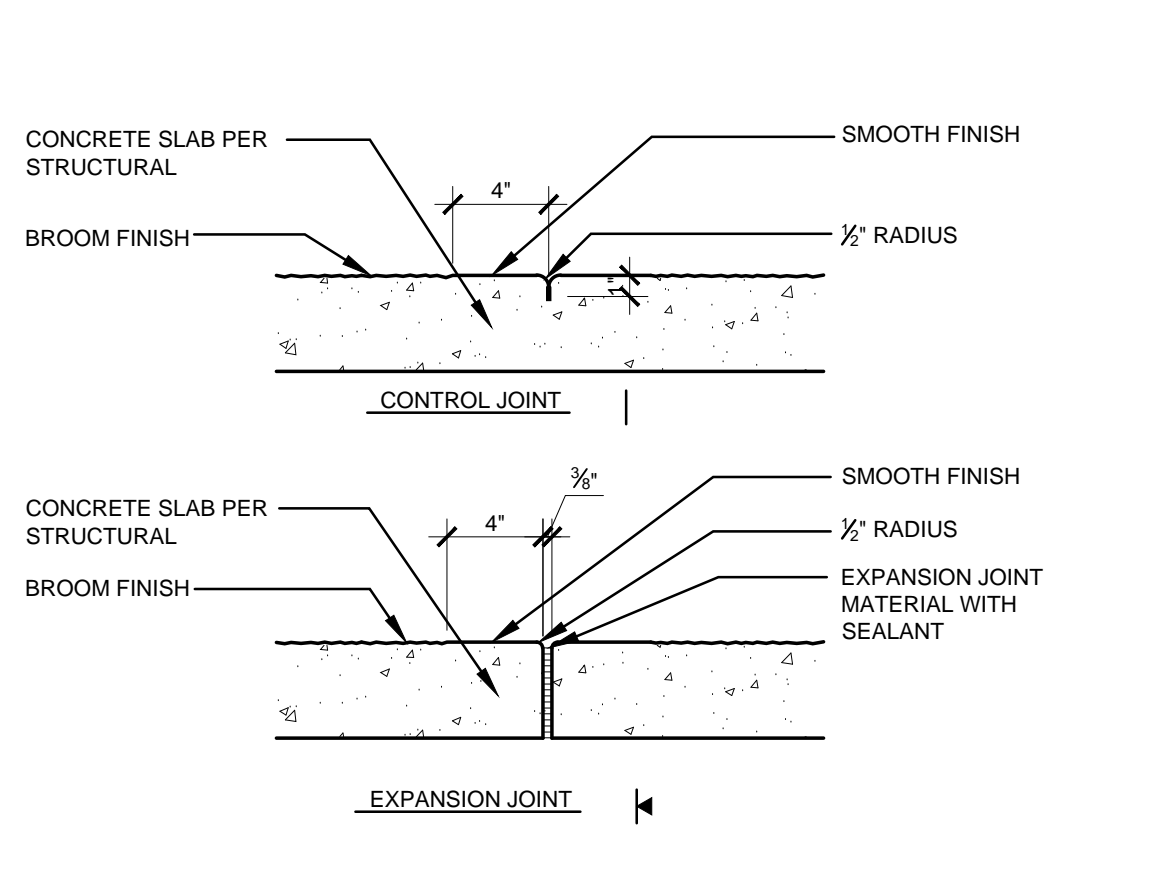


2 MONUMENT SIGN PLAN, ELEVATION AND SECTION
 SCALE: 1/2" = 1'-0"

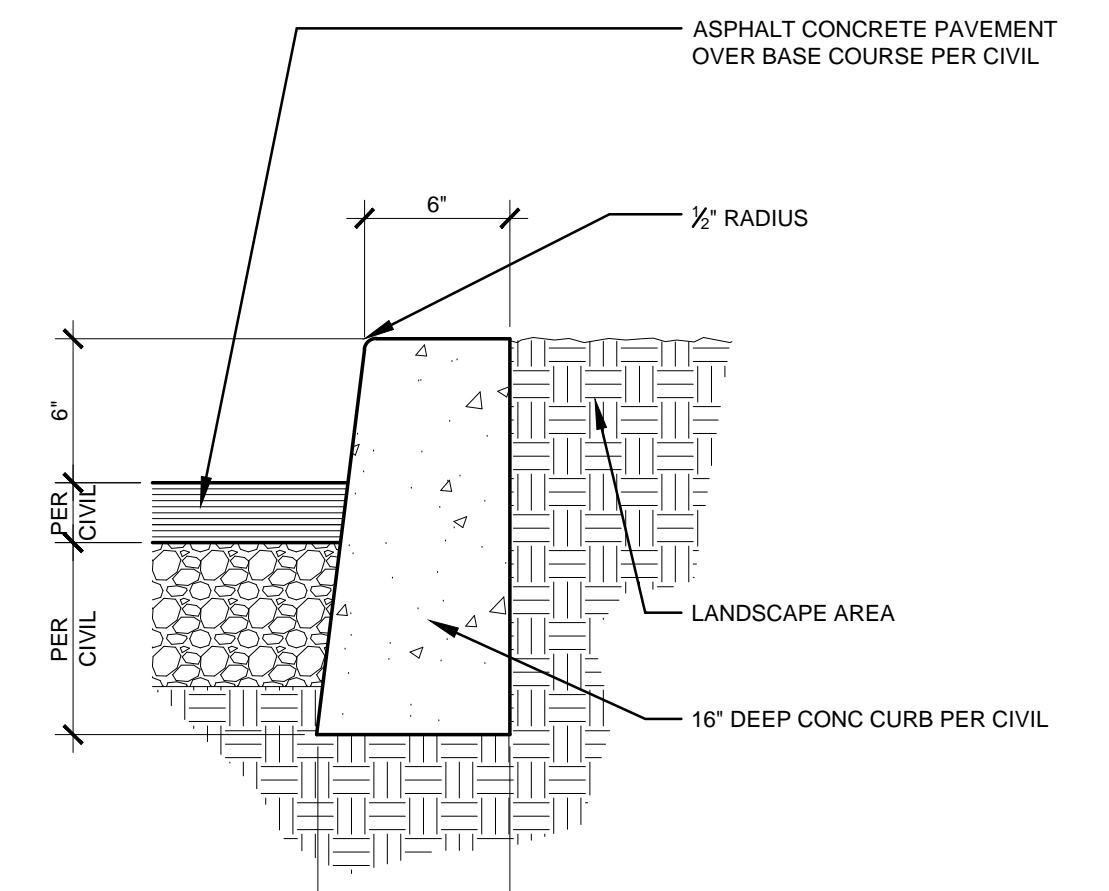
- REFERENCE NOTES:**
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 - NEW ASPHALT INFILL TO MATCH EXISTING FOR UTILITY CONNECTION AND NEW CURB CONSTRUCTION, REFER TO CIVIL DRAWINGS
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 - NEW 4" PAINTED PARKING STRIPE
 - EXISTING LANDSCAPED PARKING ISLAND TO REMAIN
 - EXISTING CONCRETE SIDEWALK TO REMAIN
 - EXISTING BUILDING TO REMAIN
 - EXISTING WHEEL STOP TO REMAIN
 - EXISTING STAIRS, HANDRAIL AND GUARDRAIL (WHERE OCCURS) TO REMAIN
 - EXISTING RAMP, HANDRAIL AND GUARDRAIL (WHERE OCCURS) TO REMAIN
 - EXISTING EXTERIOR PARTIAL HEIGHT WALL TO REMAIN
 - NEW 4" PAINTED SAFETY STRIPES AT 24" OC
 - NEW CONCRETE RAMP OR STAIR, REFER TO A1.5
 - NEW GALVANIZED METAL HANDRAIL AND GUARDRAIL, WHERE OCCURS
 - NEW OFCI BENCH
 - NEW CONCRETE RETAINING WALL, REFER TO CIVIL DRAWINGS
 - NEW "LAW ENFORCEMENT PARKING ONLY" SIGN
 - NEW CONCRETE WHEEL STOP
 - NEW DEDICATED BICYCLE PARKING AREA
 - NEW BIKE RACK
 - NEW PAINTED ARROW MARKINGS
 - NEW HANDICAP ACCESSIBLE PARKING SIGN
 - NEW PAINTED HANDICAP SYMBOL
 - NEW DCCA, REFER TO CIVIL DRAWINGS
 - DEPRESSED CURB CUT, TAPERED, REFER TO CIVIL DRAWINGS
 - NEW 12" TALL PAINTED LETTERING, COMPACT, AT SIM CONDITION, NO PARKING
 - NEW OFCI MONUMENT SIGN
 - NEW SURFACE-MOUNTED 8'-0" WIDE SPEED BUMP
 - NEW POST AND BEAM AWNING, REFER TO A1.6 AND STRUCTURAL DRAWINGS



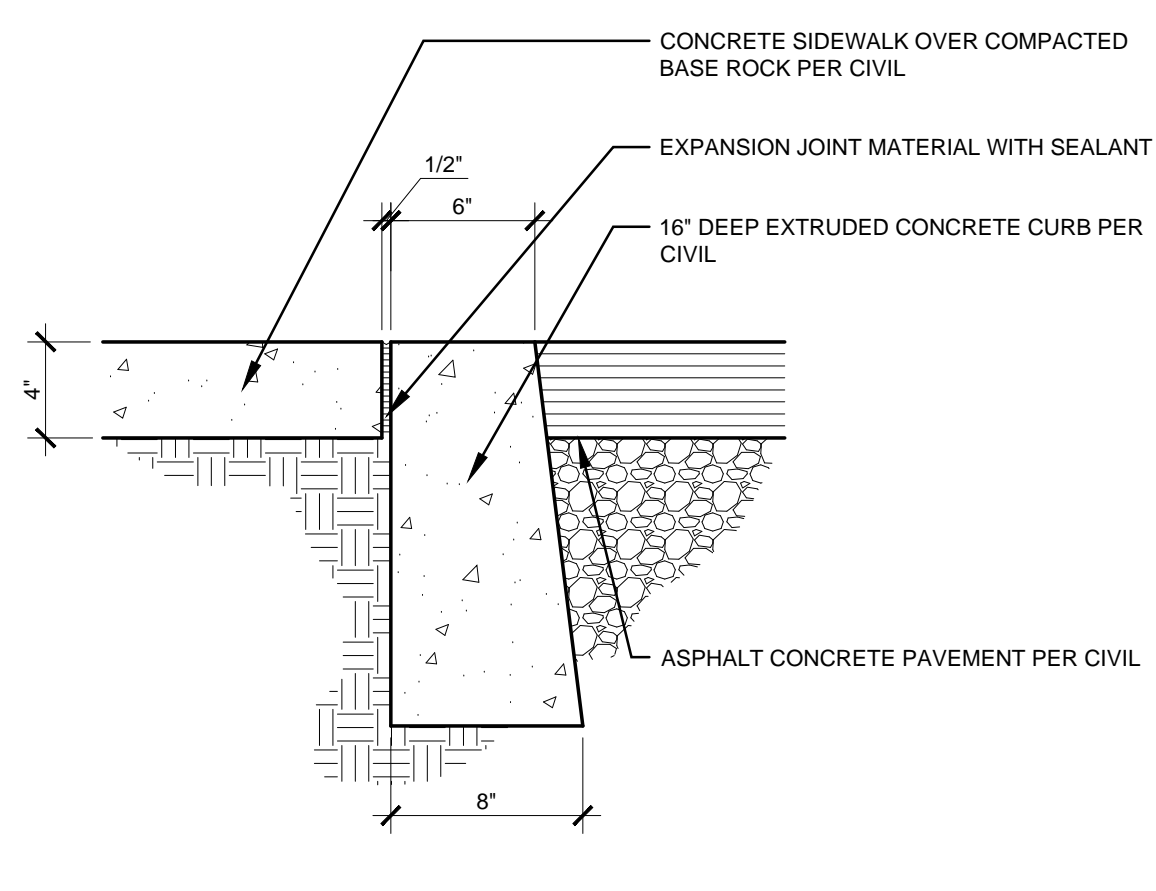
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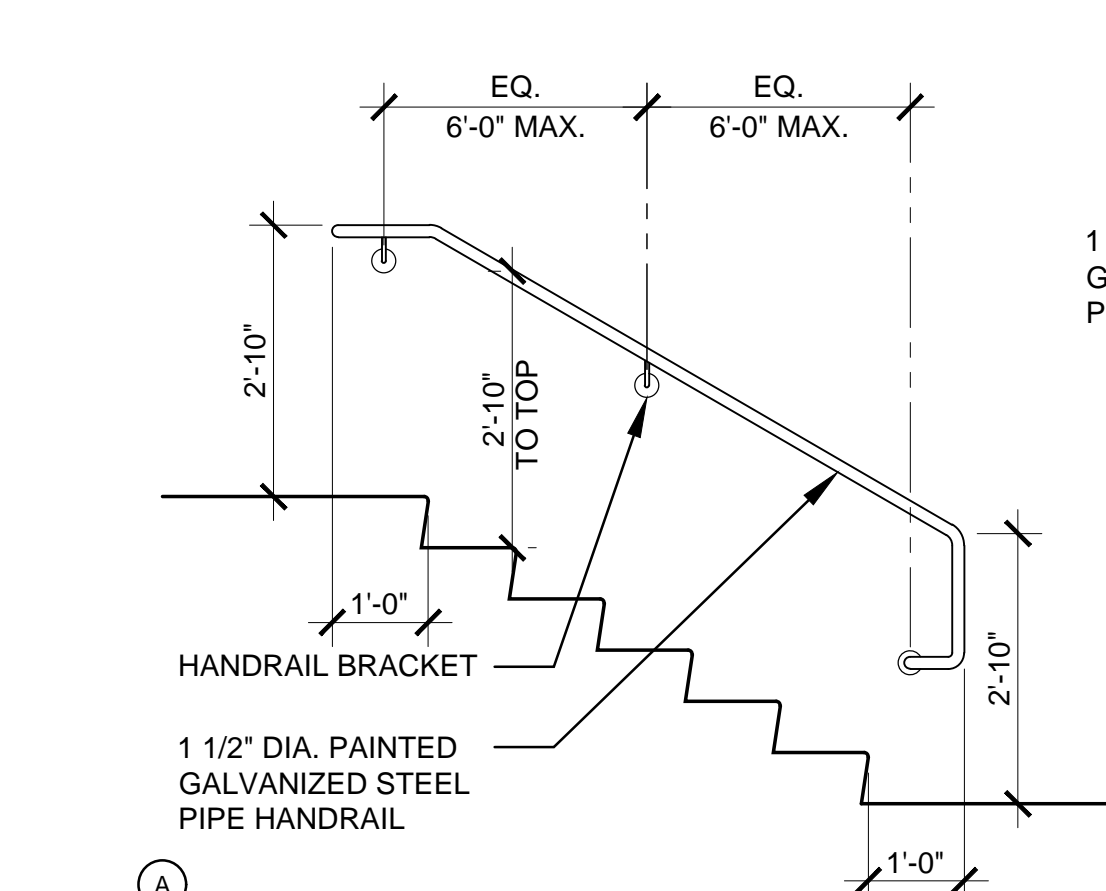
1 CONCRETE JOINT DETAILS
SCALE: 1 1/2" = 1'-0" 22079-A1.4-01



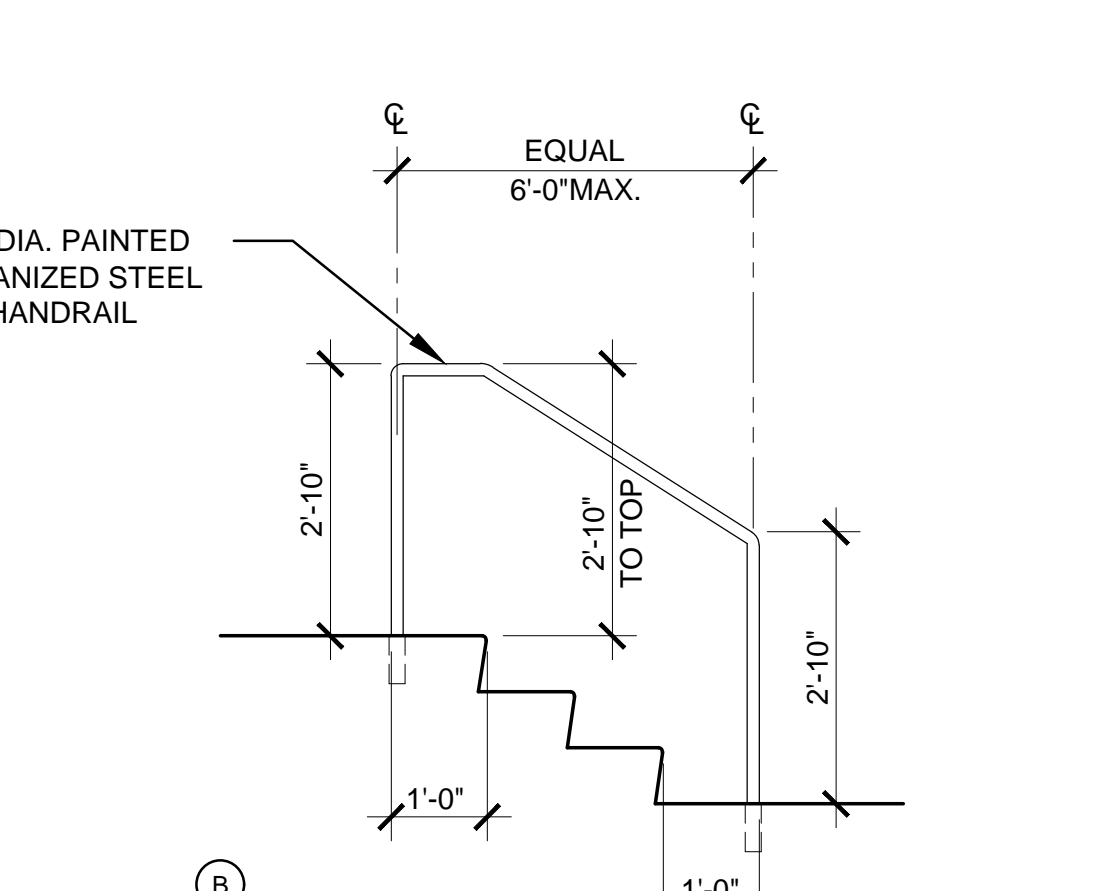
2 CONCRETE CURB
SCALE: 1 1/2" = 1'-0" 22079-A1.4-02



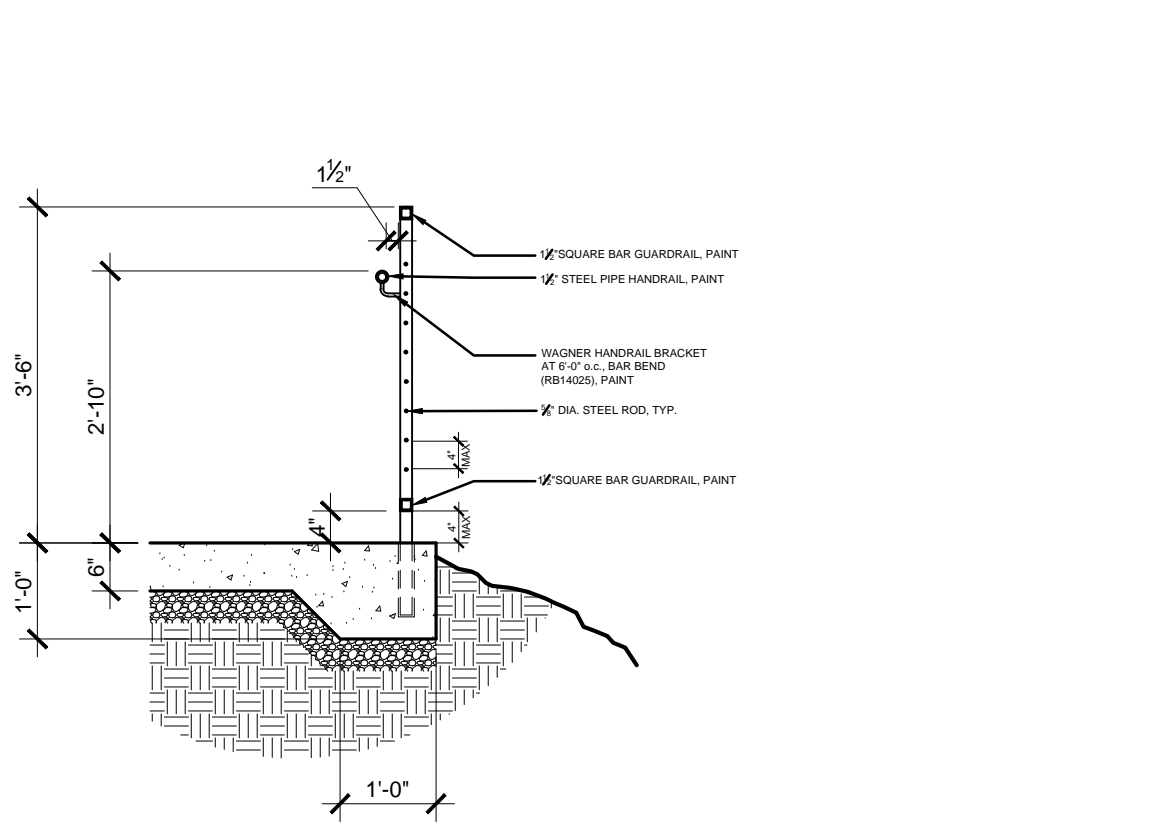
3 DEPRESSED CURB
SCALE: 1 1/2" = 1'-0" 22079-A1.4-03



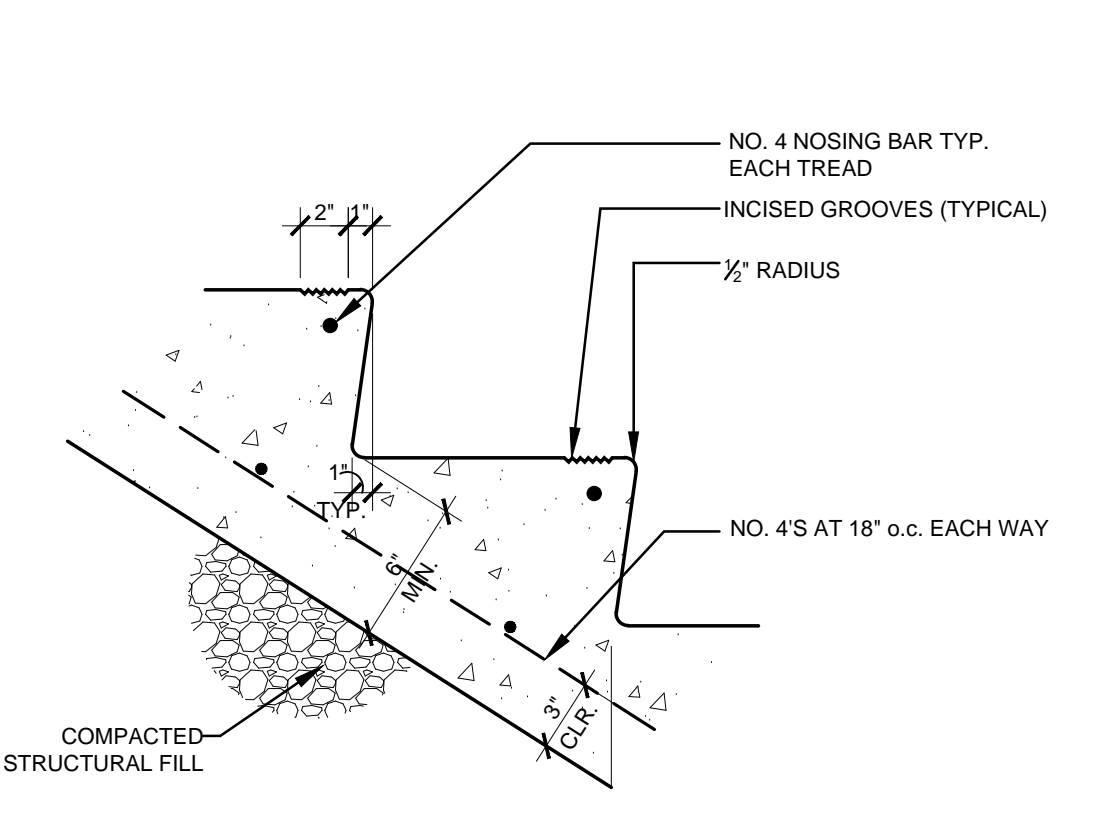
4 HANDRAIL
SCALE: 1/2" = 1'-0" 22079-A1.4-04



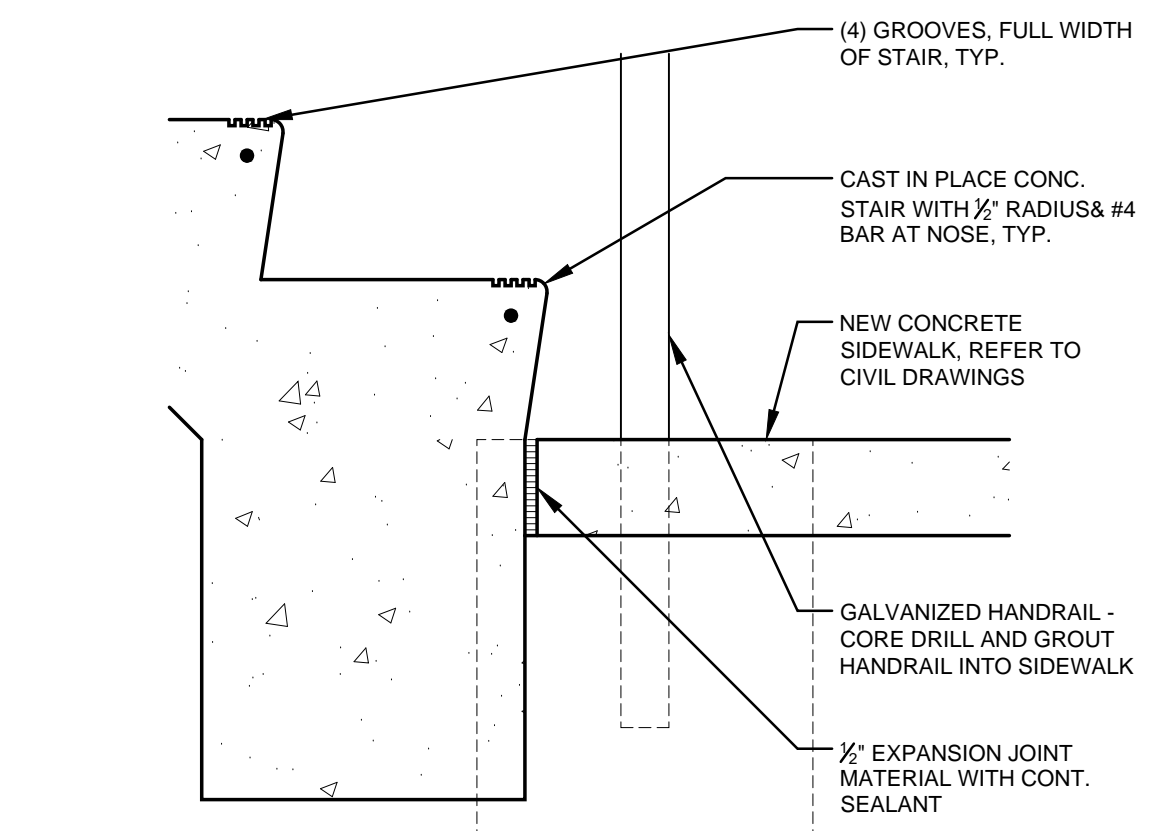
5 HANDRAIL
SCALE: 1/2" = 1'-0" 22079-A1.4-04



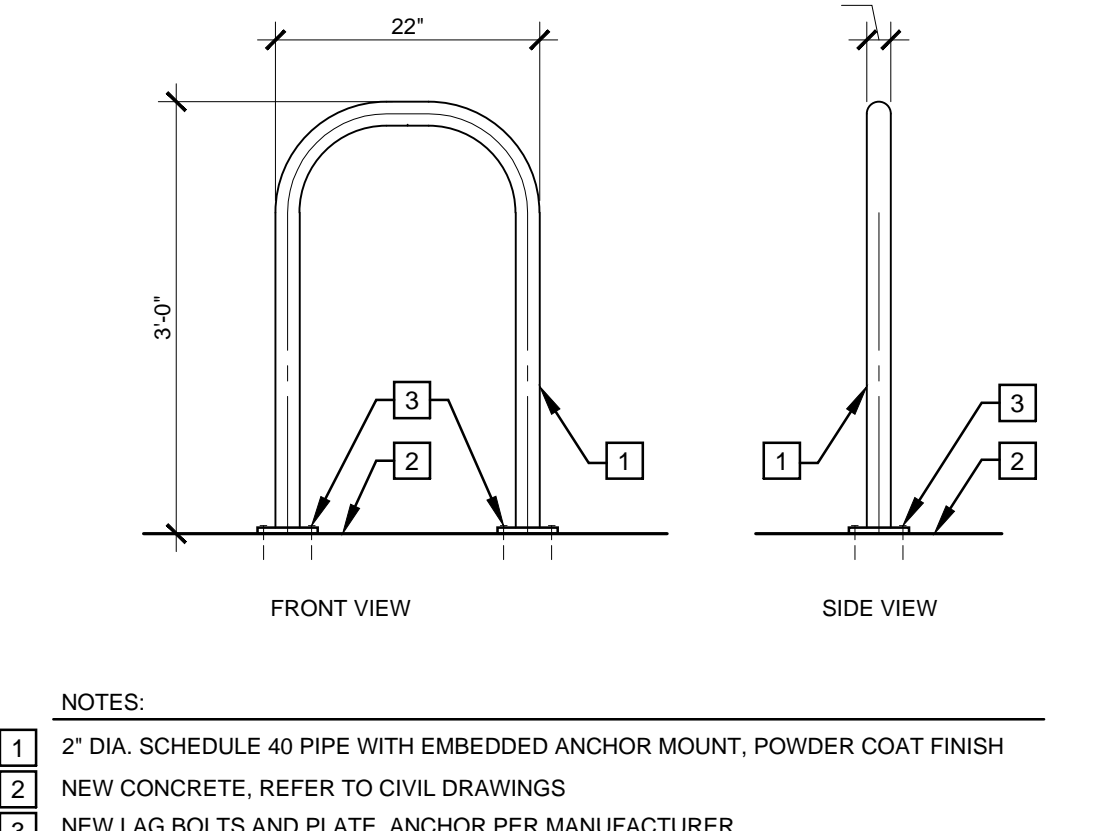
6 GUARDRAIL SECTION
SCALE: 1/2" = 1'-0" 22079-A1.4-05



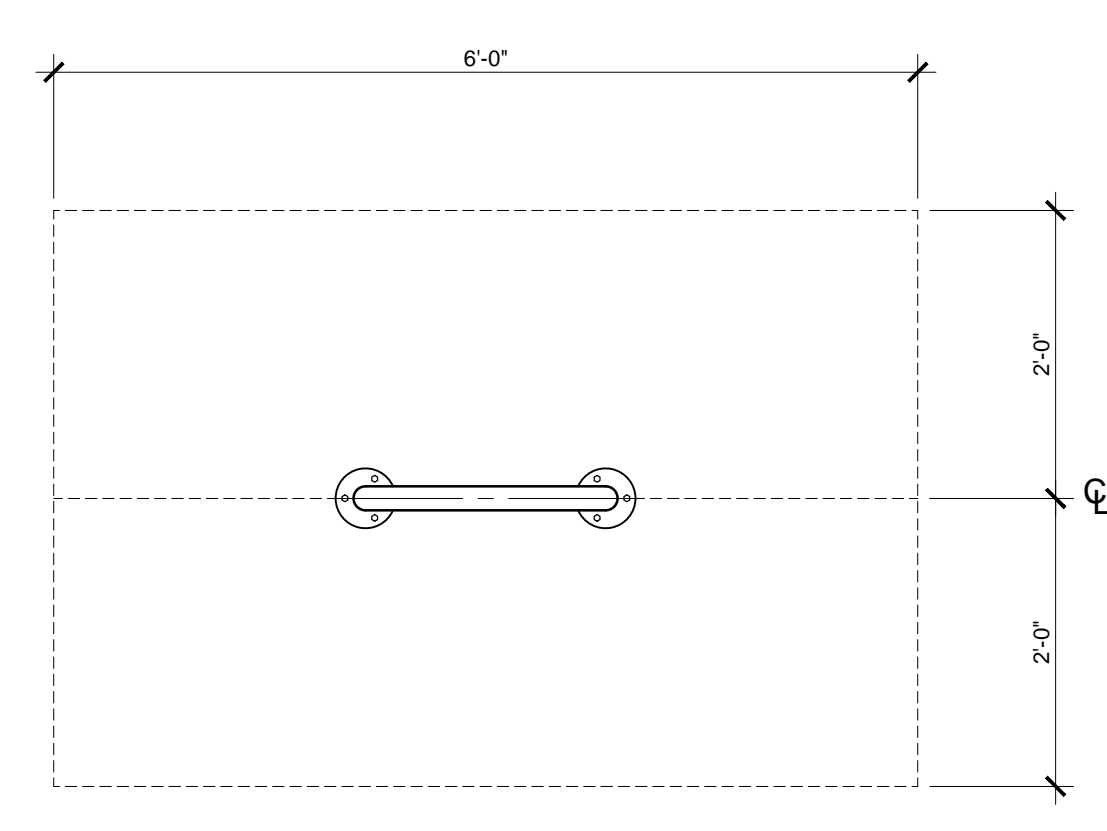
7 CONCRETE STAIR DETAIL
SCALE: 1 1/2" = 1'-0" 22079-A1.4-06



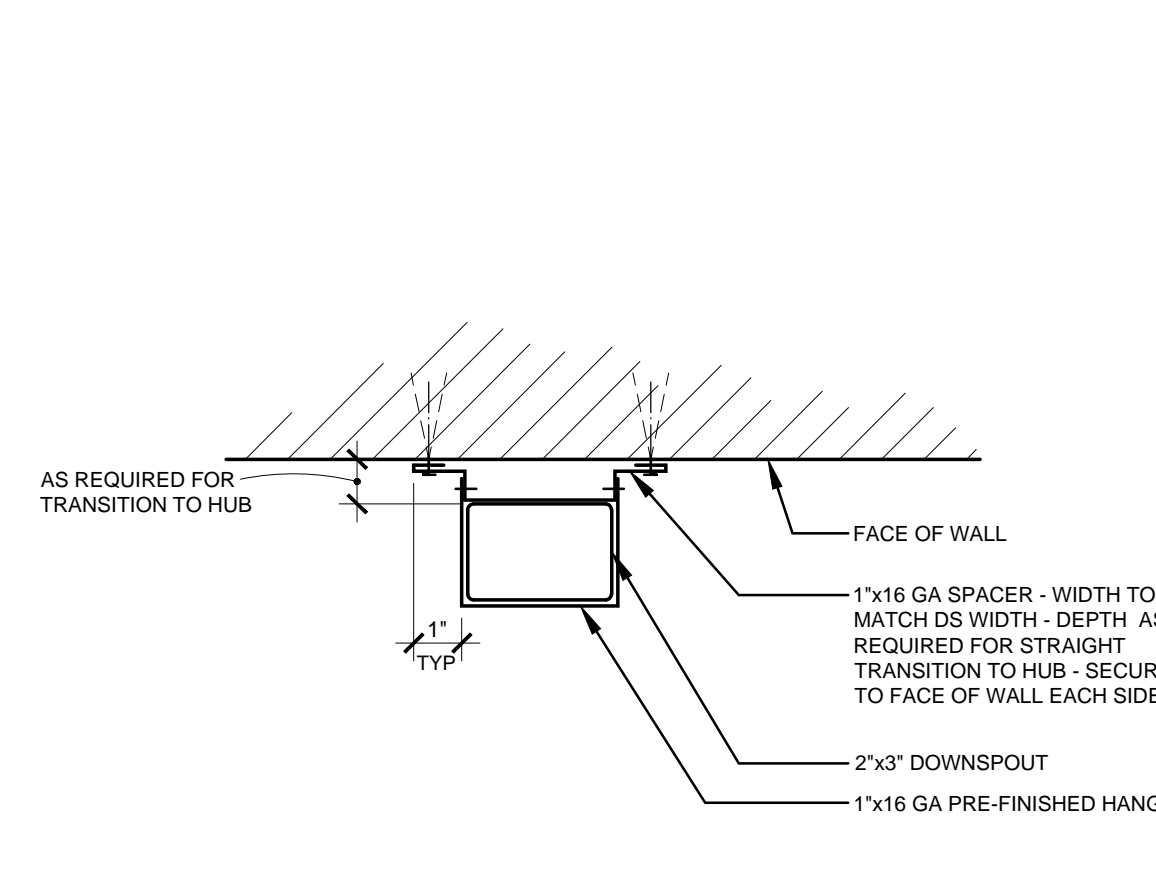
8 CONCRETE STAIR DETAIL
SCALE: 1 1/2" = 1'-0" 22079-A1.4-07



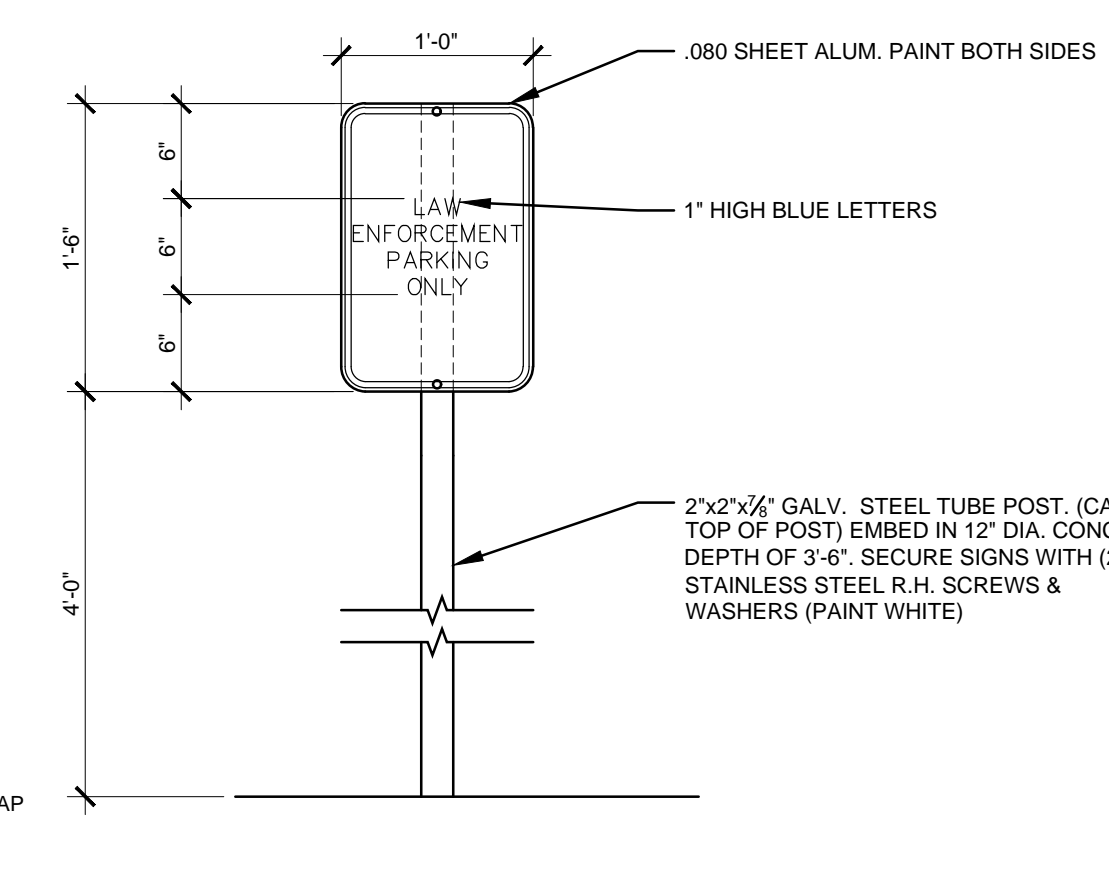
9 BIKE RACK ANCHORAGE DETAIL
SCALE: 3/4" = 1'-0" 22079-A1.4-08



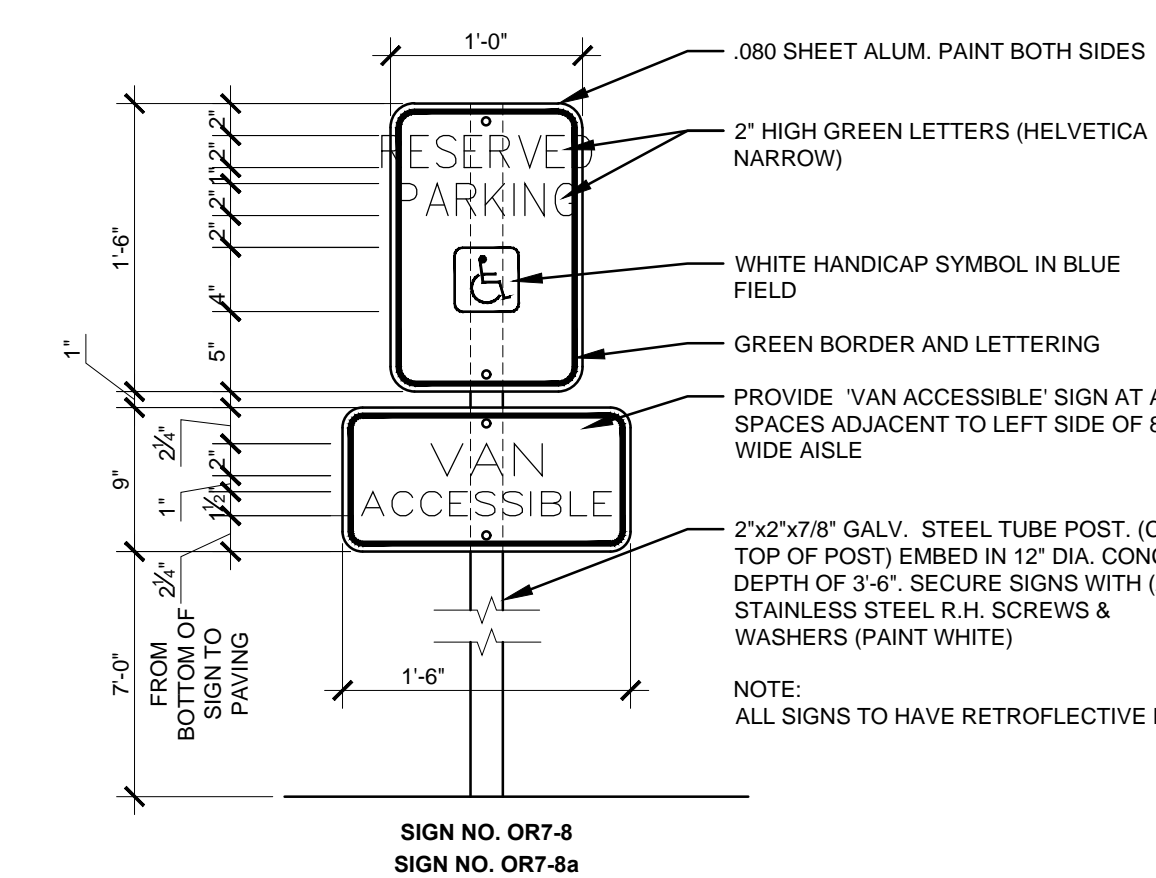
10 BIKE RACK PLAN DETAIL
SCALE: 3/4" = 1'-0" 22079-A1.4-09



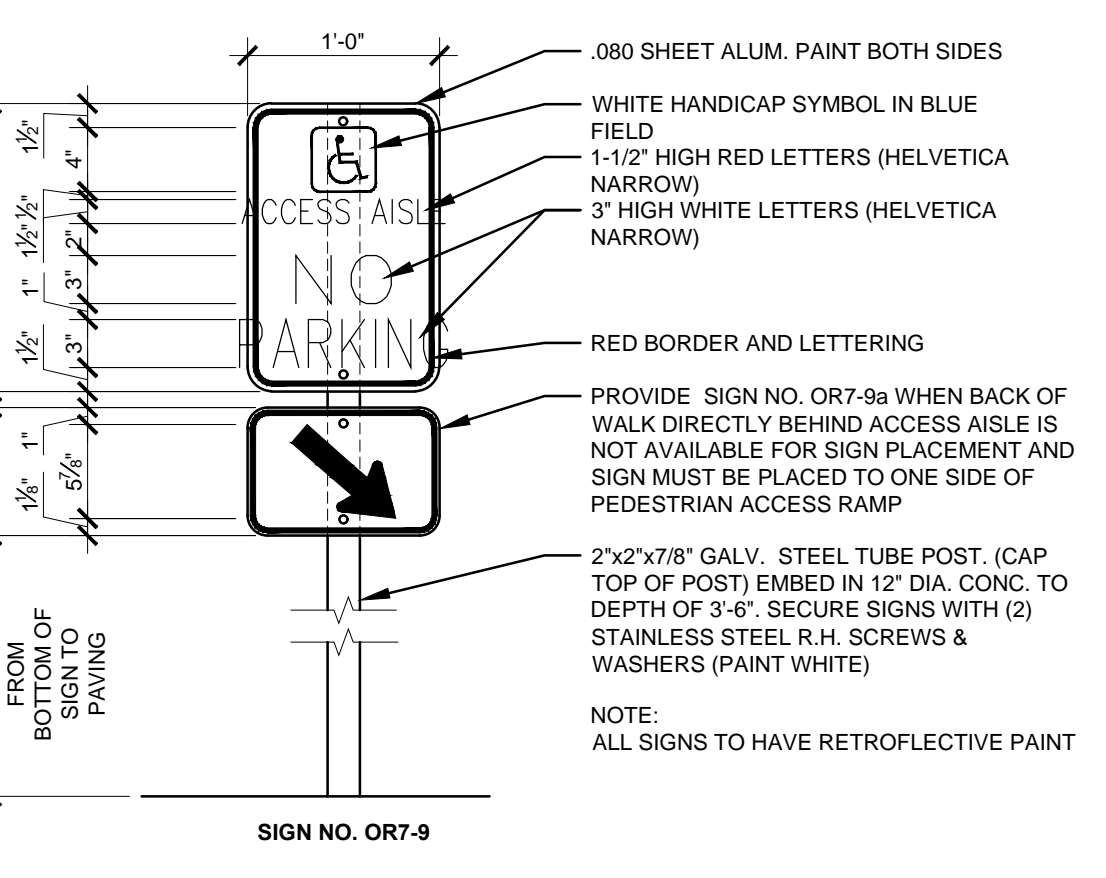
11 DOWNSPOUT HANGER
SCALE: 3" = 1'-0" 22079-A1.4-10



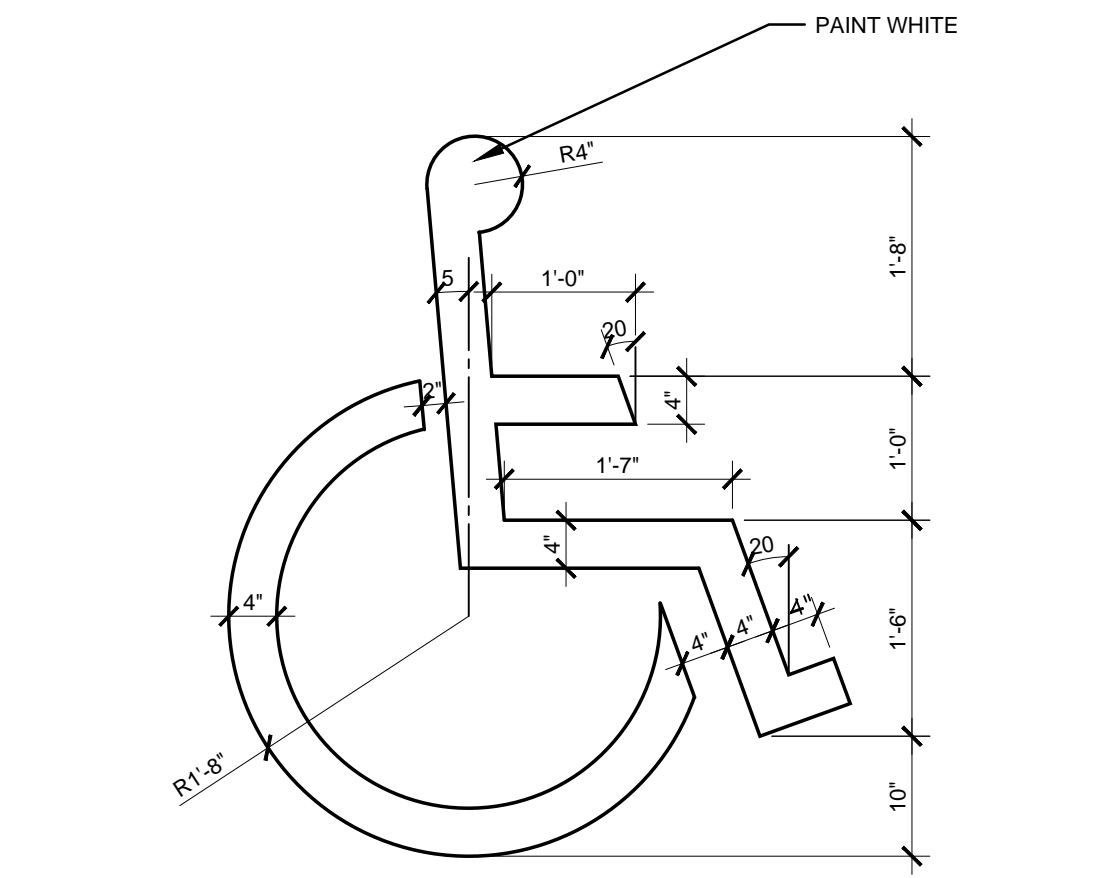
12 PARKING SIGN
SCALE: 1" = 1'-0" 22079-A1.4-11



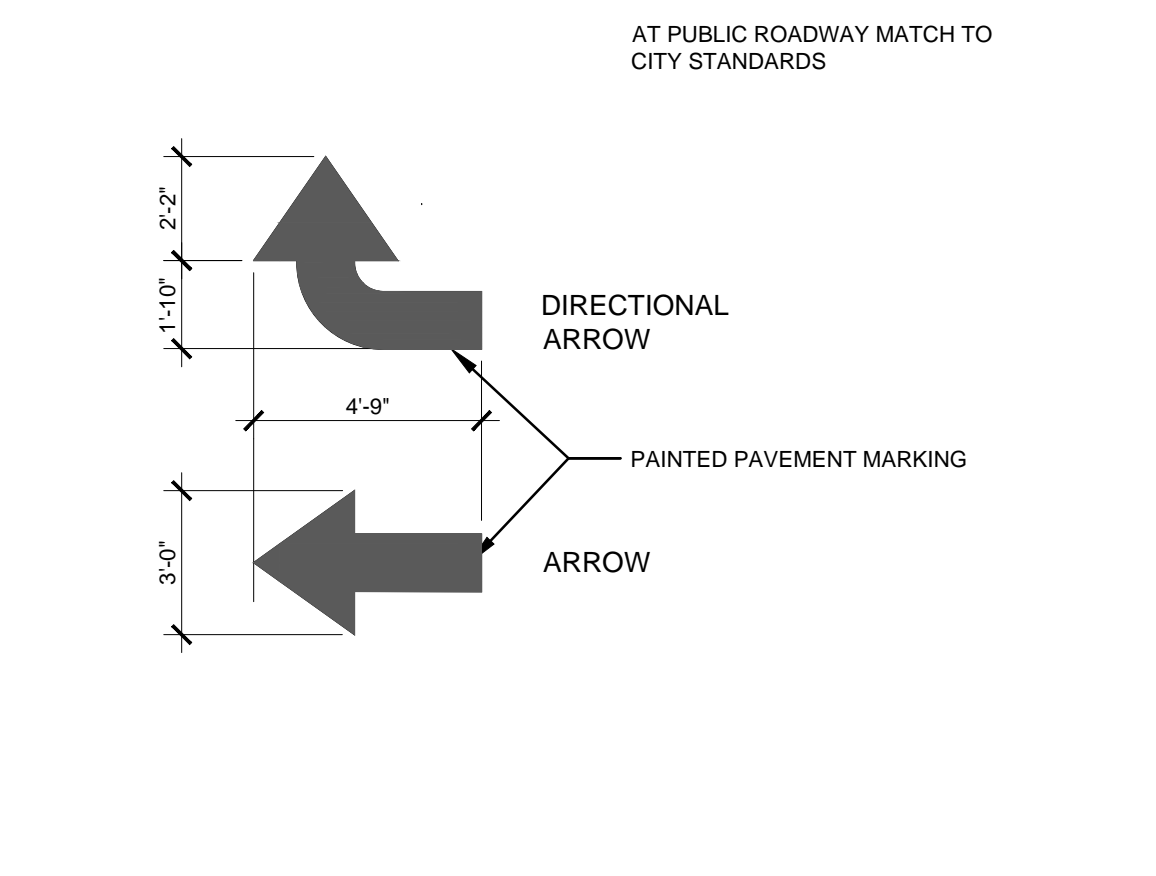
13 ACCESSIBLE PARKING SPACE SIGN
SCALE: 1" = 1'-0" 22079-A1.4-12



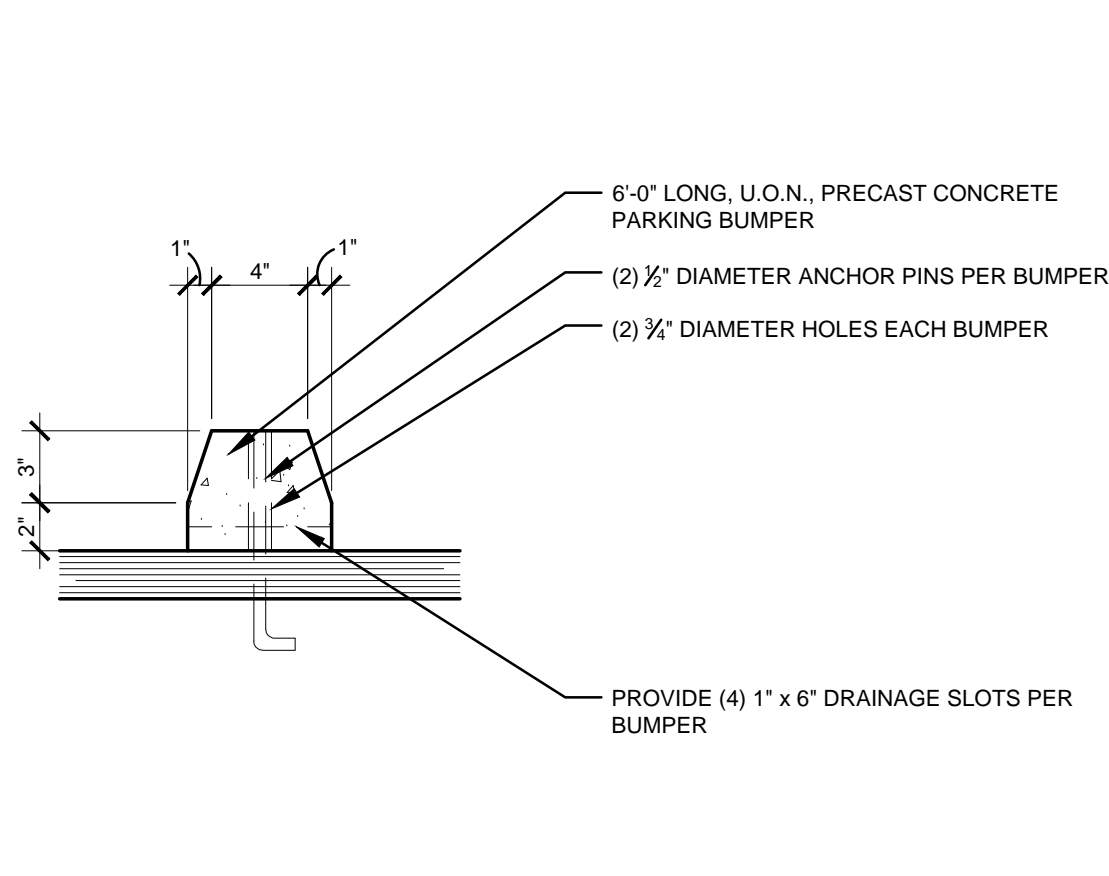
14 ACCESSIBLE LOADING SPACE SIGN
SCALE: 1" = 1'-0" 22079-A1.4-13



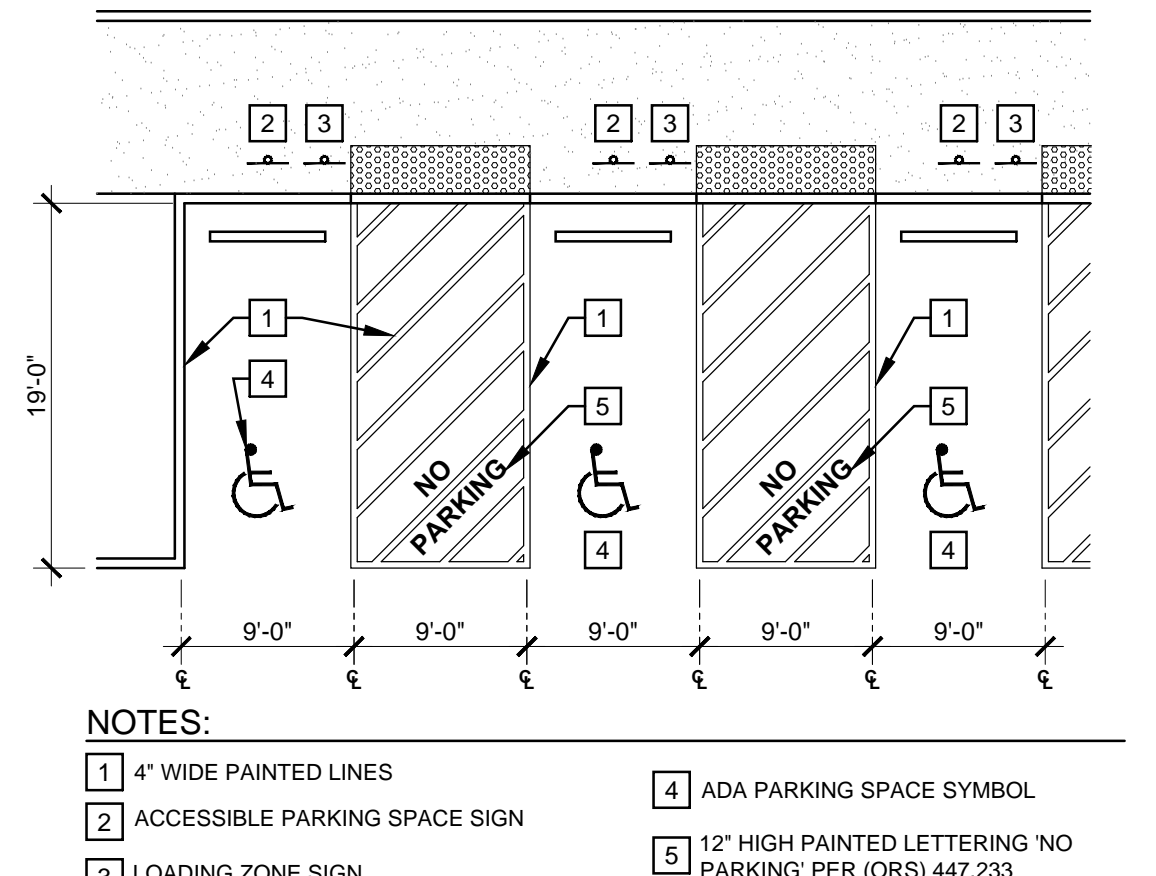
15 HANDICAPPED SYMBOL
SCALE: 3/4" = 1'-0" 22079-A1.4-14



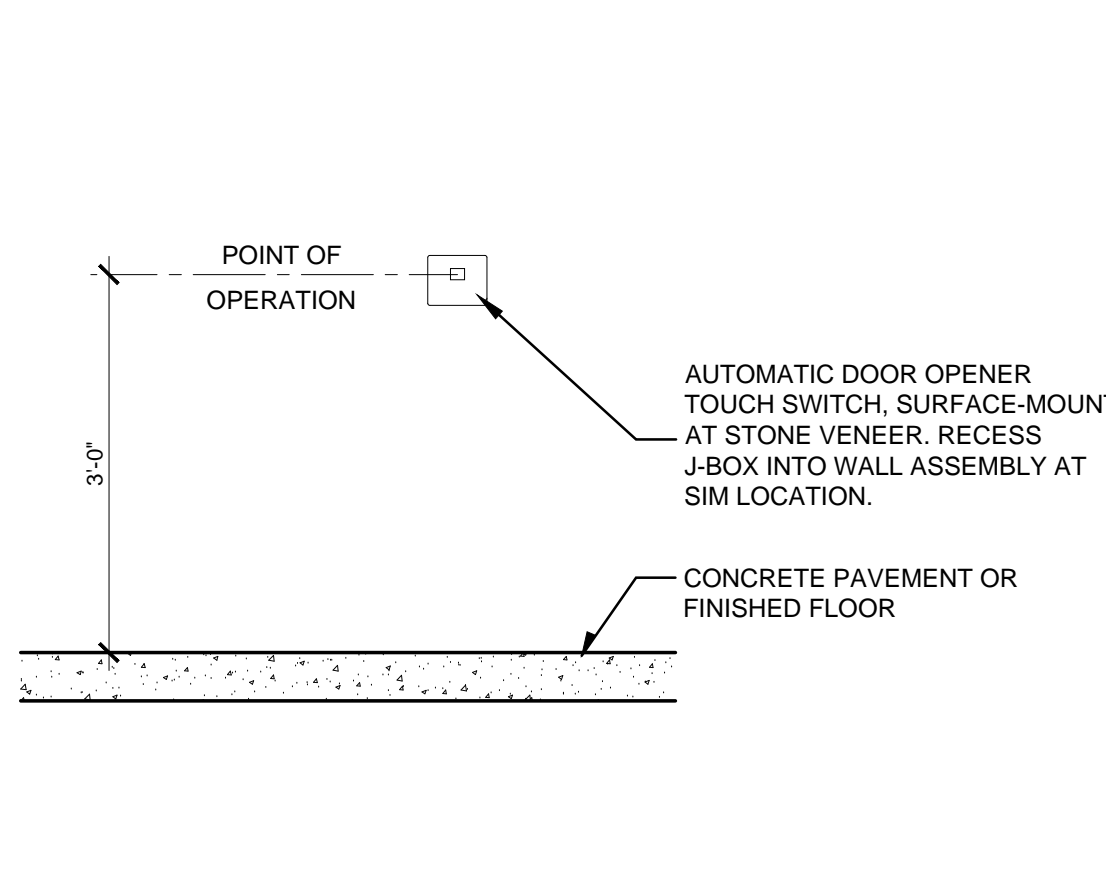
16 PAVEMENT MARKING
SCALE: 1/4" = 1'-0" 22079-A1.4-15



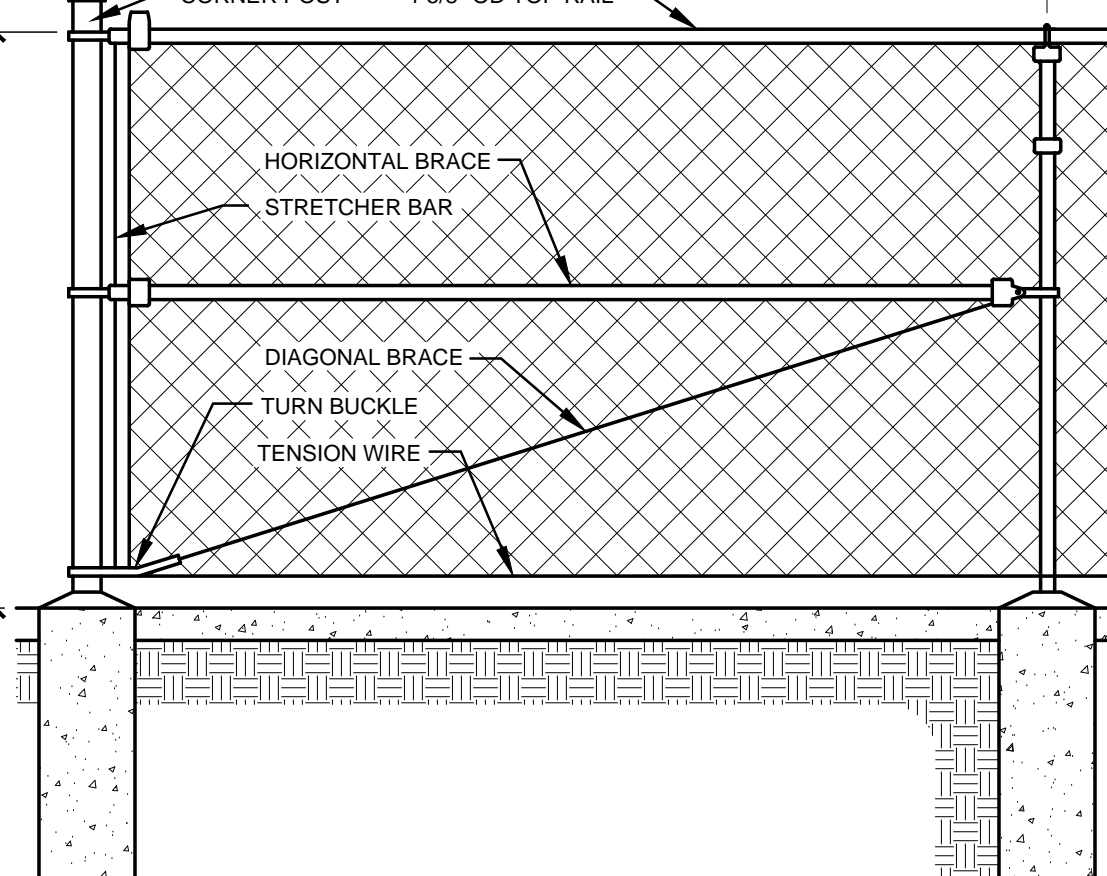
17 CONCRETE WHEEL STOP
SCALE: 1 1/2" = 1'-0" 22079-A1.4-16



18 ACCESSIBLE PARKING STALLS
SCALE: 1" = 10'-0" 22079-A1.4-17



19 ADA ACTUATOR
SCALE: 3/4" = 1'-0" 22079-A1.4-18



20 CHAINLINK FENCING
SCALE: 1/2" = 1'-0" 22079-A1.4-19

CONSTRUCTION DOCUMENTS
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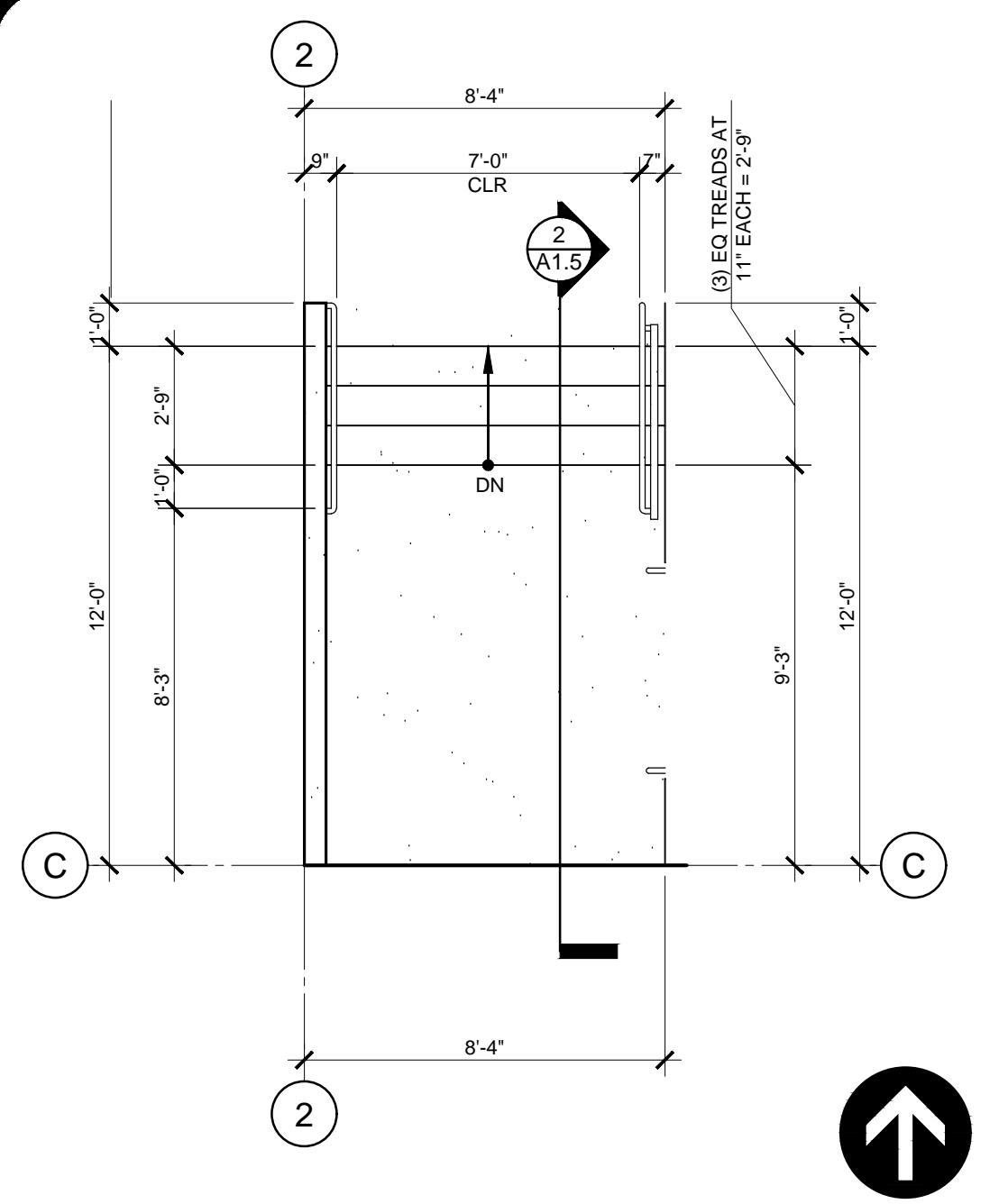
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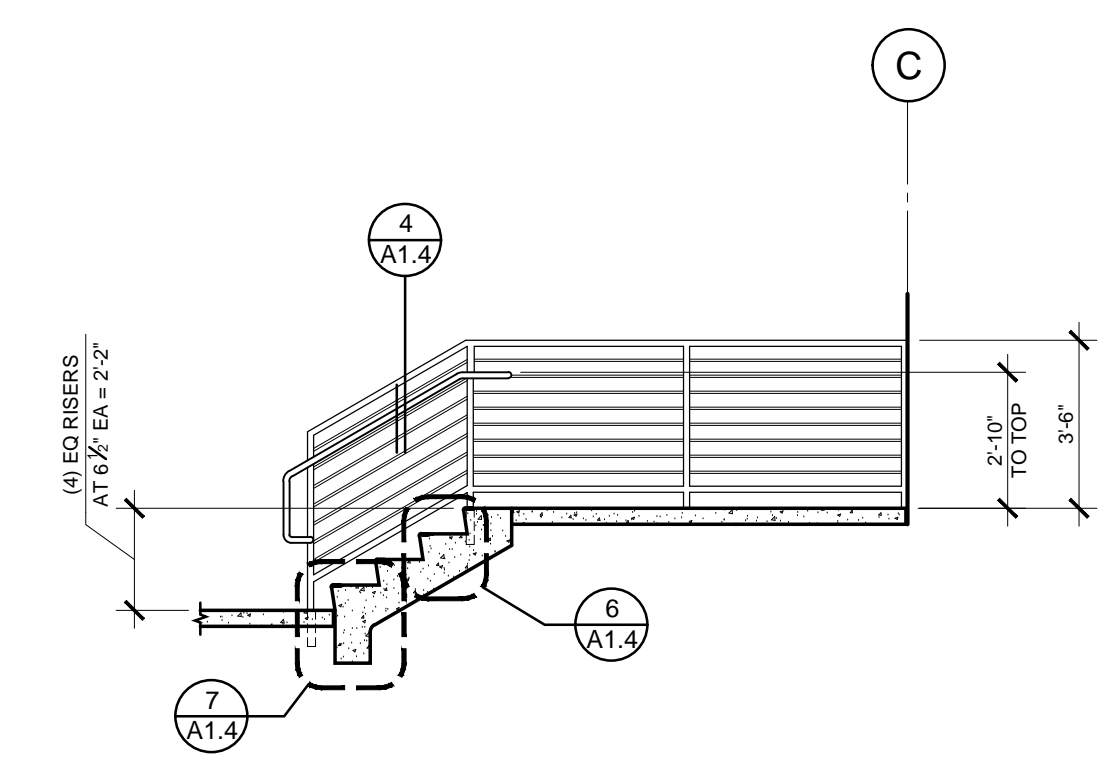
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DALLAS, OR 97338

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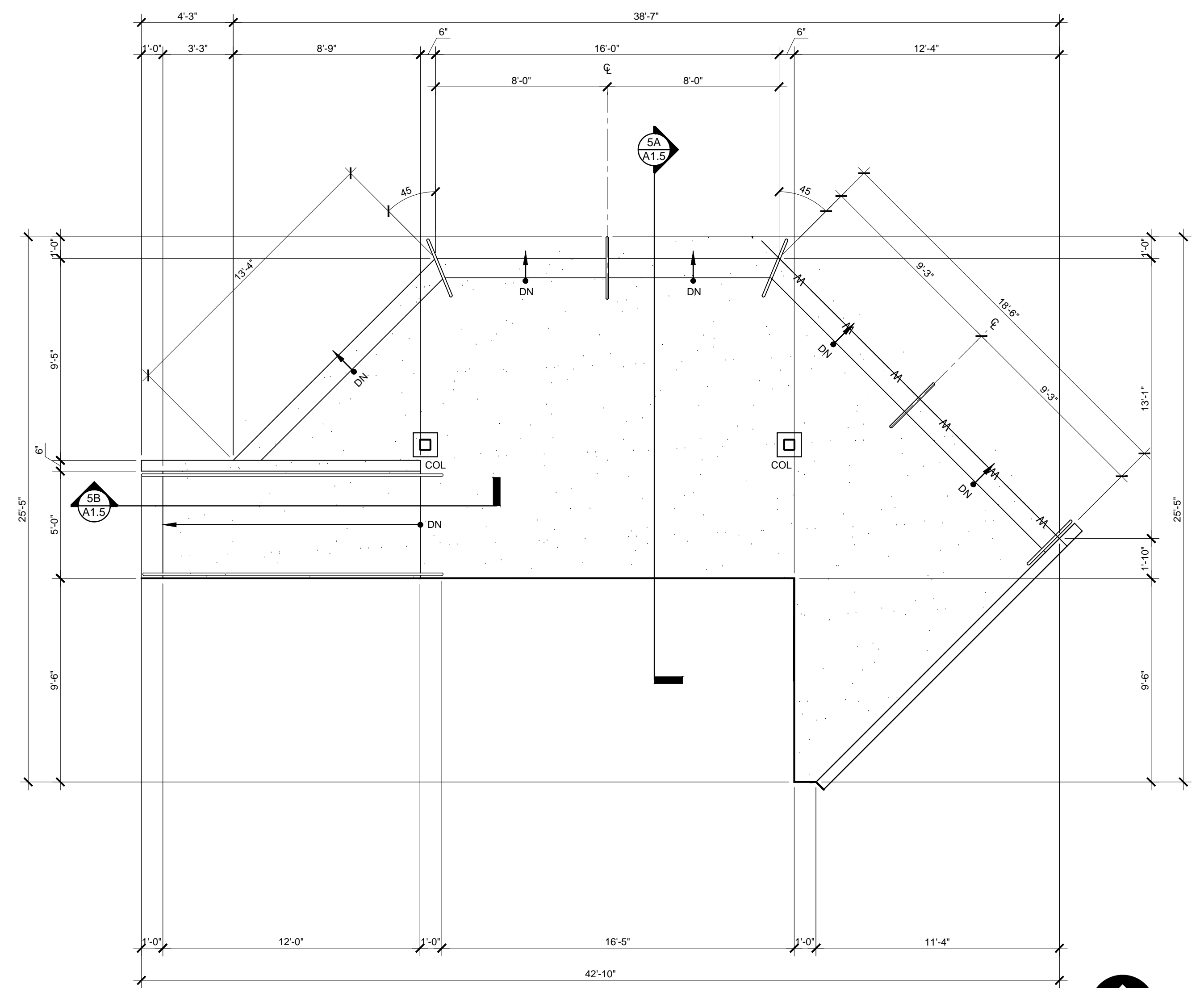
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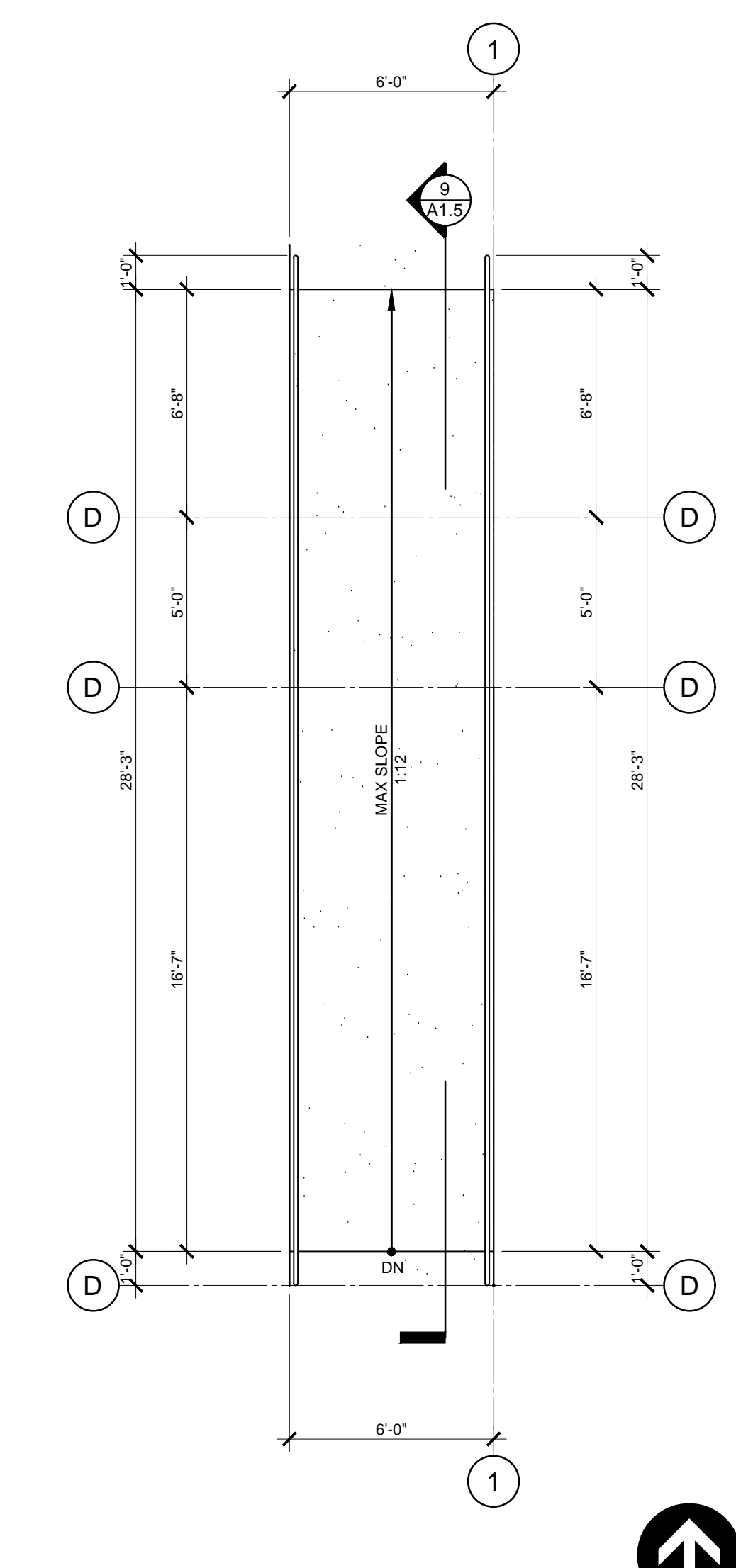
1 ENLARGED EXTERIOR STAIR PLAN
SCALE: 1/4" = 1'-0"



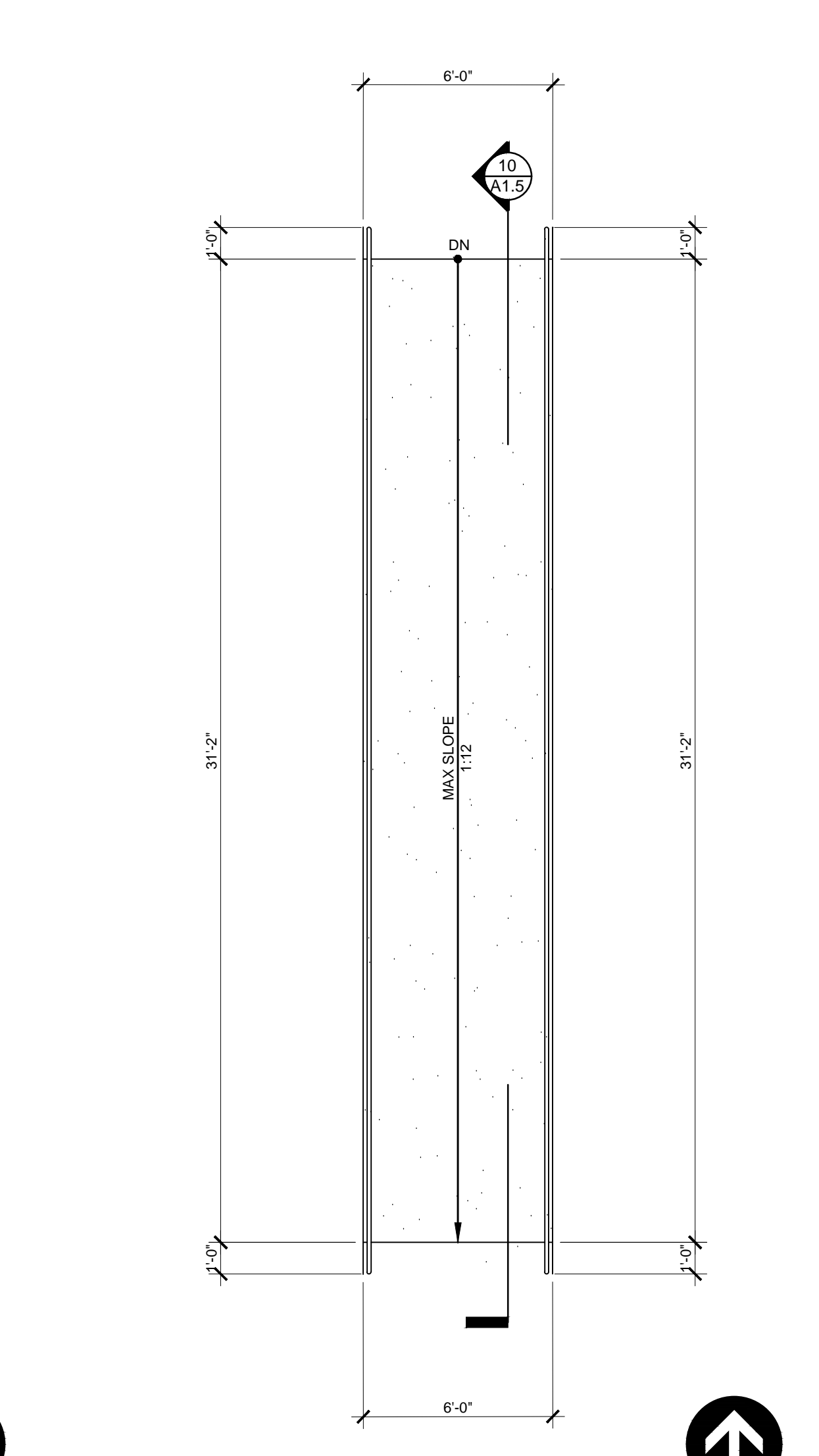
2 EXTERIOR STAIR SECTION
SCALE: 1/4" = 1'-0" 22079-A1.5-02



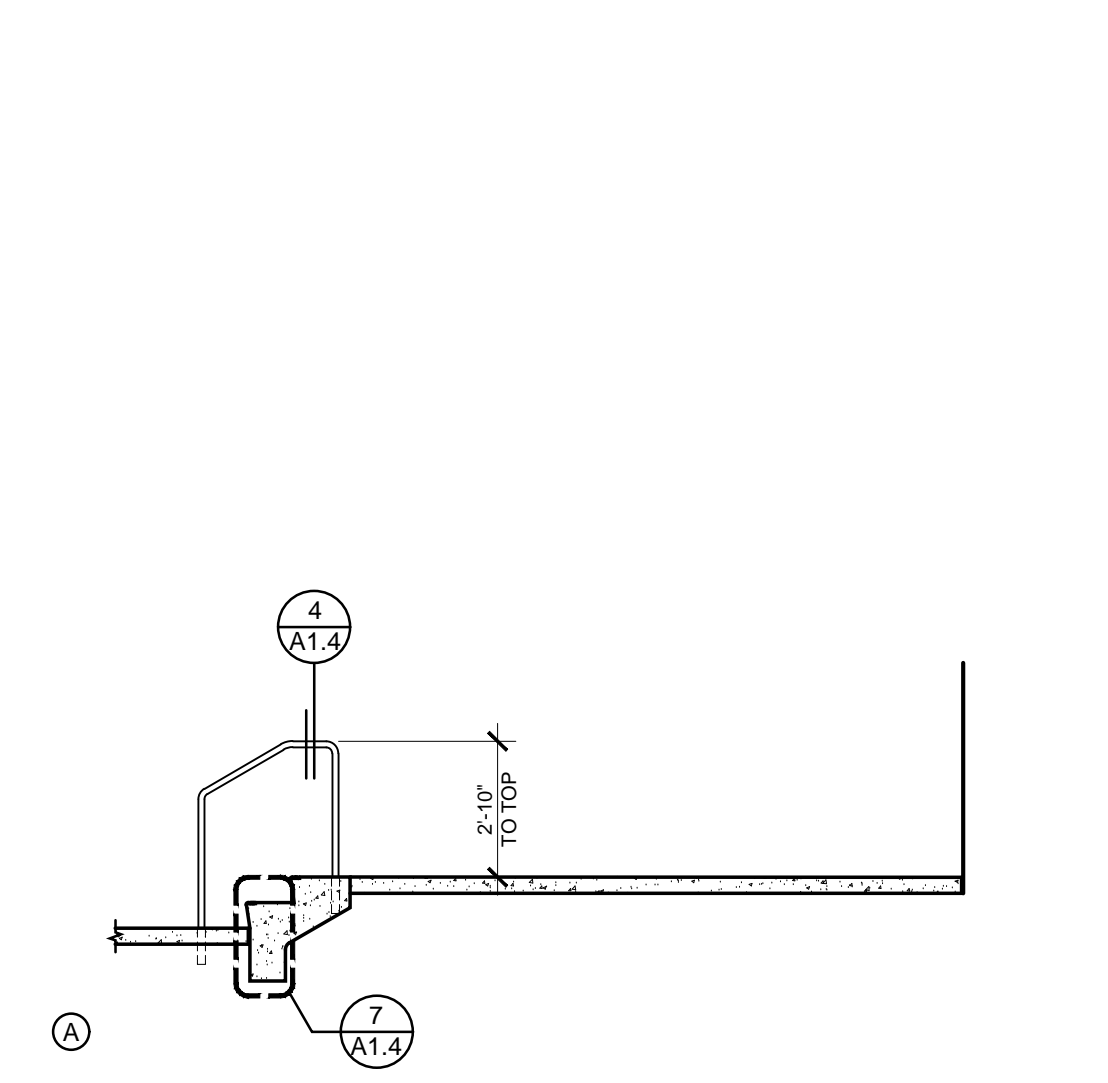
3 ENLARGED EXTERIOR STAIR AND RAMP PLAN
SCALE: 1/4" = 1'-0"



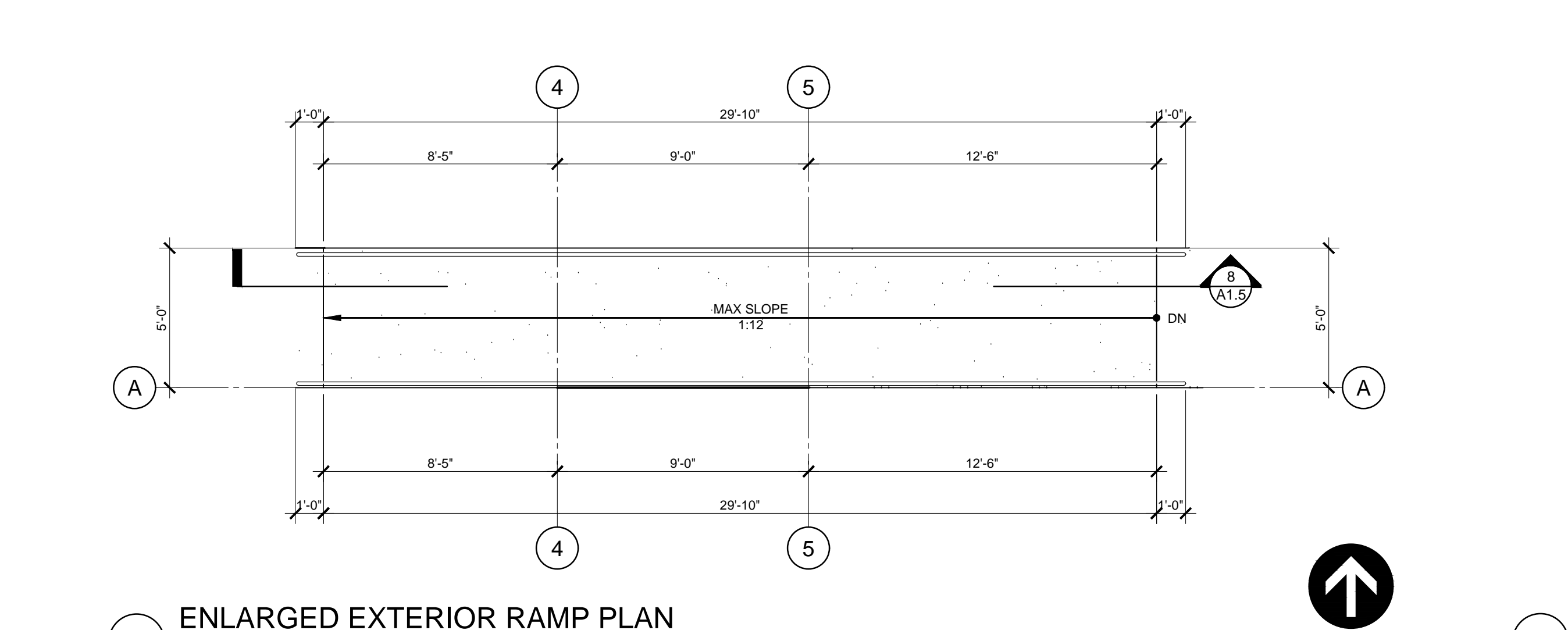
4 ENLARGED EXTERIOR RAMP PLAN
SCALE: 1/4" = 1'-0"



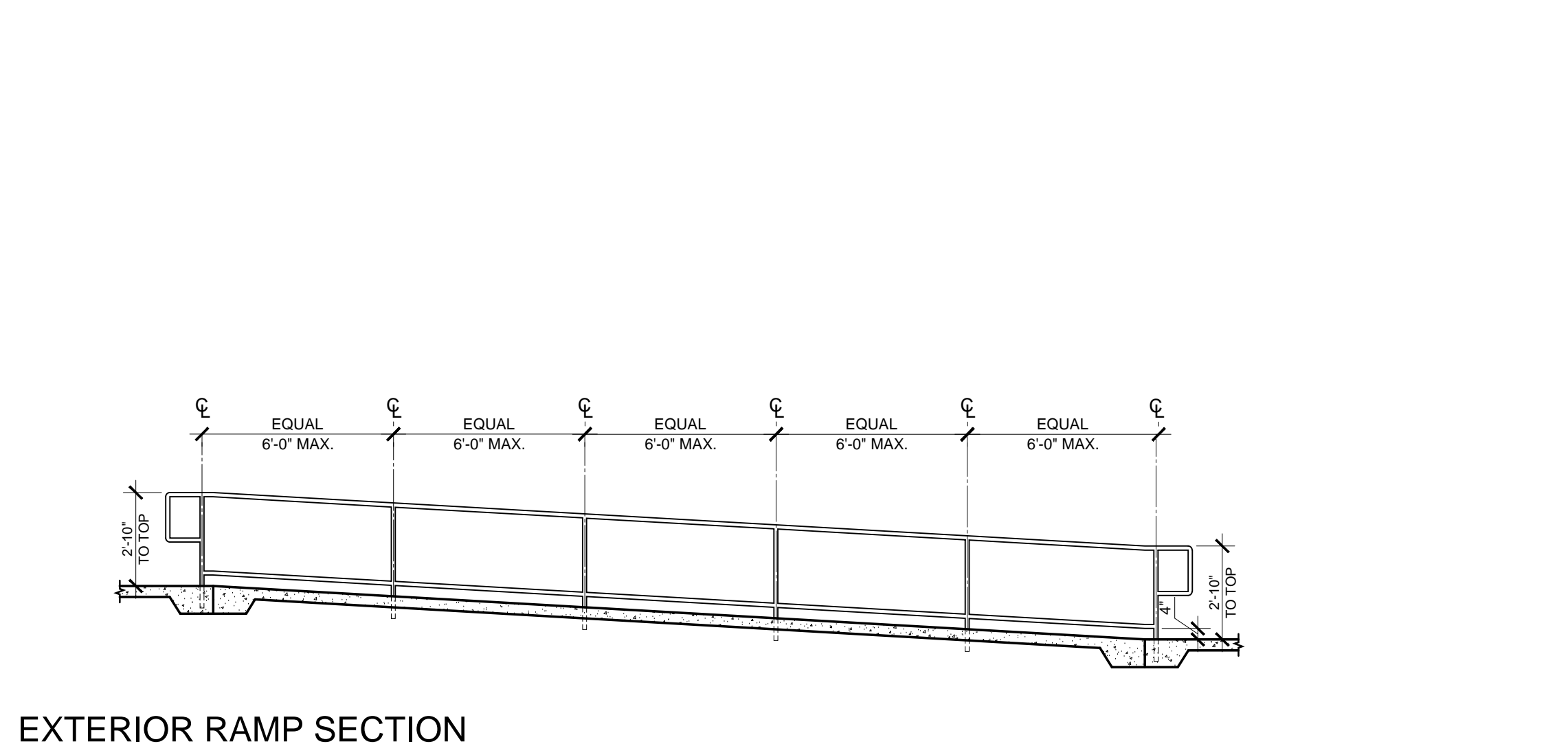
5 ENLARGED EXTERIOR RAMP PLAN
SCALE: 1/4" = 1'-0"



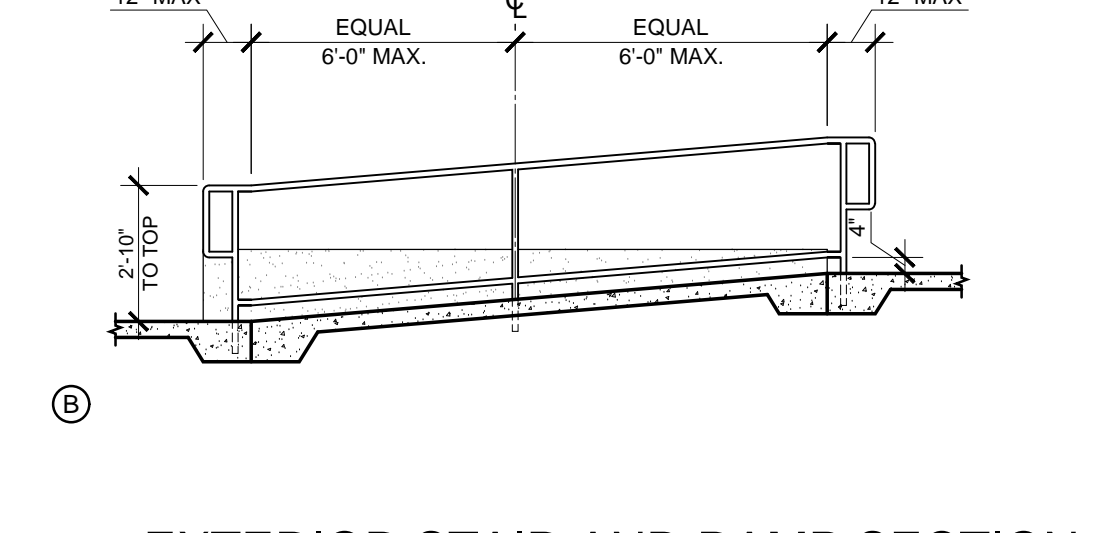
6 EXTERIOR STAIR AND RAMP SECTION
SCALE: 1/4" = 1'-0" 22079-A1.5-06



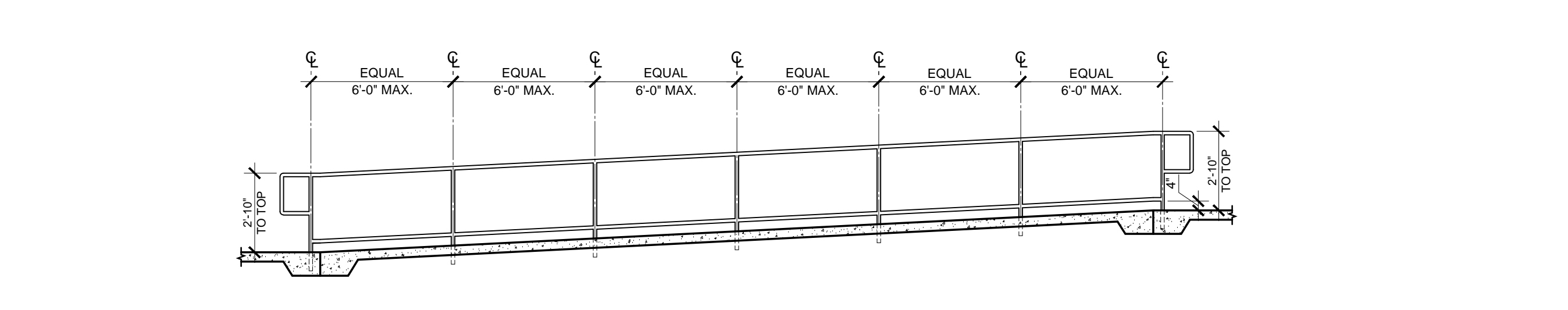
7 ENLARGED EXTERIOR RAMP PLAN
SCALE: 1/4" = 1'-0"



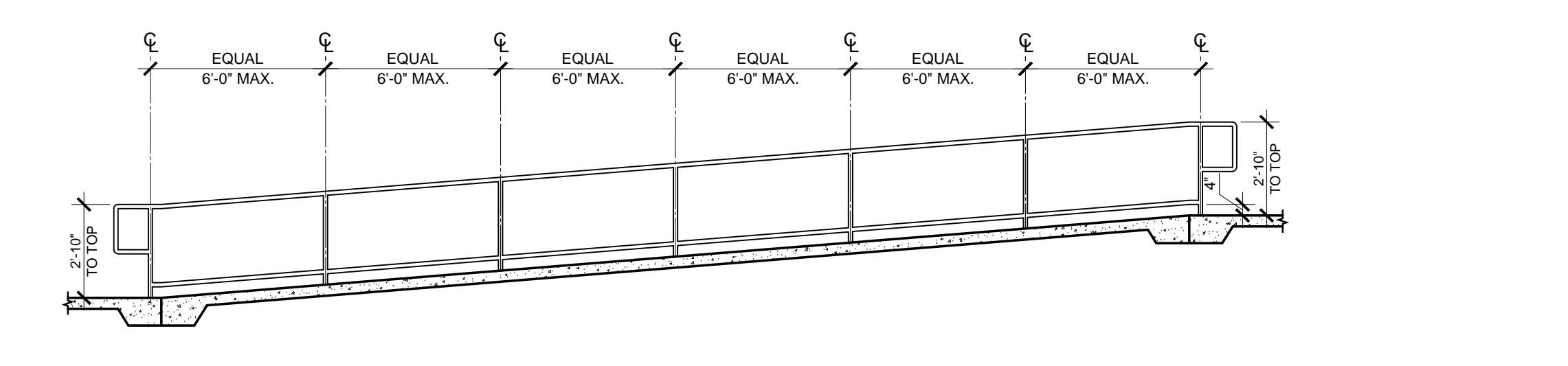
9 EXTERIOR RAMP SECTION
SCALE: 1/4" = 1'-0" 22079-A1.5-09



6 EXTERIOR STAIR AND RAMP SECTION
SCALE: 1/4" = 1'-0" 22079-A1.5-06



8 EXTERIOR RAMP SECTION
SCALE: 1/4" = 1'-0" 22079-A1.5-08

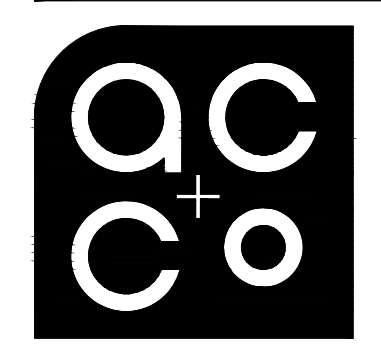


10 EXTERIOR RAMP SECTION
SCALE: 1/4" = 1'-0" 22079-A1.5-10

CONSTRUCTION DOCUMENTS
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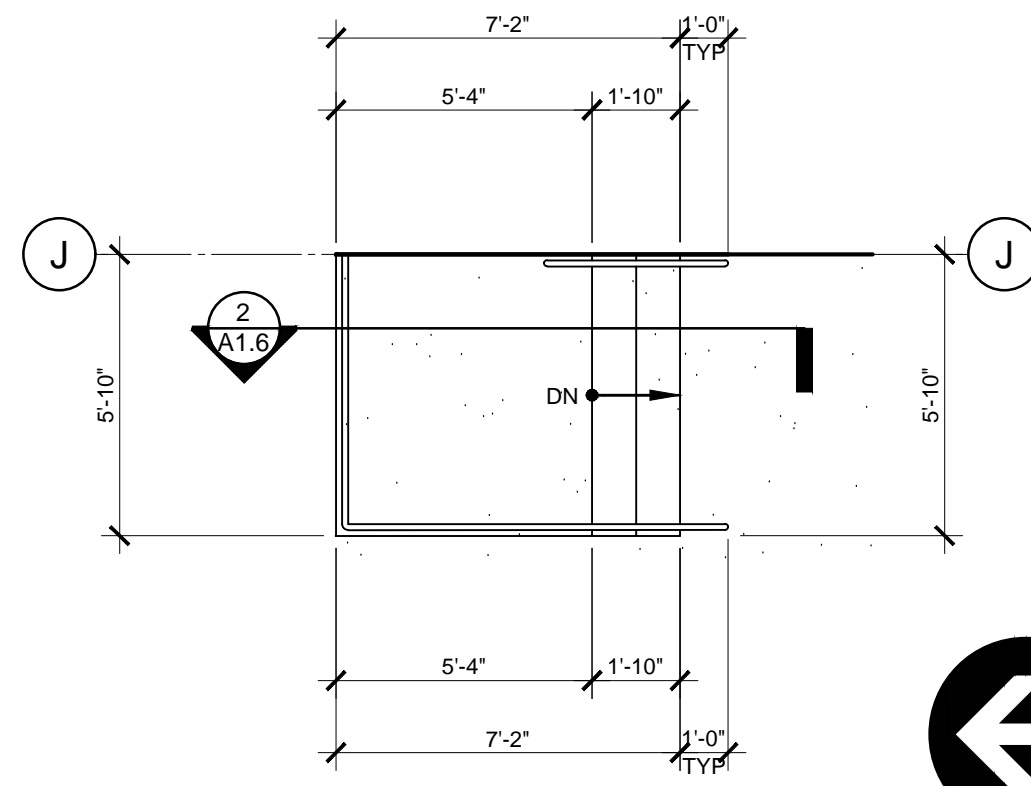
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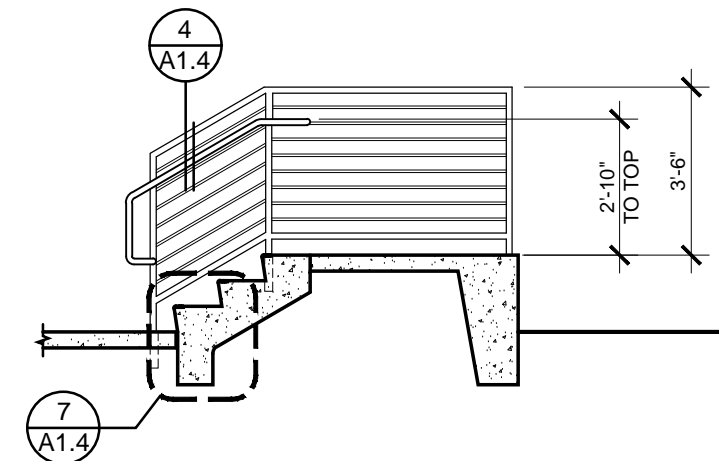
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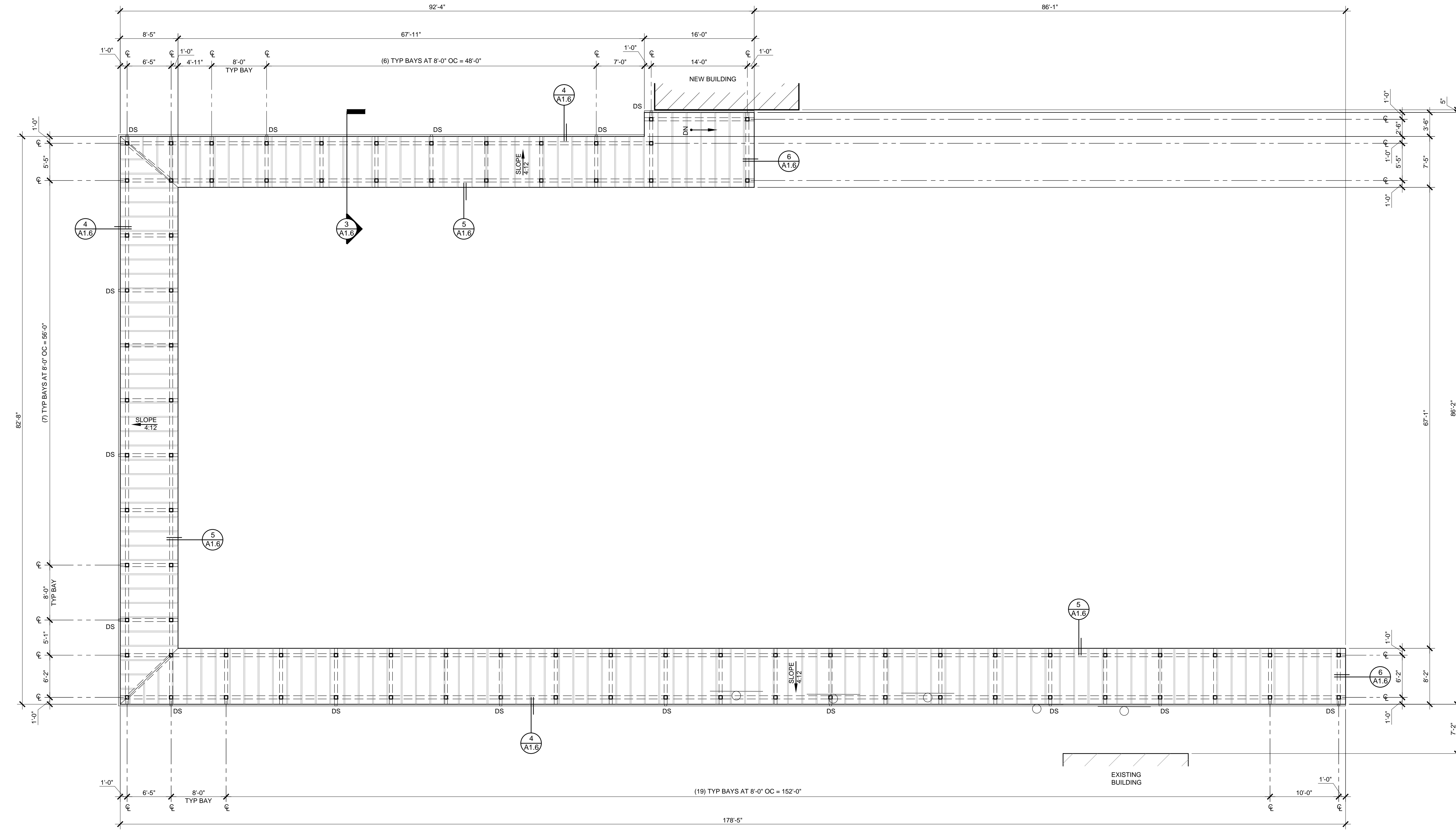
A1.5



1 ENLARGED EXTERIOR STAIR PLAN
SCALE: 1/4" = 1'-0"



2 EXTERIOR STAIR SECTION
SCALE: 1/4" = 1'-0" 22079-A1.6-02

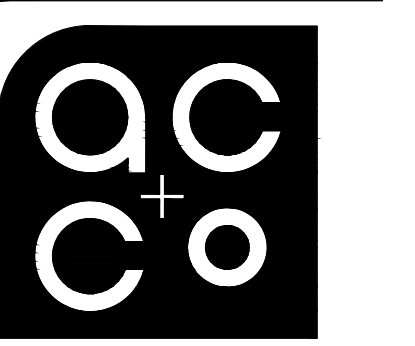


7 ENLARGED EXTERIOR AWNING PLAN
SCALE: 1/4" = 1'-0"

CONSTRUCTION DOCUMENTS
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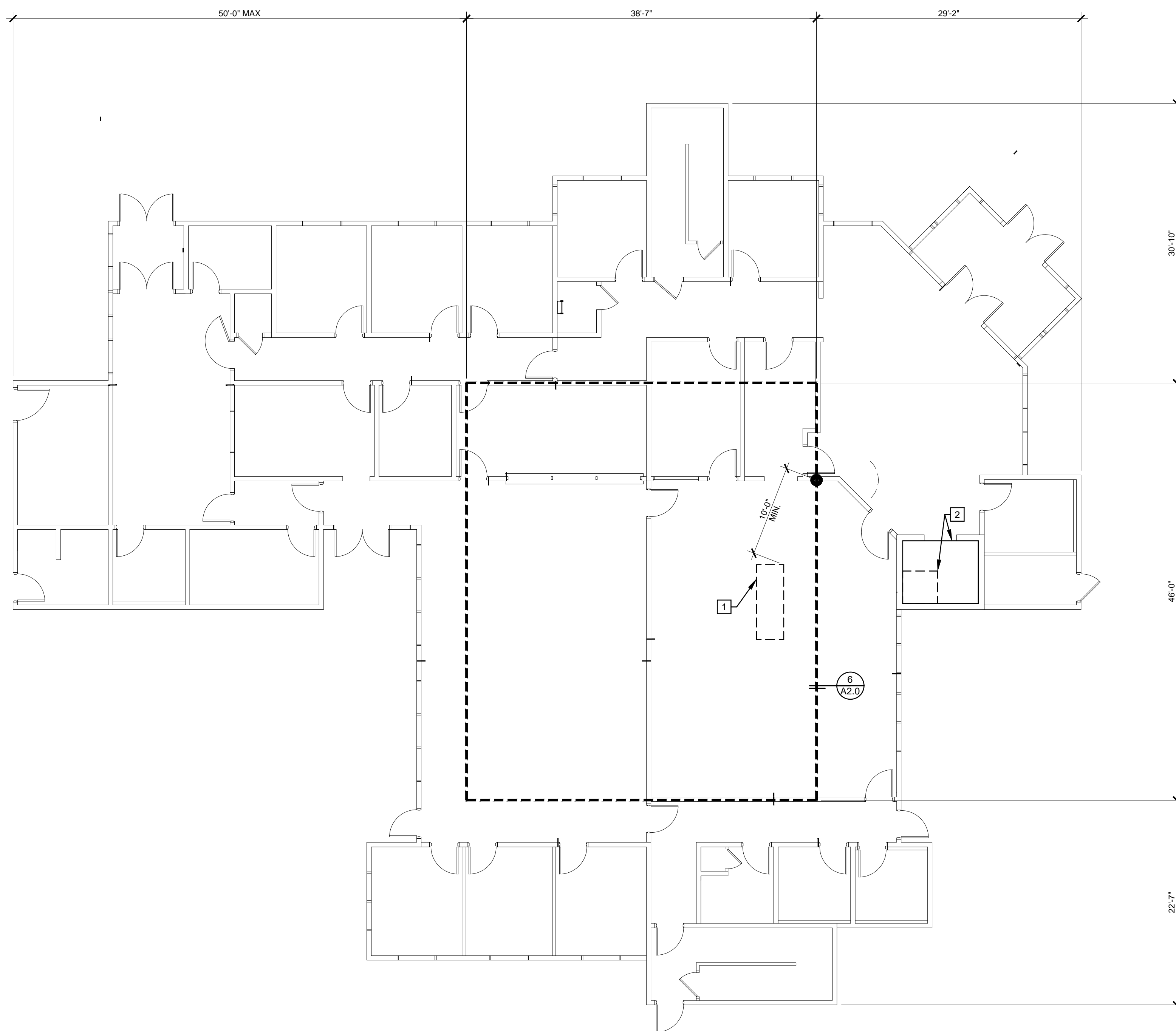
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A1.6



GENERAL NOTES:

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- CONTRACTOR AND BIDDERS SHALL USE COMPLETE SETS OF CONTRACT DOCUMENTS; NEITHER THE OWNER NOR ARCHITECT ASSUMES RESPONSIBILITY FOR ERRORS OR MISINTERPRETATIONS RESULTING FROM THE USE OF INCOMPLETE SETS OF CONTRACT DOCUMENTS.
- COORDINATE AND PROVIDE WOOD BACKING FOR ALL OFCI AND OFOI ITEMS

LEGEND:

- ACTIVE SOIL DEPRESSURIZATION GAS CONVEYANCE PIPING SYSTEM: 3" DIAMETER HORIZONTAL PERFORATED VENT PIPE MEETING THE REQUIREMENTS OF OSSC 1811.3.4 WITH A SLOPE NO LESS THAN 1%. PROVIDE SLEEVE WHERE OCCURS THROUGH FOOTING. REFER TO (4) (5) (A2.0) (A2.0)
- 6" SOLID VENT PIPE RISER COMPLYING WITH OSSC 1811.3.2 x1 PROVIDE A SHAFT WITH 2X FRAMING AND GYPSUM WALLBOARD IN OFFICES 132 AND 222 TO CONCEAL PIPE (2) (3) (A2.0) (A2.0)

REFERENCE NOTES:

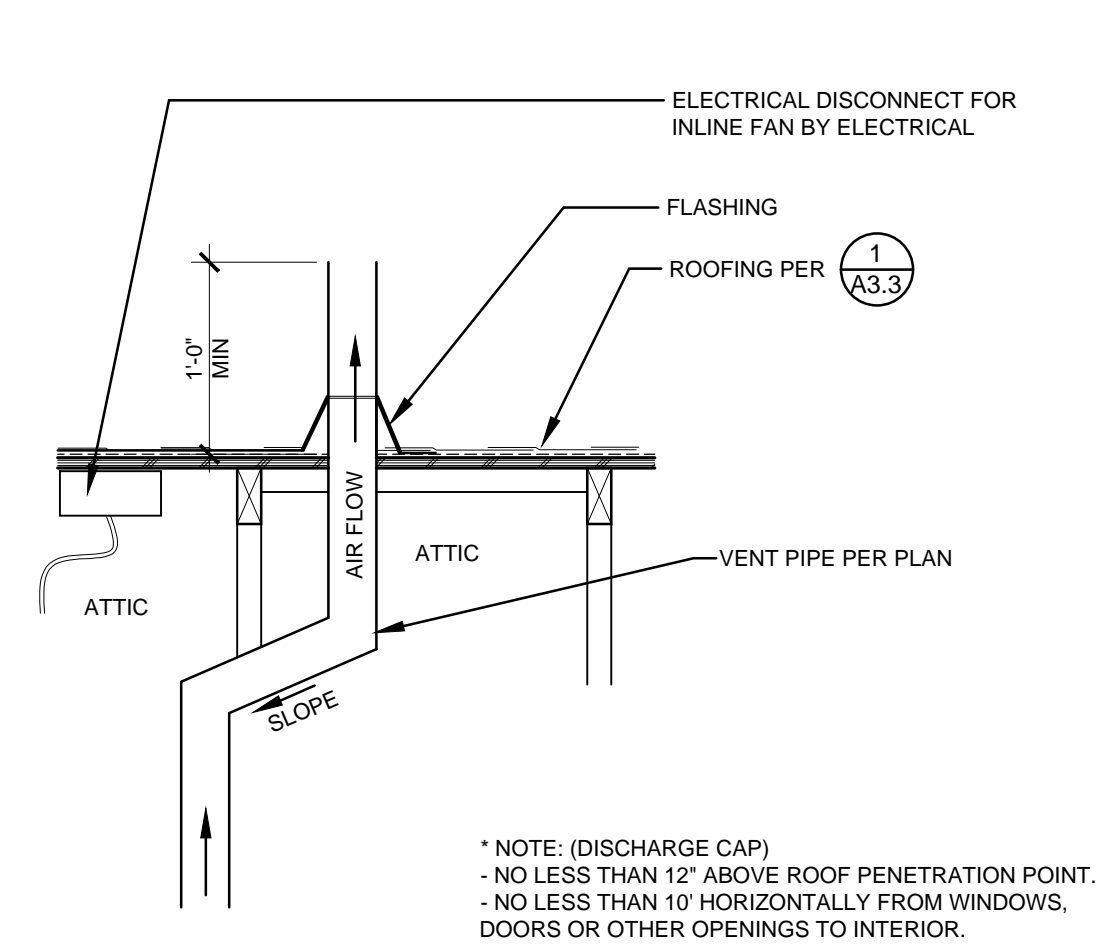
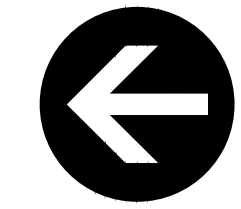
- 1 PENETRATION AT ROOF, VENT PIPE TO BE 10'-0" MIN AWAY
- 2 ELEVATOR SUMP AND PIT

RADON SYSTEM NOTES:

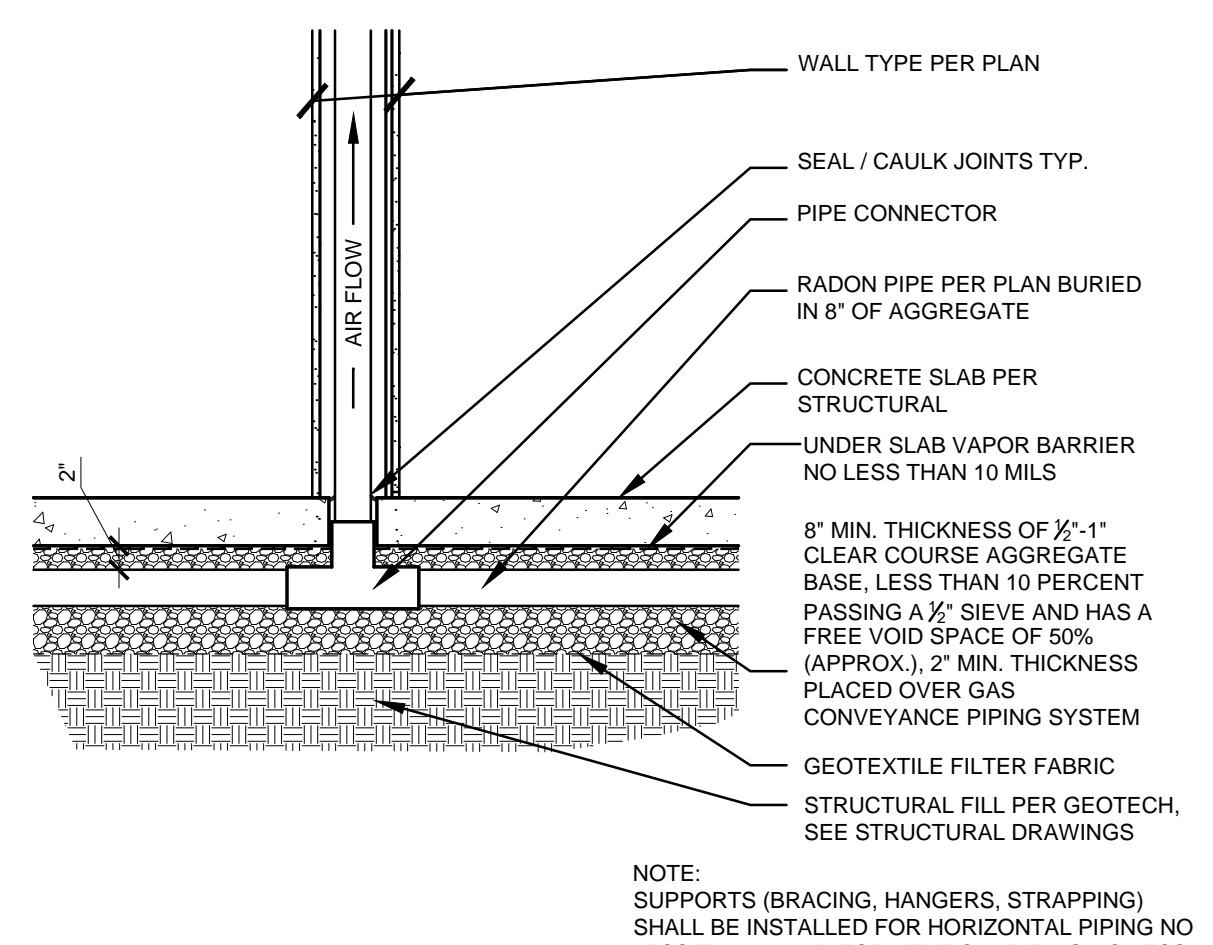
- POSITION PERIMETER PERFORATED PIPE 5' MIN. FROM EXTERIOR FOOTING.
- COORDINATE FOOTING SLEEVES WITH STRUCTURAL.
- ALL TERMINATION POINTS ARE TO HAVE 10' CLEARANCE FROM ANY OPERABLE OPENING OR HVAC INTAKE. CONFIRM ALL LOCATIONS PRIOR TO INSTALLATION, TYP.
- PROVIDE BLOWER FOR ACTIVE SOIL DEPRESSURIZATION SYSTEM WITH A MINIMUM CAPACITY OF 200 CUBIC FEET PER MINUTE.
- PROVIDE ALARM FOR ACTIVE SOIL DEPRESSURIZATION SYSTEM BLOWER. ALARM TO BE EQUIPPED WITH AN AUDIBLE ALARM IN A NORMALLY OCCUPIED LOCATION TO INDICATE FAN MALFUNCTION.

1 FOUNDATION FLOOR PLAN - RADON PIPING

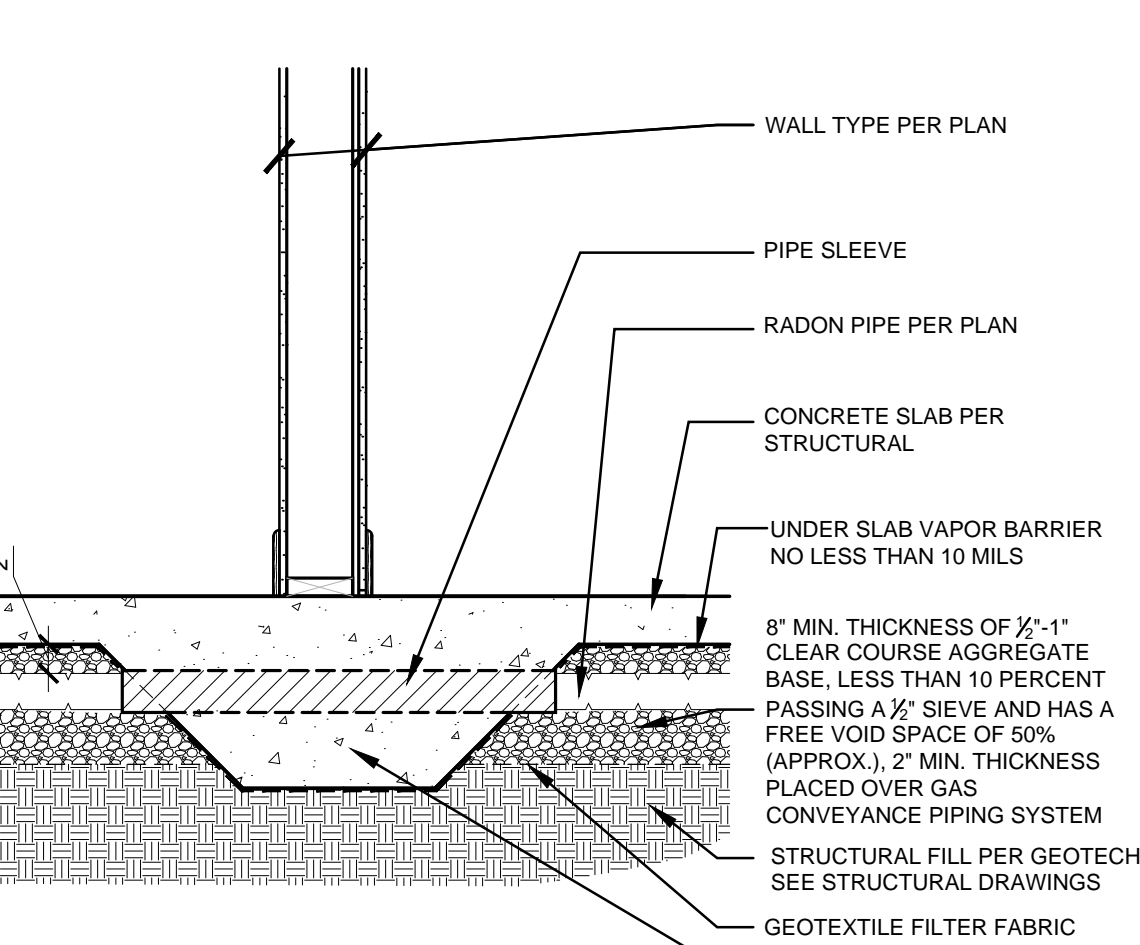
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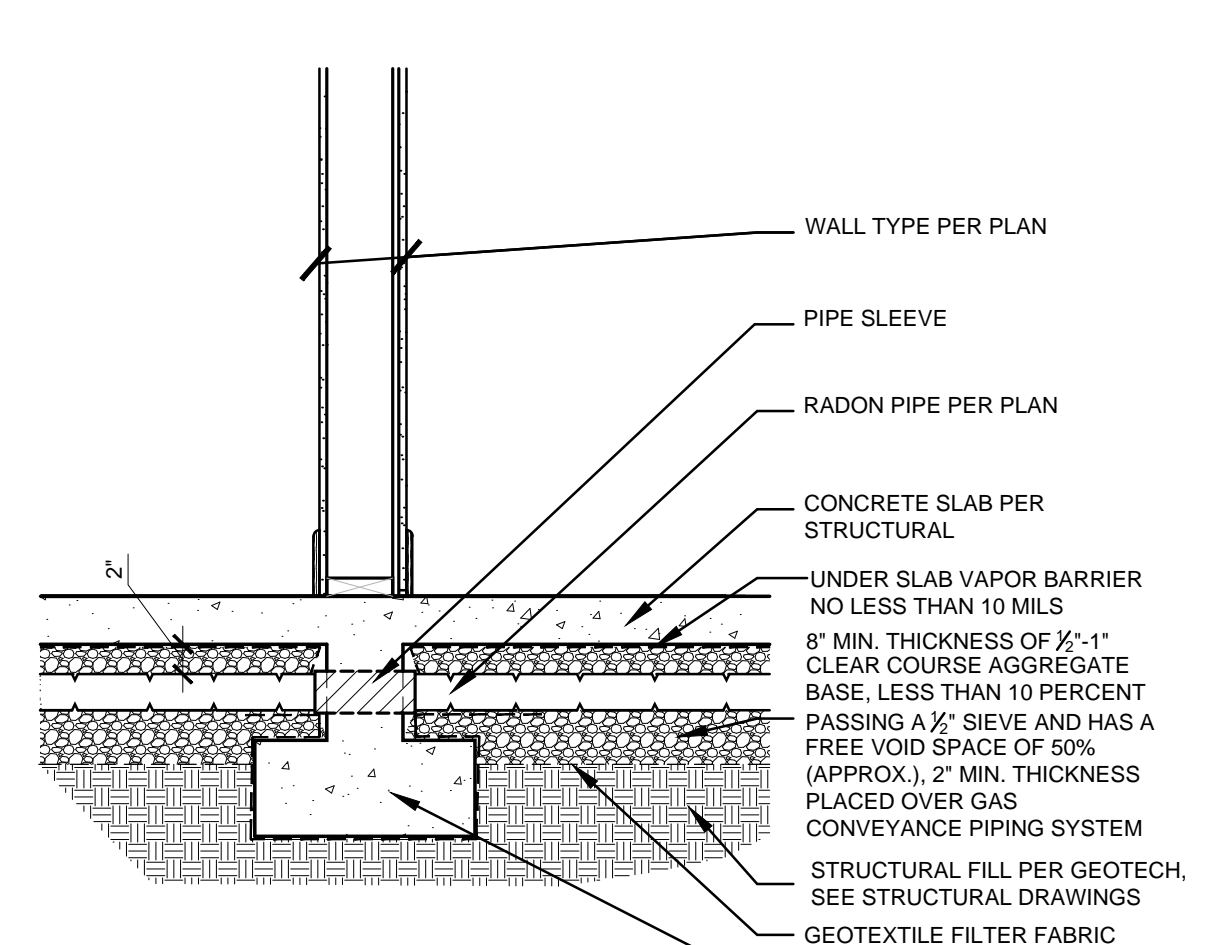
2 SECTION AT TERMINATION
SCALE: 1"=1'-0" 22079-A2.0-02



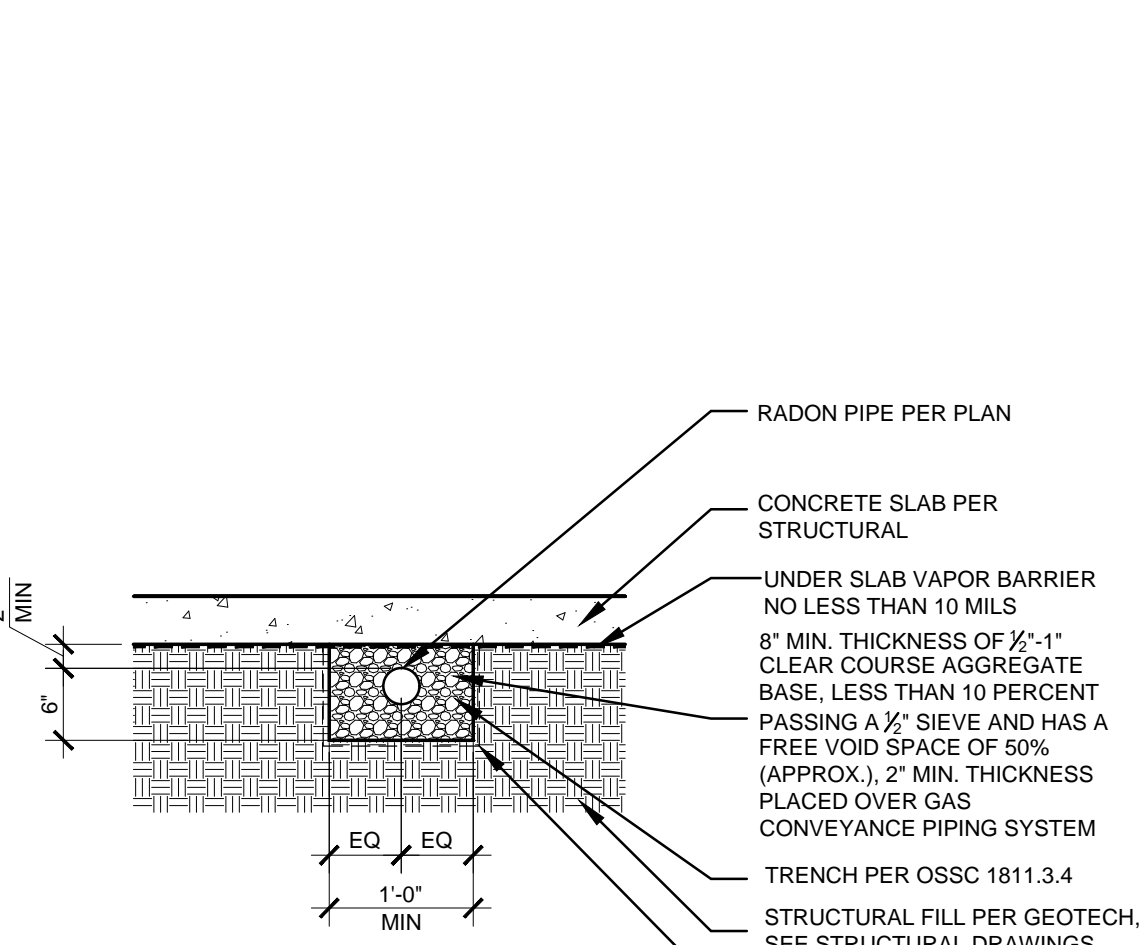
3 RADON PIPE DETAIL
SCALE: 3/4"=1'-0" 22079-A2.0-03



4 GRADE BEAM SLEEVE
SCALE: 3/4"=1'-0" 22079-A2.0-04



5 FOOTING SLEEVE
SCALE: 3/4"=1'-0" 22079-A2.0-05



6 PIPE SECTION
SCALE: 3/4"=1'-0" 22079-A2.0-06

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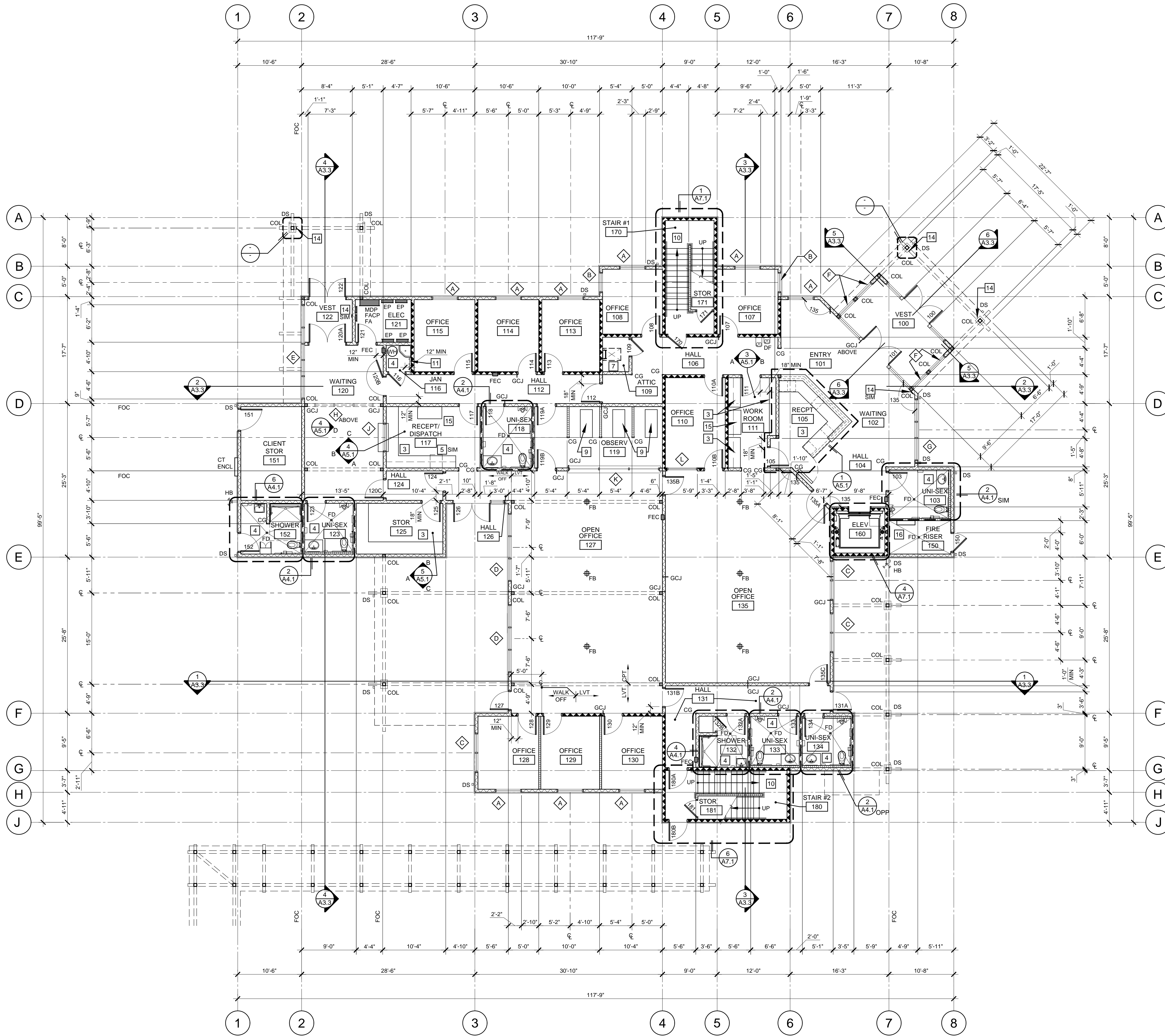
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A2.0

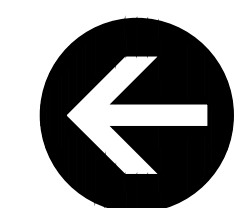


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- SYMBOL LEGEND:**
- 2x6 WOOD STUDS AT 16" OC WITH STONE VENEER BASE (U.O.N.) ON EXTERIOR AND 5/8" GYPSUM WALLBOARD INTERIOR WITH BATT INSULATION
 - 2x6 WOOD STUDS AT 16" OC WITH 5/8" GYPSUM WALLBOARD EACH SIDE, TO UNDERSIDE OF STRUCTURE
 - 2x4 WOOD STUDS AT 16" OC WITH 5/8" GYPSUM WALLBOARD EACH SIDE, TO UNDERSIDE OF STRUCTURE, U.O.N.
 - 2x6 WOOD STUDS AT 16" OC WITH 5/8" GYPSUM WALLBOARD EACH SIDE AND ACOUSTICAL BATT INSULATION, TO UNDERSIDE OF STRUCTURE
 - COL COLUMN, REFER TO STRUCTURAL DRAWINGS
 - DOOR, FRAME AND HARDWARE, REFER TO DOOR SCHEDULE
 - FD FLOOR DRAIN, SLOPE TO DRAIN WHERE INDICATED, REFER TO PLUMBING DRAWINGS
 - DS DOWNSPOUT, CONNECT TO STORM DRAIN SYSTEM PER CIVIL DRAWINGS
 - EP ELECTRICAL PANEL, REFER TO ELECTRICAL DRAWINGS
 - FEC SEMI-RECESSED FIRE EXTINGUISHER AND CABINET
 - DF DRINKING FOUNTAIN WITH BOTTLE FILLER, REFER TO PLUMBING AND ELECTRICAL DRAWINGS
 - CG CORNER GUARD OR CHANNEL GUARD, REFER TO SPECIFICATIONS
 - GCJ GYPSUM WALLBOARD CONTROL JOINT
 - WINDOW, REFER TO A8.1
 - MARKER BOARD OR TACK BOARD, SIZE AS INDICATED, PROVIDE 2x BACKING IN WALL
 - FREEZE-PROOF HOSE BIBB, REFER TO PLUMBING DRAWINGS
 - FLOOR JUNCTION BOX, REFER TO ELECTRICAL DRAWINGS

- REFERENCE NOTES:**
- OFCI TV, REFER TO ELECTRICAL DRAWINGS
 - OFCI IT RACK, REFER TO ELECTRICAL DRAWINGS
 - CASEWORK, REFER TO A5.1
 - PLUMBING FIXTURE, REFER TO PLUMBING DRAWINGS
 - OFCI REFRIGERATOR, REFER TO ELECTRICAL AND PLUMBING DRAWINGS, AT SIM CONDITION, UNDER-COUNTER REFRIGERATOR
 - UNDER-COUNTER DISHWASHER, REFER TO ELECTRICAL AND PLUMBING DRAWINGS
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 - OFOI FURNITURE, NIC
 - STAIR AND HANDRAIL REFER TO A7.1 AND A7.2
 - MOP HOLDER, REFER TO SPECIFICATIONS
 - PROVIDE PLYWOOD UNDER GYPSUM WALLBOARD FOR SHEAR WALL, REFER TO STRUCTURAL DRAWINGS
 - TACKABLE WALL COVERING, REFER TO FINISH SCHEDULE
 - ADA DOOR OPERATOR BUTTON, REFER TO ELECTRICAL DRAWINGS
 - OFOI COPY MACHINE, PROVIDE DEDICATED CIRCUIT, REFER TO ELECTRICAL DRAWINGS
 - FIRE RISER EQUIPMENT AND CURB AT PERIMETER WALL, REFER TO PLUMBING DRAWINGS
 - CEILING-MOUNTED PROJECTOR, REFER TO ELECTRICAL DRAWINGS
 - HVAC SIDEWALL PENETRATION, REFER TO MECHANICAL DRAWINGS AND
 - STEEL ROOF CANOPY SYSTEM

1 FIRST FLOOR PLAN
SCALE: 1/8"=1'-0"



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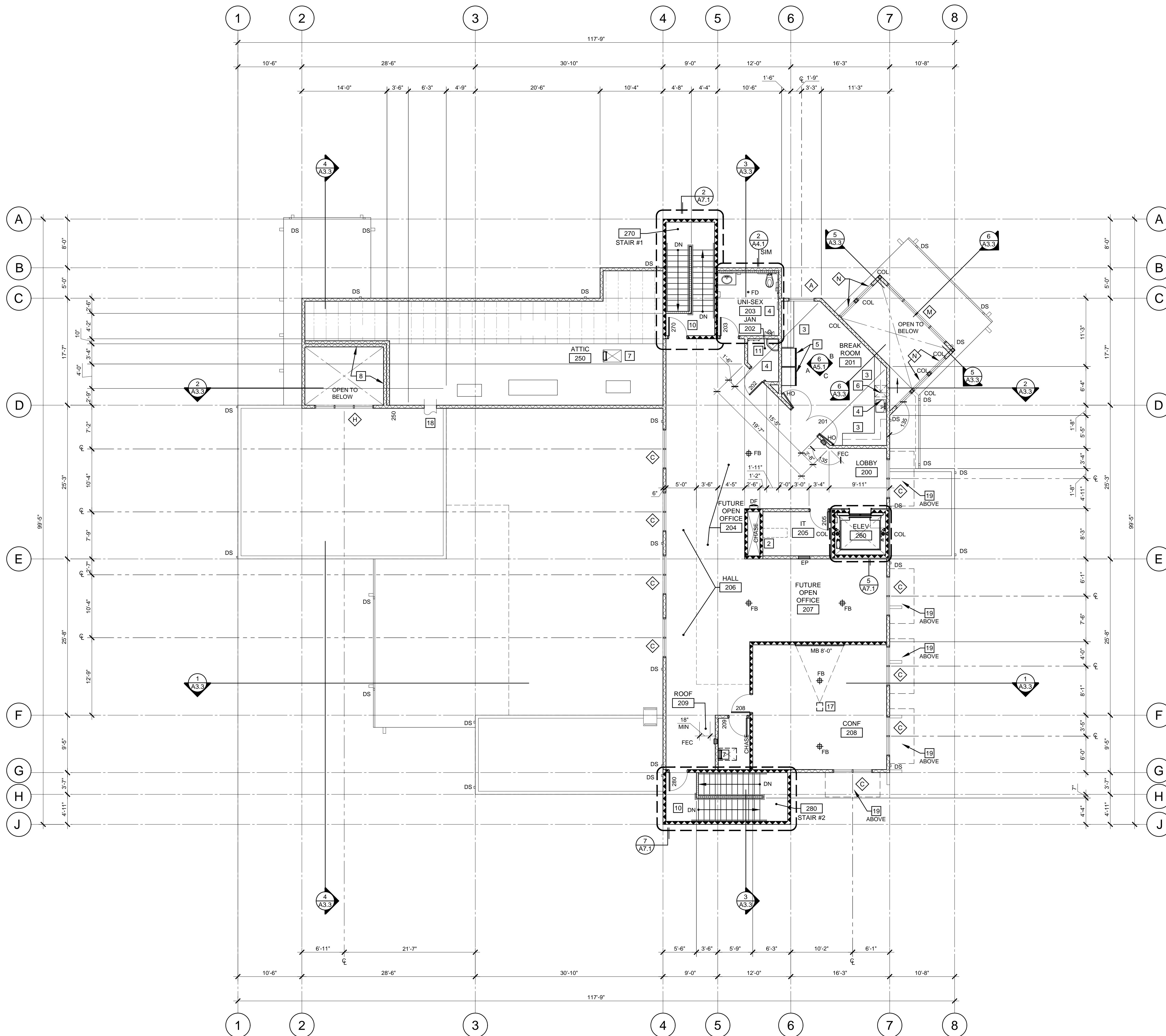
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A2.1



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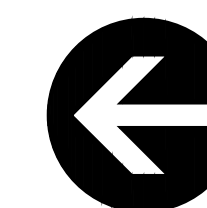
SYMBOL LEGEND:

- 2x6 WOOD STUDS AT 16" OC WITH STONE VENEER BASE (U.O.N.) ON EXTERIOR AND 3/4" GYPSUM WALLBOARD INTERIOR WITH BATT INSULATION
- 2x6 WOOD STUDS AT 16" OC WITH 3/4" GYPSUM WALLBOARD EACH SIDE, TO UNDERSIDE OF STRUCTURE
- 2x4 WOOD STUDS AT 16" OC WITH 3/4" GYPSUM WALLBOARD EACH SIDE, TO UNDERSIDE OF STRUCTURE, U.O.N.
- 2x6 WOOD STUDS AT 16" OC WITH 3/4" GYPSUM WALLBOARD EACH SIDE AND ACOUSTICAL BATT INSULATION, TO UNDERSIDE OF STRUCTURE
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- DOOR, FRAME AND HARDWARE, REFER TO DOOR SCHEDULE
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- DS DOWNSPOUT, CONNECT TO STORM DRAIN SYSTEM PER CIVIL DRAWINGS
- EP ELECTRICAL PANEL, REFER TO ELECTRICAL DRAWINGS
- FEC SEMI-RECESSED FIRE EXTINGUISHER AND CABINET
- DF DRINKING FOUNTAIN WITH BOTTLE FILLER, REFER TO PLUMBING AND ELECTRICAL DRAWINGS
- CG CORNER GUARD OR CHANNEL GUARD, REFER TO SPECIFICATIONS
- GCJ GYPSUM WALLBOARD CONTROL JOINT
- WINDOW, REFER TO A8.1
- MB MARKER BOARD OR TACK BOARD, SIZE AS INDICATED, PROVIDE 2x BACKING IN WALL
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- 2 OFCI IT RACK, REFER TO ELECTRICAL DRAWINGS
- 3 CASEWORK, REFER TO A5.1
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- 12 PROVIDE PLYWOOD UNDER GYPSUM WALLBOARD FOR SHEAR WALL, REFER TO STRUCTURAL DRAWINGS
- 13 TACKABLE WALL COVERING, REFER TO FINISH SCHEDULE
- 14 ADA DOOR OPERATOR BUTTON, REFER TO ELECTRICAL DRAWINGS (18 A1.4)
- 15 OFOI COPY MACHINE, PROVIDE DEDICATED CIRCUIT, REFER TO ELECTRICAL DRAWINGS
- 16 FIRE RISER EQUIPMENT AND CURB AT PERIMETER WALL, REFER TO PLUMBING DRAWINGS
- 17 CEILING-MOUNTED PROJECTOR, REFER TO ELECTRICAL DRAWINGS
- 18 HVAC SIDEWALL PENETRATION, REFER TO MECHANICAL DRAWINGS AND (18)
- 19 STEEL ROOF CANOPY SYSTEM

1 SECOND FLOOR PLAN
SCALE: 1/8"=1'-0"



CONSTRUCTION DOCUMENTS
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10-20-2022

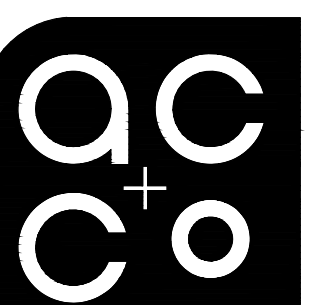
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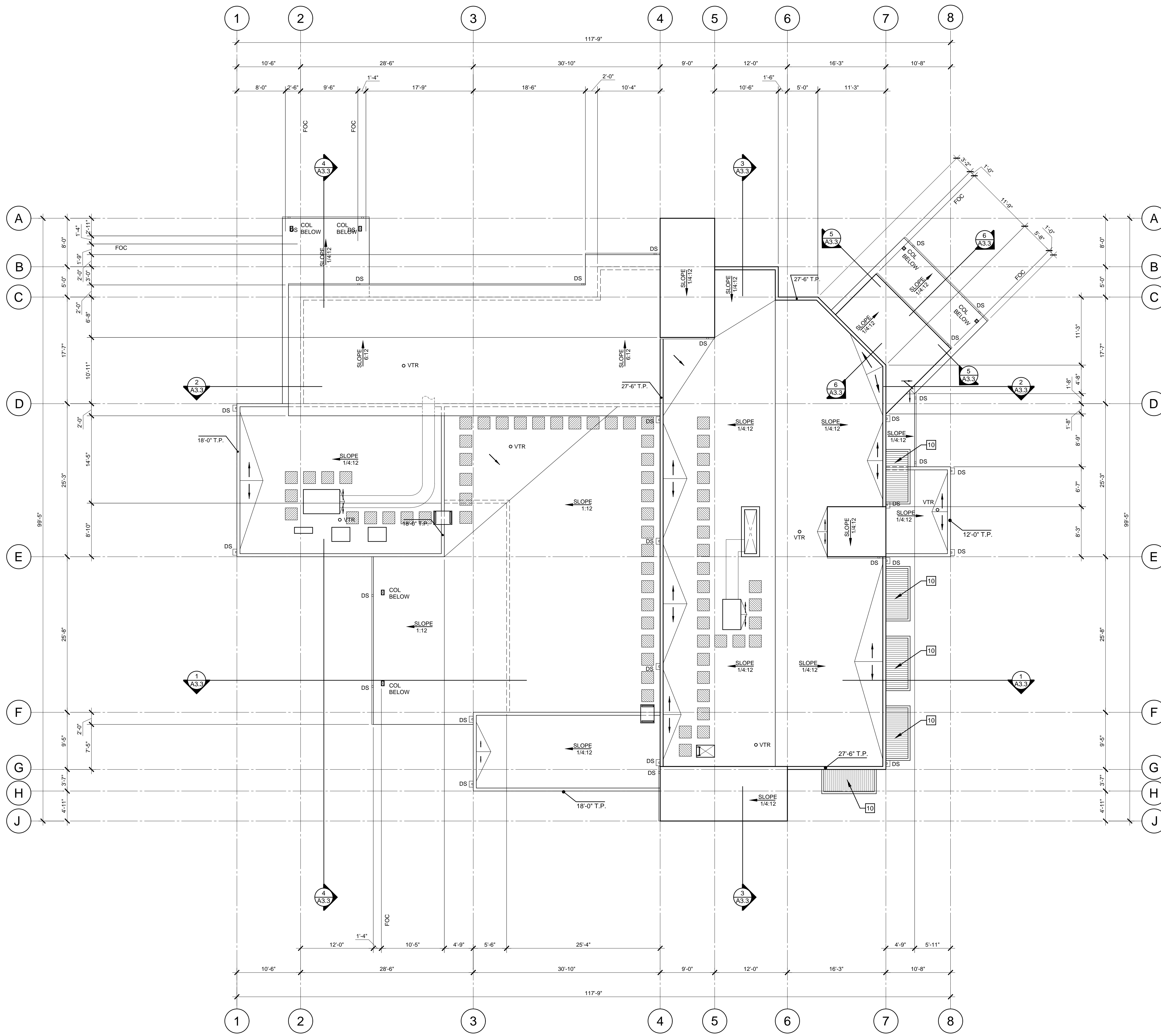
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SHEET

A2.2



GENERAL NOTES:

1. GENERAL NOTES APPLY TO ALL DRAWINGS.
2. DIMENSIONS ARE TO EXISTING FACE OF WALL, FACE OF NEW FRAMING, AND FACE OF EXISTING CONCRETE UNLESS NOTED OTHERWISE.
3. DRAWINGS ARE DIAGRAMMATIC ONLY AND SHOULD NOT BE SCALED. NOTIFY ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES OR QUESTIONABLE DIMENSIONS PRIOR TO PROCEEDING WITH AREA OF QUESTIONABLE WORK.
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6. COORDINATE AND PROVIDE WOOD BACKING FOR ALL OFCI AND OFOI ITEMS

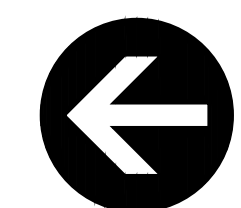
SYMBOL LEGEND:

- DS PRE-FINISHED METAL DOWNSPOUT
- DS PRE-FINISHED METAL DOWNSPOUT AND SCUPPER HEAD
- ↖ T.P. TOP OF PARAPET
- ↖ T.D. TOP OF DECK
- ▨ ROOF WALK PAD
- VTR VENT THRU ROOF, REFER TO MECHANICAL DRAWINGS

REFERENCE NOTES:

- 1 STANDING SEAM METAL ROOF
- 2 TPO MEMBRANE ROOFING SYSTEM, SLOPE WITH TAPERED INSULATION
- 3 PRE-FINISHED METAL GUTTER
- 4 PARAPET WALL WITH CAP FLASHING
- 5 MECHANICAL ROOFTOP UNITS, REFER TO MECHANICAL DRAWINGS
- 6 TPO ROOF CRICKET, SLOPE TO ROOF DRAIN
- 7 ROOF ACCESS HATCH, REFER TO
- 8 DAYLIGHT DOWNSPOUT ONTO ROOF BELOW, PROVIDE SPLASH PAD
- 9 ROOF ACCESS LADDER, REFER TO
- 10 STEEL ROOF CANOPY SYSTEM, REFER TO

1 ROOF PLAN
SCALE: 1/8"=1'-0"



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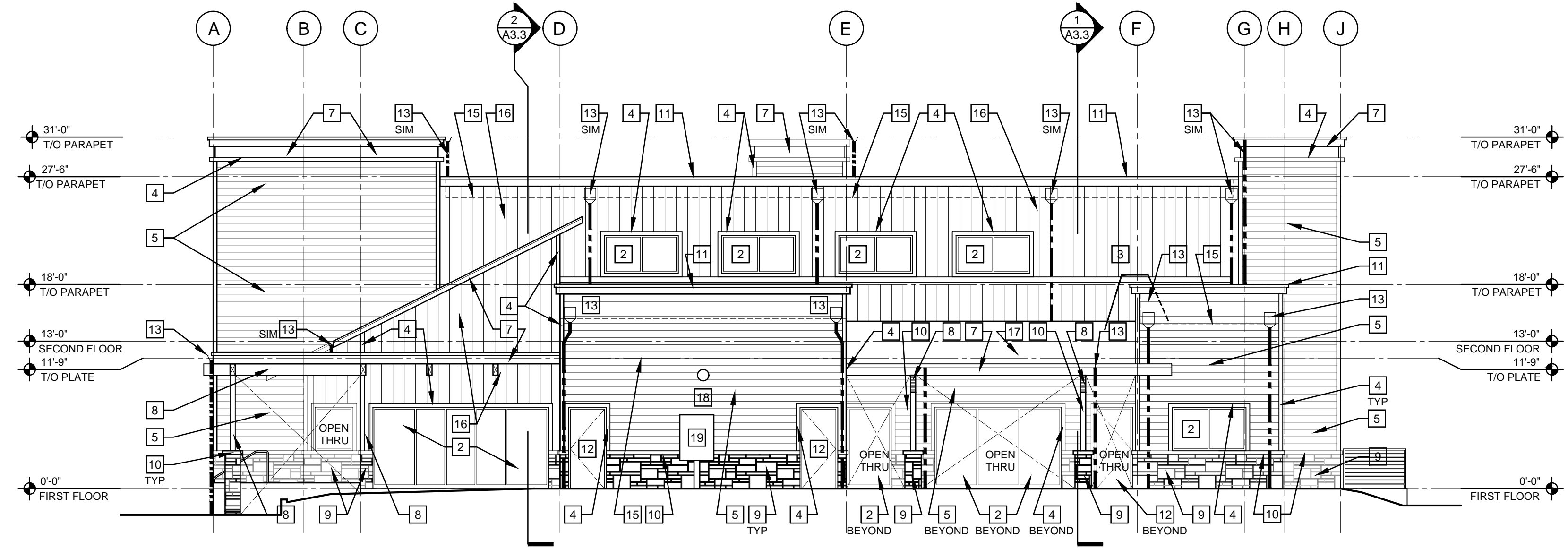
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JOB NO. 2022.0079
DATE APRIL 12, 2024
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A2.3

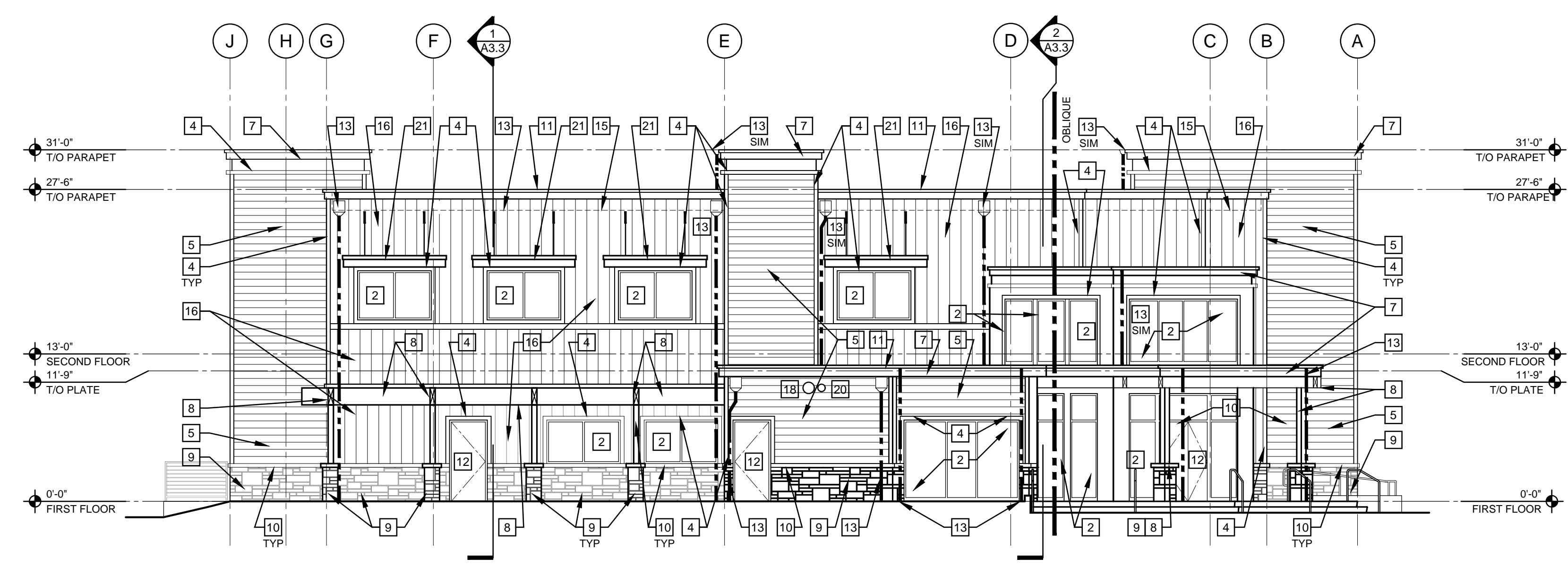


1 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

NOTE: COVERED WALKWAY NOT SHOWN FOR CLARITY

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- REFERENCE NOTES:**
- OFCI SIGNAGE, COORDINATE SIZE AND LOCATION WITH OWNER. PROVIDE POWER, REFER TO ELECTRICAL DRAWINGS.
 - WINDOW PER PLAN
 - STEEL ROOF ACCESS LADDER
 - FIBER CEMENT TRIM, PAINT
 - HORIZONTAL FIBER CEMENT LAP SIDING, 6" EXPOSURE, PAINT
 - STANDING SEAM METAL ROOF
 - FIBER CEMENT FASCIA, PAINT
 - COLUMN OR BEAM PER STRUCTURAL, PAINT. PROVIDE PRE-FINISHED METAL END CAPS WHERE CUT END IS EXPOSED.
 - STONE VENEER, STEP WITH GRADE, WHERE OCCURS
 - STONE SILL
 - PRE-FINISHED PARAPET CAP FLASHING
 - DOOR PER PLAN
 - PRE-FINISHED SHEET METAL GUTTER, DOWNSPOUT, AND SCUPPER HEAD WHERE OCCURS, AT SIM CONDITION, DAYLIGHT ONTO LOWER ROOF
 - 6" TALL METAL BUILDING ADDRESS NUMBER, REFER TO SPECIFICATIONS
 - PARAPET BEYOND
 - VERTICAL FIBER CEMENT BOARD AND BATTEN SIDING, PAINT
 - TPO MEMBRANE ROOFING SYSTEM
 - WALL-MOUNTED LIGHT FIXTURE, REFER TO ELECTRICAL DRAWINGS
 - ELECTRICAL EQUIPMENT, REFER TO ELECTRICAL DRAWINGS
 - WALL-MOUNTED FIRE BELL, REFER TO ELECTRICAL DRAWINGS
 - STEEL CANOPY WITH STEEL TIE-RODS, REFER TO STRUCTURAL DRAWINGS, PAINT



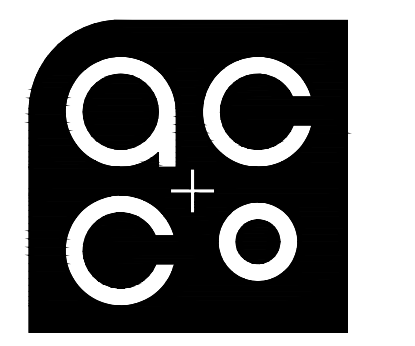
2 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

NOTE: COVERED WALKWAY NOT SHOWN FOR CLARITY

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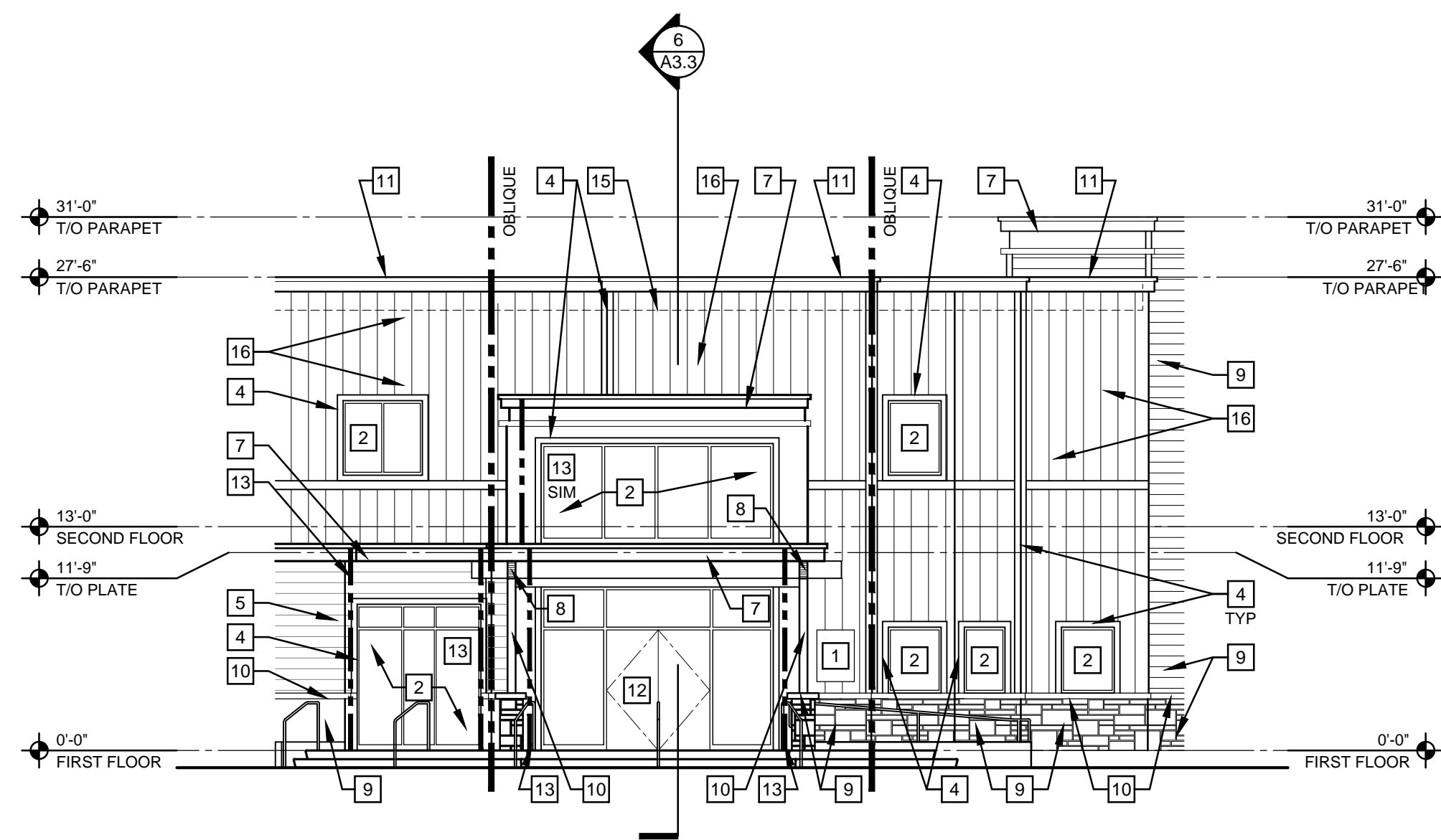


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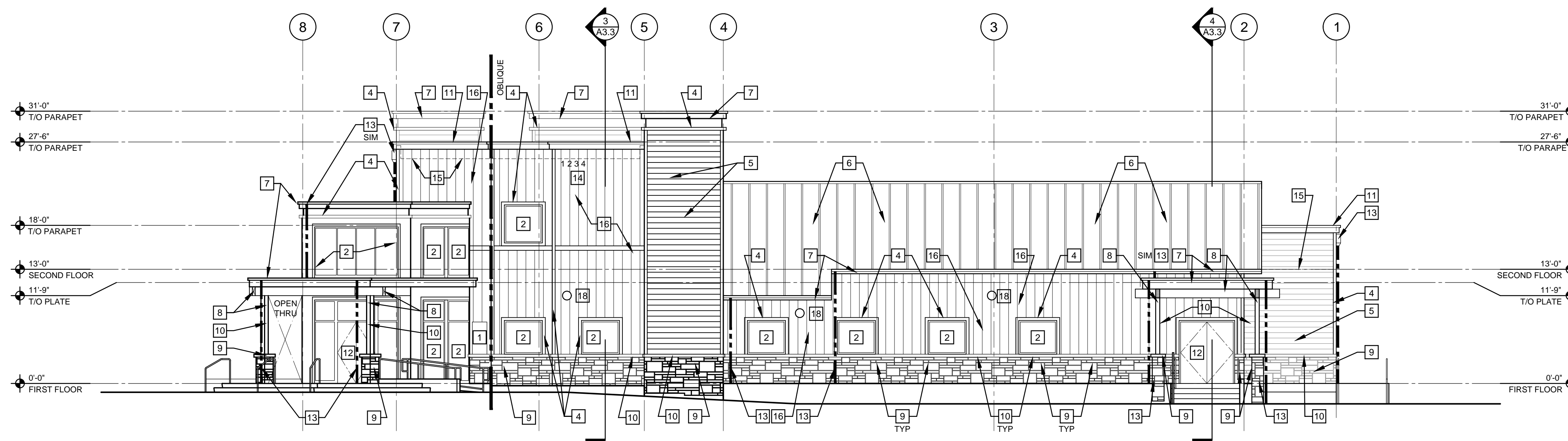
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A3.1



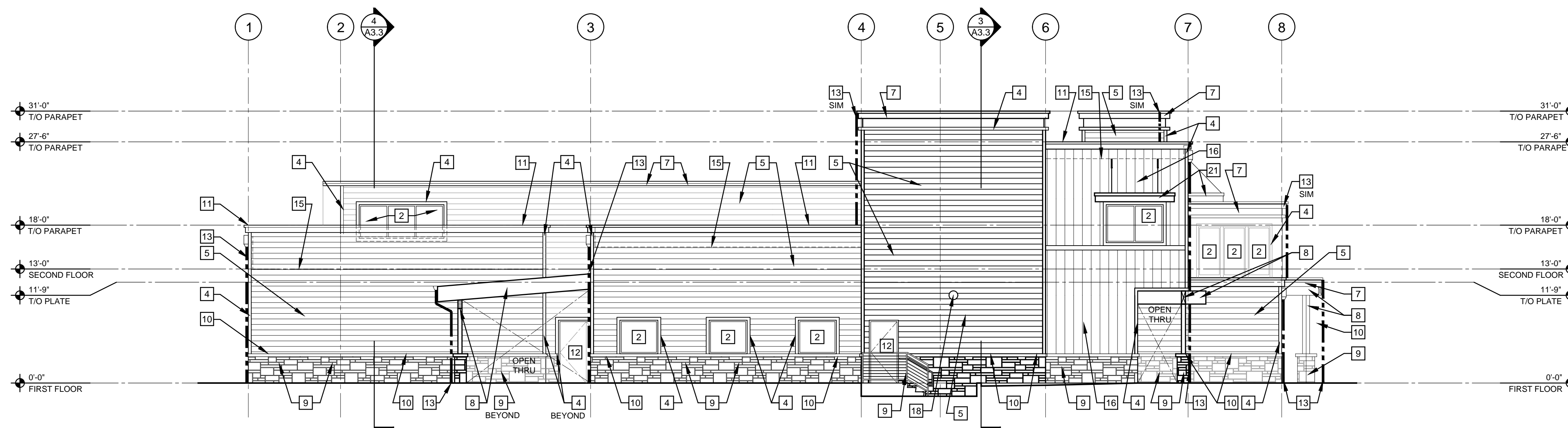
1 SOUTHEAST ELEVATION
SCALE: 1/8" = 1'-0"

NOTE: COVERED WALKWAY NOT SHOWN FOR CLARITY



2 EAST ELEVATION
SCALE: 1/8" = 1'-0"

NOTE: COVERED WALKWAY NOT SHOWN FOR CLARITY



3 WEST ELEVATION
SCALE: 1/8" = 1'-0"

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- FIBER CEMENT TRIM, PAINT
- HORIZONTAL FIBER CEMENT LAP SIDING, 6" EXPOSURE, PAINT
- STANDING SEAM METAL ROOF
- FIBER CEMENT FASCIA, PAINT
- COLUMN OR BEAM PER STRUCTURAL, PAINT. PROVIDE PRE-FINISHED METAL END CAPS WHERE CUT END IS EXPOSED.
- STONE VENEER, STEP WITH GRADE, WHERE OCCURS
- STONE SILL
- PRE-FINISHED PARAPET CAP FLASHING
- DOOR PER PLAN
- PRE-FINISHED SHEET METAL GUTTER, DOWNSPOUT, AND SCUPPER HEAD WHERE OCCURS, AT SIM CONDITION, DAYLIGHT ONTO LOWER ROOF
- 6" TALL METAL BUILDING ADDRESS NUMBER. REFER TO SPECIFICATIONS
- PARAPET BEYOND
- VERTICAL FIBER CEMENT BOARD AND BATTEN SIDING, PAINT
- TPO MEMBRANE ROOFING SYSTEM
- WALL-MOUNTED LIGHT FIXTURE, REFER TO ELECTRICAL DRAWINGS
- ELECTRICAL EQUIPMENT, REFER TO ELECTRICAL DRAWINGS
- WALL-MOUNTED FIRE BELL, REFER TO ELECTRICAL DRAWINGS
- STEEL CANOPY WITH STEEL TIE-RODS, REFER TO STRUCTURAL DRAWINGS, PAINT

CONSTRUCTION DOCUMENTS

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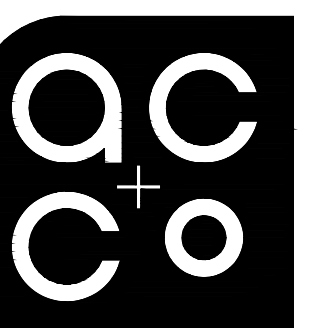
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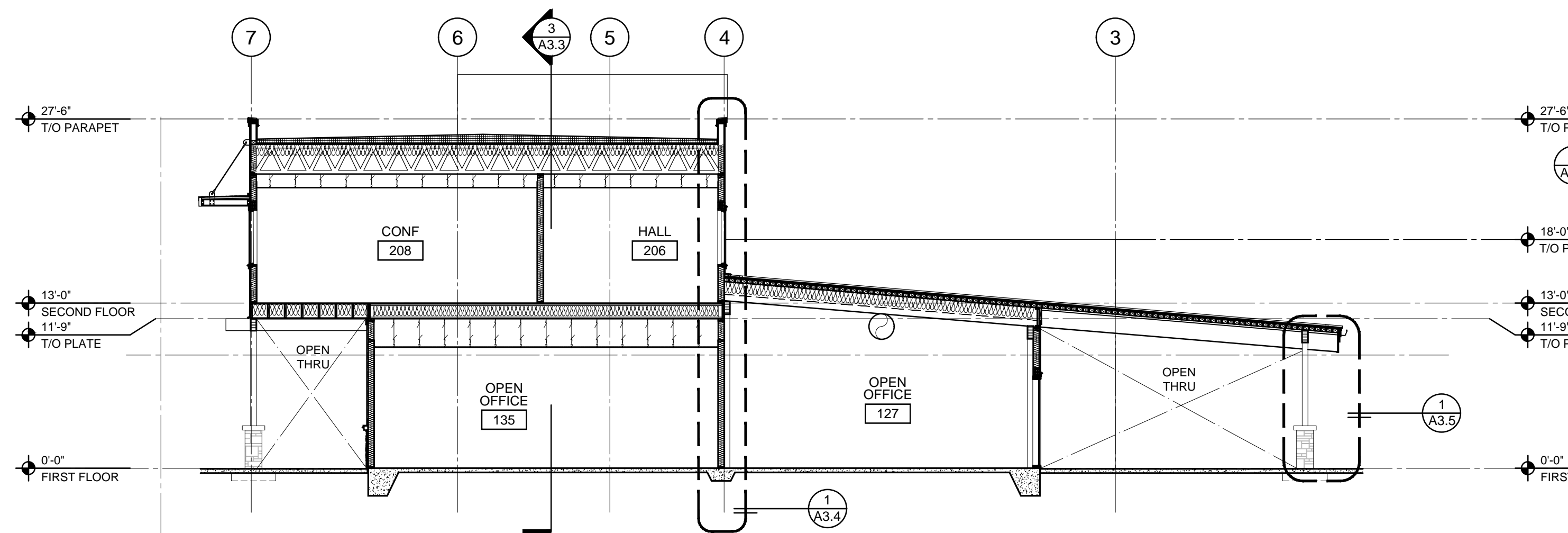
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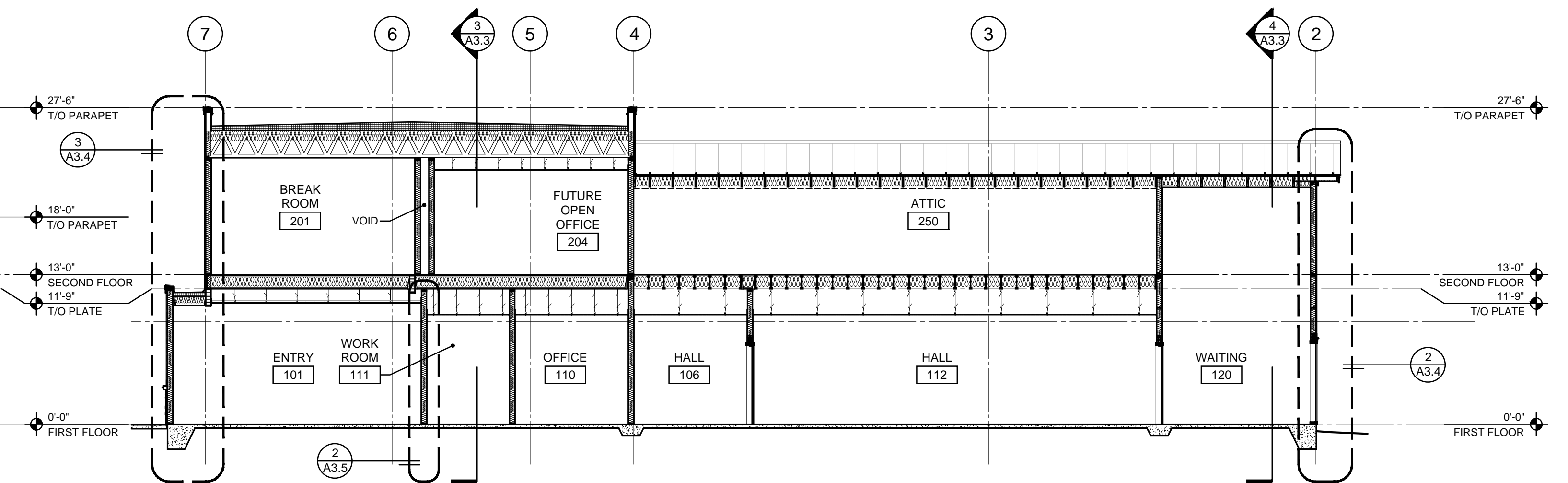
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GENERAL NOTES:

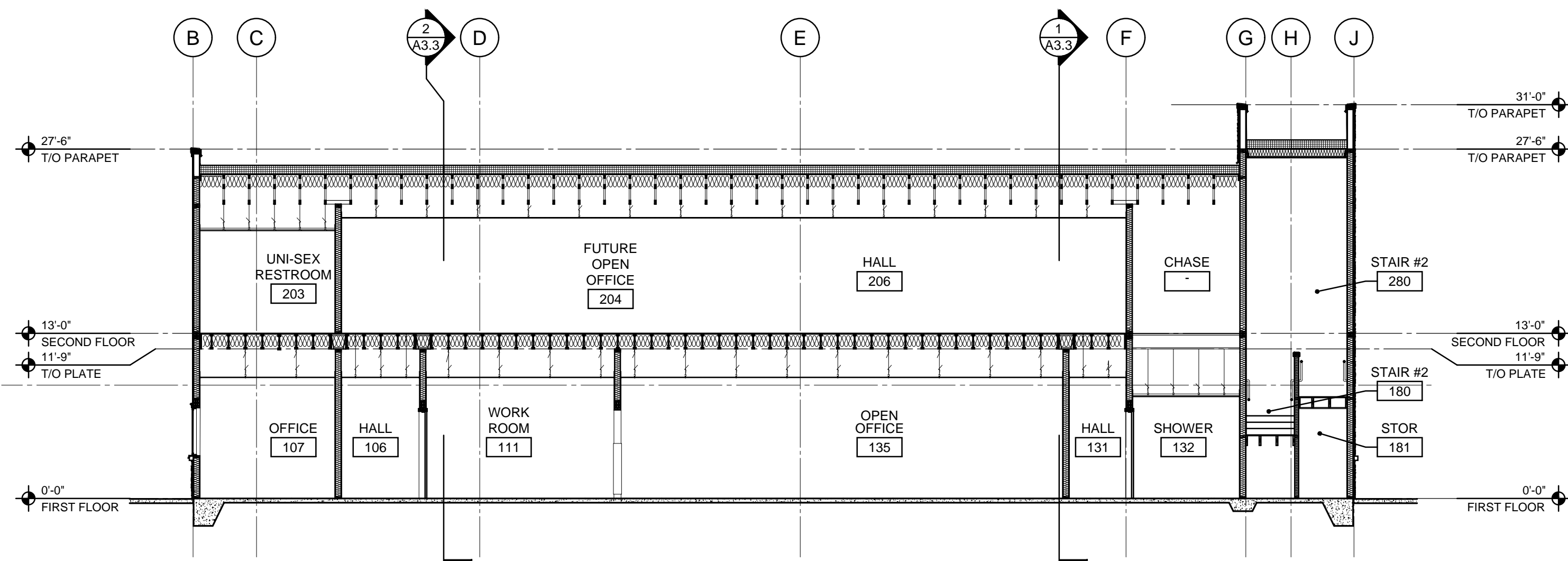
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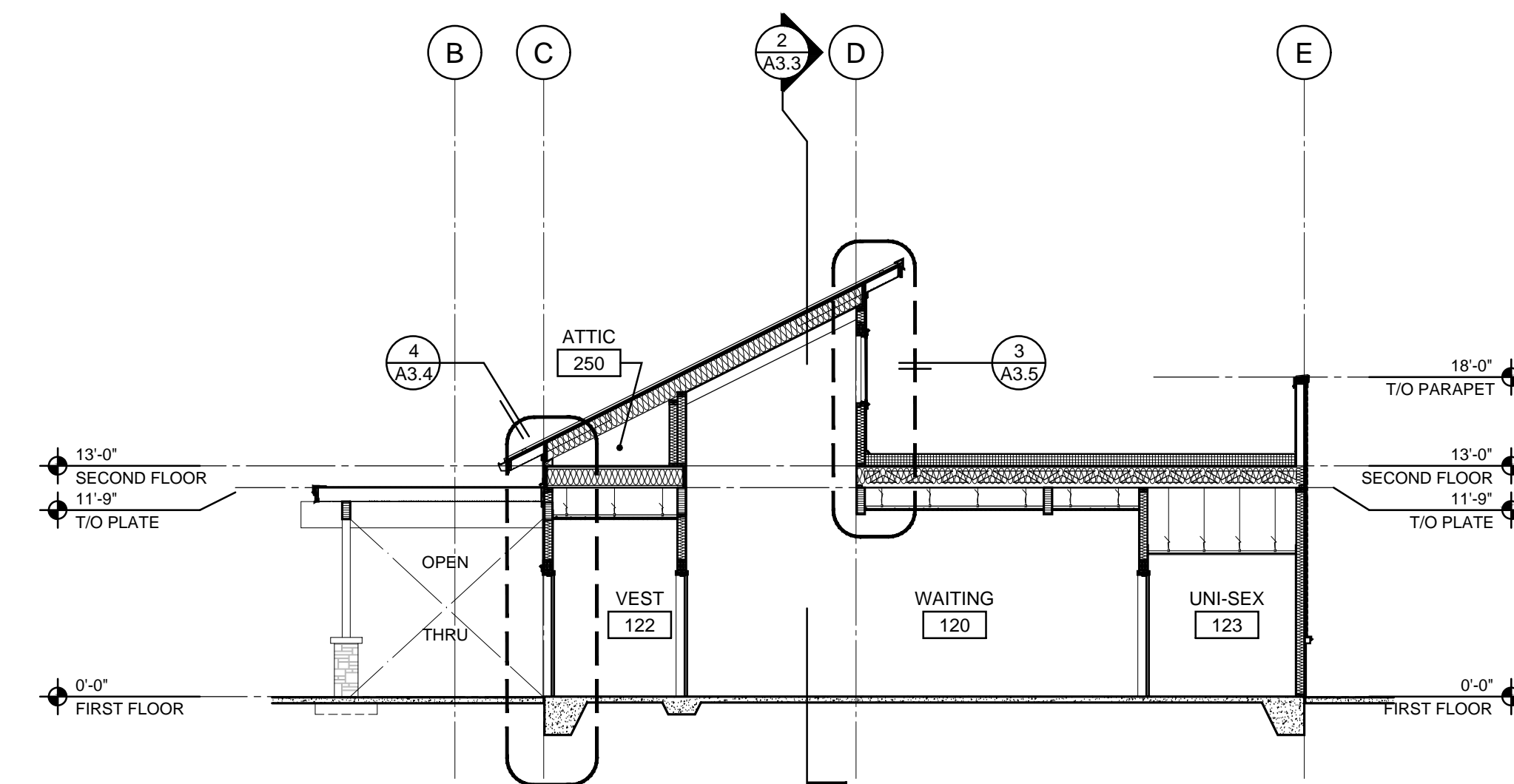
1 SECTION
SCALE: 1/8"=1'-0"



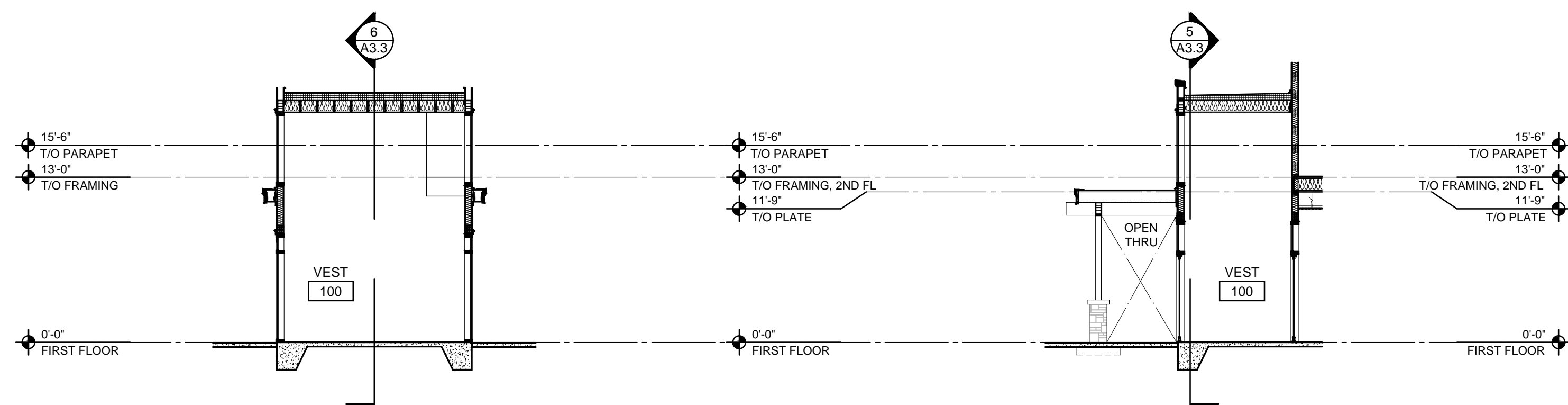
2 SECTION
SCALE: 1/8"=1'-0"



3 SECTION
SCALE: 1/8"=1'-0"



4 SECTION
SCALE: 1/8"=1'-0"



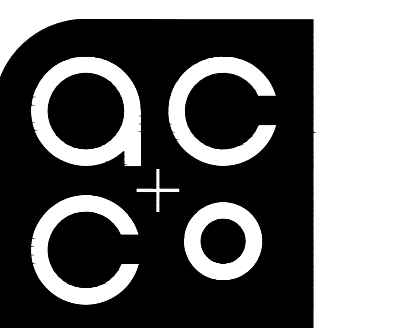
5 SECTION
SCALE: 1/8"=1'-0"

6 SECTION
SCALE: 1/8"=1'-0"

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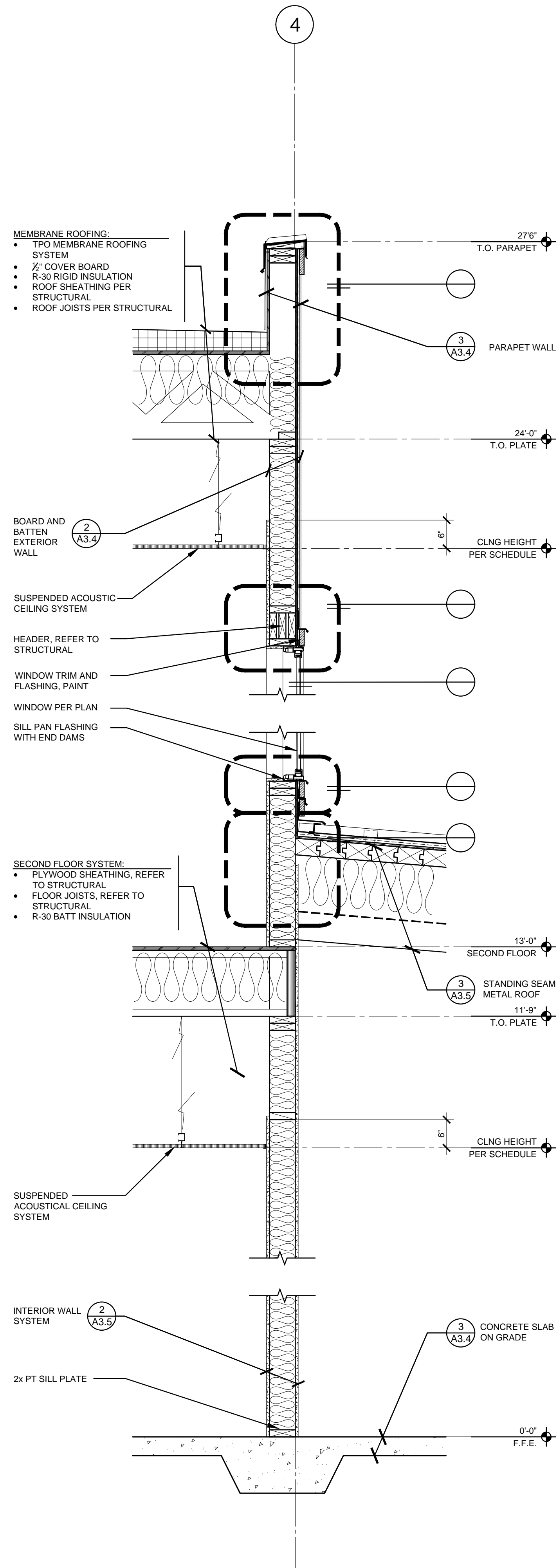
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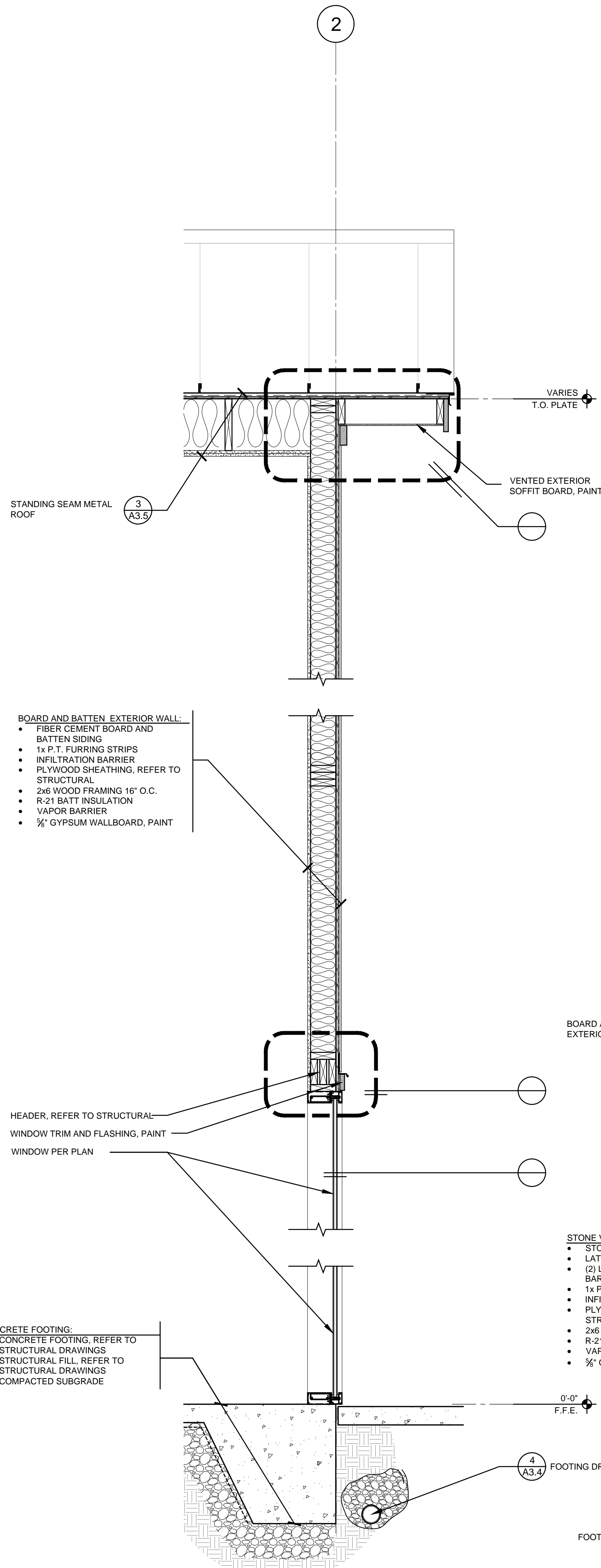
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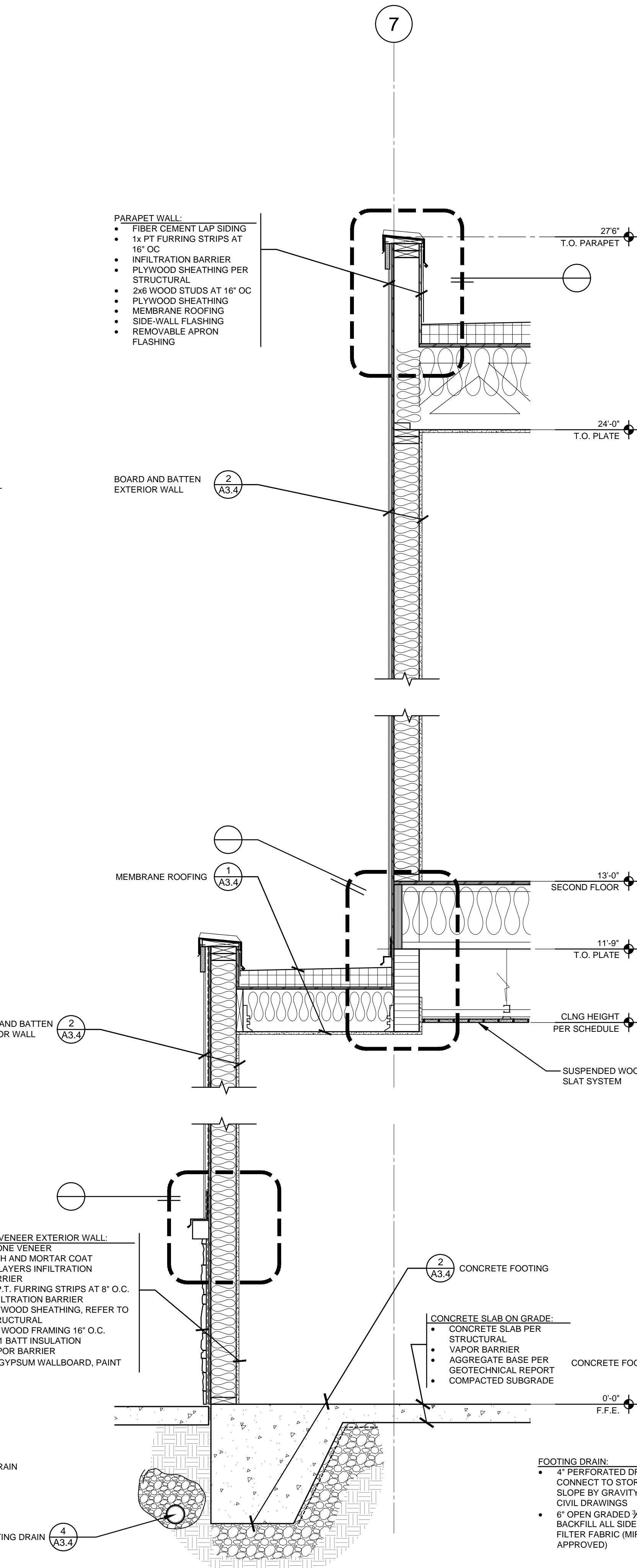
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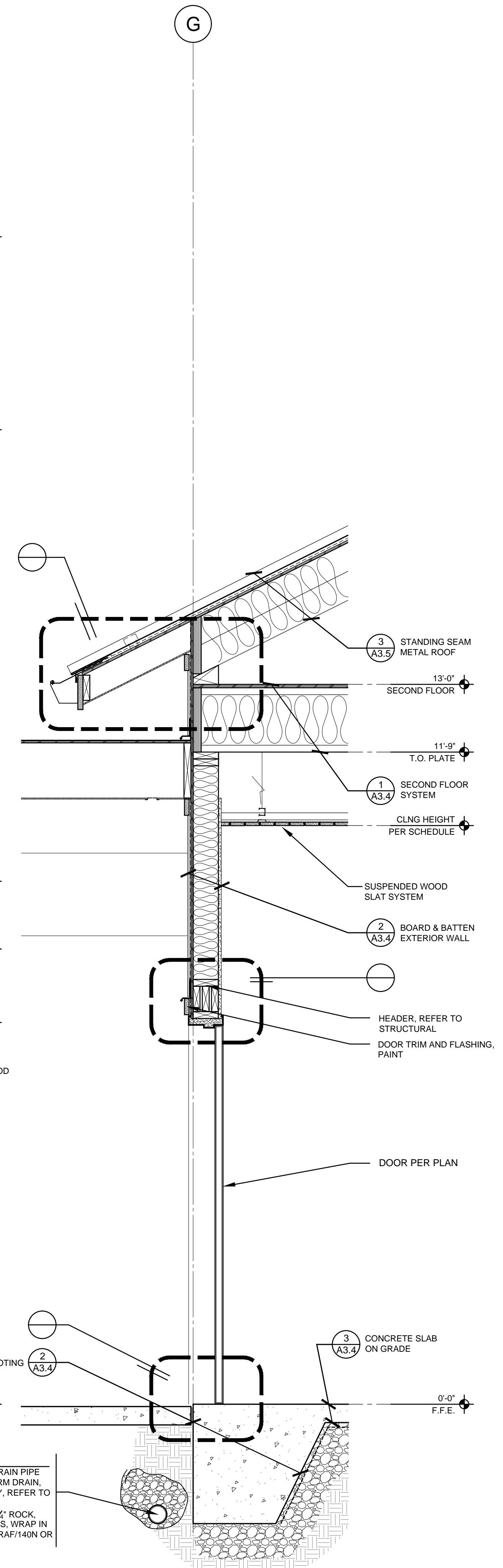
1 WALL SECTION
SCALE: 3/4"=1'-0"



2 WALL SECTION
SCALE: 3/4"=1'-0"



3 WALL SECTION
SCALE: 3/4"=1'-0"

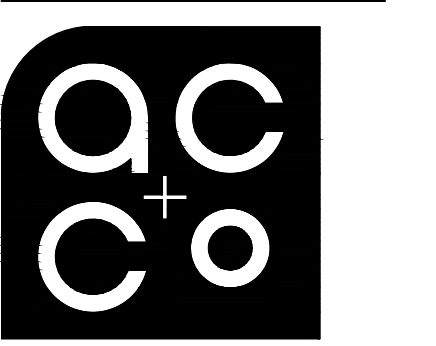


4 WALL SECTION
SCALE: 3/4"=1'-0"

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A3.4

- STANDING SEAM METAL ROOFING:**
- STANDING SEAM METAL ROOFING
 - UNDERLAYMENT
 - PLYWOOD SHEATHING PER STRUCTURAL
 - ROOF FRAMING PER STRUCTURAL
 - 1" AIR GAP
 - R-49 BATT INSULATION
 - VAPOR BARRIER
 - 5/8" GYPSUM WALLBOARD, WHERE OCCURS, PAINT

- HORIZ. SIDING EXTERIOR WALL:**
- FIBER CEMENT LAP SIDING
 - 1" PT FURRING STRIPS
 - INFILTRATION BARRIER
 - PLYWOOD SHEATHING, REFER TO STRUCTURAL
 - 2x6 WOOD FRAMING 16" O.C.
 - R-21 BATT INSULATION
 - VAPOR BARRIER
 - 5/8" GYPSUM WALLBOARD, PAINT

- INTERIOR WALL SYSTEM:**
- 5/8" GYPSUM WALLBOARD, PAINT
 - 2x WOOD STUDS PER PLAN
 - PROVIDE PLYWOOD AT SHEAR WALLS, REFER TO STRUCTURAL DRAWINGS
 - 5/8" GYPSUM WALLBOARD, PAINT

- COLUMN WRAP:**
- CEMENTITIOUS BOARD SIDING
 - FURRING STRIPS
 - WEATHER BARRIER
 - PLYWOOD SHEATHING
 - 2x6 WOOD STUDS
 - COLUMN, PER STRUCTURAL

- COLUMN BASE:**
- CAST STONE MASONRY VENEER
 - WEATHER BARRIER
 - PLYWOOD SHEATHING
 - 2x4 WOOD STUDS
 - 2" AIR GAP
 - PLYWOOD SHEATHING
 - 2x6 WOOD STUDS
 - COLUMN PER STRUCTURAL

1 WALL SECTION
SCALE: 3/4"=1'-0"

2 WALL SECTION
SCALE: 3/4"=1'-0"

3 WALL SECTION
SCALE: 3/4"=1'-0"

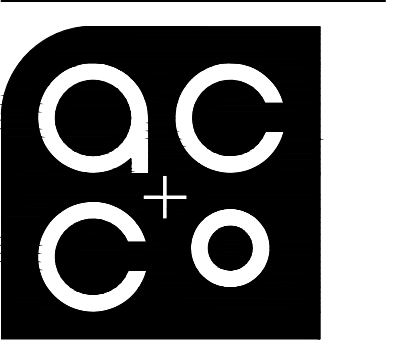
4 ENLARGED COLUMN
SCALE: 1 1/2"=1'-0"

5 CANOPY COLUMN
SCALE: 1 1/2"=1'-0"

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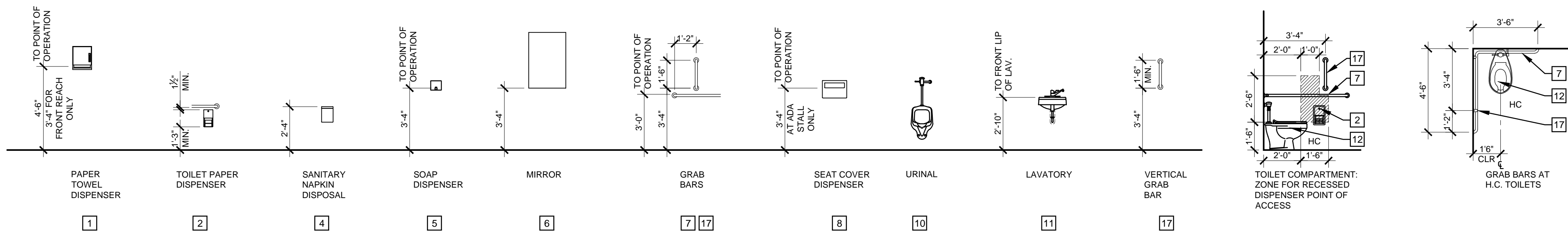
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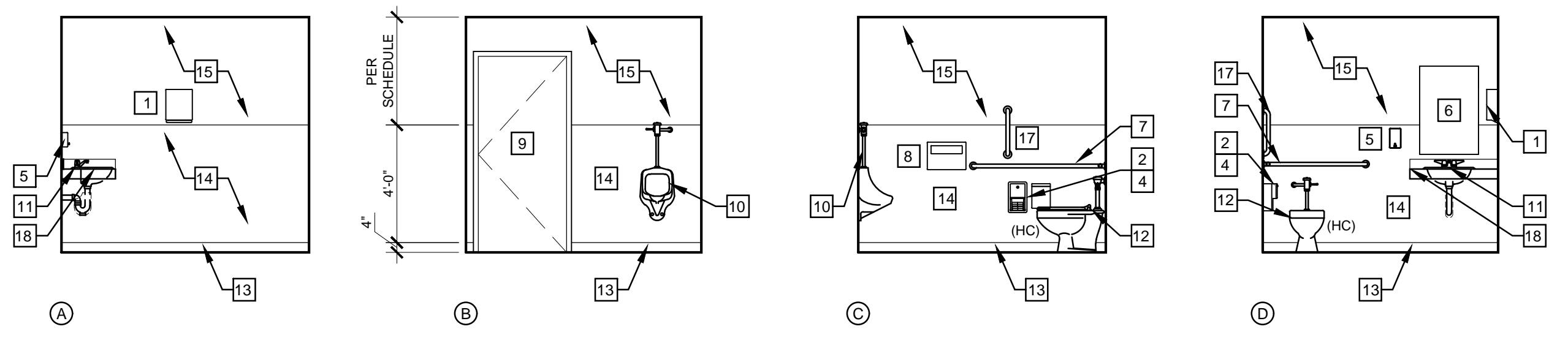
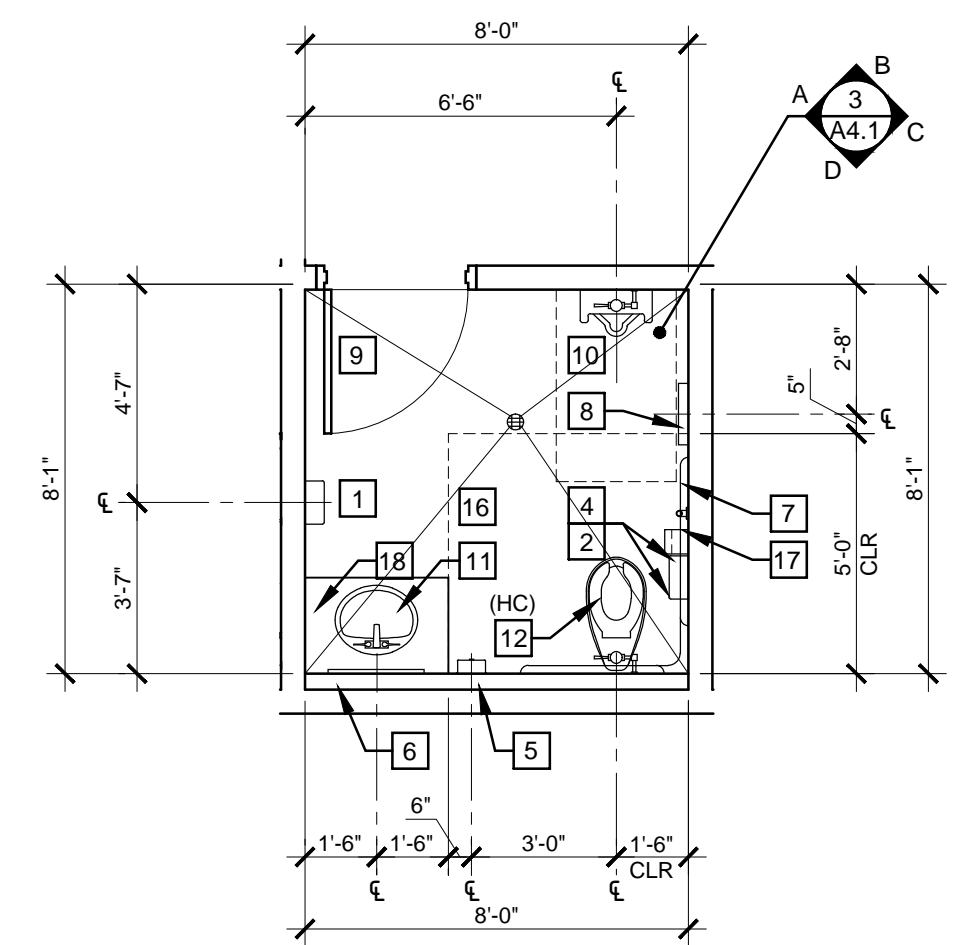
SHEET

A3.5



1 TYPICAL HEIGHT & DIMENSIONS FOR TOILET ACCESSORIES & FIXTURES

SCALE: 1/4" = 1'-0"



3 UNI-SEX RESTROOM ELEVATIONS

SCALE: 1/4" = 1'-0"

118 123 133 134 103 203
OPP SIM SIM

RESTROOM GENERAL NOTES:

- REFER TO ROOM FINISH SCHEDULE IN SPECIFICATIONS FOR WALL AND FLOORING FINISHES.
- FLUSH CONTROLS FOR AN ACCESSIBLE WATER CLOSET SHALL BE INSTALLED ON THE WIDE SIDE OF THE WATER CLOSET.
- MINIMUM DIMENSION TO POINT OF SERVICE FOR TOILET PAPER DISPENSER IS 1'-7". HOWEVER, MOUNT AT 24" O.C. AT STANDARD WATER CLOSET AND AS HIGH AS POSSIBLE IN ACCESSIBLE WATER CLOSET ALLOWING 2" CLEARANCE AT UNDERSIDE OF GRAB BAR.
- ALL EXPOSED HOT WATER AND WASTE LINES TO BE INSULATED.
- REFER TO DETAIL 1/A4.1 FOR TYPICAL MOUNTING HEIGHTS AND DIMENSIONS FOR TOILET ACCESSORIES AND FIXTURES.
- PROVIDE 2x BACKING IN EXISTING AND NEW WALLS FOR ALL WALL MOUNTED EQUIPMENT AND ACCESSORIES, COORDINATE WITH ALL DRAWINGS AND ALL DISCIPLINES

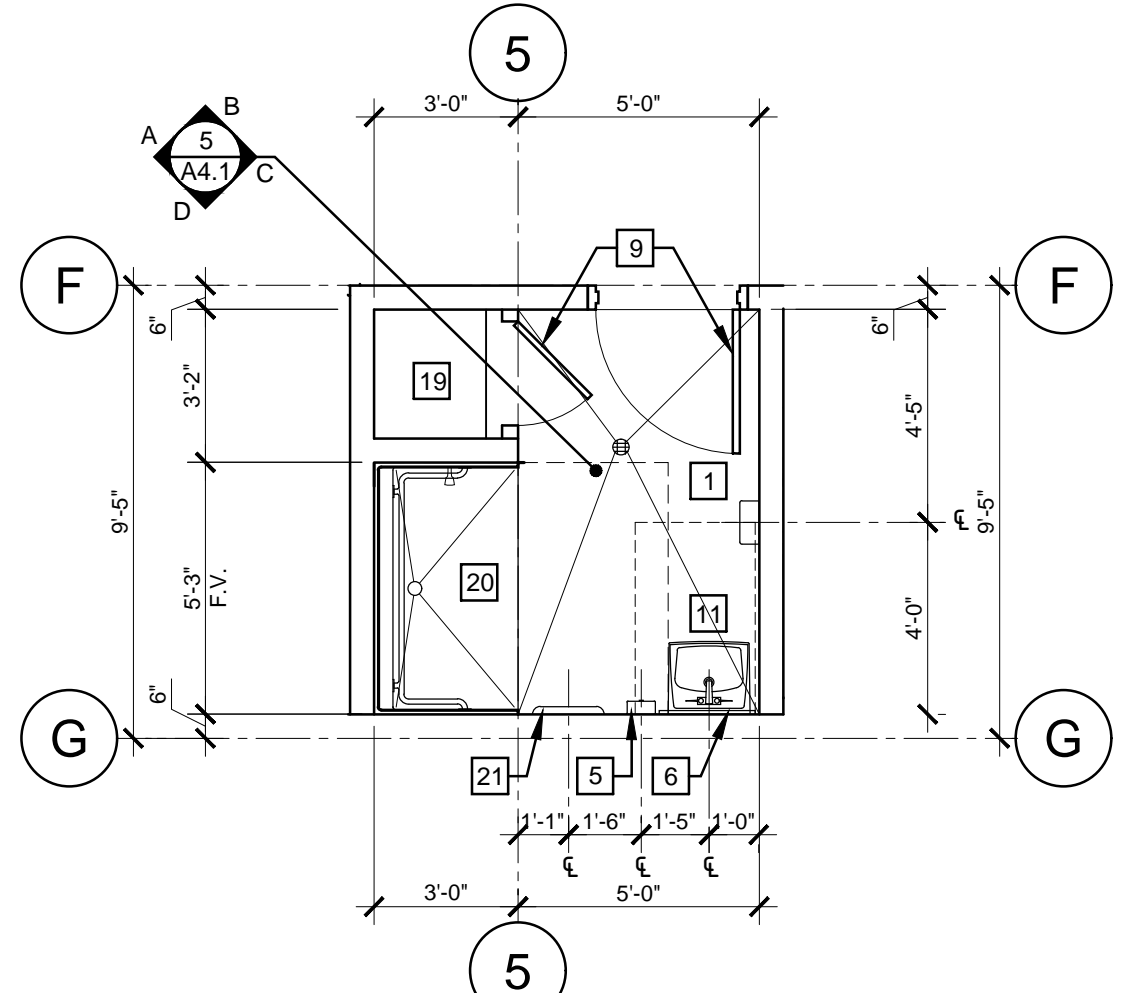
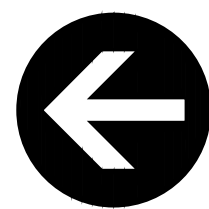
RESTROOM PLAN NOTES:

- PAPER TOWEL DISPENSER
- TOILET PAPER HOLDER
- COLUMN, REFER TO STRUCTURAL DRAWINGS
- SANITARY NAPKIN DISPOSAL
- SOAP DISPENSER
- MIRROR (A4.1)
- ONE PIECE GRAB BAR
- TOILET SEAT COVER DISPENSER
- DOOR PER PLAN
- URINAL, REFER TO PLUMBING DRAWINGS
- LAVATORY WITH PIPE WRAP PROTECTION, REFER TO PLUMBING DRAWINGS
- WATER CLOSET, HANDICAP ACCESSIBLE AS INDICATED (HC), REFER TO PLUMBING DRAWINGS
- WALL BASE, REFER TO FINISH SCHEDULE
- WALL PROTECTION, REFER TO FINISH SCHEDULE
- WALL TO BE PAINTED, REFER TO FINISH SCHEDULE
- FLOOR DRAIN, REFER TO PLUMBING DRAWINGS
- VERTICAL GRAB BAR
- 24" DEEP PLASTIC LAMINATE COUNTERTOP WITH APRON AND BACK SPLASH AS SHOWN, REFER TO 9 (A4.1)
- 28" DEEP PLASTIC LAMINATE SHELF
- FIBERGLASS SHOWER ENCLOSURE, REFER TO SPECIFICATIONS AND PLUMBING DRAWINGS
- TOWEL BAR
- ADJUSTABLE HANDHELD SHOWER UNIT, REFER TO PLUMBING DRAWINGS
- 12" DEEP PLASTIC LAMINATE CABINET WITH DOORS AND ADJUSTABLE SHELVES AS SHOWN
- CORNER GUARD, REFER TO SPECIFICATIONS

2 UNI-SEX RESTROOM FLOOR PLAN

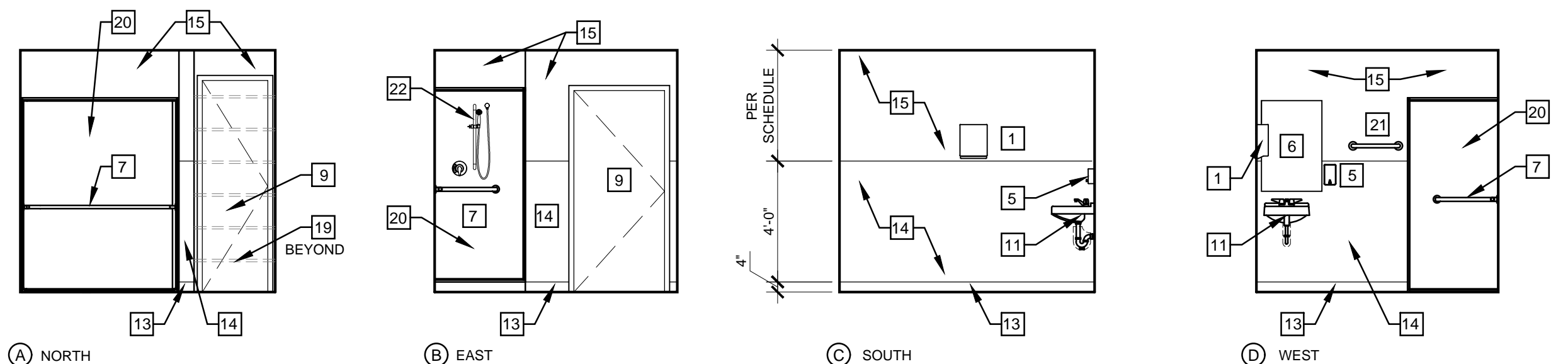
SCALE: 1/4" = 1'-0"

118 123 133 134 103 203
OPP SIM SIM

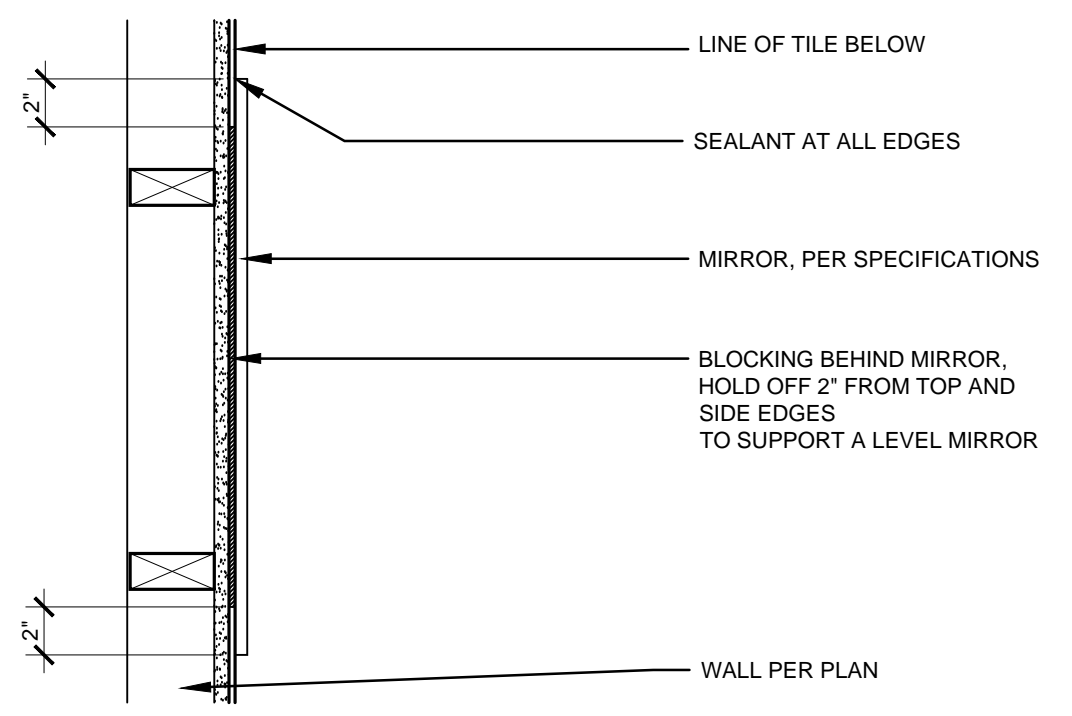


5 SHOWER ELEVATIONS

SCALE: 1/4" = 1'-0"



118 123 133 134 103 203
OPP SIM SIM



8 SECTION MIRROR DETAIL

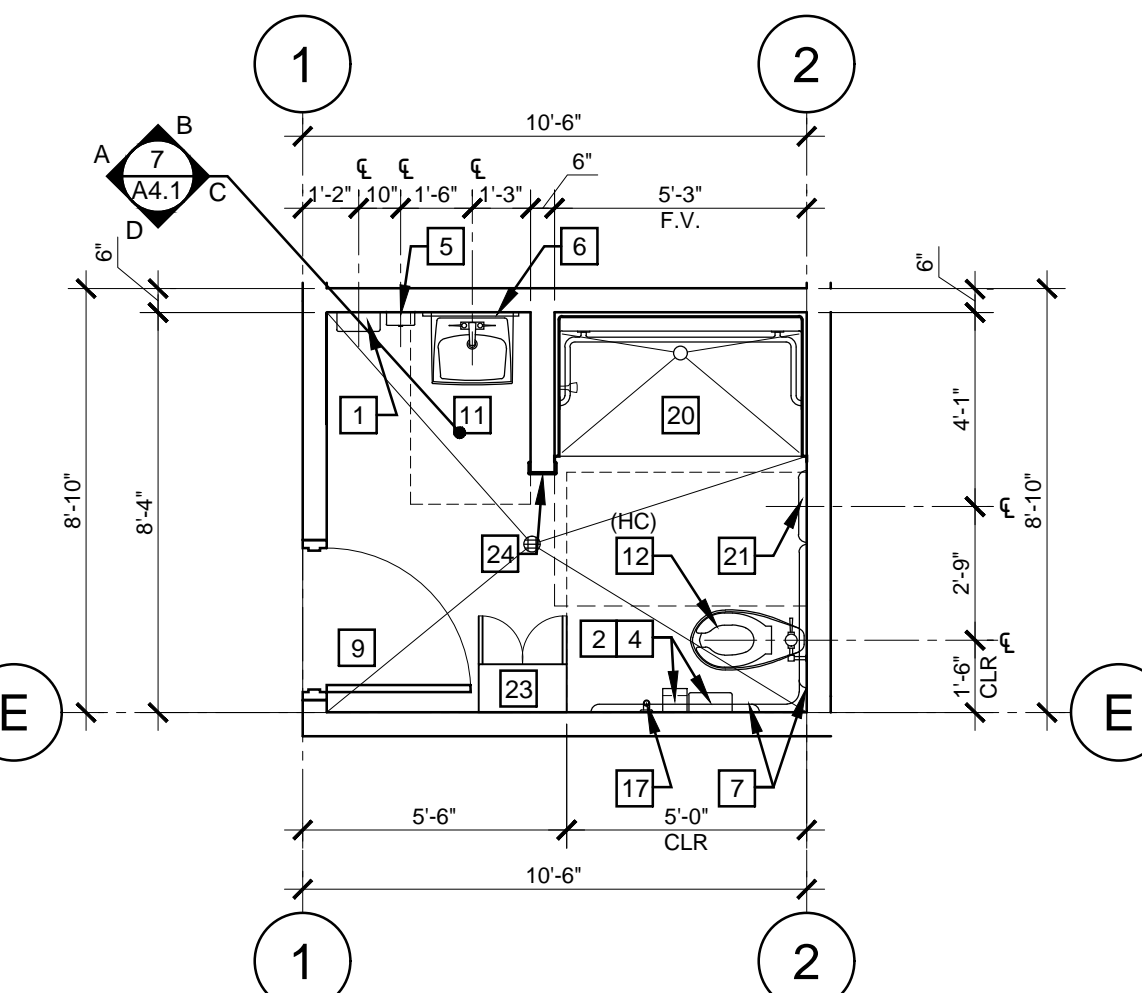
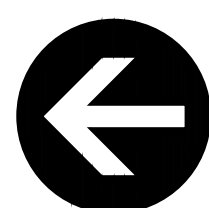
SCALE: 1 1/2" = 1'-0"

22079-A4.1-08

4 SHOWER FLOOR PLAN

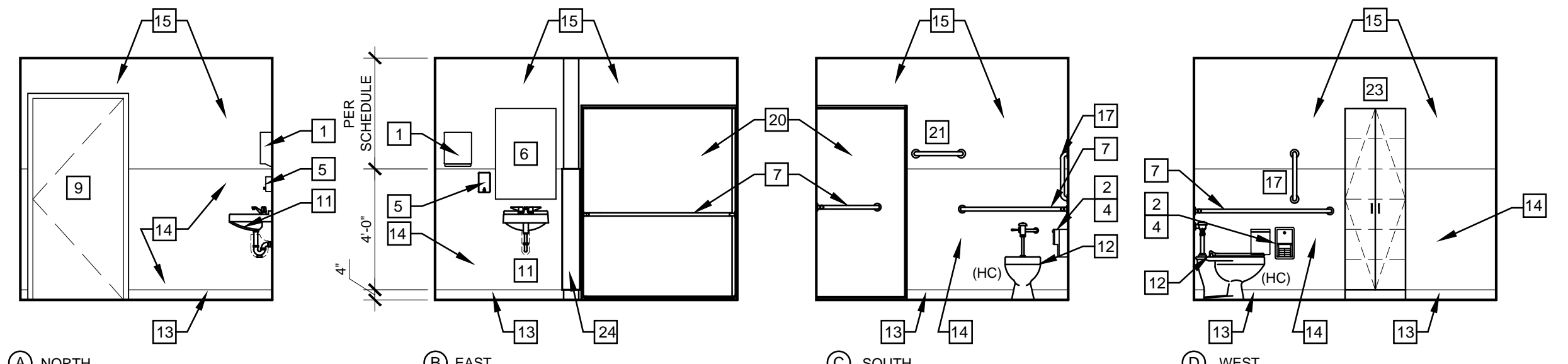
SCALE: 1/4" = 1'-0"

132

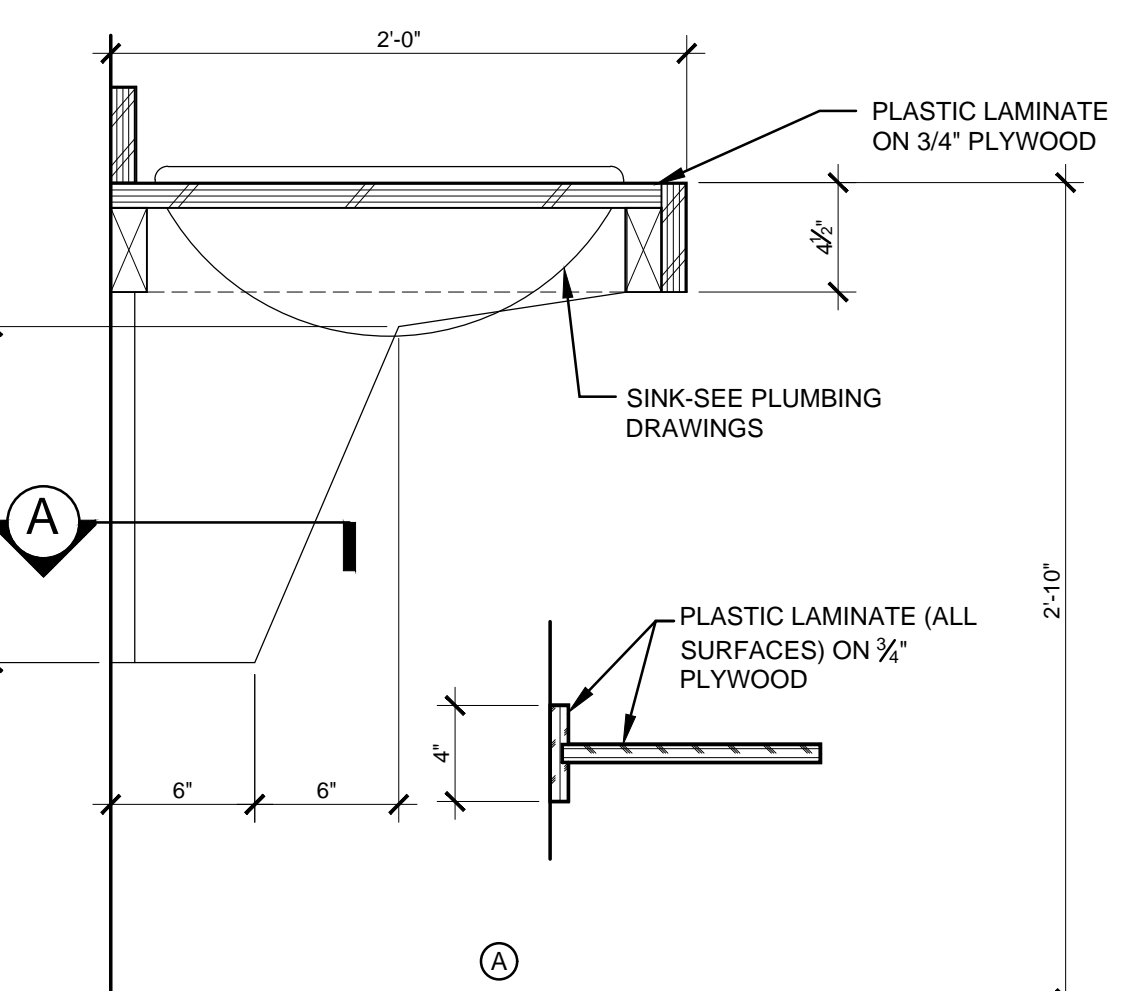


7 SHOWER ELEVATIONS

SCALE: 1/4" = 1'-0"



118 123 133 134 103 203
OPP SIM SIM



9 COUNTER

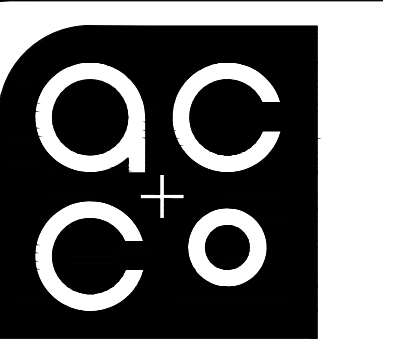
SCALE: 1 1/2" = 1'-0"

22079-A4.1-09

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A4.1 ARCHITECTURE COMMUNITY
FEB 23, 2024

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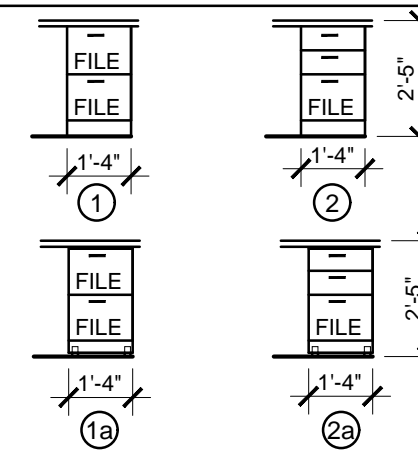
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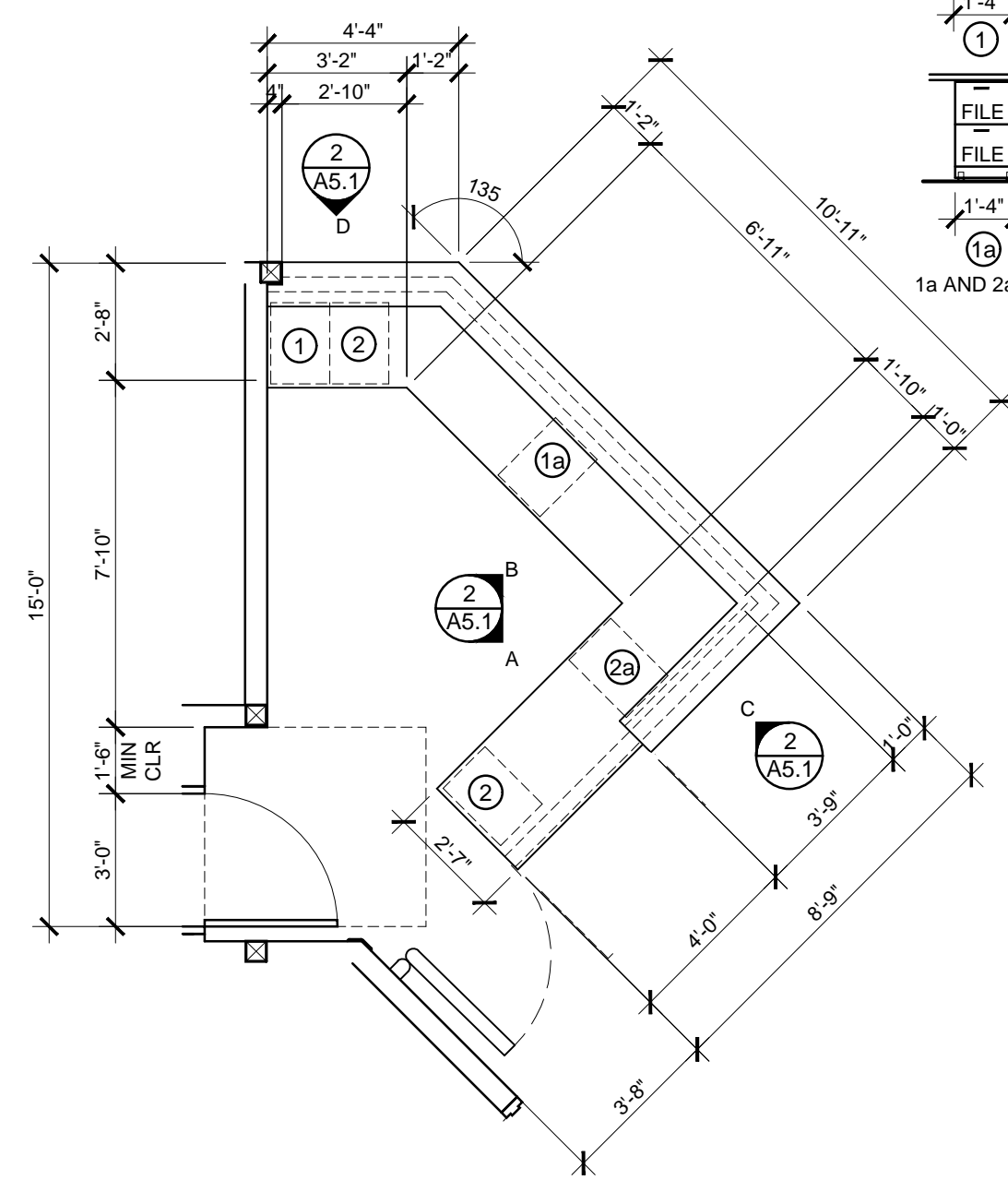
SHEET

A4.1

STORAGE PEDESTAL STYLES



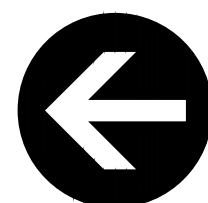
1a and 2a TO BE MOVEABLE AND ON CASTERS



1 RECEPTION FLOOR PLAN

SCALE: 1/4" = 1'-0"

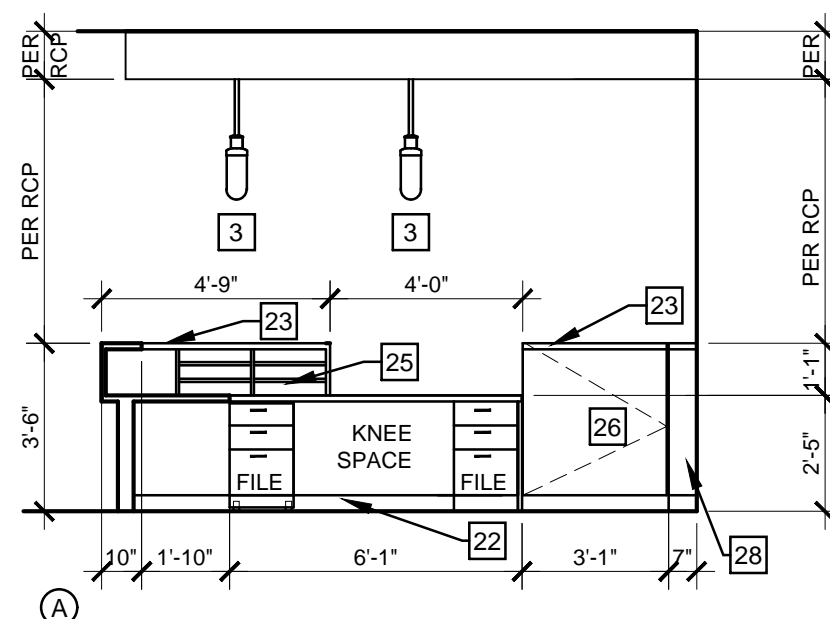
105



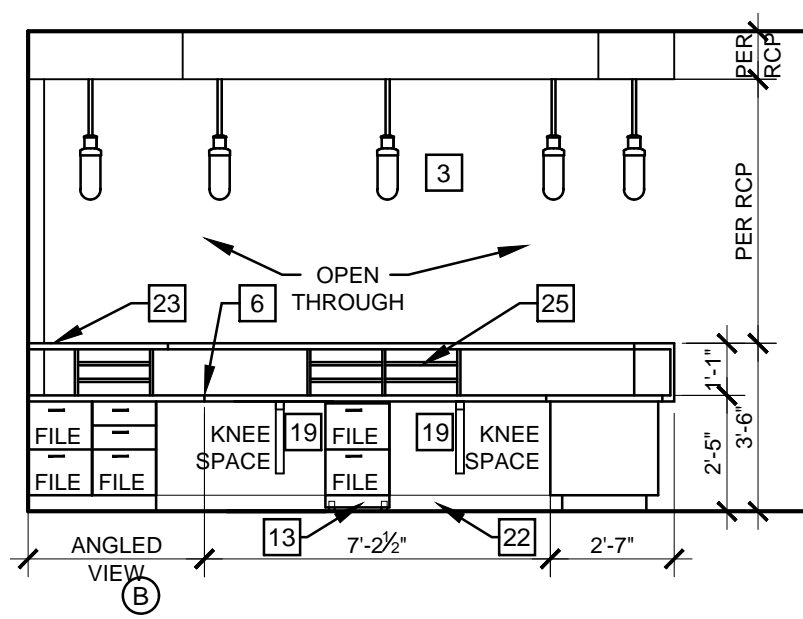
2 RECEPTION ELEVATIONS

SCALE: 1/4" = 1'-0"

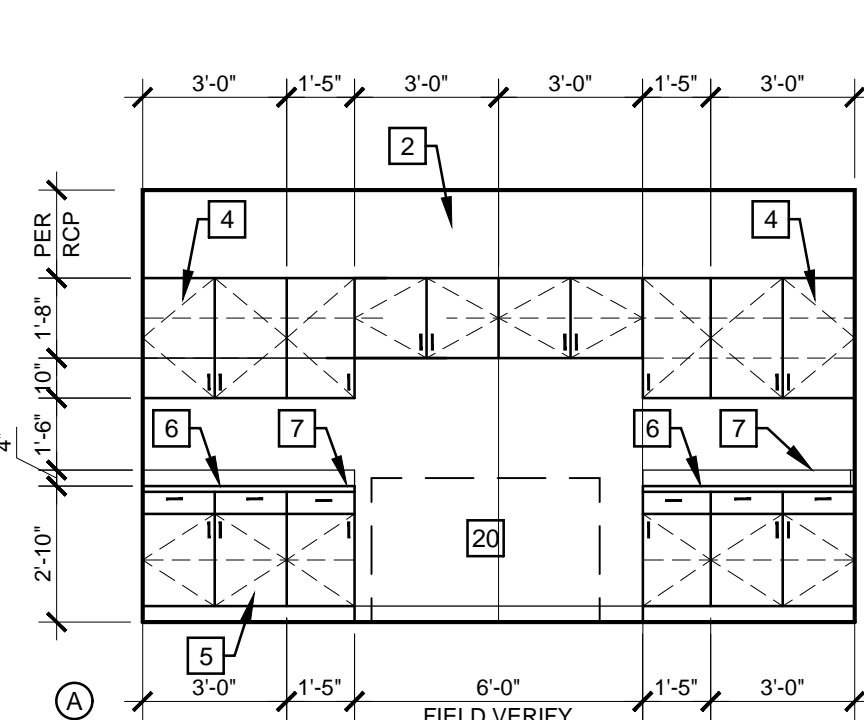
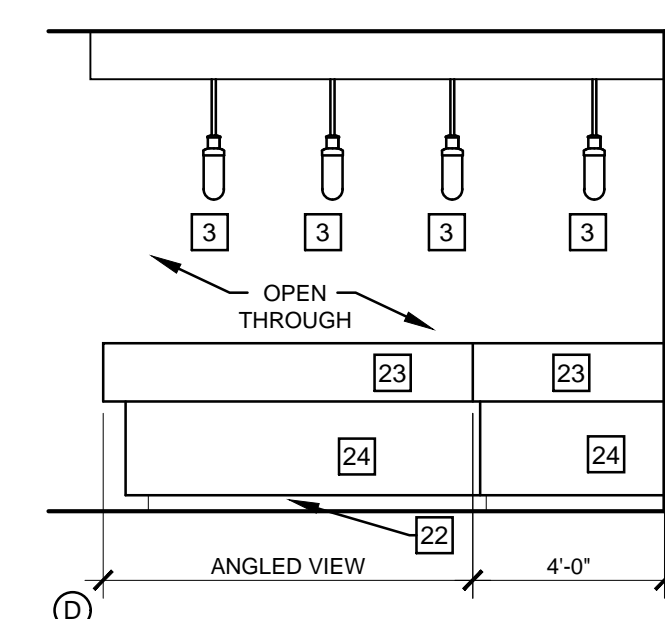
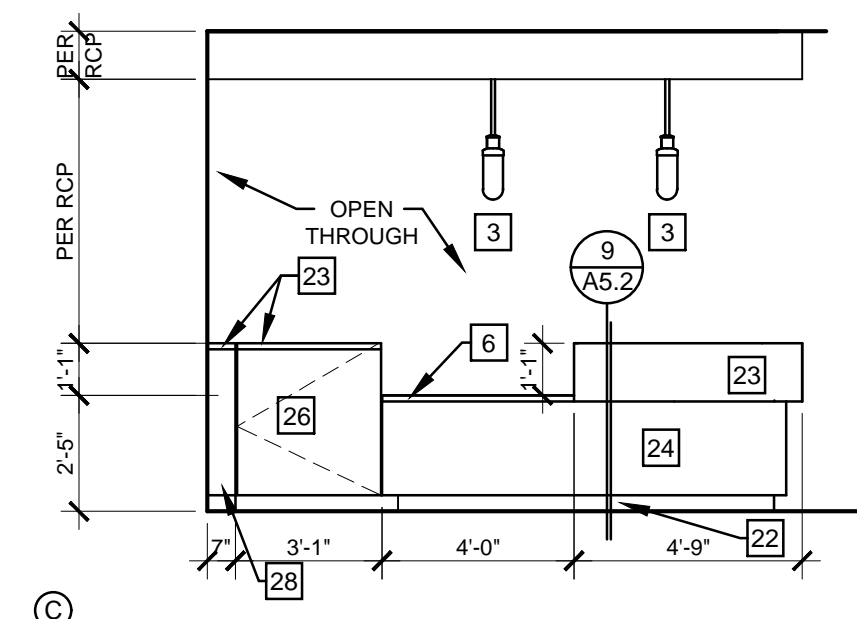
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PROVIDE (1) GROMMET PER KNEE SPACE, LOCATION PER OWNER



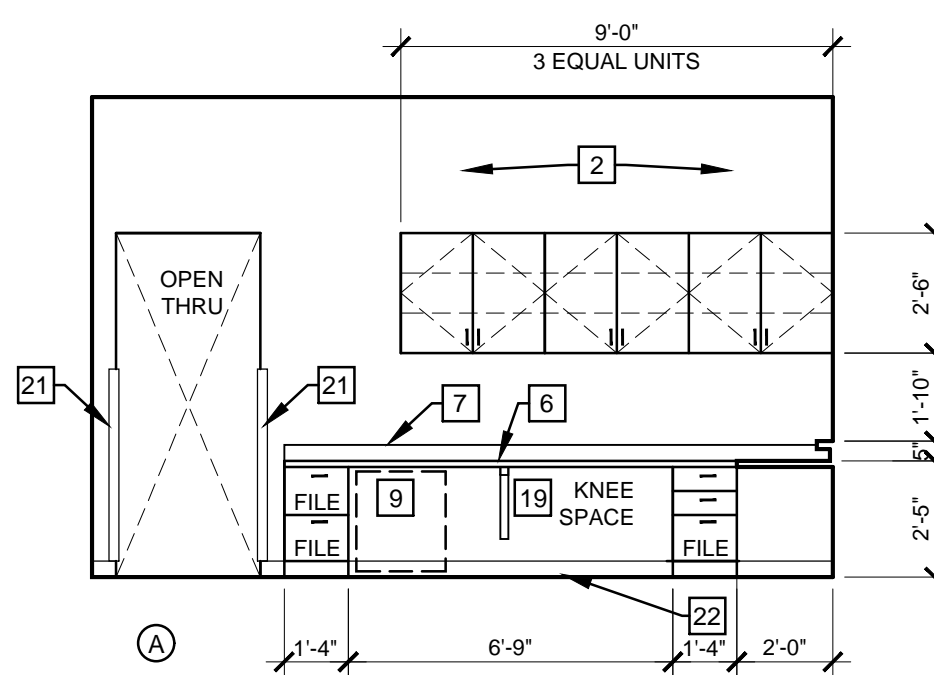
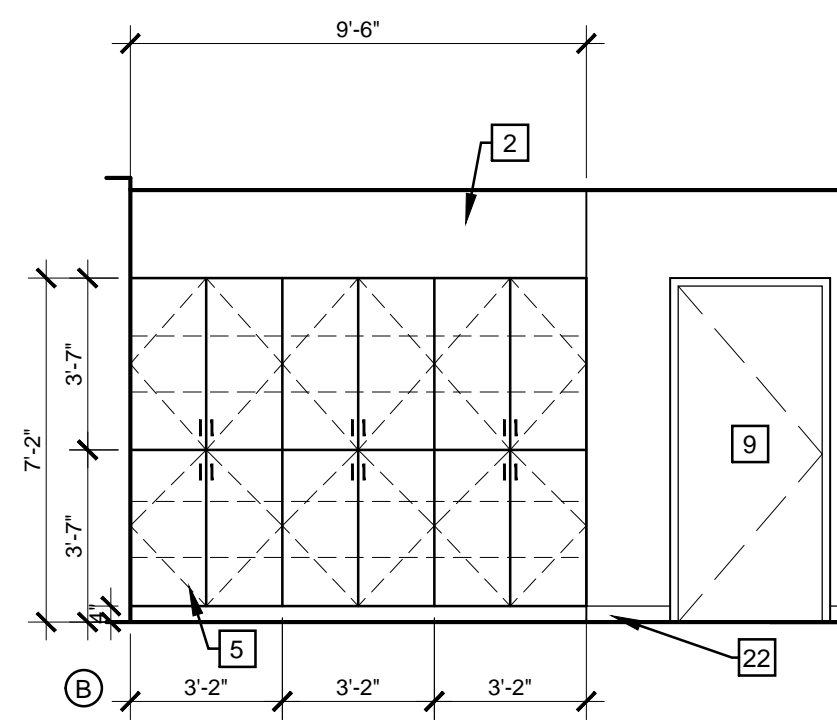
PROVIDE (1) GROMMET PER KNEE SPACE, LOCATION PER OWNER



3 WORK ROOM ELEVATIONS

SCALE: 1/4" = 1'-0"

111

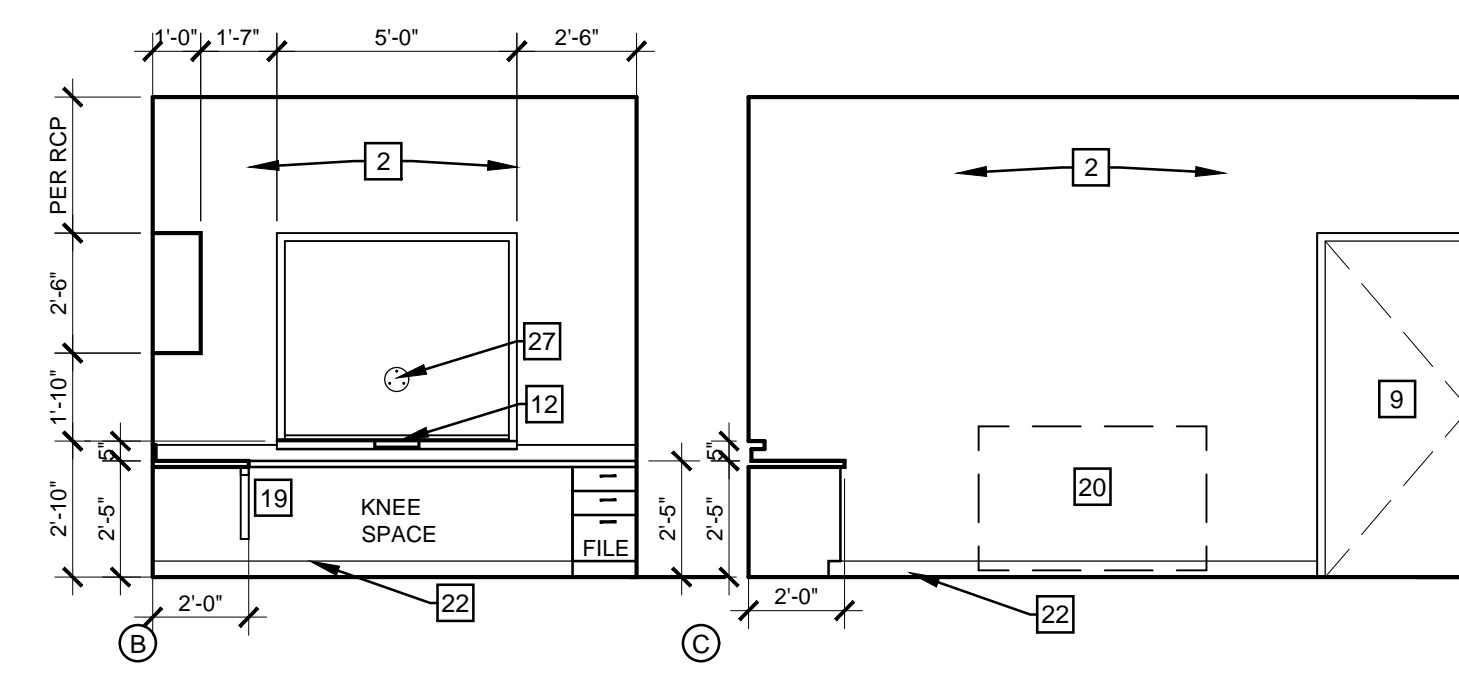


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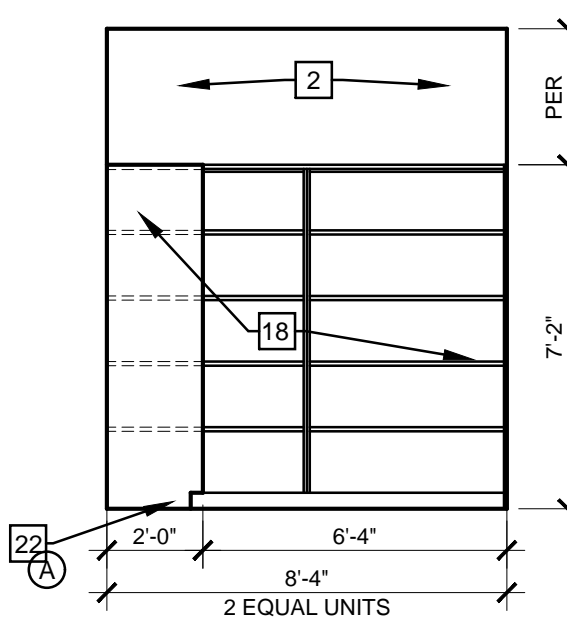
4 RECEPTION ELEVATIONS

SCALE: 1/4" = 1'-0"

117



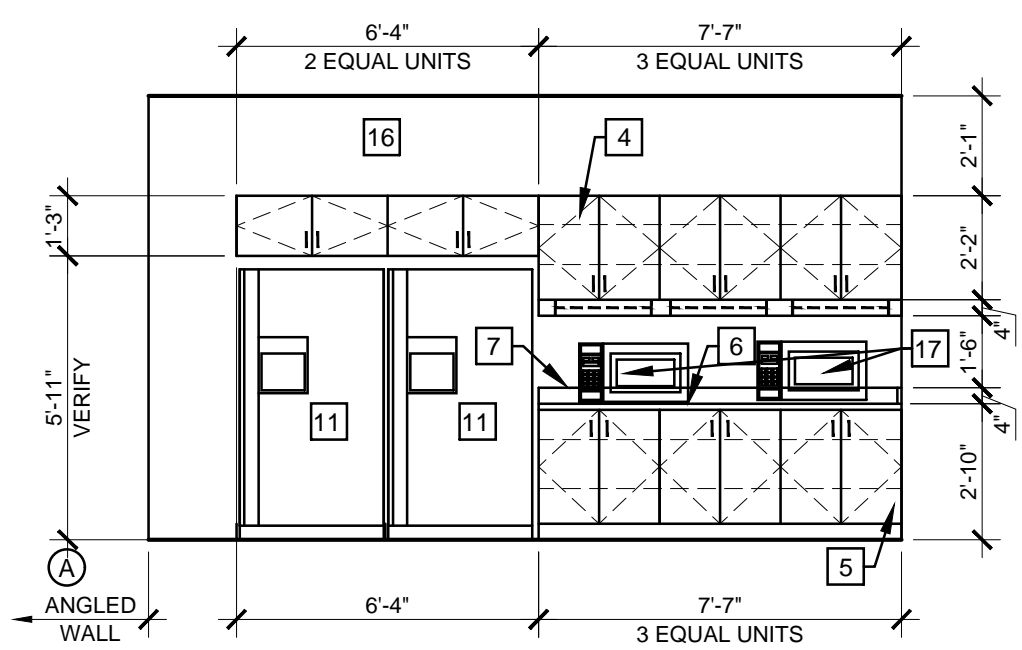
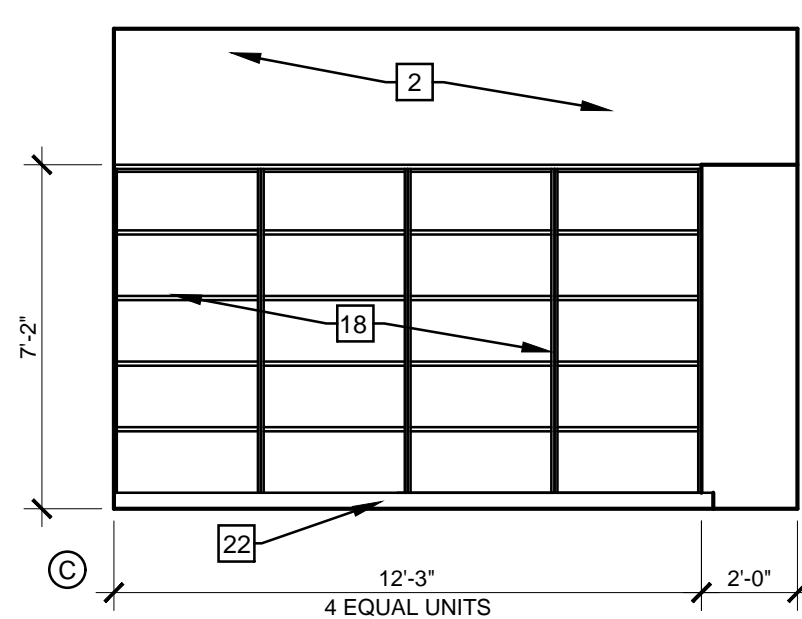
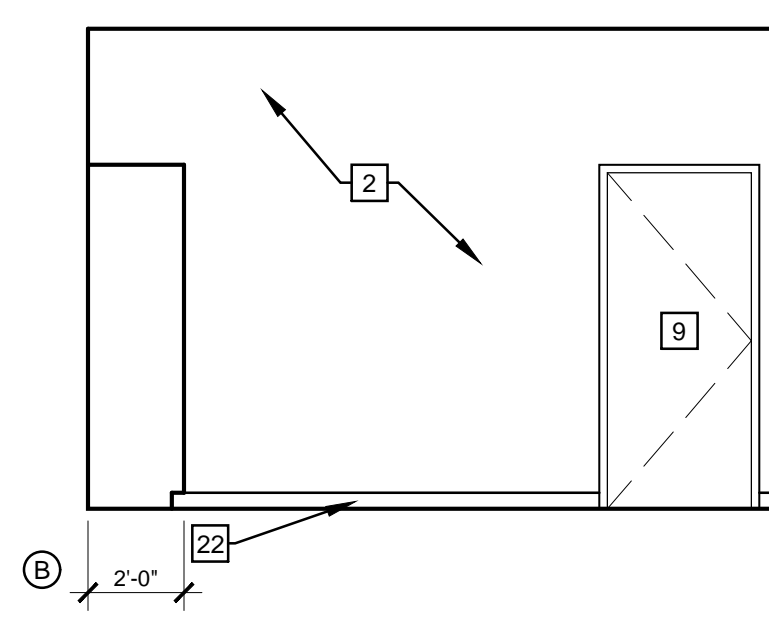
PROVIDE (1) GROMMET PER KNEE SPACE, LOCATION PER OWNER



5 STORAGE ELEVATIONS

SCALE: 1/4" = 1'-0"

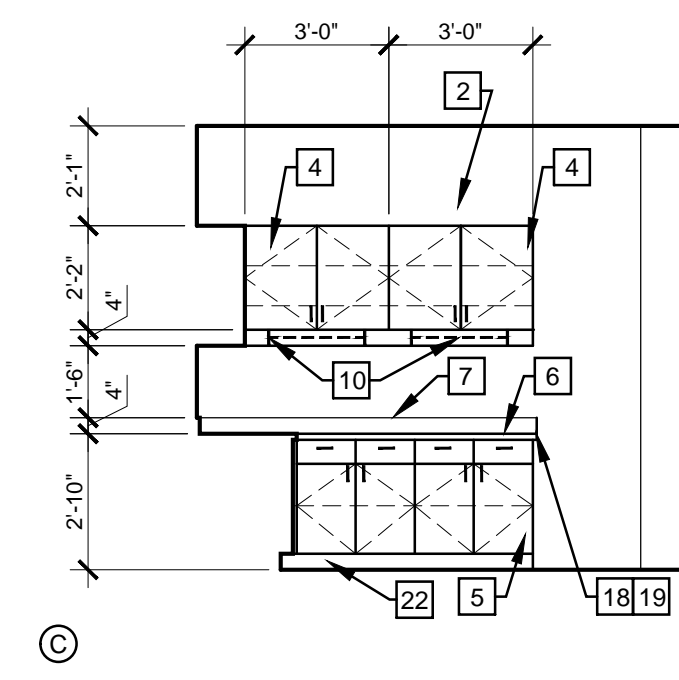
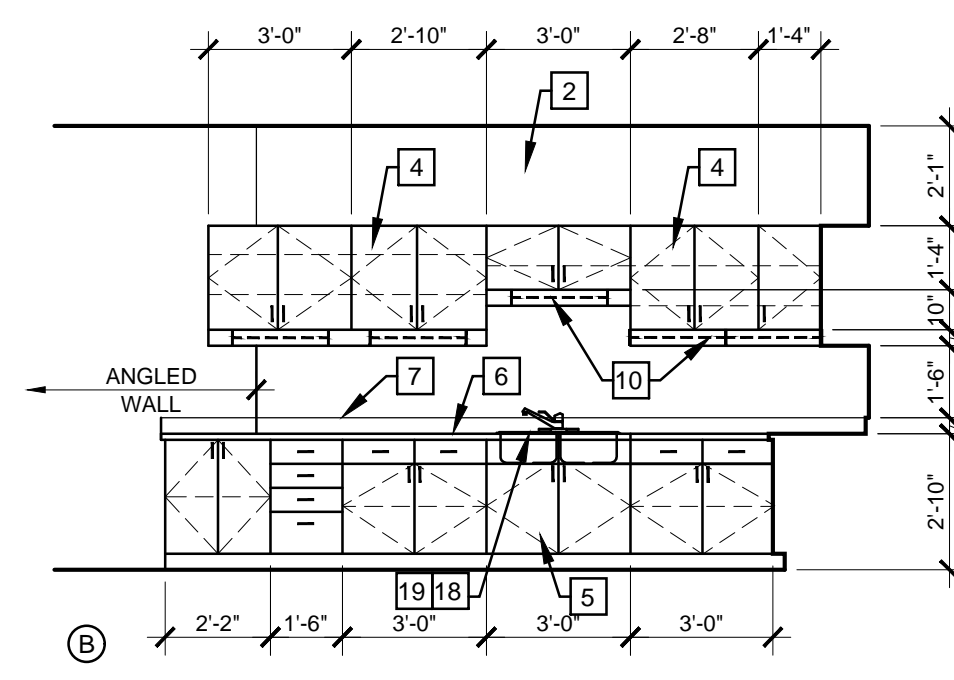
125



6 BREAK ROOM ELEVATIONS

SCALE: 1/4" = 1'-0"

201



REFERENCE NOTES:

- 1 DOOR AND/OR WINDOW PER PLAN
- 2 WALL TO BE PAINTED, REFER TO FINISH SCHEDULE
- 3 LIGHT PENDANT, REFER TO ELECTRICAL DESIGN/BUILD DRAWINGS
- 4 12" DEEP UPPER CABINET (U.O.N), DOORS AND ADJUSTABLE SHELVES AS SHOWN, PLASTIC LAMINATE AT ALL EXPOSED TO VIEW SURFACES
- 5 24" DEEP BASE CABINET, DOORS, DRAWERS AND ADJUSTABLE SHELVES AS SHOWN, PLASTIC LAMINATE AT ALL EXPOSED TO VIEW SURFACES
- 6 25" DEEP COUNTERTOP, U.O.N, PLASTIC LAMINATE AT ALL EXPOSED TO VIEW SURFACES, AT SIM CONDITION, 10" DEEP SOLID SURFACE COUNTERTOP
- 7 4" BACKPLASH AT ALL WALL SURFACES, PLASTIC LAMINATE AT ALL EXPOSED TO VIEW SURFACES
- 8 12" DEEP FULL-HEIGHT CABINET, WITH ADJUSTABLE SHELVES AS SHOWN, PLASTIC LAMINATE AT ALL EXPOSED TO VIEW SURFACES, AT MICROWAVE SHELF REFER TO ELECTRICAL DESIGN/BUILD DRAWINGS
- 9 OFCI UNDER-COUNTER MINI-FRIDGE, REFER TO ELECTRICAL AND PLUMBING DESIGN/BUILD DRAWINGS
- 10 UNDER CABINET LIGHT WITH 4" PLASTIC LAMINATE APRON
- 11 OFCI REFRIGERATOR WITH ICE MAKER, REFER TO ELECTRICAL AND PLUMBING DESIGN/BUILD DRAWINGS
- 12 STAINLESS STEEL UNDER COUNTER TRANSACTION TRAY AND SHELF, REFER TO SPECIFICATIONS
- 13 MOVEABLE, ROLLING PEDESTAL AS SHOWN
- 14 SINK, REFER TO PLUMBING DESIGN/BUILD DRAWINGS
- 15 HIDDEN, IN WALL SUPPORT BRACE, REFER TO (A5.2)
- 16 WALL MOUNTED SCONCES, REFER TO ELECTRICAL DESIGN / BUILD DRAWINGS
- 17 OFCI TV, WALL MOUNTED, PROVIDE OUTLET TO MOUNT 5'-0" AFF, REFER TO ELECTRICAL DESIGN / BUILD DRAWINGS
- 18 24" DEEP FULL-HEIGHT CABINET, WITH ADJUSTABLE SHELVES AS SHOWN, PLASTIC LAMINATE AT ALL EXPOSED TO VIEW SURFACES.
- 19 SUPPORT BRACE, REFER TO (A5.2)
- 20 OFCI MICROWAVE, REFER TO ELECTRICAL DESIGN/BUILD DRAWINGS
- 21 CORNER GUARD, REFER TO SPECIFICATION
- 22 WALL BASE PER SCHEDULE
- 23 SOLID SURFACE COUNTERTOP
- 24 SOLID SURFACE PANEL
- 25 ADJUSTABLE PLASTIC LAMINATE DIVIDERS
- 26 SWINGING PLASTIC LAMINATE GATE WITH SOLID SURFACE CAP
- 27 6" STAINLESS STEEL BULLET RESISTANT SPEAK HOLE, REFER TO SPECIFICATIONS
- 28 PARTIAL HEIGHT WALL WITH 2x6 STUD BLOCKING WITH SOLID SURFACE CAP

CONSTRUCTION DOCUMENTS

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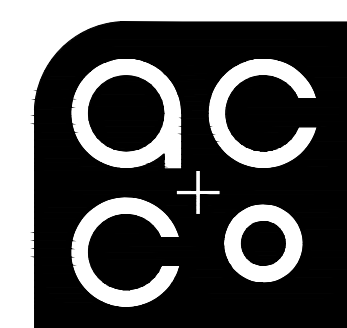
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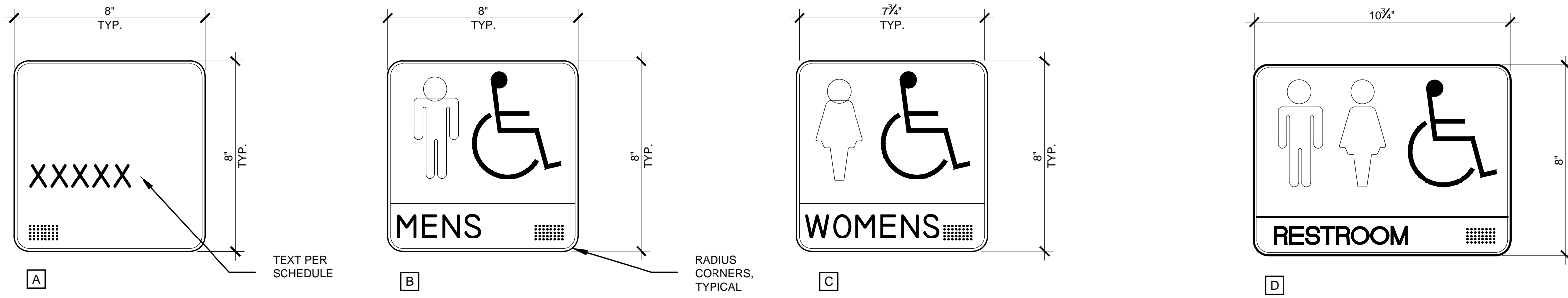
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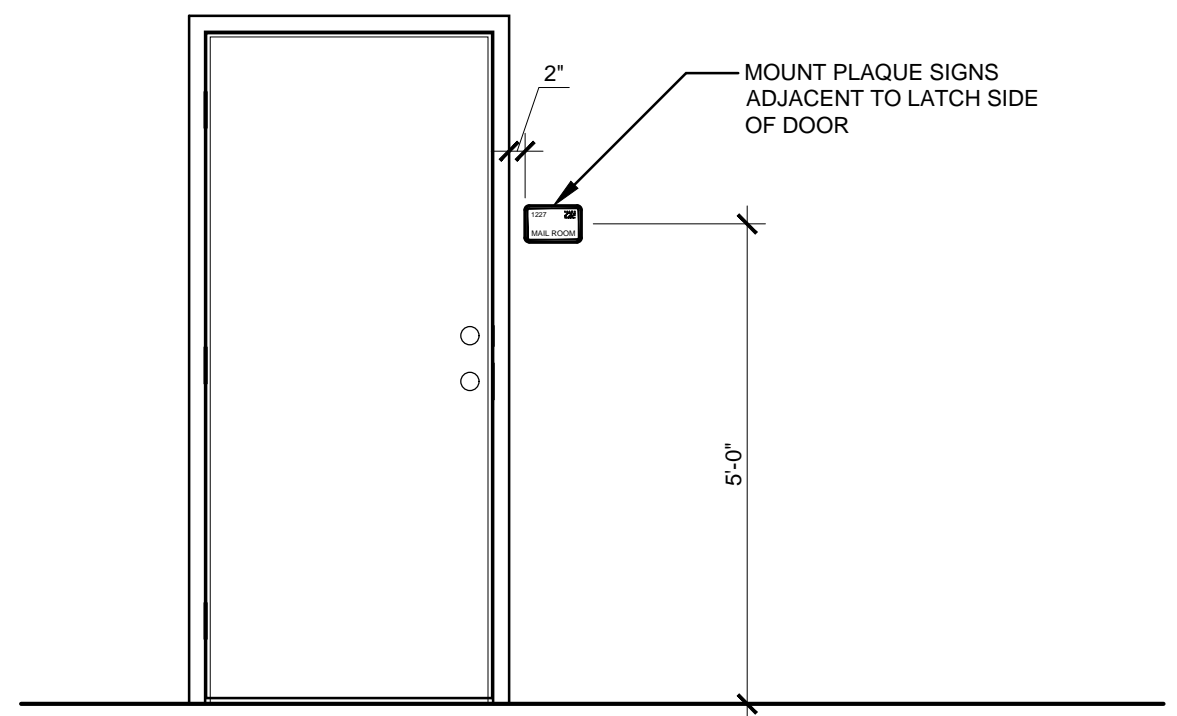
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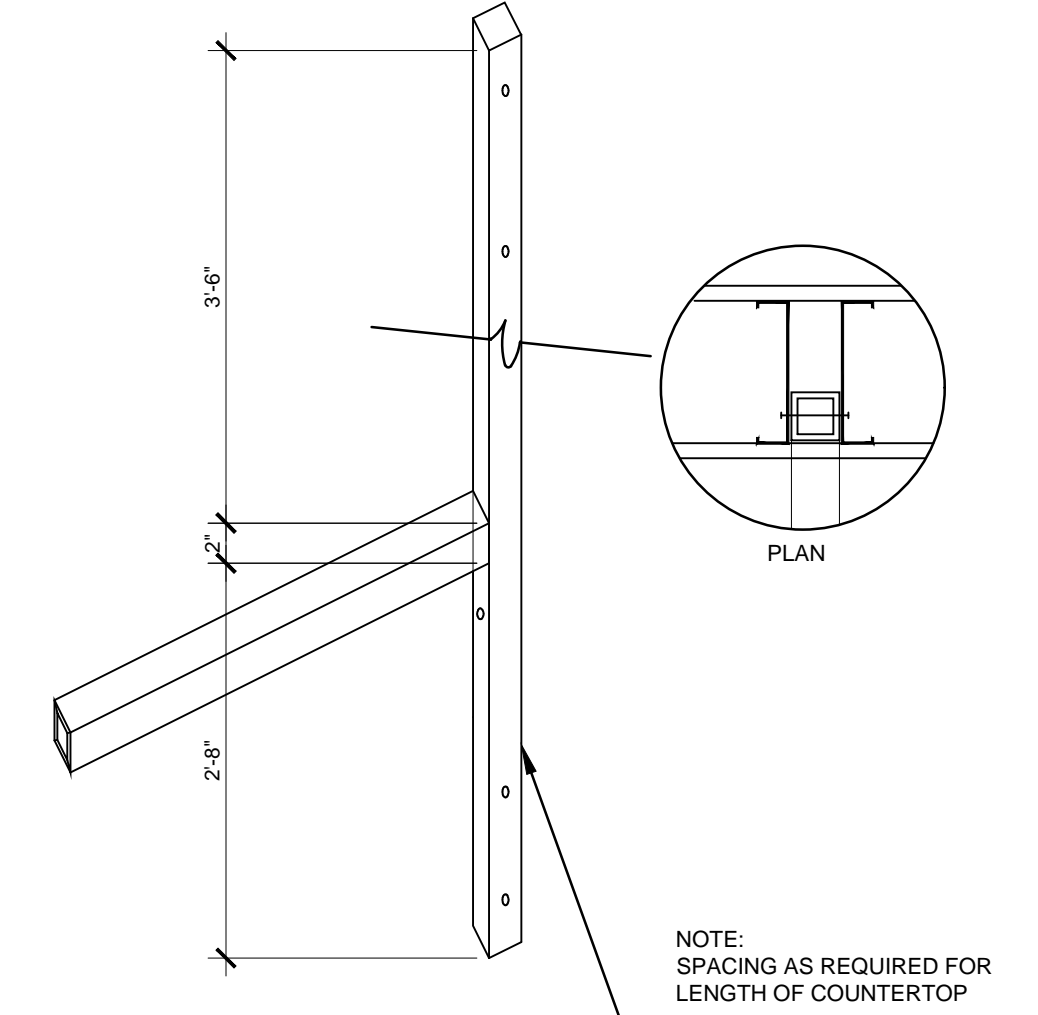
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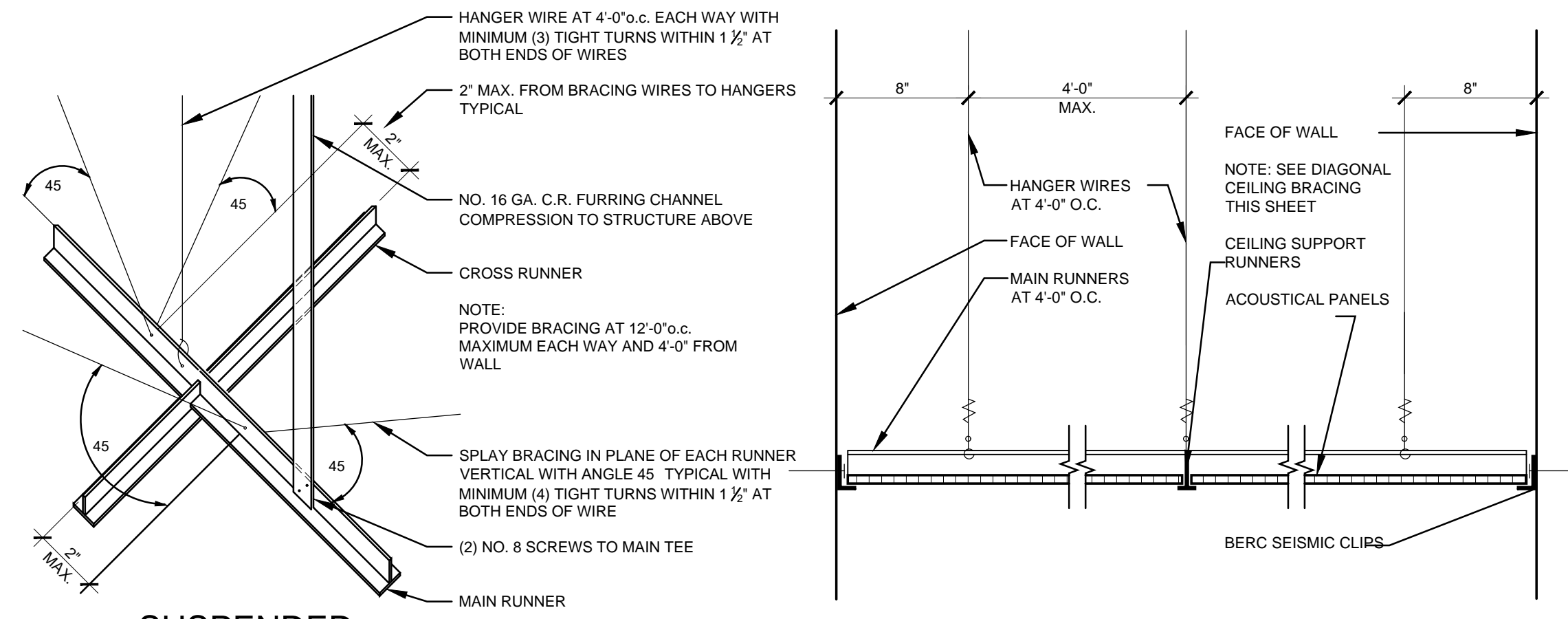
1 SIGNS
SCALE: 3"=1'-0"
22079-A5.2-01



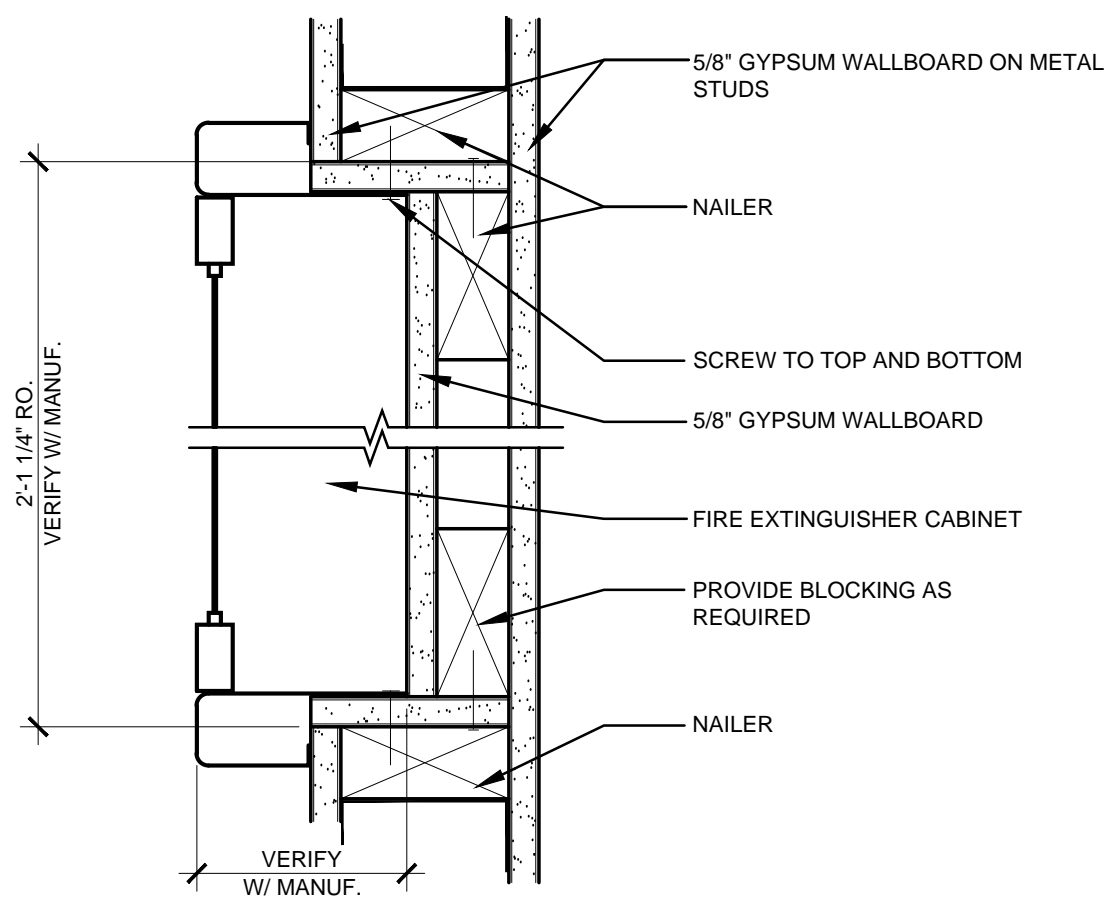
2 TYPICAL ROOM SIGN LOCATION
SCALE: 1/2"=1'-0"
22079-A5.2-02



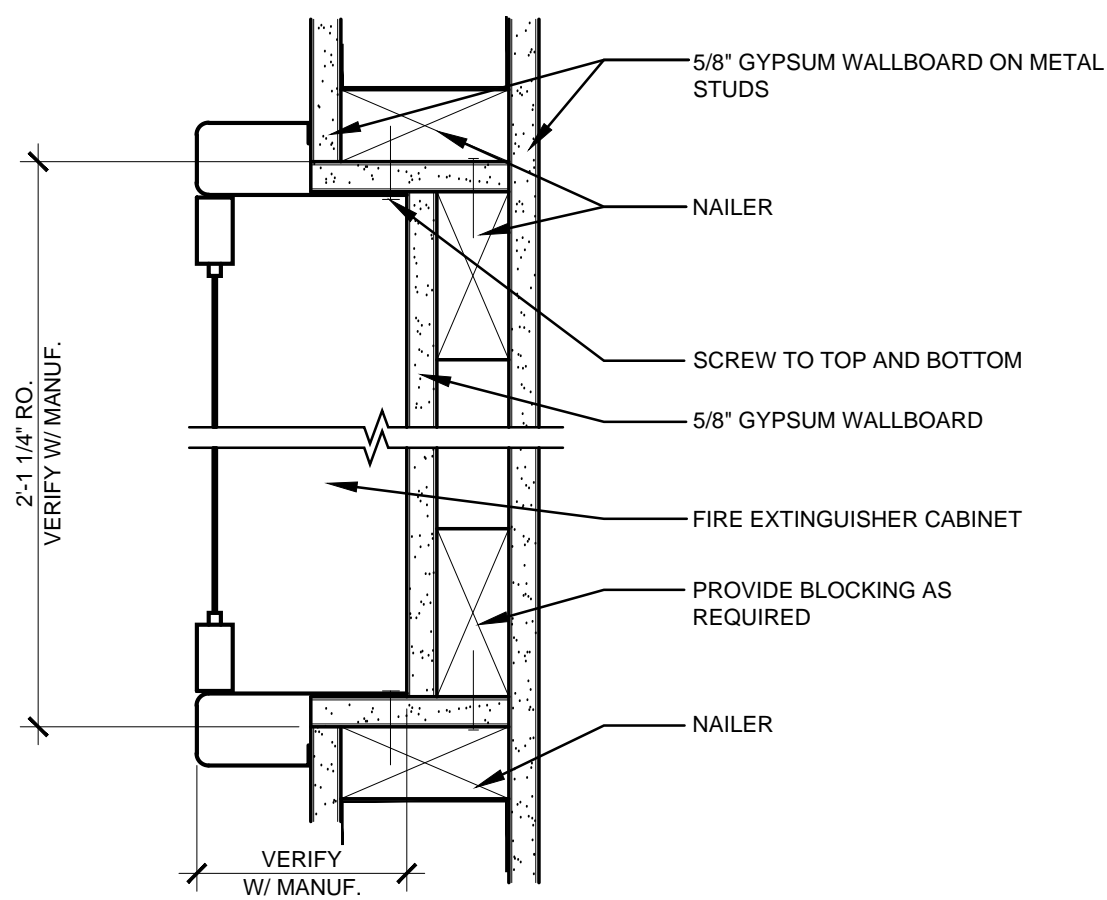
3 SUPPORT BRACE - HIDDEN
SCALE: N.T.S.
22079-A5.1-03



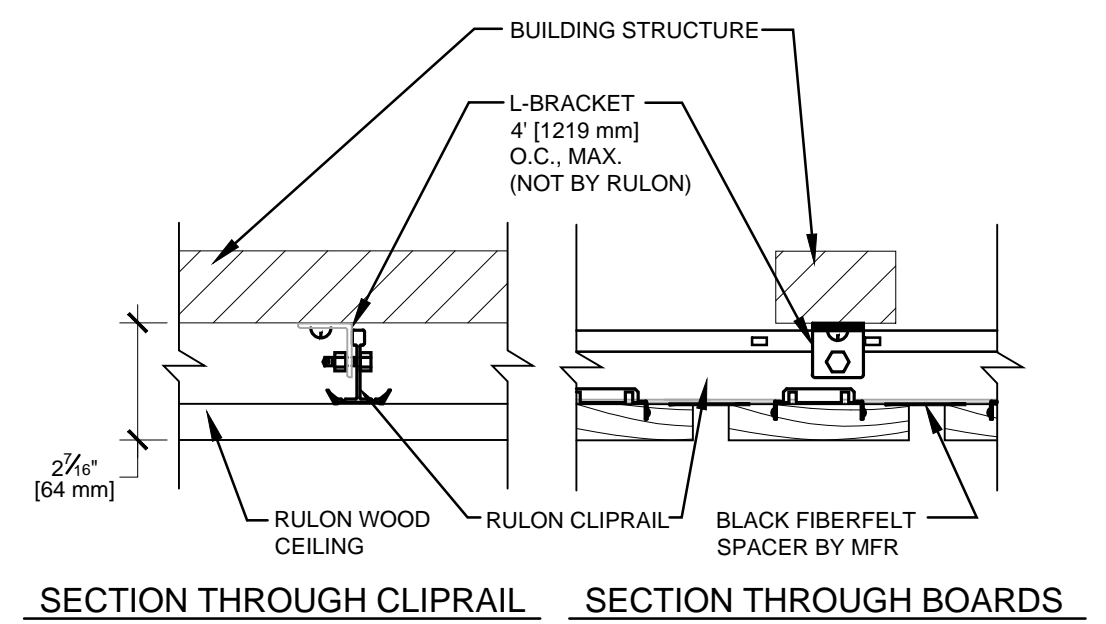
4 SUSPENDED ACOUSTICAL CEILING BRACING
SCALE: N.T.S.
22079-A5.2-04



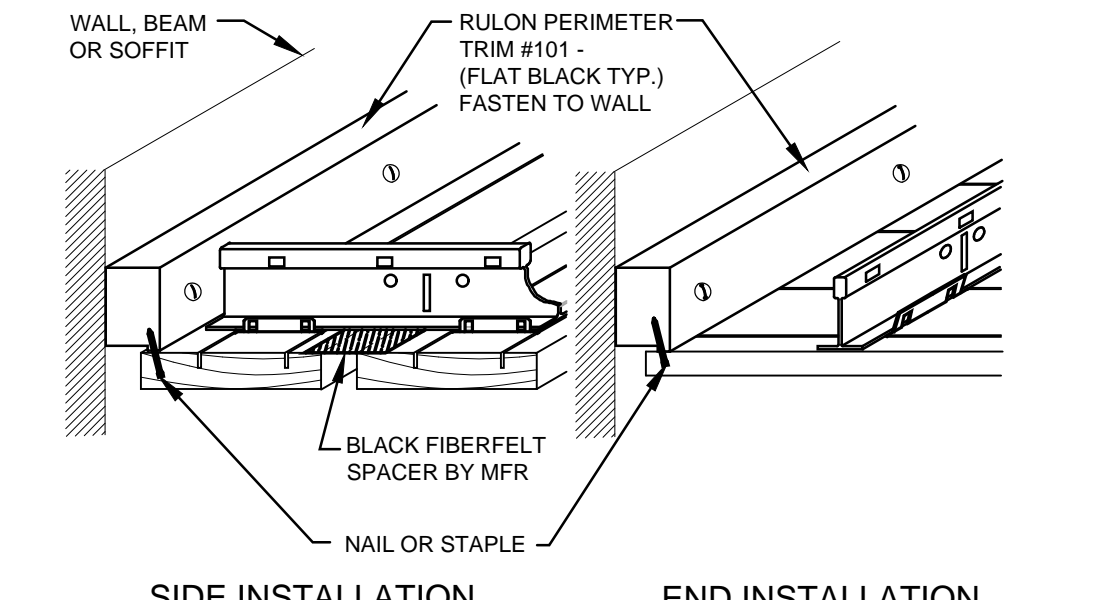
5 SUSPENDED ACOUSTICAL CEILING
SCALE: 1 1/2"=1'-0"
22079-A5.2-05



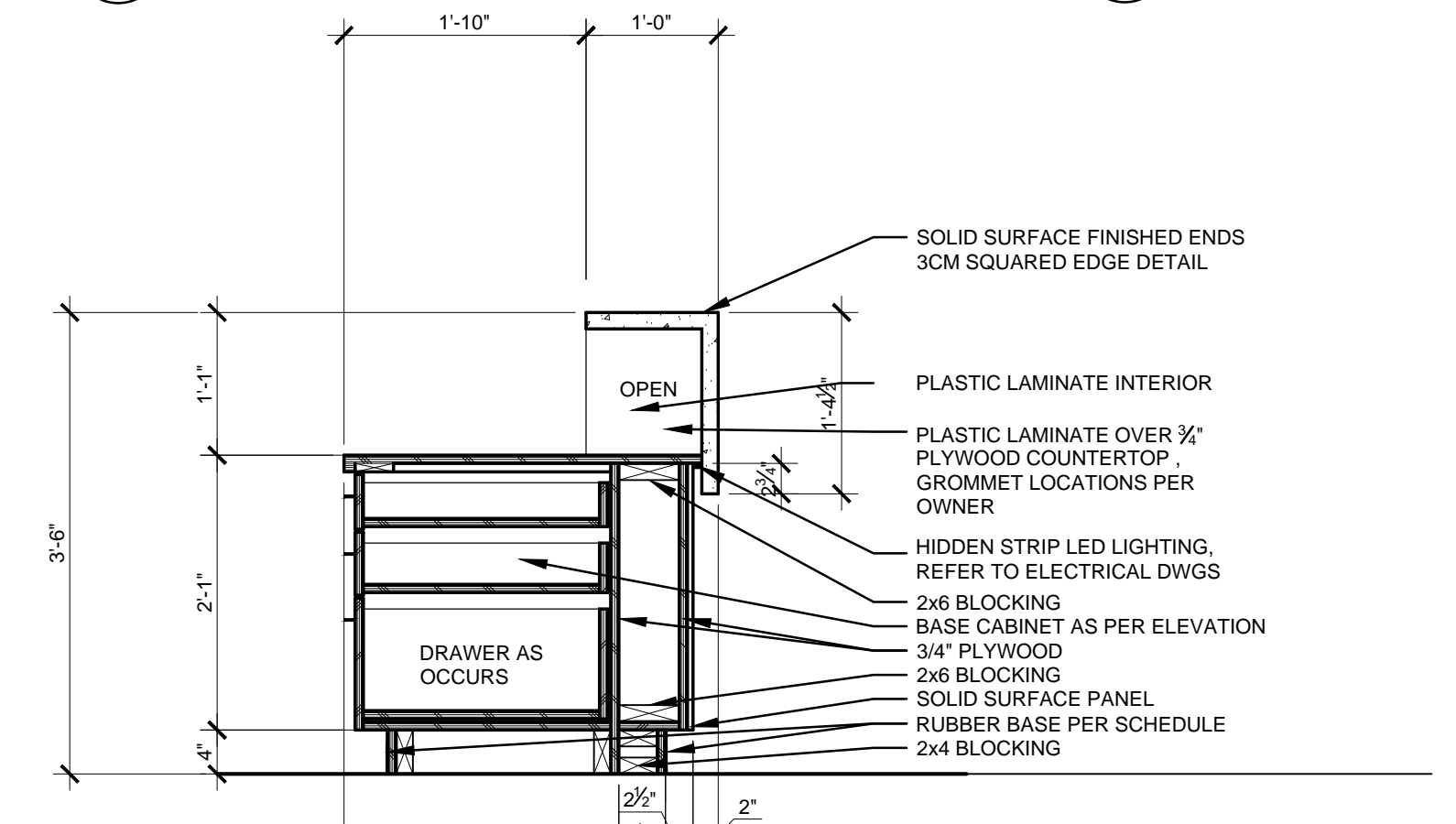
6 FIRE EXTINGUISHER CABINET
SCALE: 1 1/2"=1'-0"
22079-A5.2-06



7 LINEAR CEILING, SECTIONS
SCALE: 3"=1'-0"
22079-A5.2-07



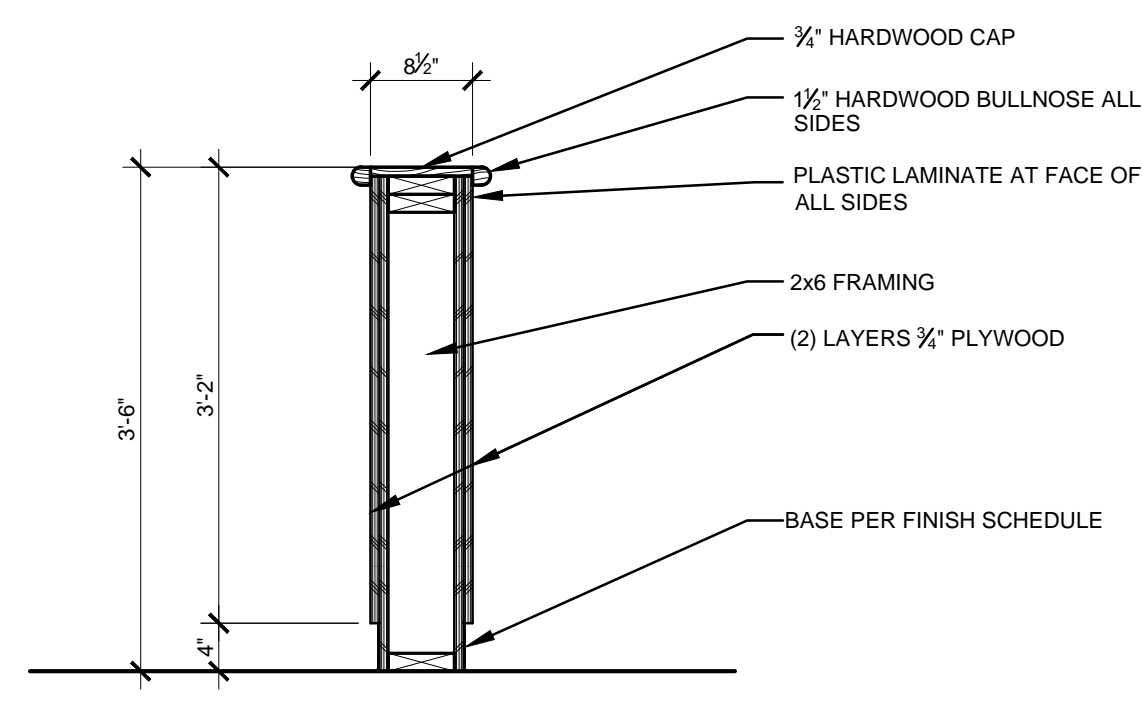
8 LINEAR CEILING, PERIMETER
SCALE: 3"=1'-0"
22079-A5.2-08



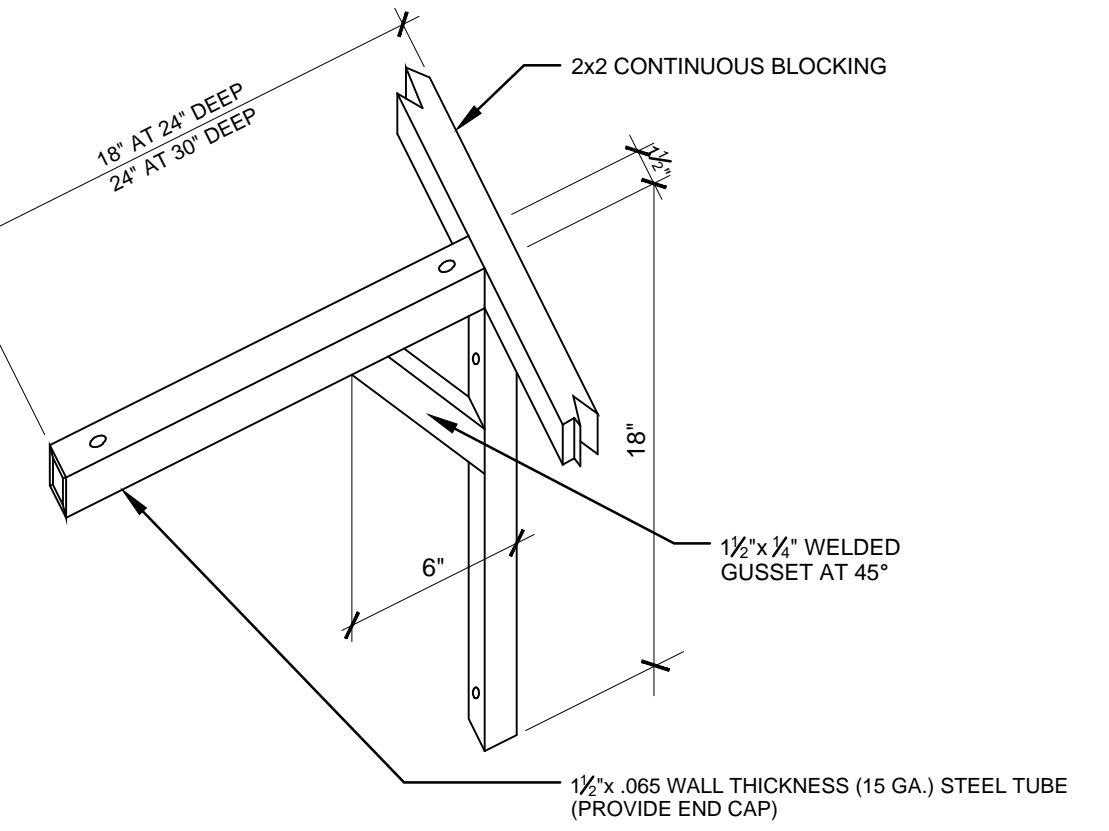
9 RAISED TRANSACTION TOP DETAIL
SCALE: 3/4"=1'-0"
22079-A5.2-09

10 NOT USED
SCALE:

11 NOT USED
SCALE:



12 PARTIAL HEIGHT WALL SECTION
SCALE: 3/4"=1'-0"

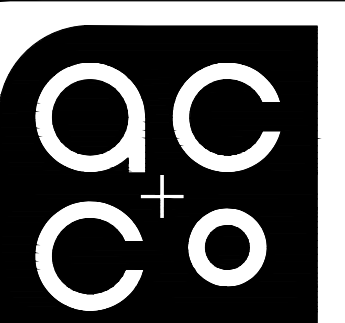


13 SUPPORT BRACKET
SCALE: N.T.S.
22079-A52-13

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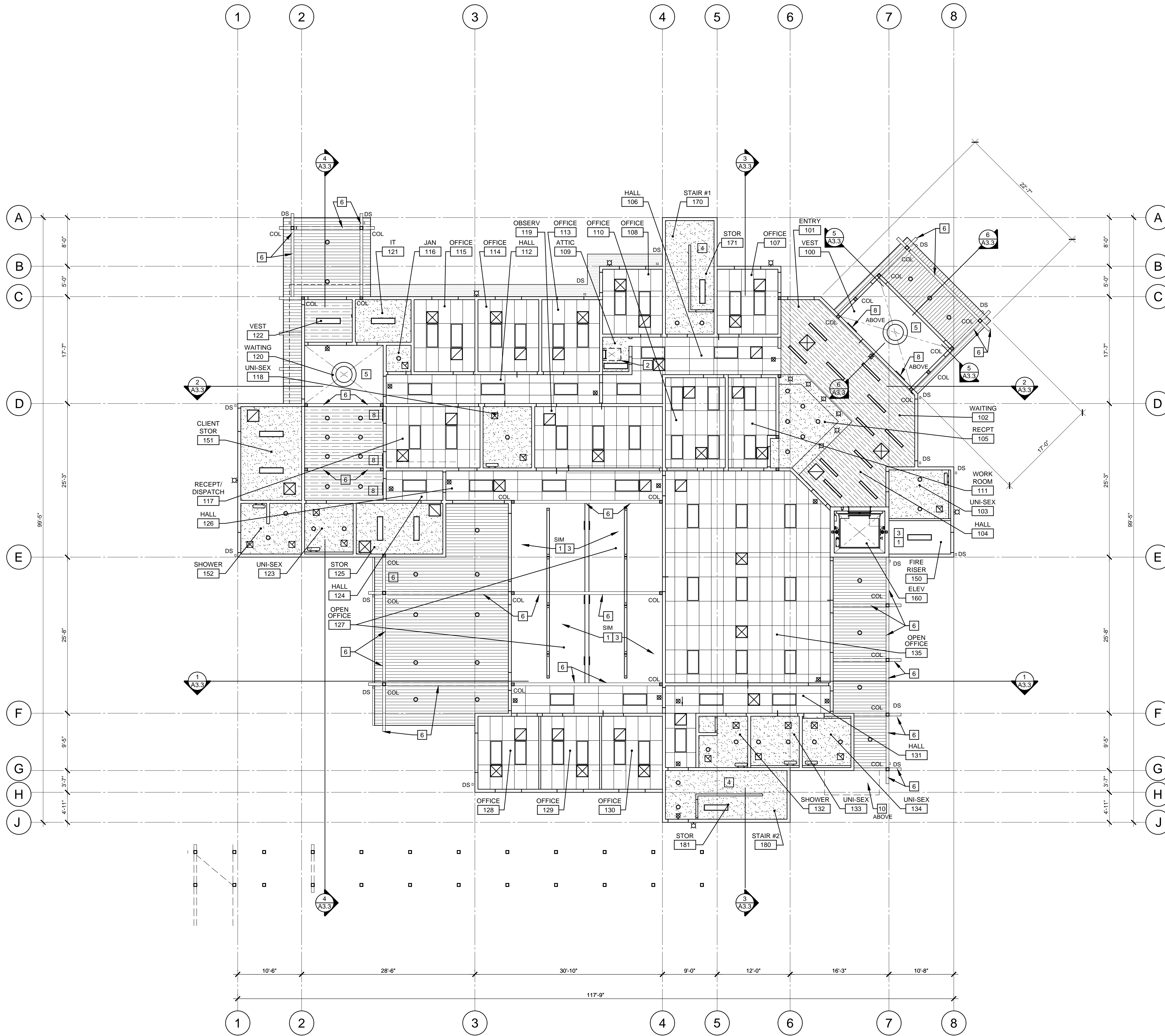
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A5.2



GENERAL NOTES:

- GENERAL NOTES APPLY TO ALL DRAWINGS.
- DIMENSIONS ARE TO EXISTING FACE OF WALL, FACE OF NEW FRAMING, AND FACE OF EXISTING CONCRETE UNLESS NOTED OTHERWISE.
- DRAWINGS ARE DIAGRAMMATIC ONLY AND SHOULD NOT BE SCALED. NOTIFY ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES OR QUESTIONABLE DIMENSIONS PRIOR TO PROCEEDING WITH AREA OF QUESTIONABLE WORK.
- IN CASE OF ANY CONFLICTS IN THE REQUIREMENTS OF THE CONTRACT DOCUMENTS, THE CONTRACTOR IS REQUIRED TO INCLUDE THE BETTER QUALITY AND LARGER QUANTITY OF THE WORK.
- CONTRACTOR AND BIDDERS SHALL USE COMPLETE SETS OF CONTRACT DOCUMENTS; NEITHER THE OWNER NOR ARCHITECT ASSUMES RESPONSIBILITY FOR ERRORS OR MISINTERPRETATIONS RESULTING FROM THE USE OF INCOMPLETE SETS OF CONTRACT DOCUMENTS.
- COORDINATE AND PROVIDE WOOD BACKING FOR ALL OFCI AND OFOI ITEMS

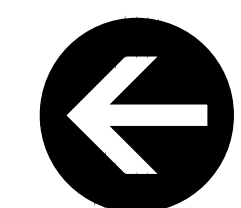
RCP SYMBOL LEGEND:

- SUSPENDED 5/8" GYPSUM WALLBOARD CEILING SYSTEM, U.O.N.
- INTERIOR SUSPENDED WOOD SLAT SYSTEM, REFER TO
- EXTERIOR SOFFIT BOARD
- EXTERIOR T&G WOOD DECKING
- ACOUSTICAL CEILING TILE SYSTEM, REFER TO
- SURFACE MOUNTED LED LIGHT FIXTURES (WALL OR CEILING). REFER TO ELECTRICAL DRAWINGS
- UNDER CABINET MOUNTED LED LIGHT FIXTURES. REFER TO ELECTRICAL DRAWINGS
- RECESSED LIGHT LED FIXTURES (INTERIOR AND EXTERIOR). REFER TO ELECTRICAL DRAWINGS
- EXIT SIGN WITH BATTERY BACK-UP EMERGENCY EGRESS LIGHTING, REFER TO ELECTRICAL DRAWINGS
- HVAC (EXHAUST, DIFFUSER, RETURN AIR), REFER TO MECHANICAL DRAWINGS
- ELEVATION OF FINISH CEILING ABOVE FINISH FLOOR, REFER TO FINISH SCHEDULE IN SPECIFICATIONS FOR ADDITIONAL INFORMATION
- DS DOWNSPOUT, CONNECT TO STORM DRAIN SYSTEM PER CIVIL DRAWINGS

REFERENCE NOTES:

- OPEN TO STRUCTURE, AT SIM CONDITION PAINT STRUCTURE AND ALL EXPOSED CONDUIT
- STEEL ROOF OR ATTIC ACCESS HATCH
- SUSPENDED LIGHT FIXTURES, THIS ROOM, REFER TO ELECTRICAL DRAWINGS
- 2 LAYERS 5/8" TYPE 'X' GYPSUM WALLBOARD ATTACHED TO STRUCTURE, THIS ROOM
- PENDANT LIGHT FIXTURE, REFER TO ELECTRICAL DRAWINGS
- EXPOSED BEAM, STAIN
- CEILING MOUNTED PROJECTOR, REFER TO ELECTRICAL DRAWINGS
- WALL MOUNTED HVAC GRILLE, REFER TO MECHANICAL DRAWINGS
- EXPOSED FAUX BOX BEAMS, STAIN, REFER TO
- STEEL ROOF CANOPY SYSTEM

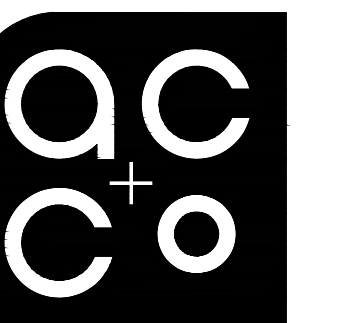
1 FIRST FLOOR REFLECTED CEILING PLAN
SCALE: 1/8"=1'-0"



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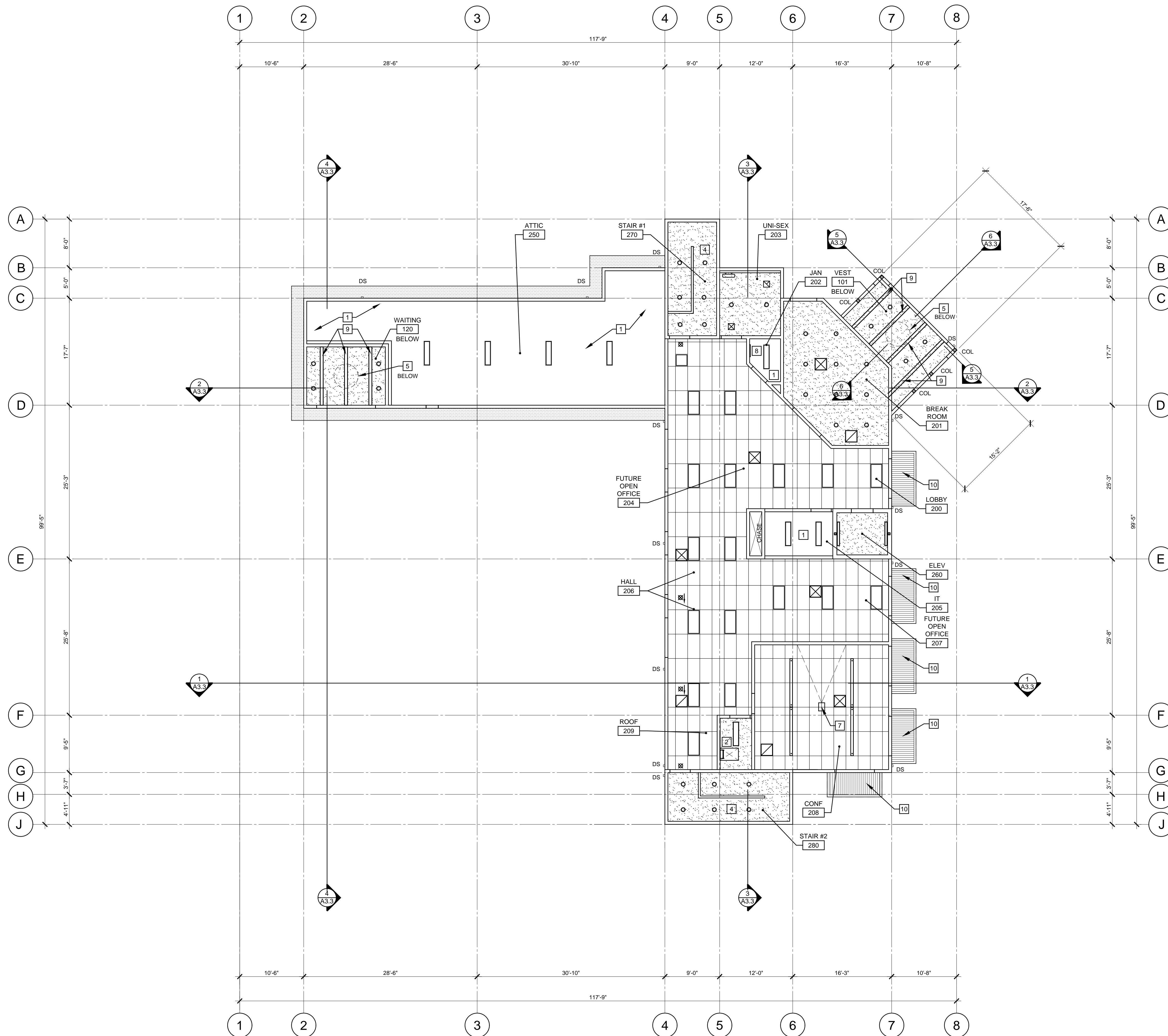
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A6.1



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- DRAWINGS ARE DIAGRAMMATIC ONLY AND SHOULD NOT BE SCALED. NOTIFY ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES OR QUESTIONABLE DIMENSIONS PRIOR TO PROCEEDING WITH AREA OF QUESTIONABLE WORK.
- IN CASE OF ANY CONFLICTS IN THE REQUIREMENTS OF THE CONTRACT DOCUMENTS, THE CONTRACTOR IS REQUIRED TO INCLUDE THE BETTER QUALITY AND LARGER QUANTITY OF THE WORK.
- CONTRACTOR AND BIDDERS SHALL USE COMPLETE SETS OF CONTRACT DOCUMENTS; NEITHER THE OWNER NOR ARCHITECT ASSUMES RESPONSIBILITY FOR ERRORS OR MISINTERPRETATIONS RESULTING FROM THE USE OF INCOMPLETE SETS OF CONTRACT DOCUMENTS.
- COORDINATE AND PROVIDE WOOD BACKING FOR ALL OFCI AND OFOI ITEMS

RCP SYMBOL LEGEND:

-
-
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-
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-
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-

REFERENCE NOTES:

- OPEN TO STRUCTURE, AT SIM CONDITION PAINT STRUCTURE AND ALL EXPOSED CONDUIT
- STEEL ROOF OR ATTIC ACCESS HATCH
- SUSPENDED LIGHT FIXTURES, THIS ROOM, REFER TO ELECTRICAL DRAWINGS
- 2 LAYERS 5/8" TYPE 'X' GYPSUM WALLBOARD ATTACHED TO STRUCTURE, THIS ROOM
- PENDANT LIGHT FIXTURE, REFER TO ELECTRICAL DRAWINGS
- EXPOSED BEAM, STAIN
- CEILING MOUNTED PROJECTOR, REFER TO ELECTRICAL DRAWINGS
- WALL MOUNTED HVAC GRILLE, REFER TO MECHANICAL DRAWINGS
- EXPOSED FAUX BOX BEAMS, STAIN, REFER TO ELECTRICAL DRAWINGS
- STEEL ROOF CANOPY SYSTEM

CONSTRUCTION DOCUMENTS
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 DATE APRIL 12, 2024
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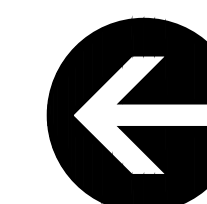


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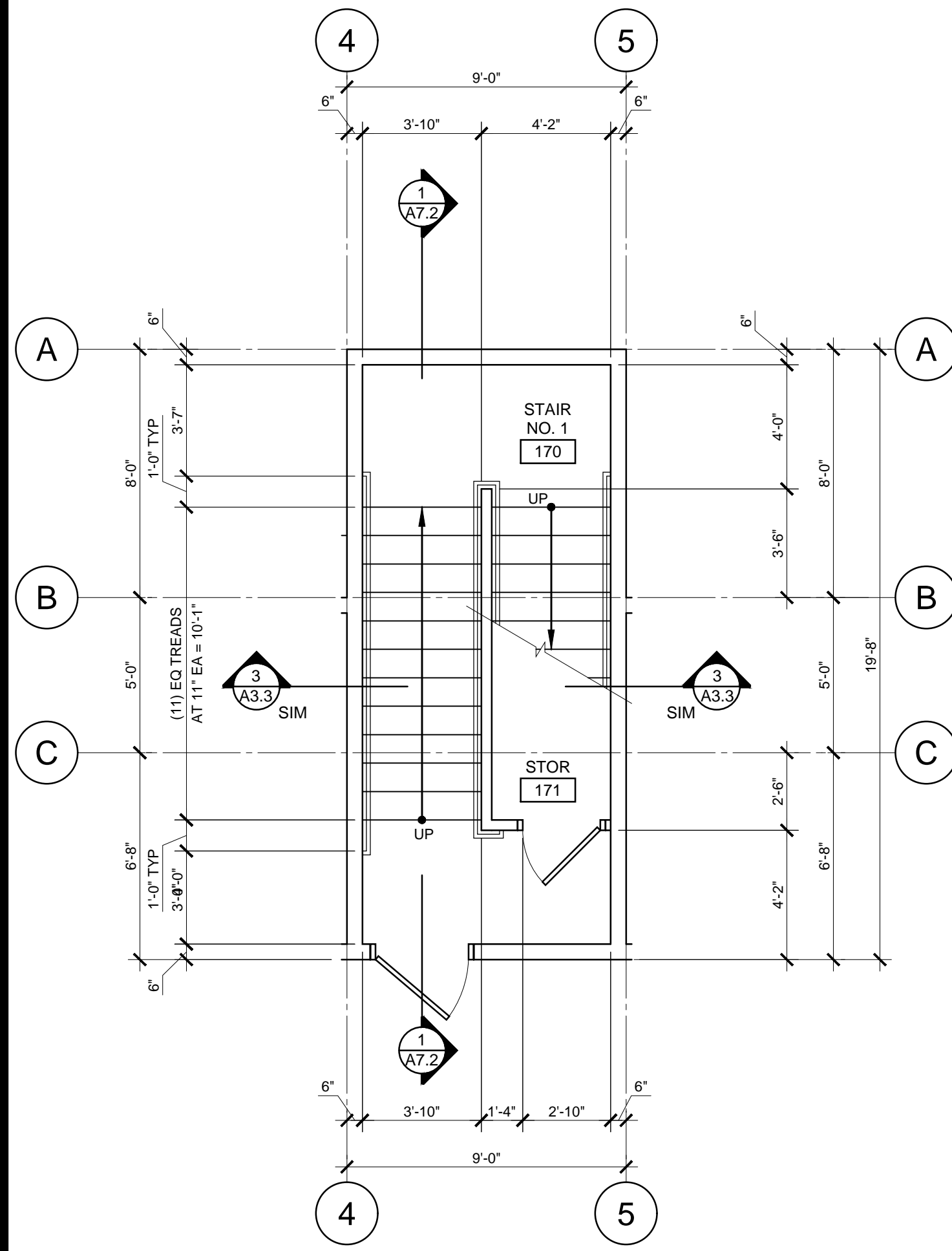
POLK CO.
 HEALTH

PENDING ADDRESS
 DALLAS, OR 97338
 SHEET

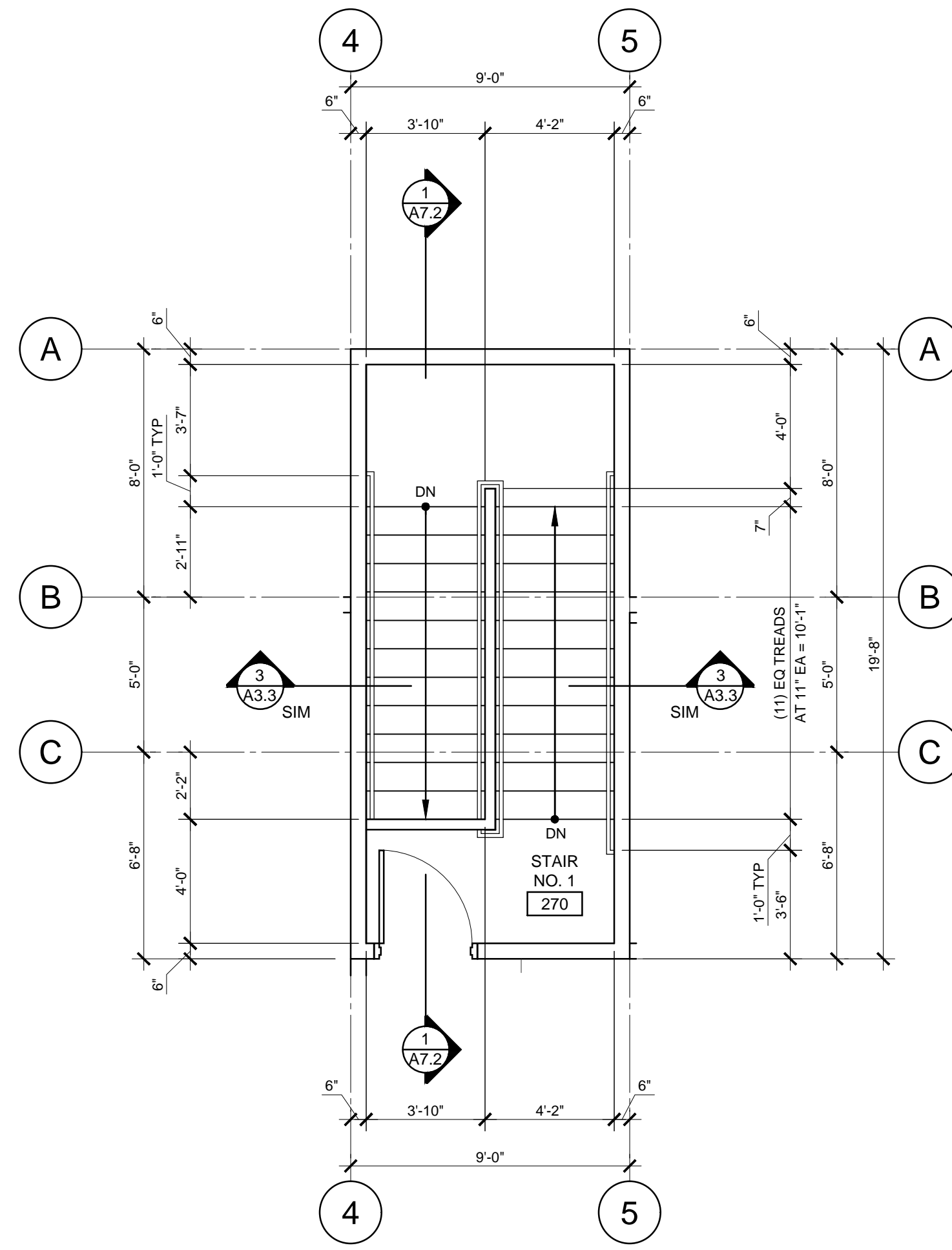
1 SECOND FLOOR REFLECTED CEILING PLAN
 SCALE: 1/8"=1'-0"



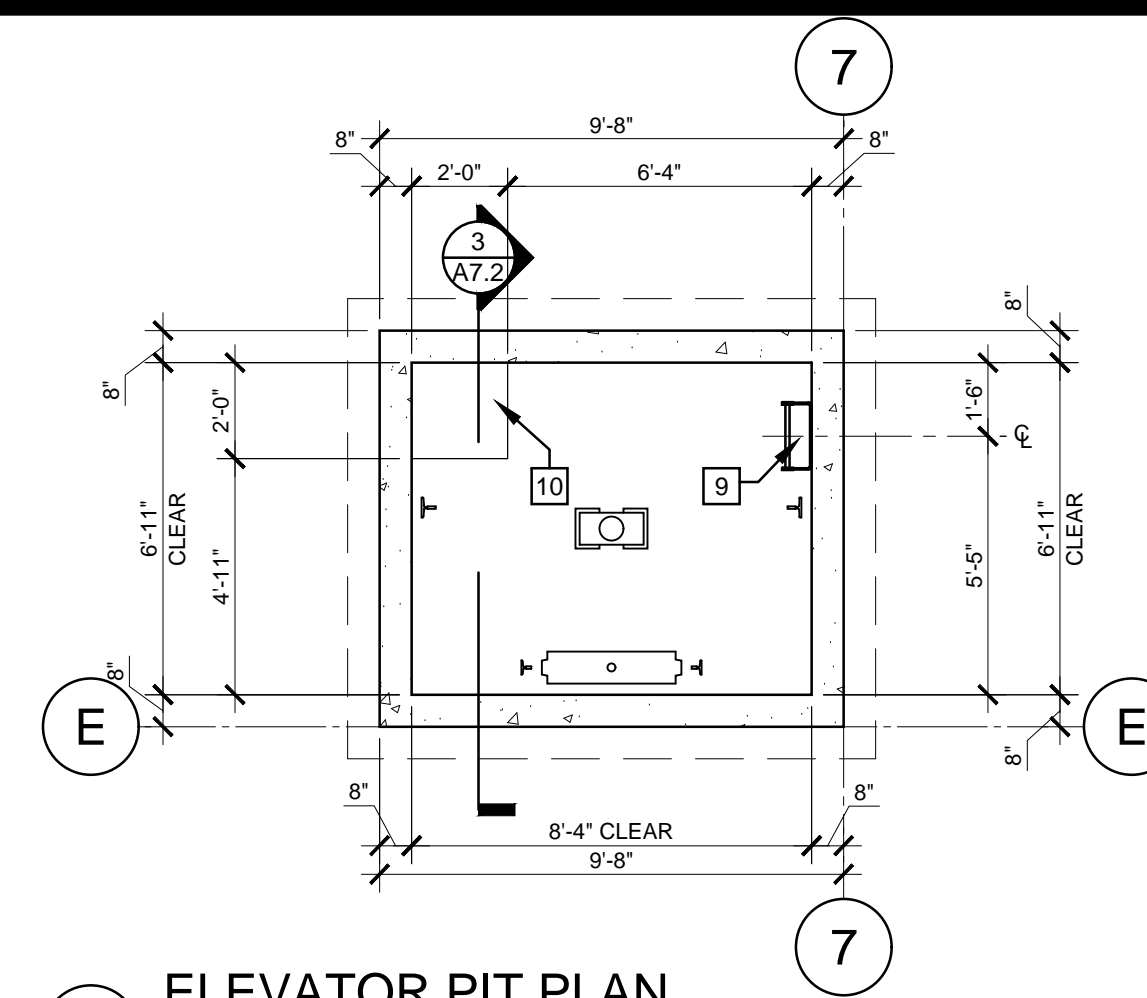
A6.2



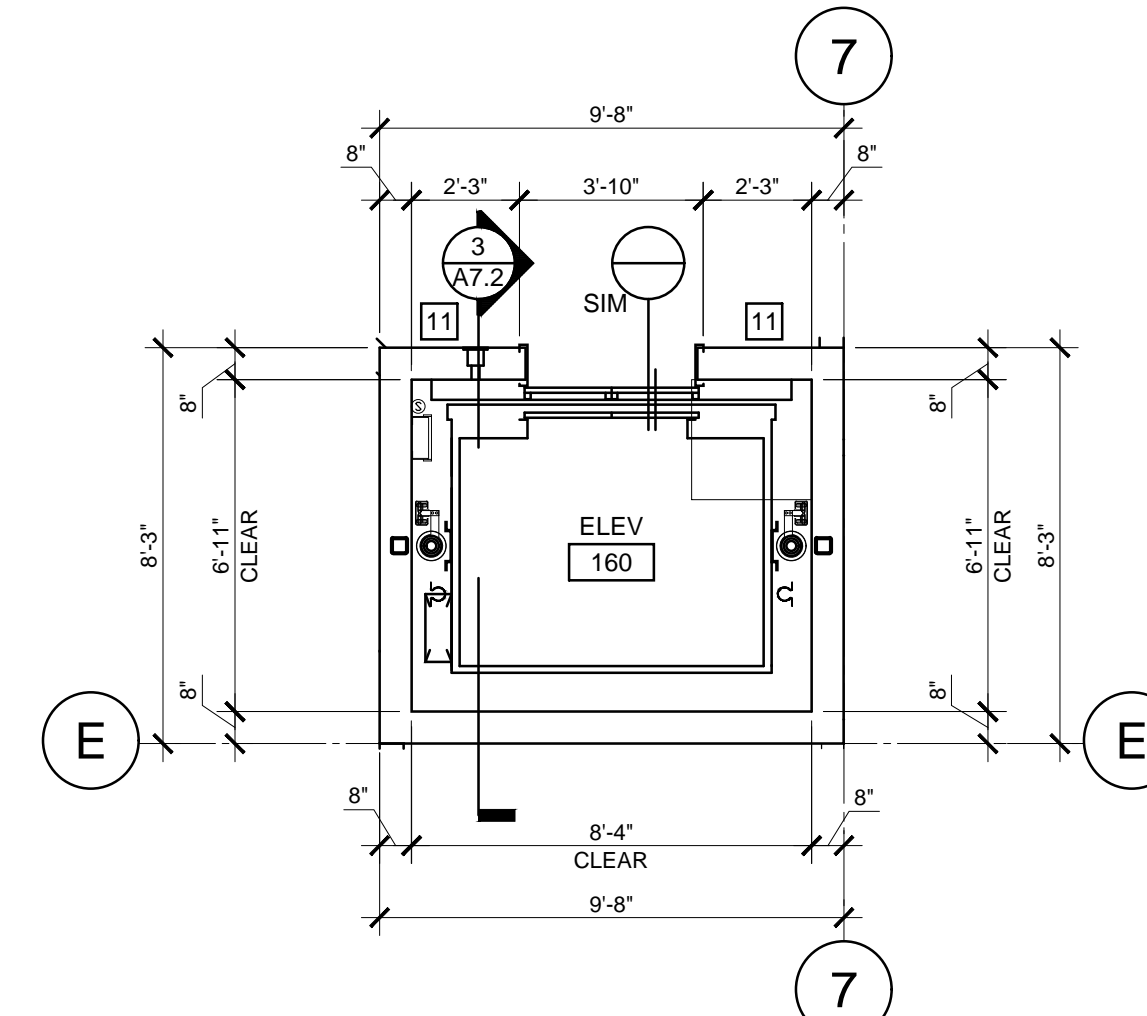
1 STAIR NO. 1 PLAN - FIRST FLOOR
SCALE: 1/4" = 1'-0"



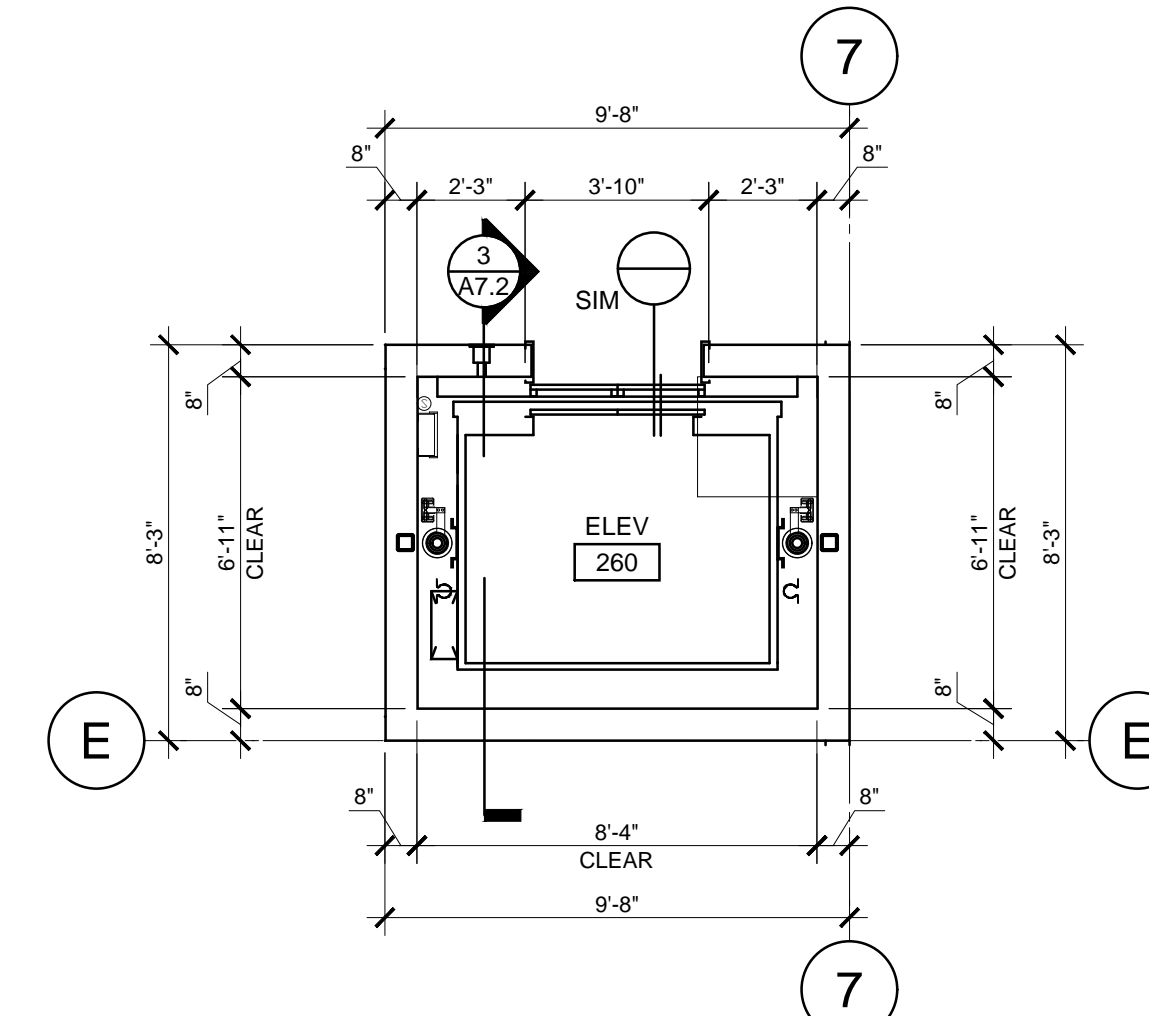
2 STAIR NO. 1 PLAN - SECOND FLOOR
SCALE: 1/4" = 1'-0"



3 ELEVATOR PIT PLAN
SCALE: 1/4" = 1'-0"

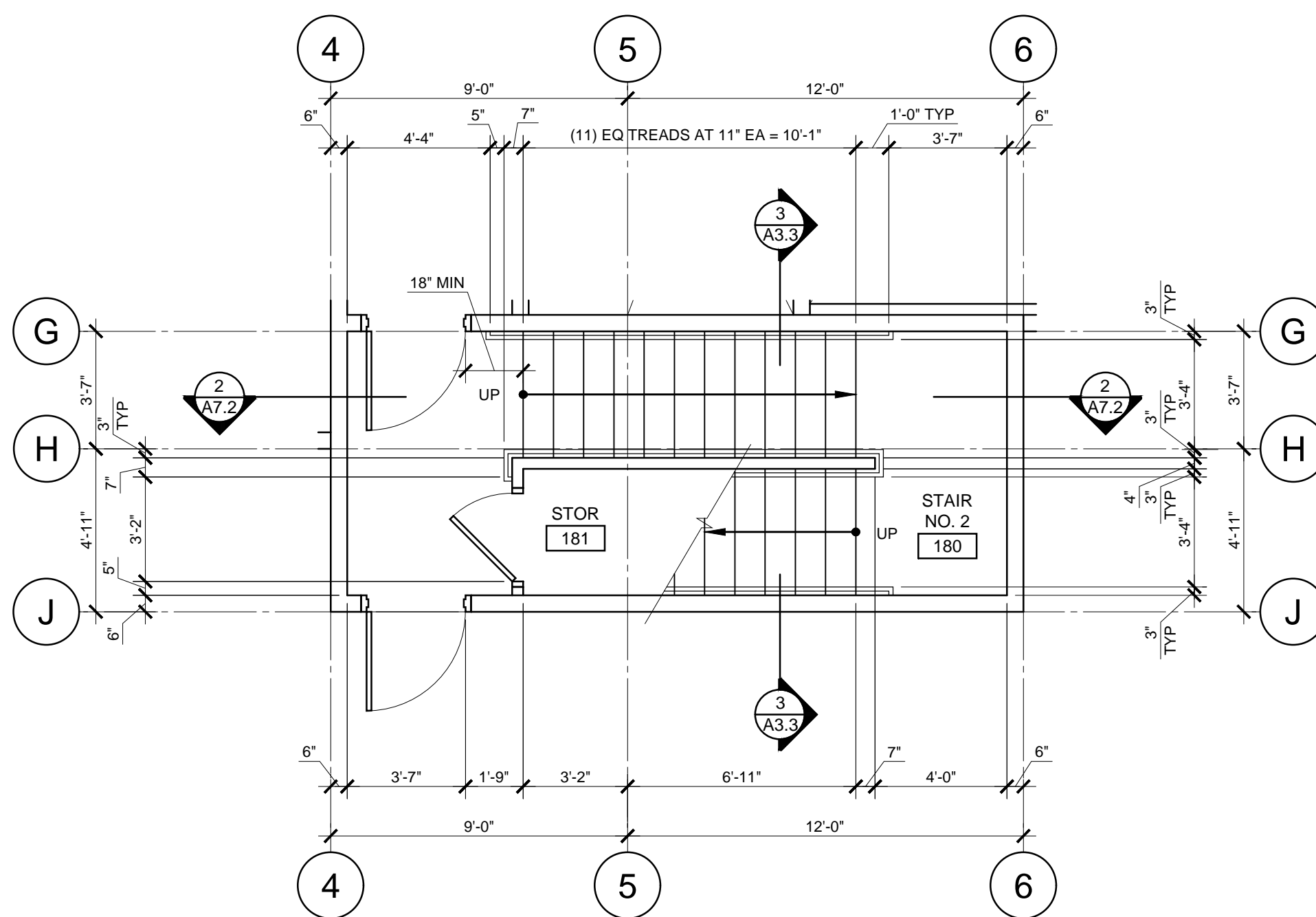


4 ELEVATOR PLAN - FIRST FLOOR
SCALE: 1/4" = 1'-0"

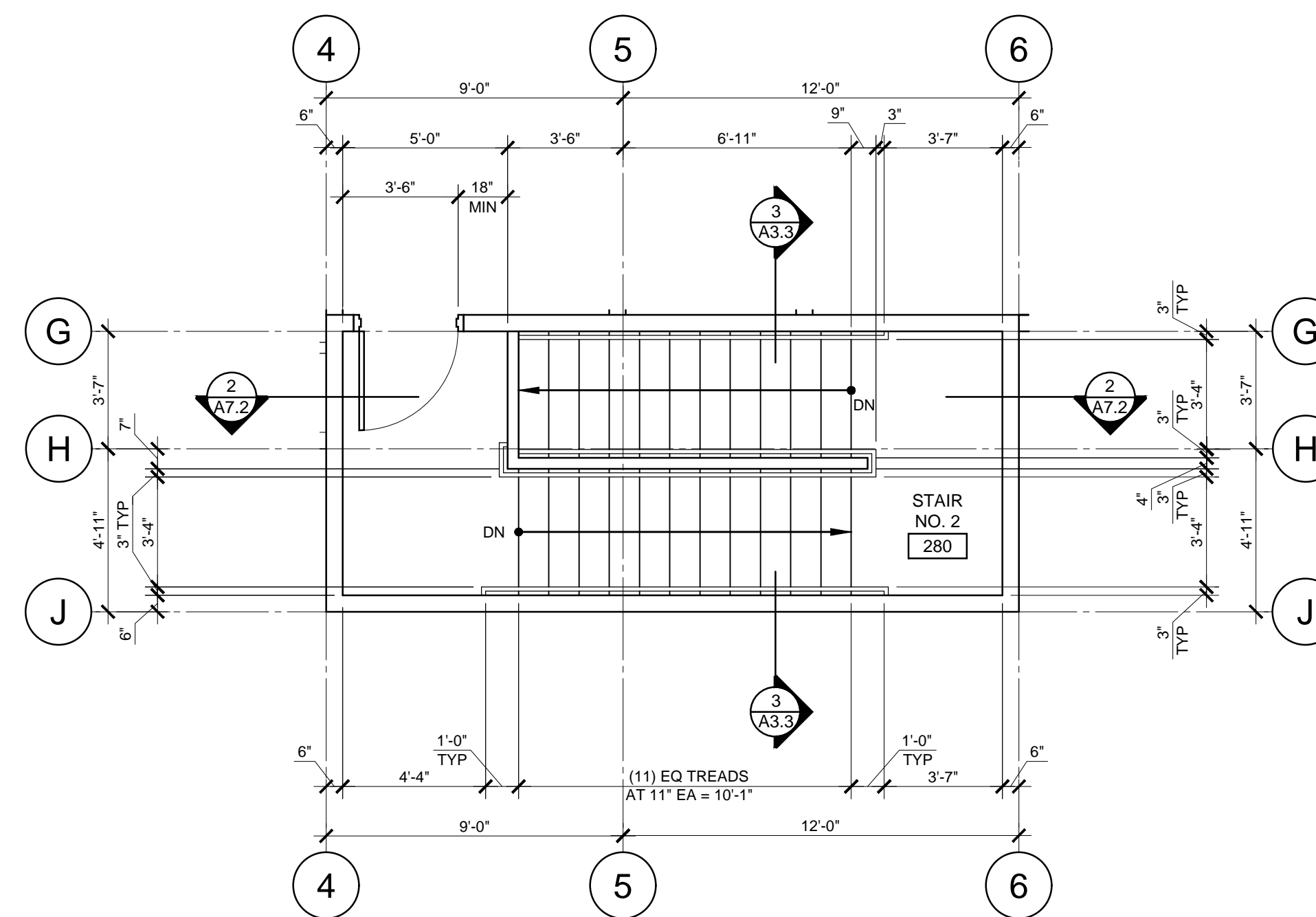


5 ELEVATOR PLAN - SECOND FLOOR
SCALE: 1/4" = 1'-0"

- REFERENCE NOTES:
- 1 1 1/2" DIA. HANDRAIL, PAINT
 - 2 WOOD LANDING, FINISH FLOORING AS SCHEDULED
 - 3 WOOD STAIRS, FINISH FLOORING AS SCHEDULED
 - 4 CRIPPLE WALL PER STRUCTURAL
 - 5 NOT USED
 - 6 DOOR AND/OR WINDOW AS OCCURS PER PLAN
 - 7 DAMP-PROOFING
 - 8 WATERSTOP
 - 9 PIT ACCESS LADDER
 - 10 SUMP PUMP AND PIT, REFER TO STRUCTURAL AND MECHANICAL DESIGN/BUILD DRAWINGS. LOCATE PER ELEVATOR MANUFACTURER
 - 11 PROVIDE 2" X 2" FURRING STRIP AT 16" OC VERTICALLY BETWEEN STUD AND GYPSUM WALLBOARD LAYER ON THE HALLWAY SIDE, THIS WALL ONLY



6 STAIR NO. 2 PLAN - FIRST FLOOR
SCALE: 1/4" = 1'-0"

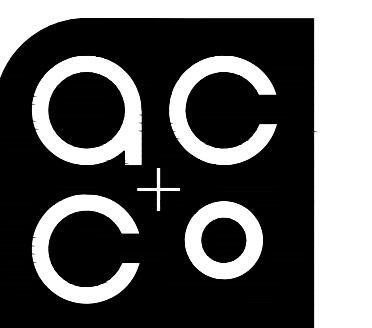


7 STAIR NO. 2 PLAN - SECOND FLOOR
SCALE: 1/4" = 1'-0"

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DATE APRIL 12, 2024
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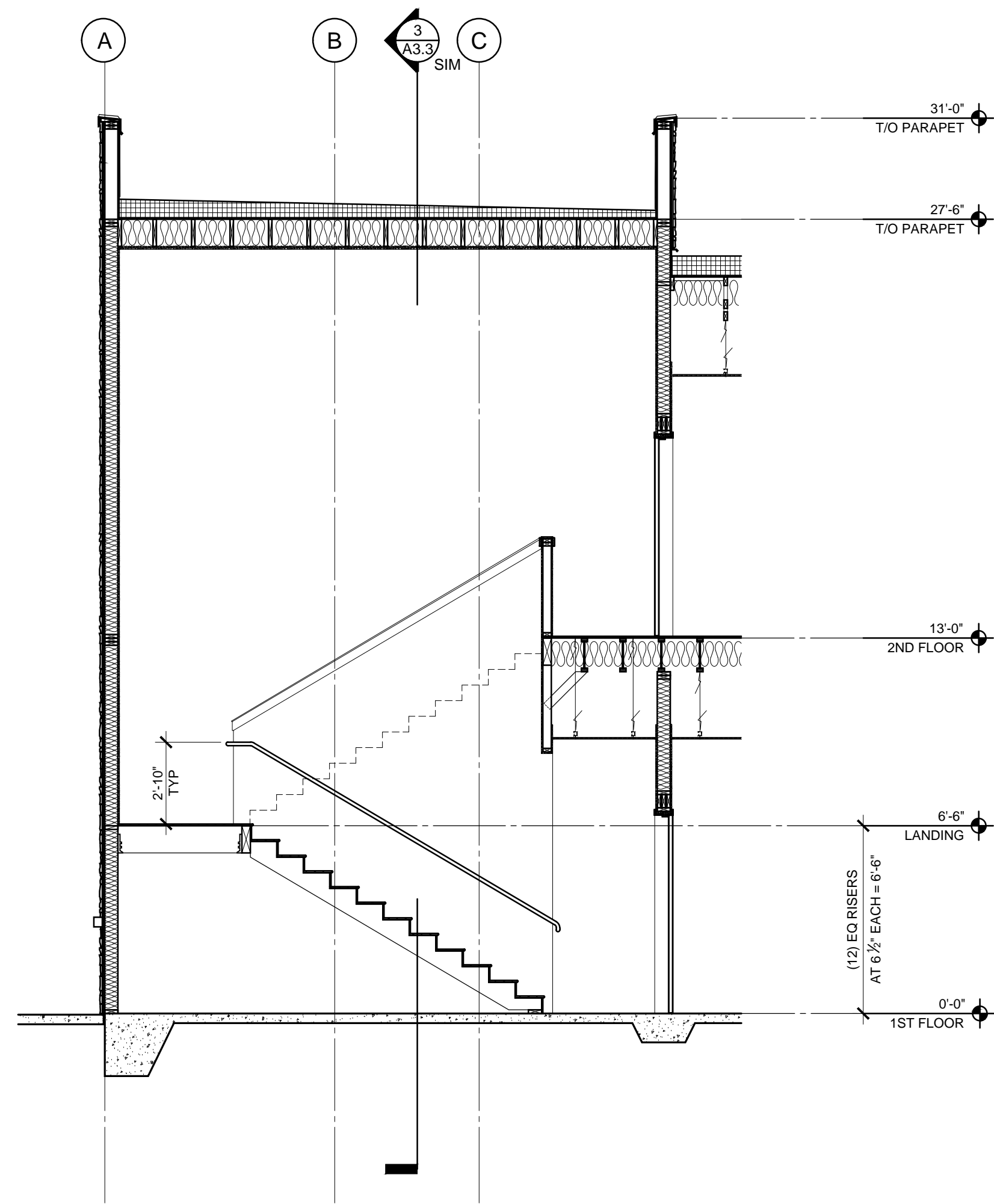
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COMMUNITY
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Suite 200
Salem, OR 97302-5386
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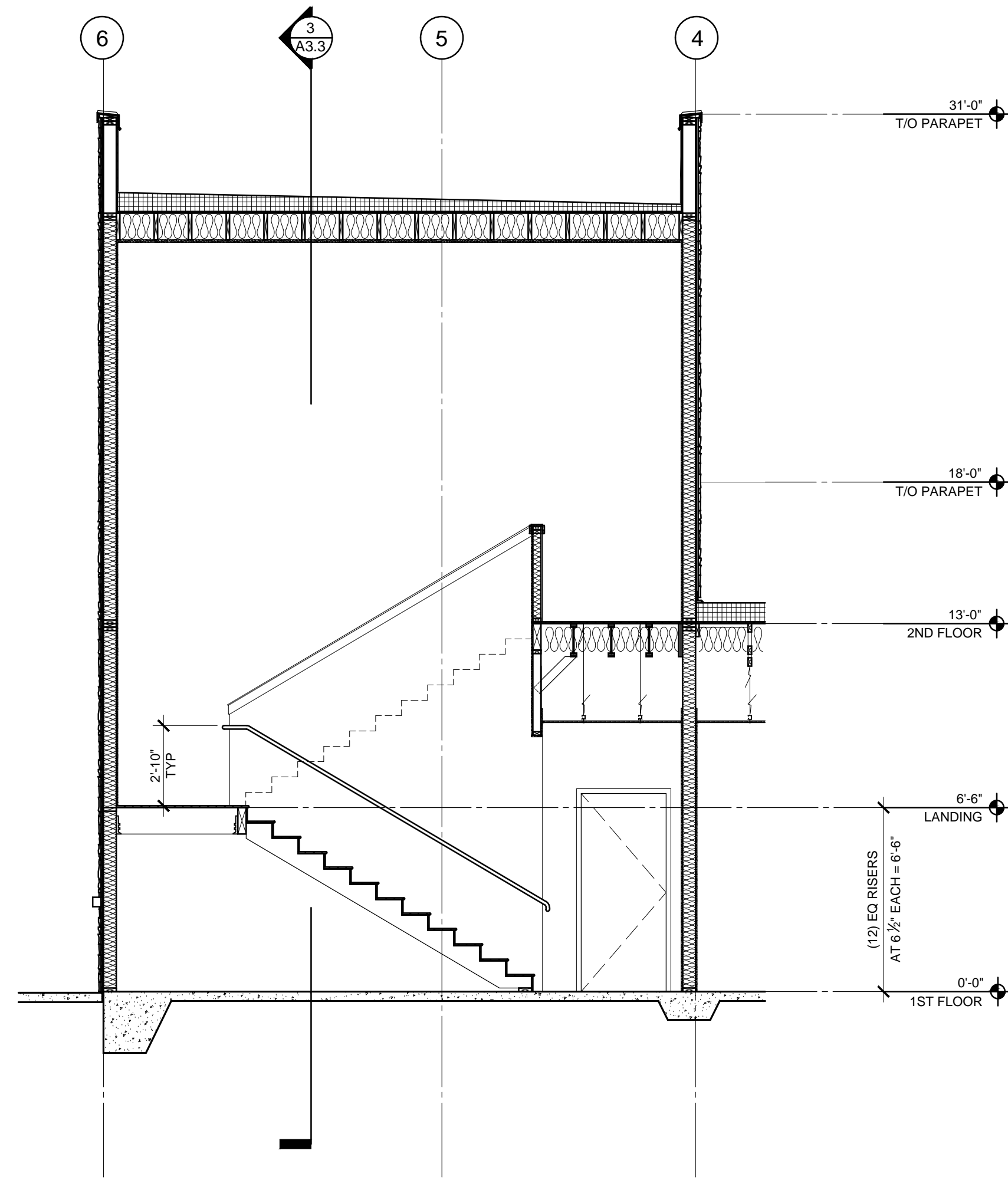
SHEET

A7.1



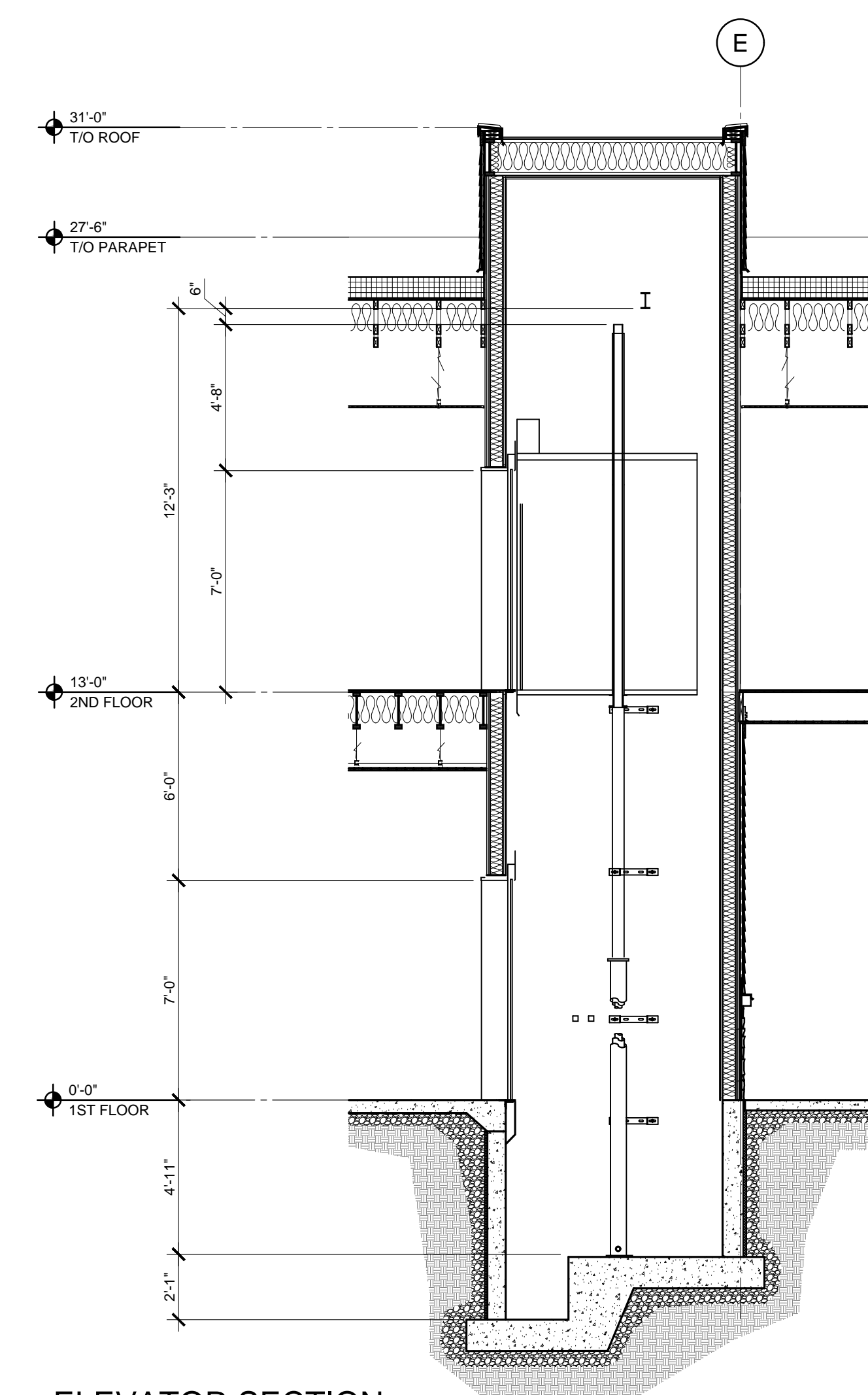
1 STAIR NO. 1 SECTION

SCALE: 1/4" = 1'-0"



2 STAIR NO. 2 SECTION

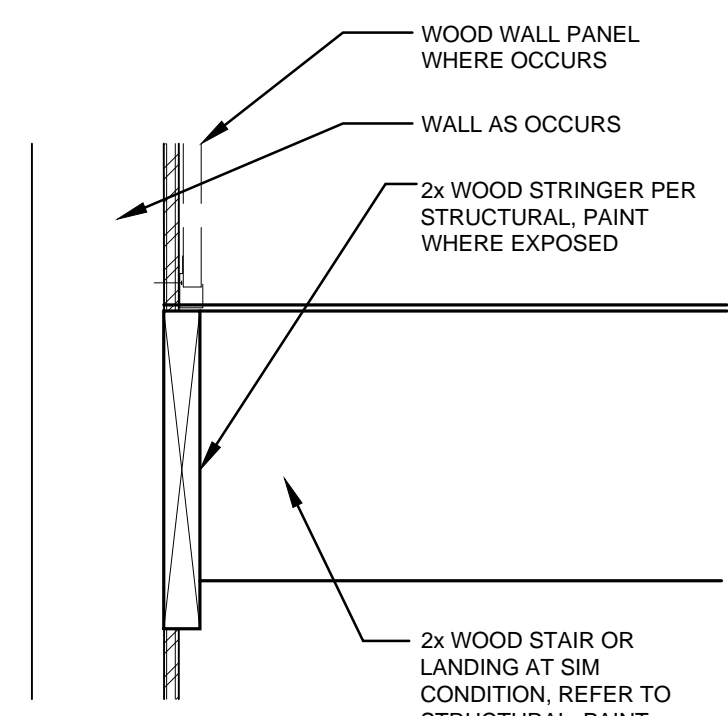
SCALE: 1/4" = 1'-0"



3 ELEVATOR SECTION

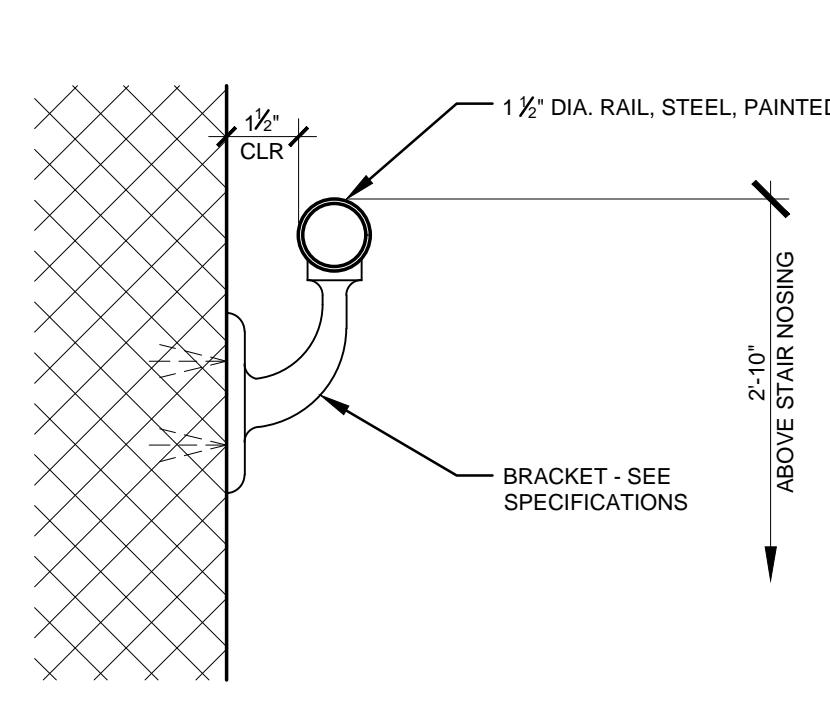
SCALE: 1/4" = 1'-0"

- REFERENCE NOTES:
- 1 1 1/2" DIA. HANDRAIL, PAINT
 - 2 WOOD LANDING, FINISH FLOORING AS SCHEDULED
 - 3 WOOD STAIRS, FINISH FLOORING AS SCHEDULED
 - 4 CRIPPLE WALL PER STRUCTURAL
 - 5 NOT USED
 - 6 DOOR AND/OR WINDOW AS OCCURS PER PLAN
 - 7 DAMP-PROOFING
 - 8 WATERSTOP
 - 9 PIT ACCESS LADDER
 - 10 SUMP PUMP AND PIT, REFER TO STRUCTURAL AND MECHANICAL DESIGN/BUILD DRAWINGS. LOCATE PER ELEVATOR MANUFACTURER
 - 11 PROVIDE 2" Z-FURRING STRIP AT 16" O.C. VERTICALLY BETWEEN STUD AND GYPSUM WALLBOARD LAYER ON THE HALLWAY SIDE, THIS WALL ONLY



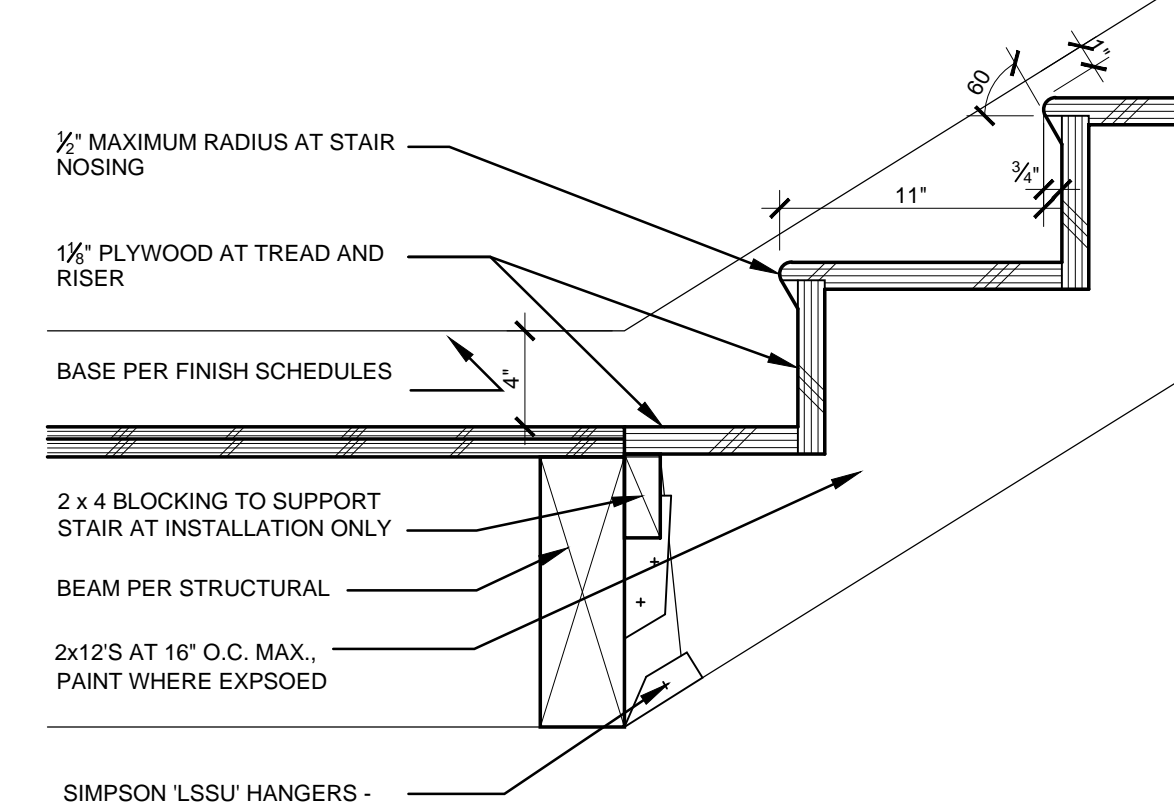
4 STAIR STRINGER

SCALE: 1 1/2" = 1'-0" 22079-A7.2-04



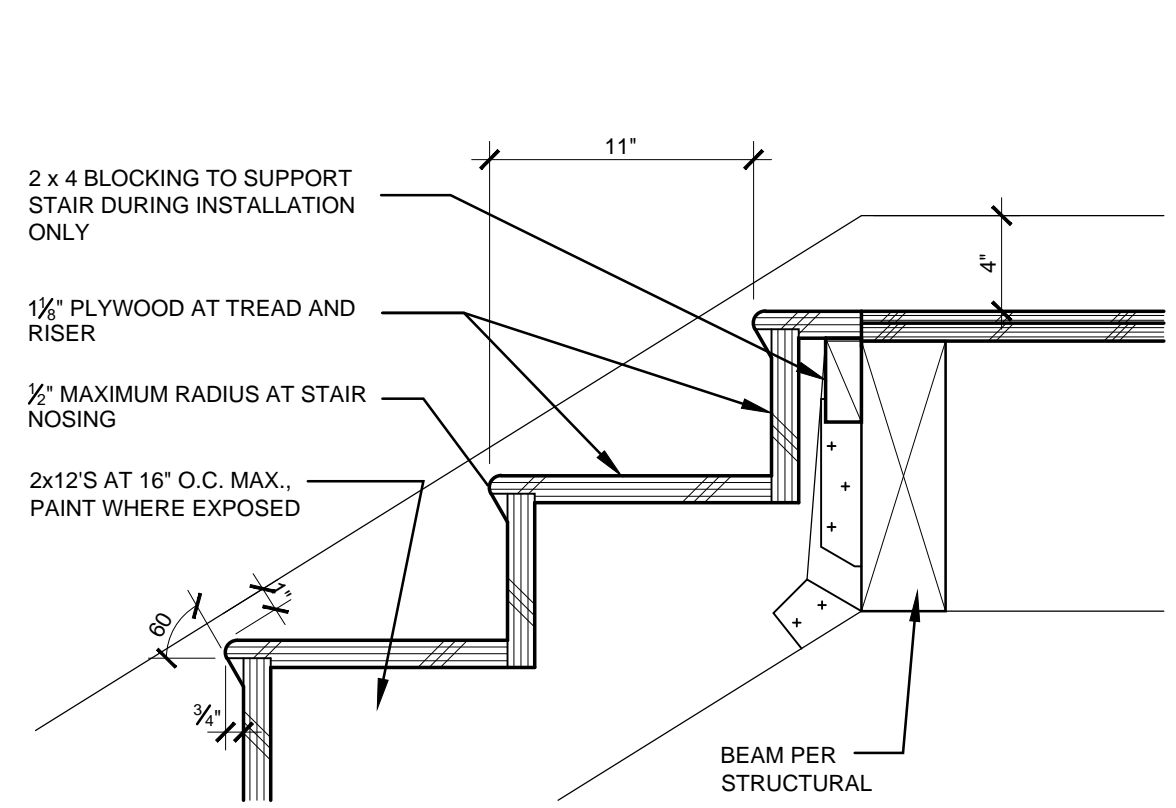
6 HANDRAIL

SCALE: 3" = 1'-0" 22079-A7.2-06



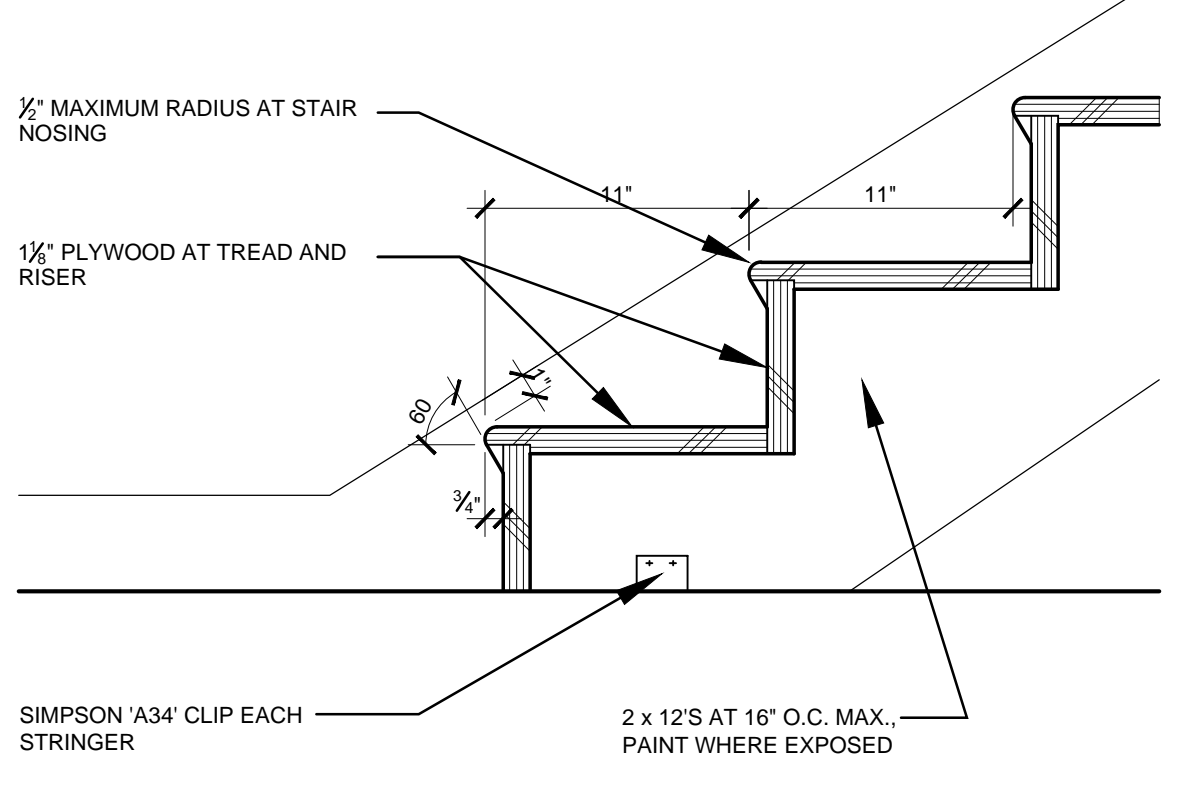
7 STAIR TRANSITION AT LANDING

SCALE: 1 1/2" = 1'-0" 22079-A7.2-07



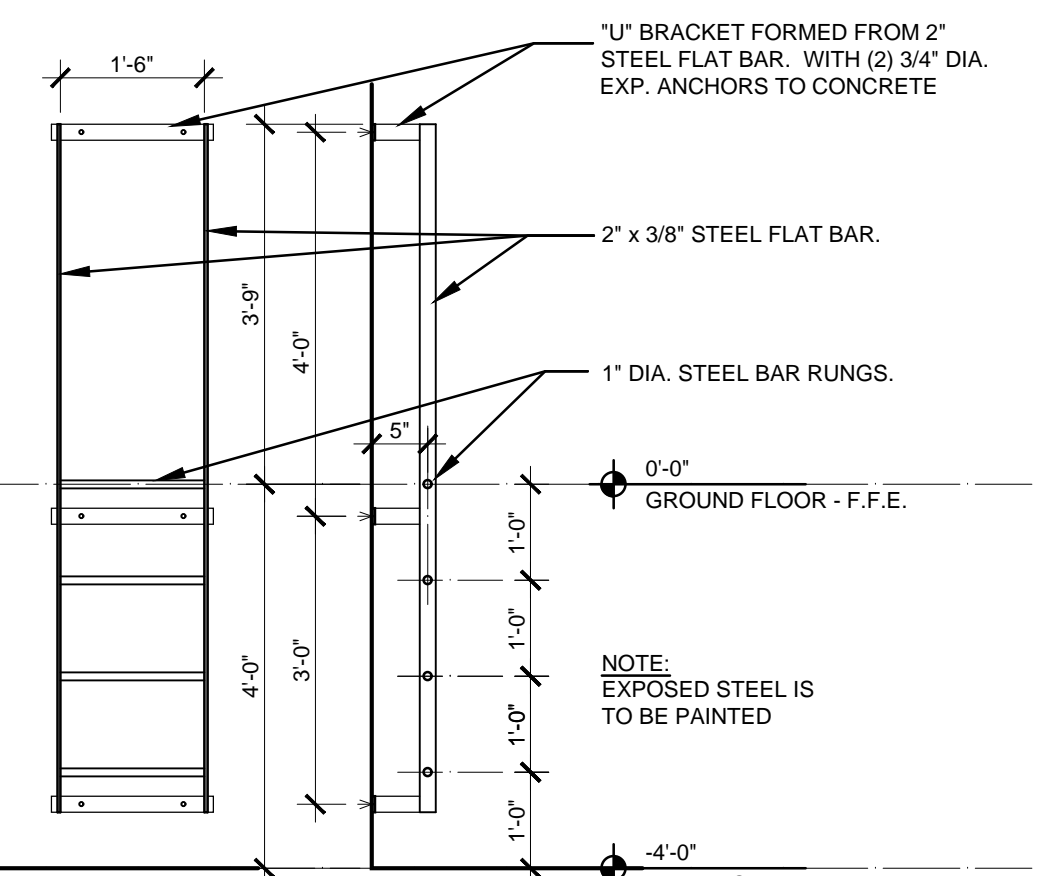
8 DETAIL AT STAIR AT TOP

SCALE: 1 1/2" = 1'-0" 22079-A7.2-08



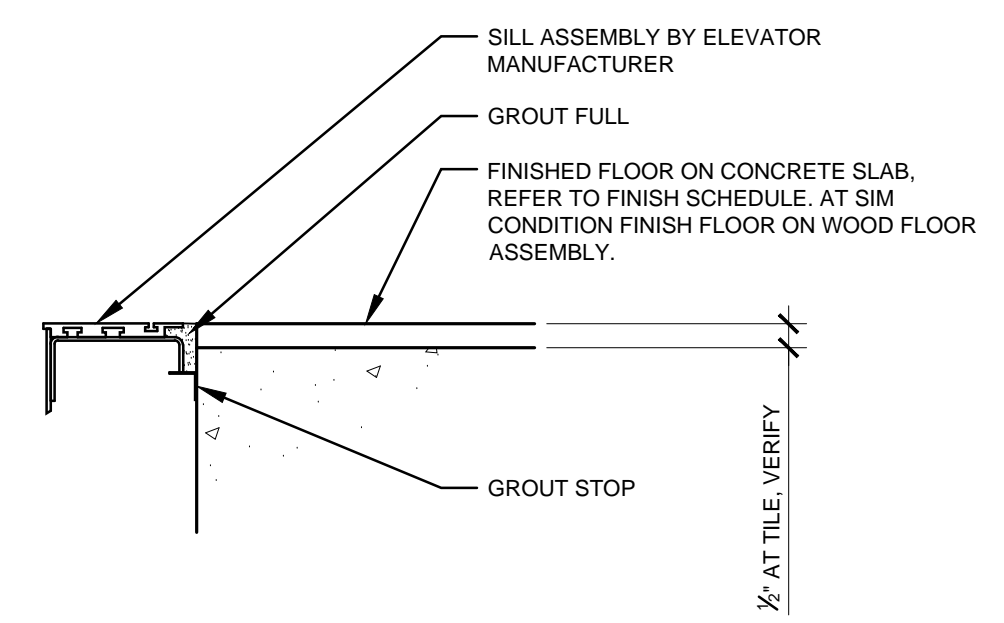
9 STAIR DETAIL AT SLAB

SCALE: 1 1/2" = 1'-0" 22079-A7.2-09



10 ELEVATOR PIT ACCESS LADDER

SCALE: 1/2" = 1'-0" 22079-A7.2-10



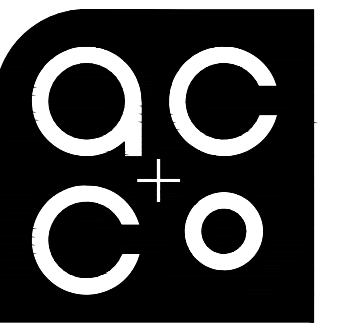
11 SILL AT ELEVATOR

SCALE: 3" = 1'-0" 22079-A7.2-11

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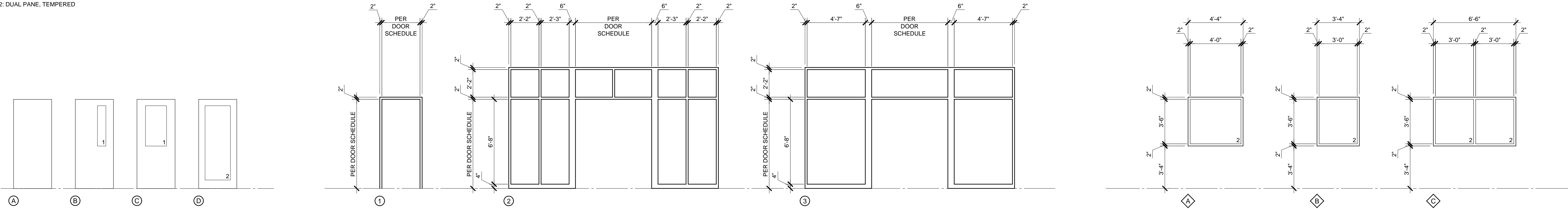
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A7.2

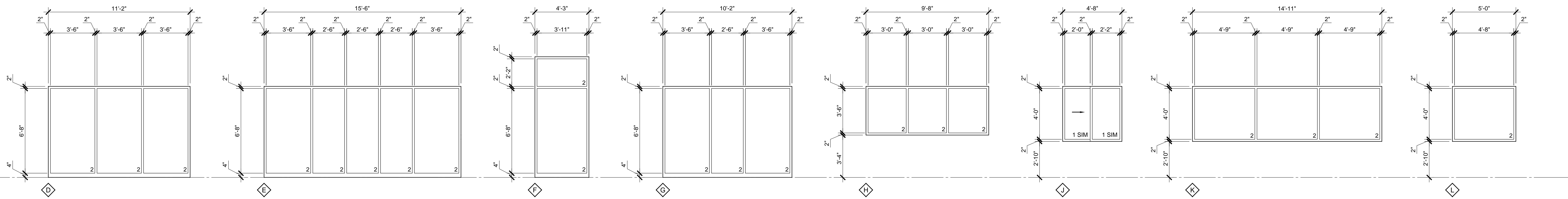
GLASS TYPES:
 TYPE 1: SINGLE PANE, TEMPERED WITH NEW SECURITY FILM, NEW GLASS AT SIM CONDITION
 TYPE 2: DUAL PANE, TEMPERED



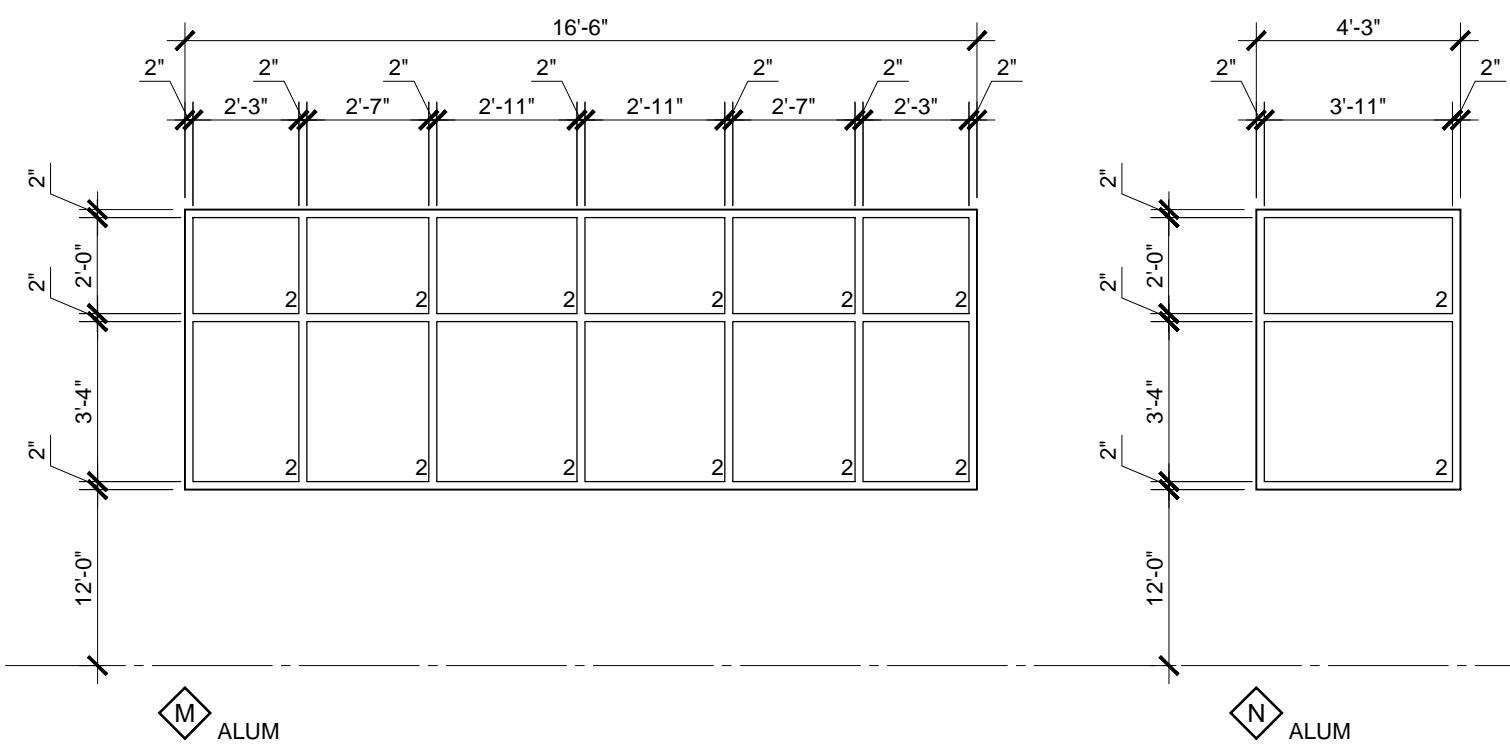
1 DOOR TYPES
 SCALE: 1/4" = 1'-0"

2 FRAME TYPES
 SCALE: 1/4" = 1'-0"

3 WINDOW TYPES
 SCALE: 1/4" = 1'-0"

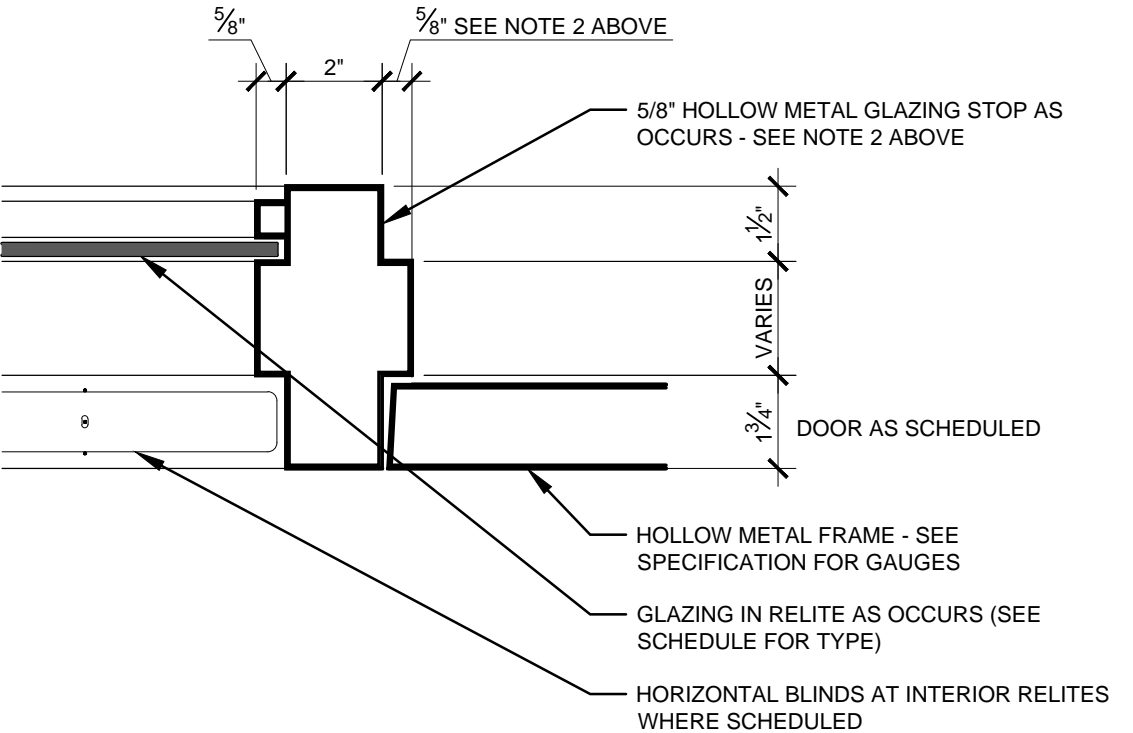


3 WINDOW TYPES CONTINUED
 SCALE: 1/4" = 1'-0"

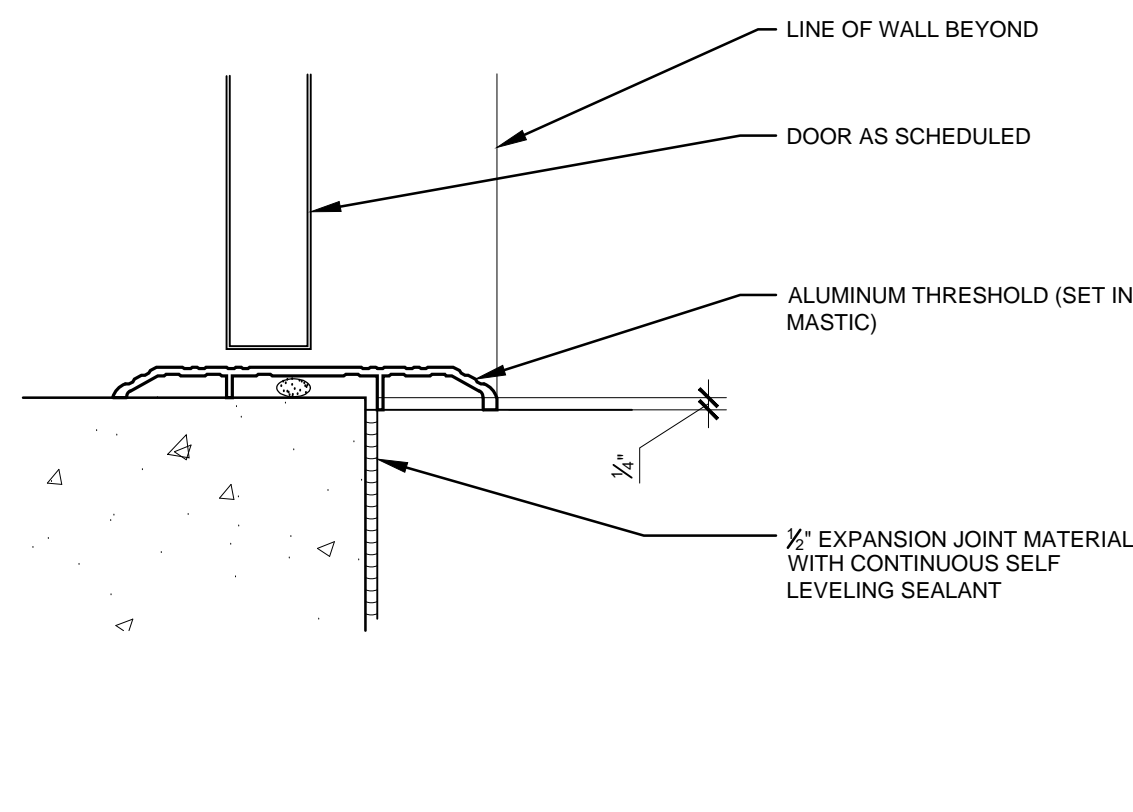


3 WINDOW TYPES CONTINUED
 SCALE: 1/4" = 1'-0"

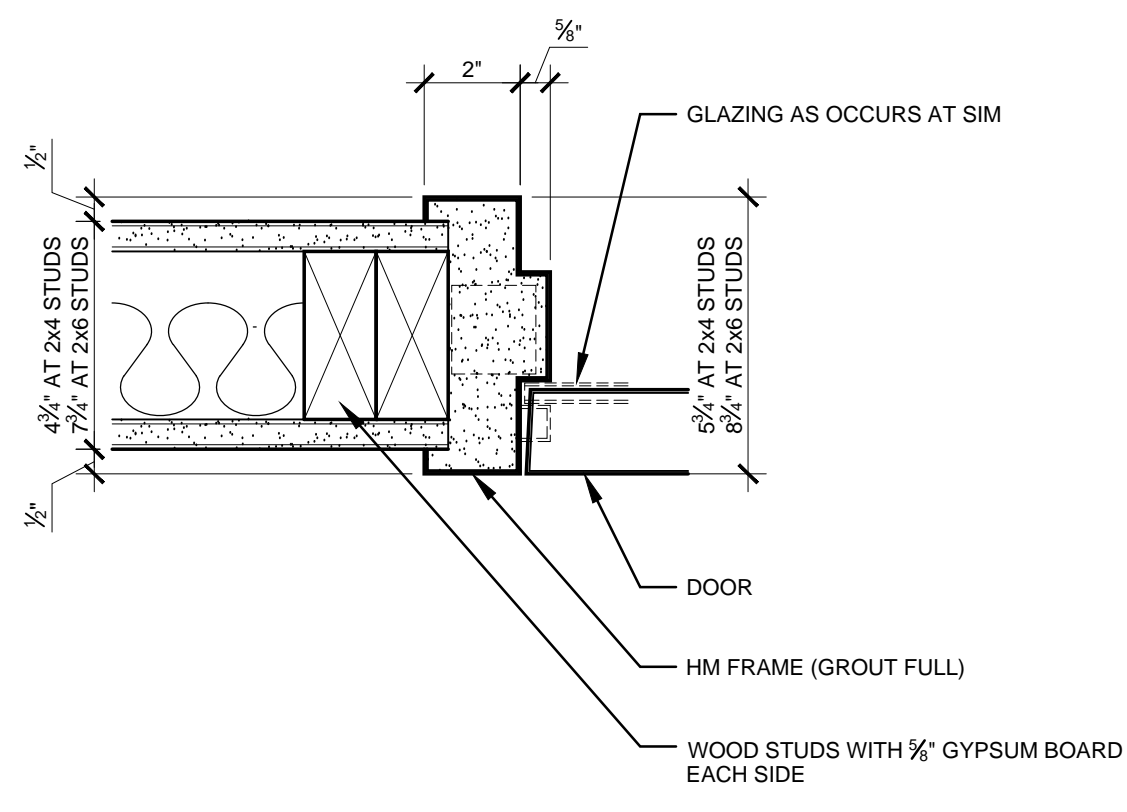
NOTES:
 1 - GROUT ALL WELDED HOLLOW METAL DOOR FRAMES PRIOR TO INSTALLATION.
 2 - REFER TO DOOR SCHEDULE FOR RATED DOORS WHICH REQUIRE 1/2" STOPS.



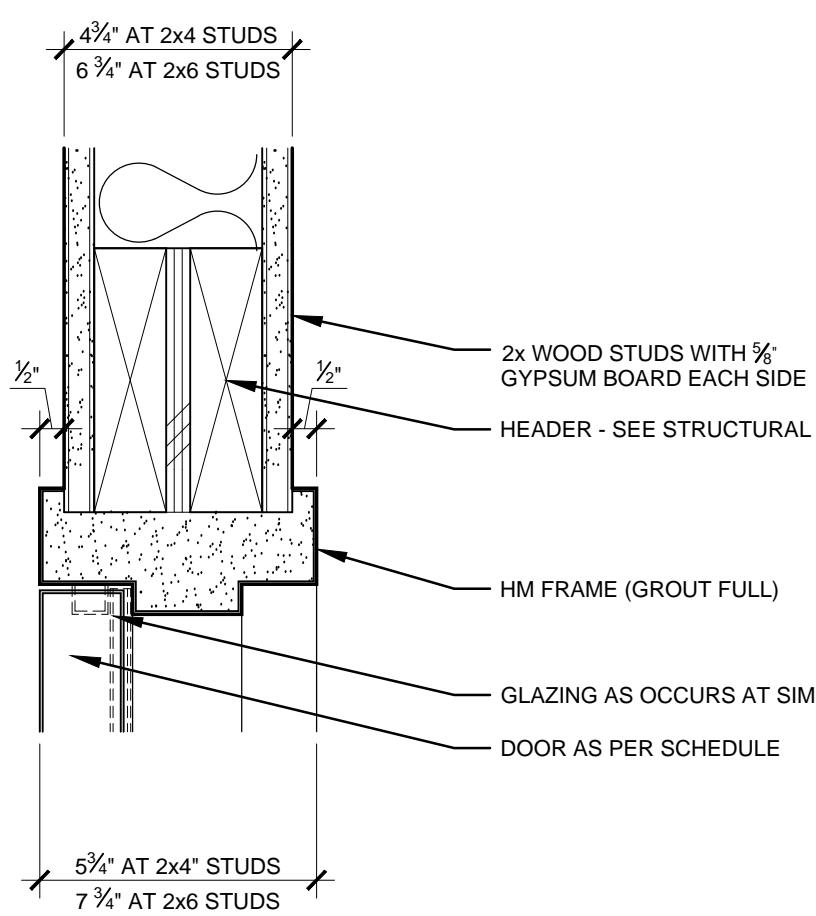
7 HOLLOW METAL JAMB AT RELITE
 SCALE: 3" = 1'-0" 22079-A8.1-07



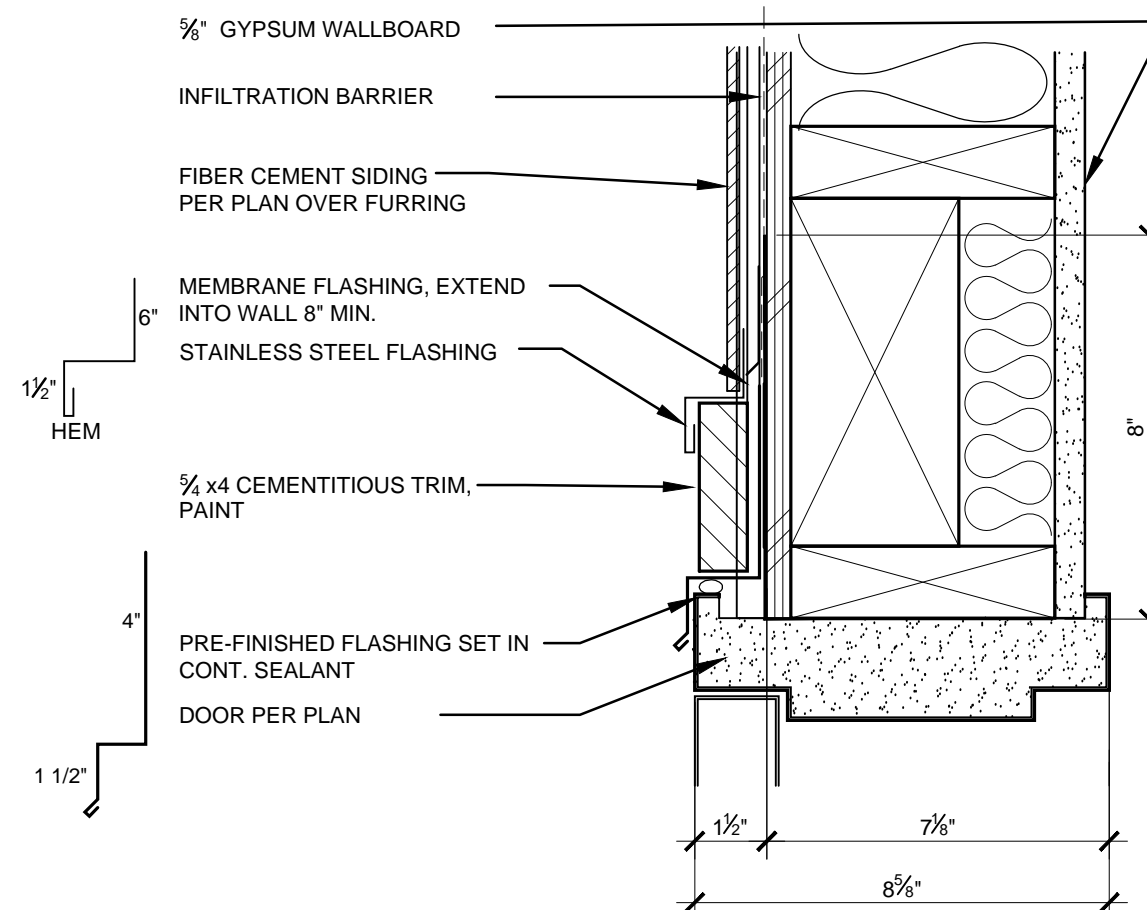
8 SILL
 SCALE: 3" = 1'-0" 22079-A8.1-08



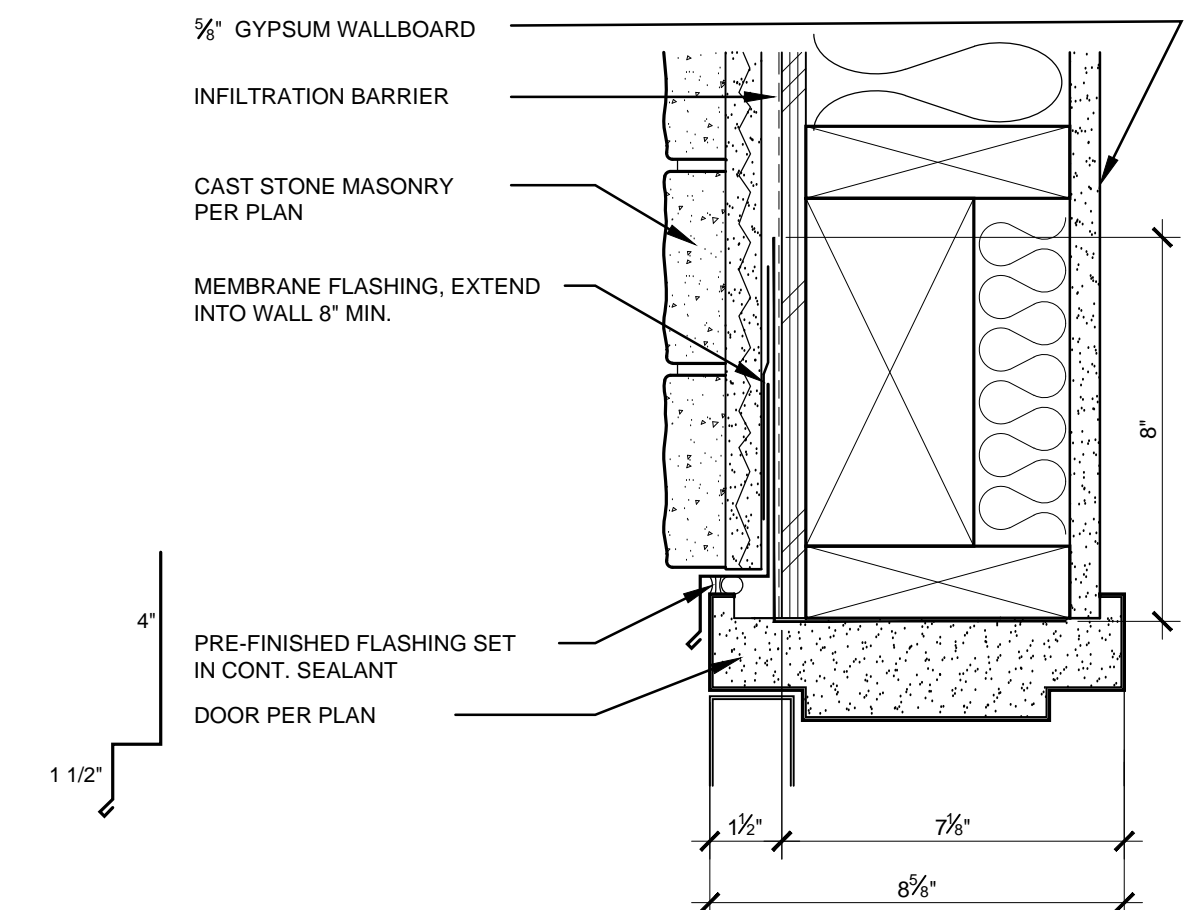
9 TYPICAL HOLLOW METAL JAMB
 SCALE: 3" = 1'-0" 22079-A8.1-09



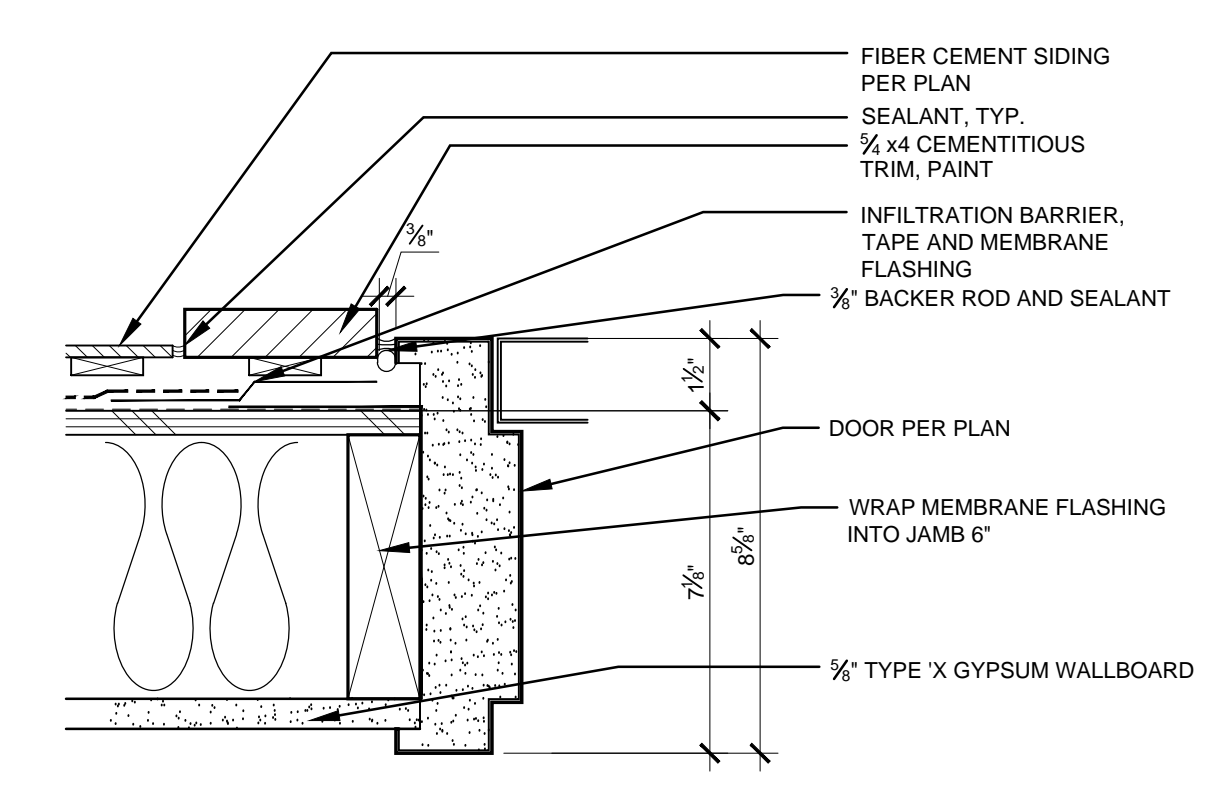
4 TYP HOLLOW METAL HEAD - WD STUD
 SCALE: 3" = 1'-0" 22079-A8.1-04



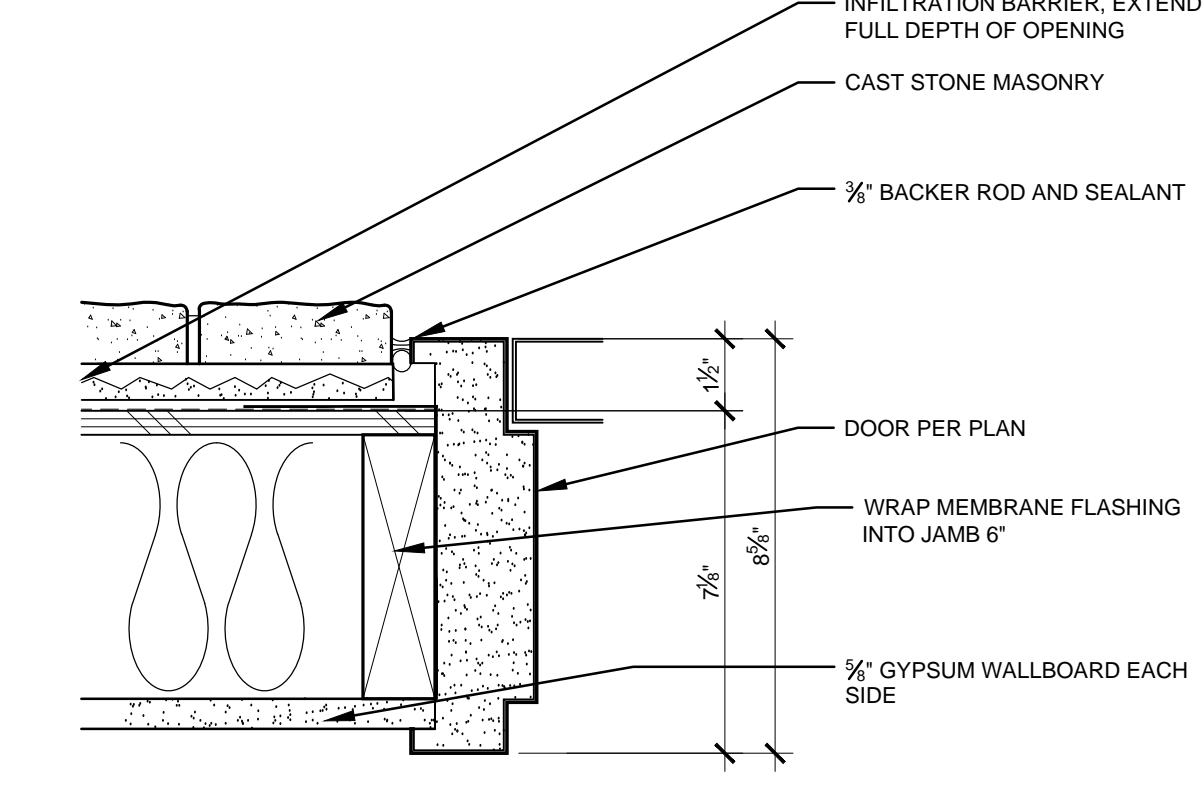
5 H.M. DOOR HEAD (SIDING)
 SCALE: 3" = 1'-0" 22079-A8.1-05



6 H.M. DOOR HEAD (STONE)
 SCALE: 3" = 1'-0" 22079-A8.1-06



10 H.M. DOOR JAMB (SIDING)
 SCALE: 3" = 1'-0" 22079-A8.1-10



11 H.M. DOOR JAMB (BRICK)
 SCALE: 3" = 1'-0" 22079-A8.1-11

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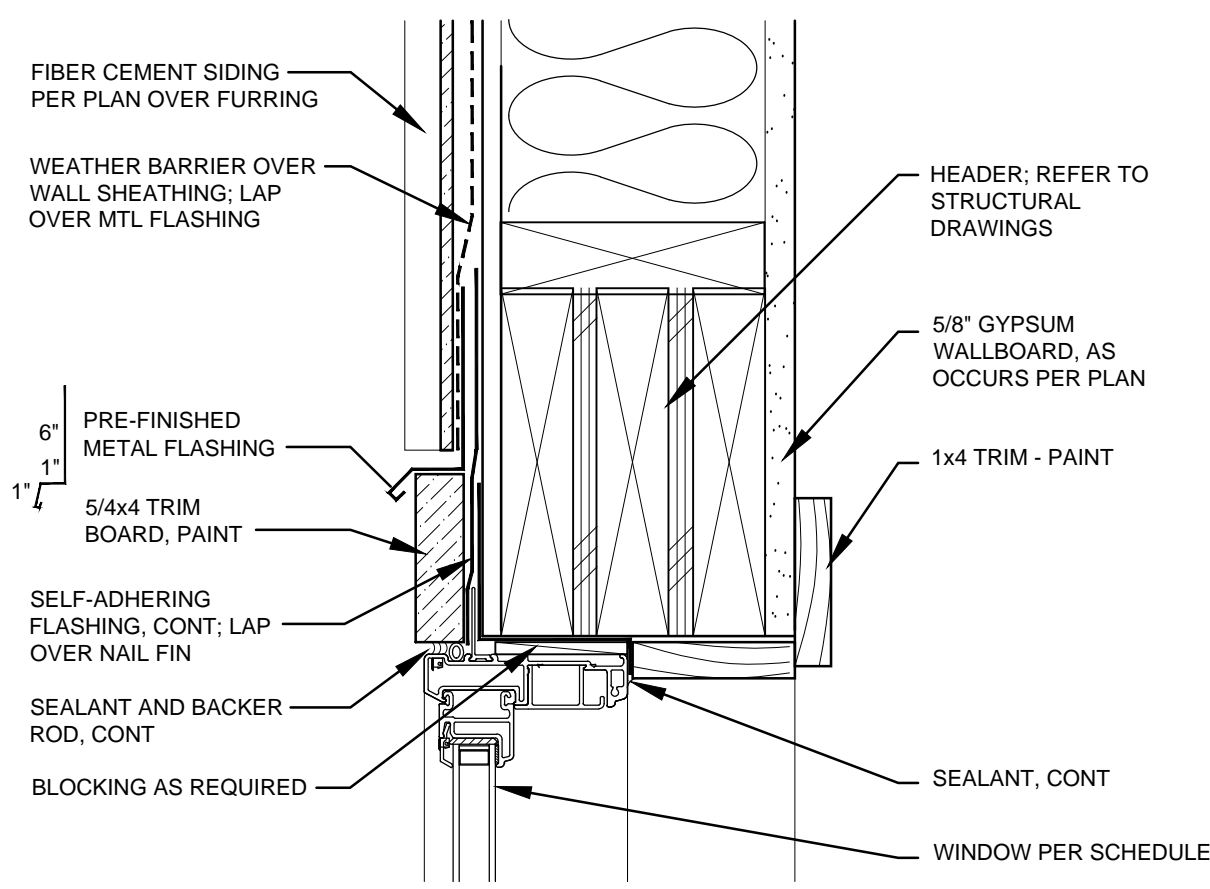
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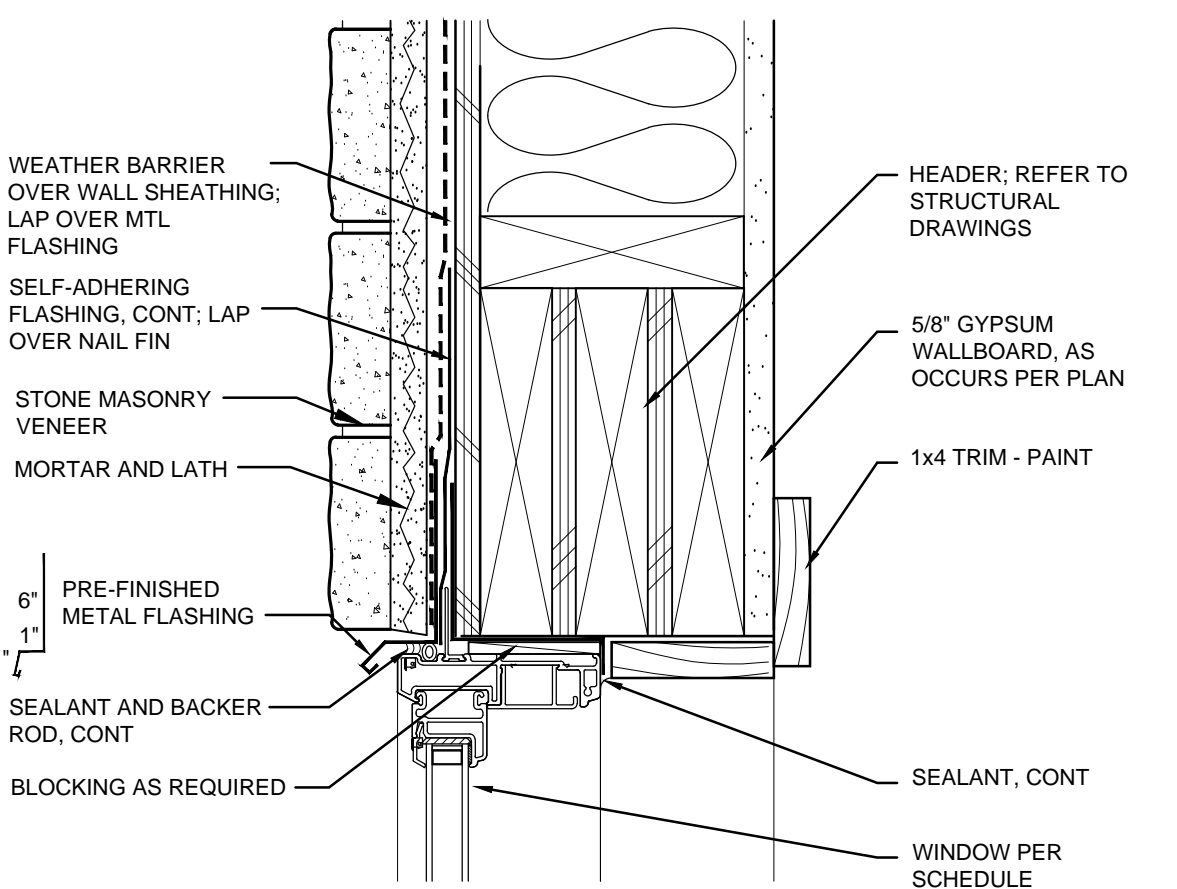
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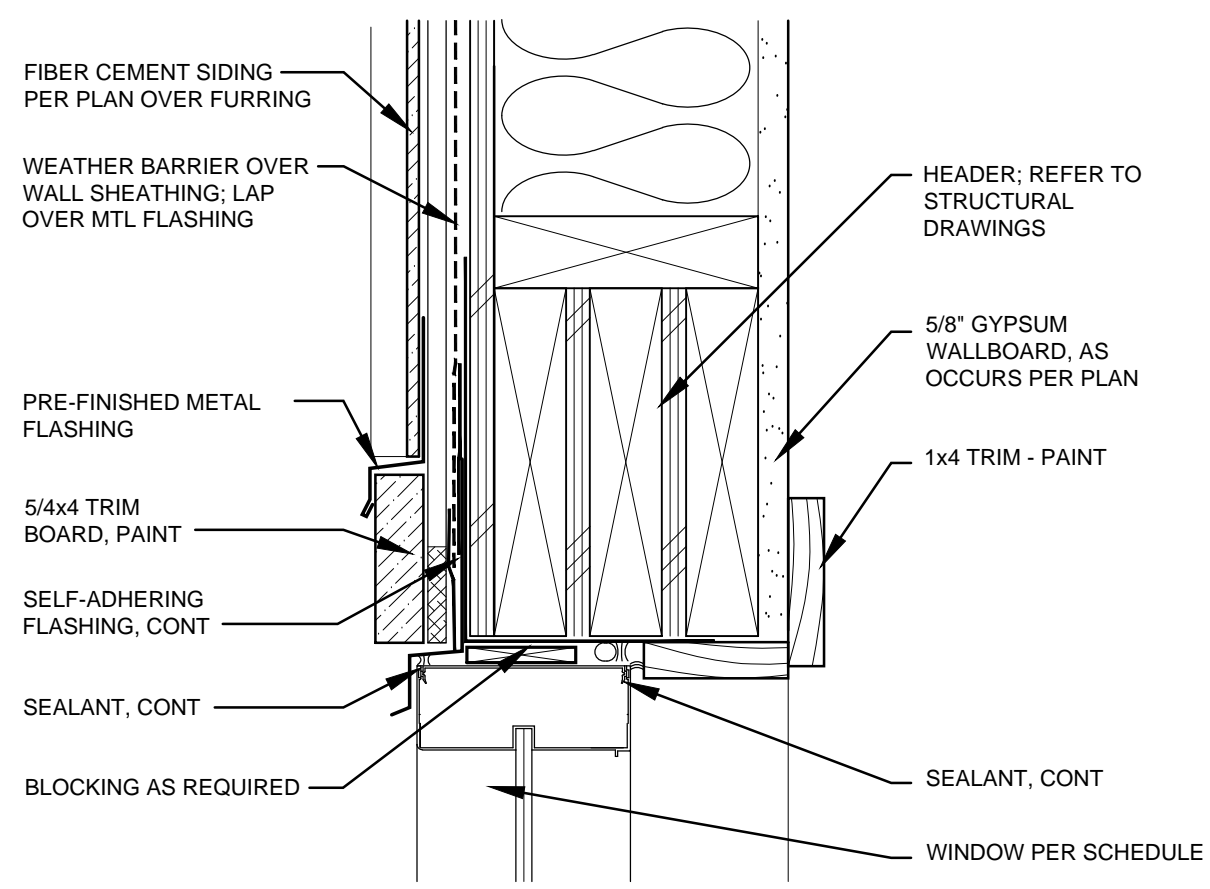
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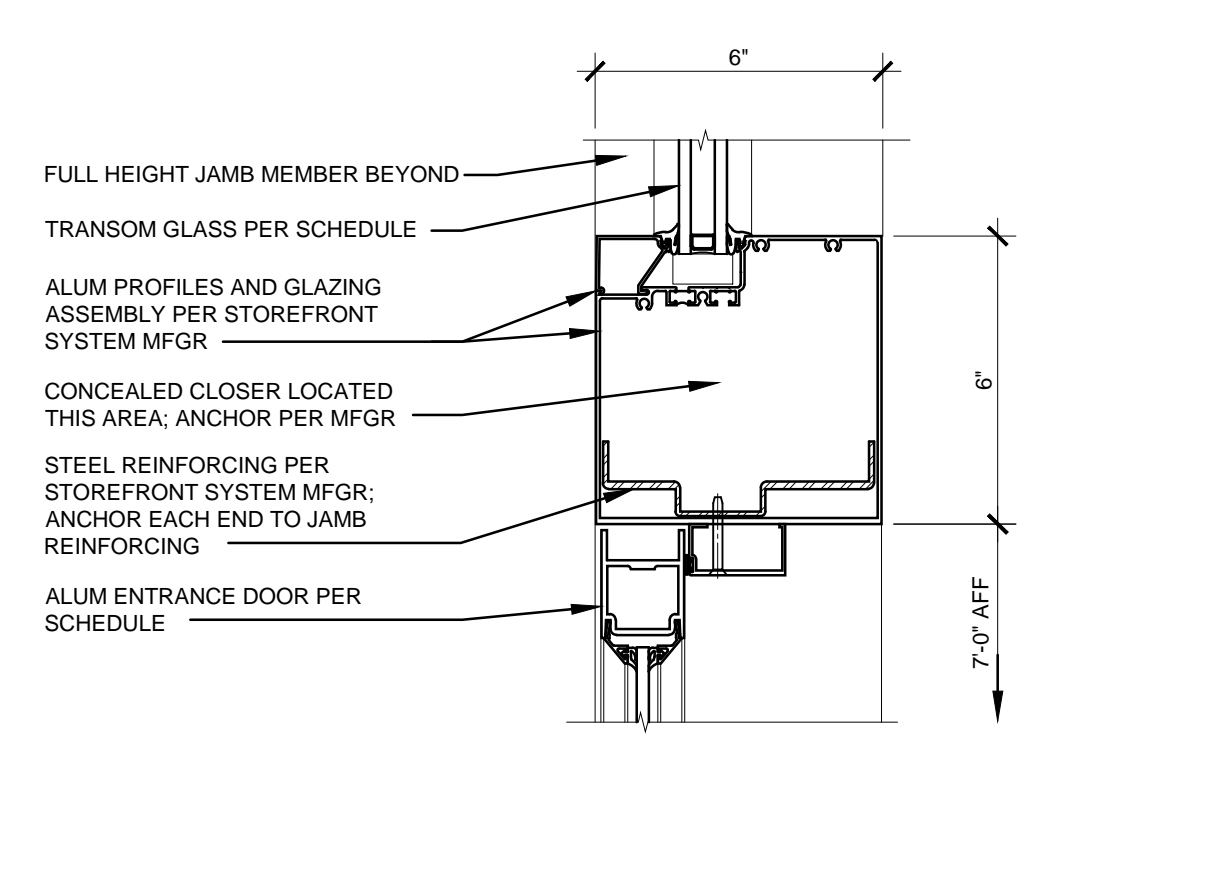
1 WINDOW HEAD - SIDING
SCALE: 3" = 1'-0"
22079-A8.2-01



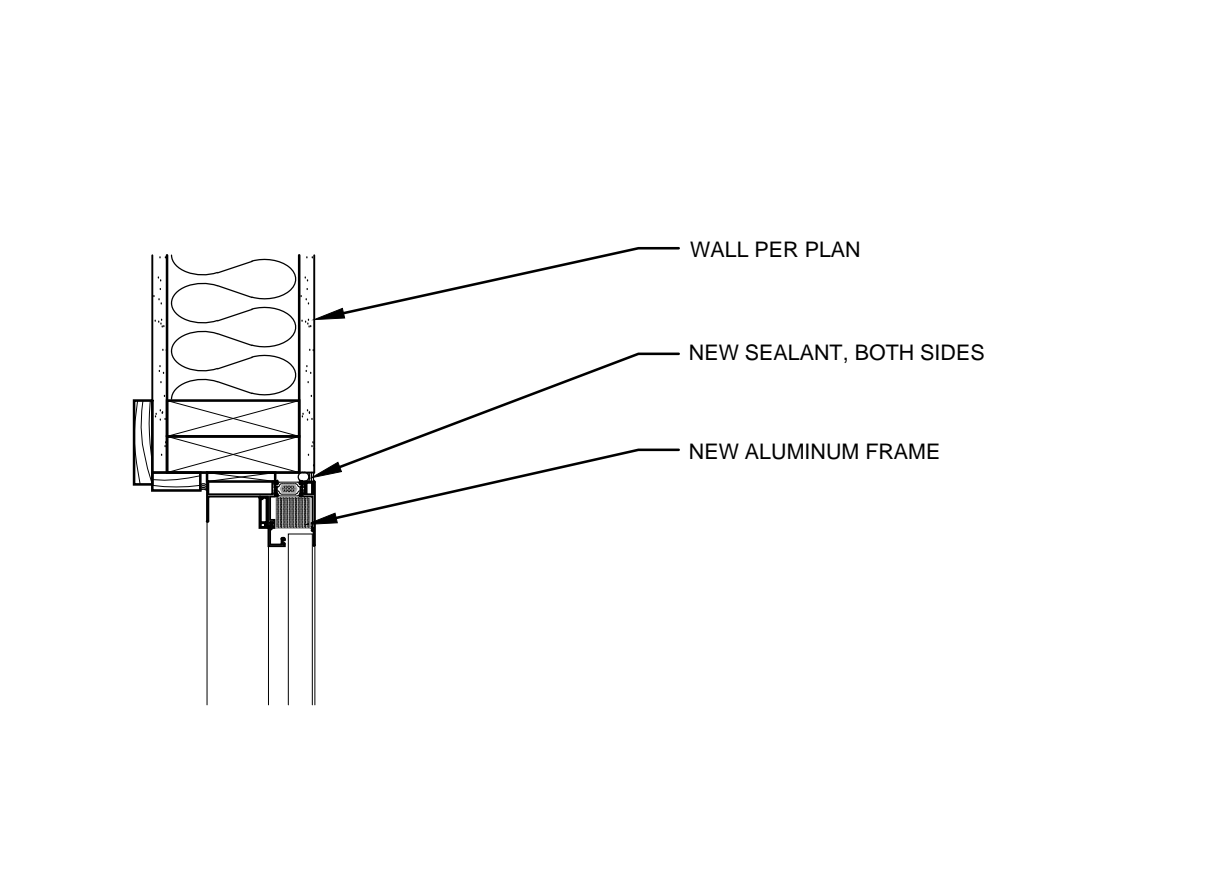
2 WINDOW HEAD - STONE
SCALE: 3" = 1'-0"
22079-A8.2-02



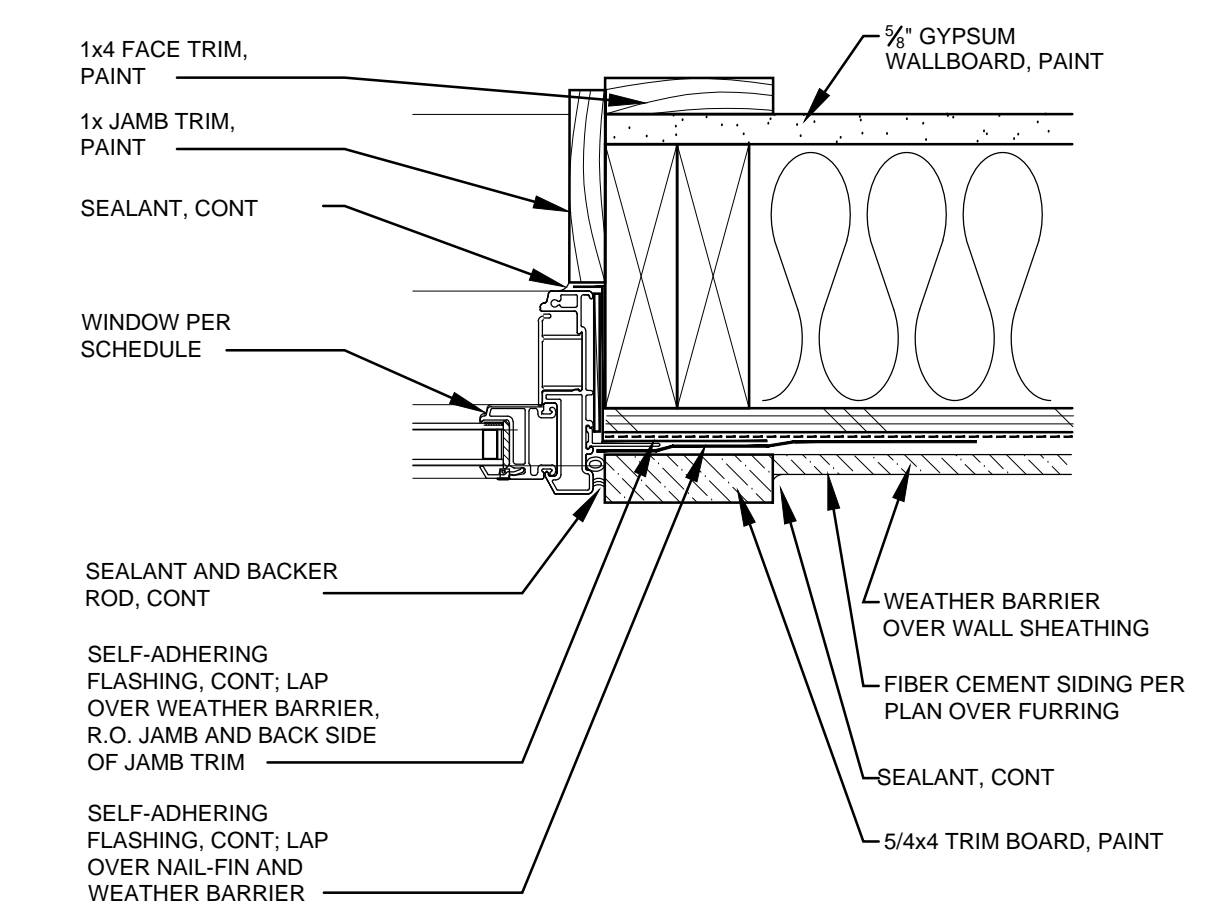
3 ALUM WINDOW HEAD - SIDING
SCALE: 3" = 1'-0"
22079-A8.2-03



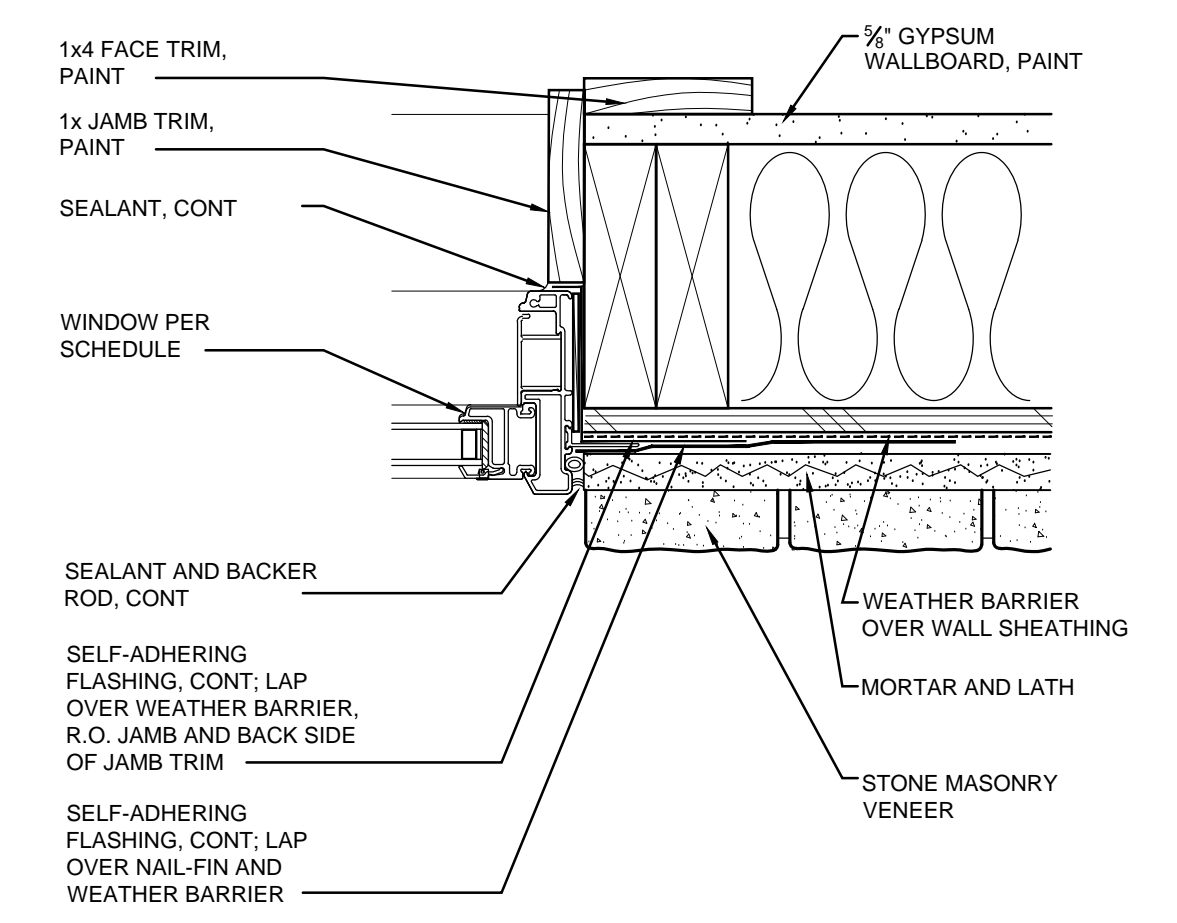
4 ALUM DOOR HEAD AND TRANSOM
SCALE: 3" = 1'-0"
22079-A8.2-04



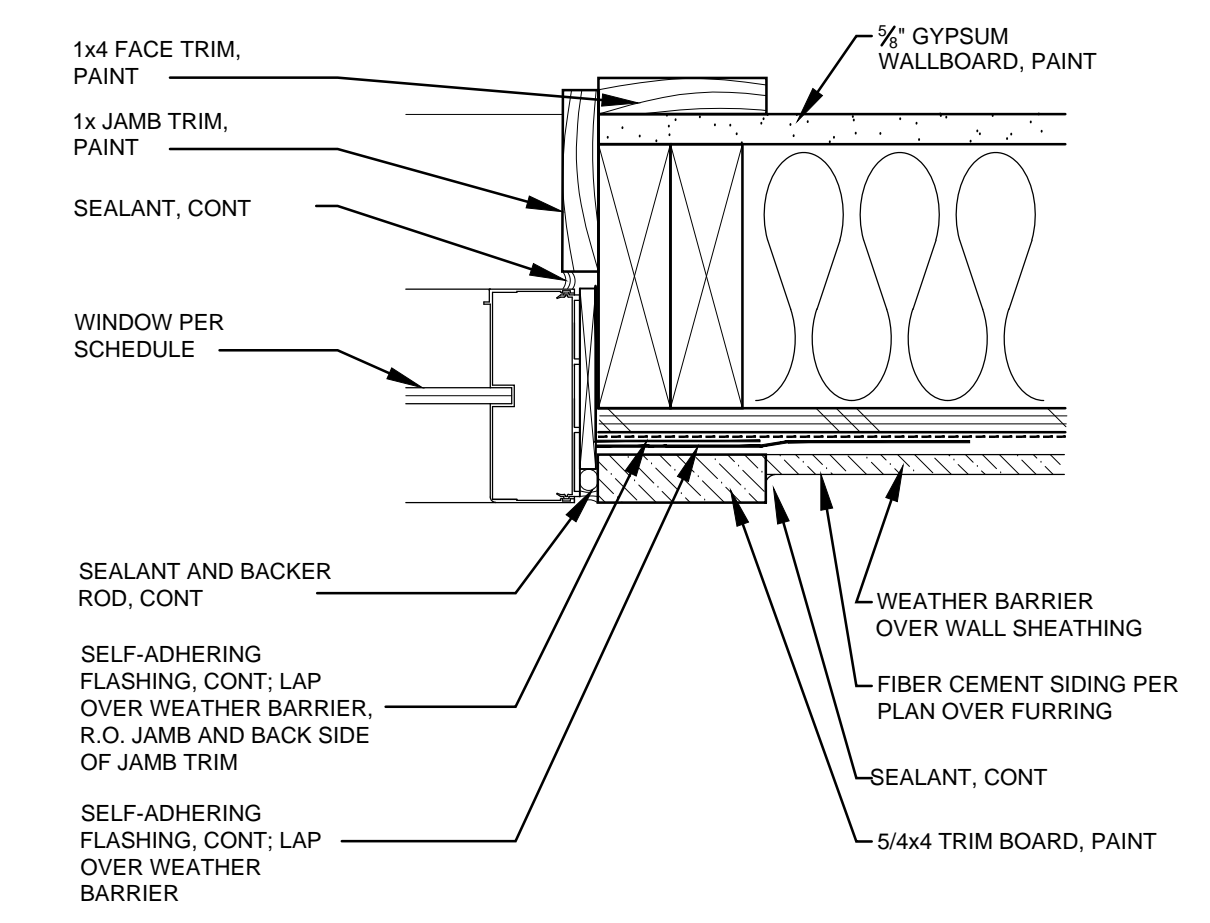
5 ALUM WINDOW HEAD - JAMB SIM
SCALE: 1-1/2" = 1'-0"
22079-A8.2-05



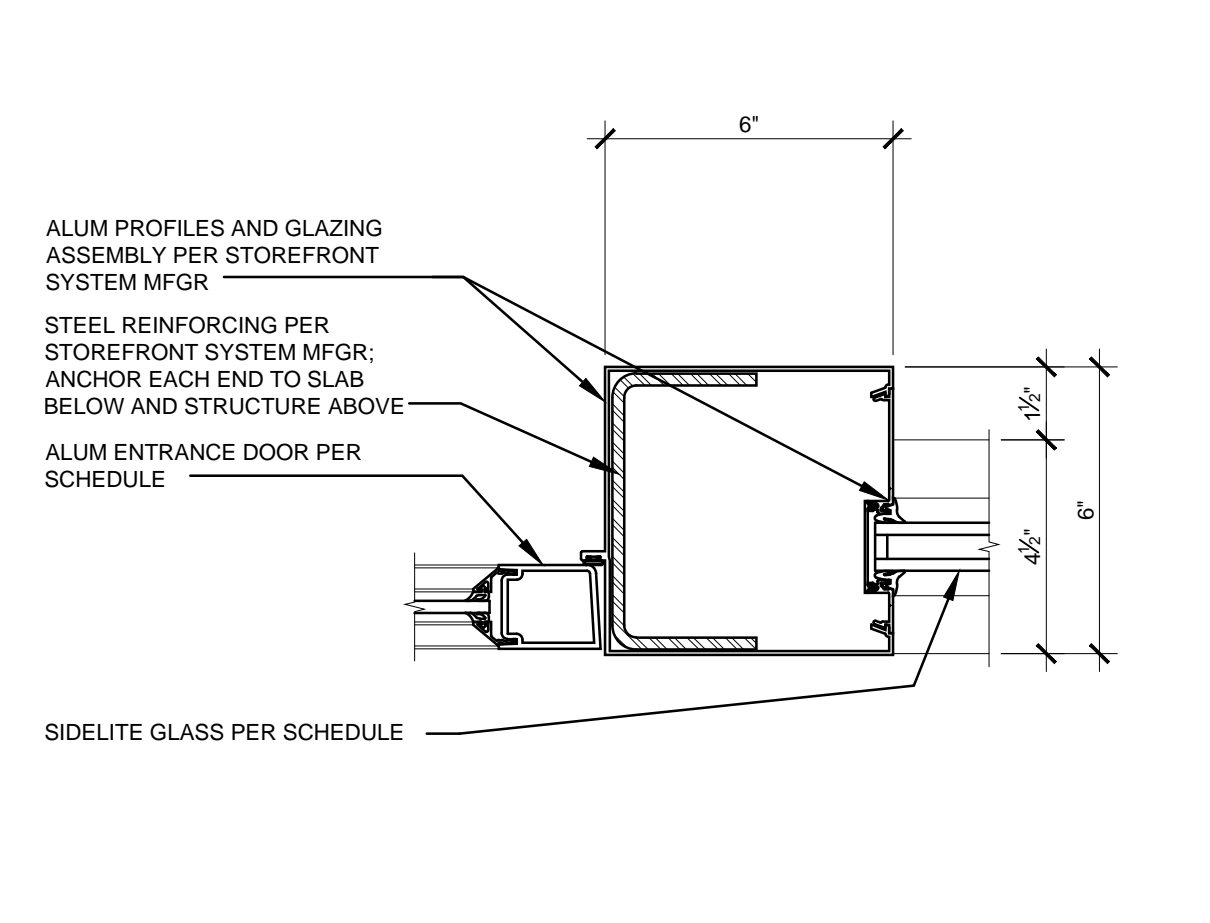
6 WINDOW JAMB - SIDING
SCALE: 3" = 1'-0"
22079-A8.2-06



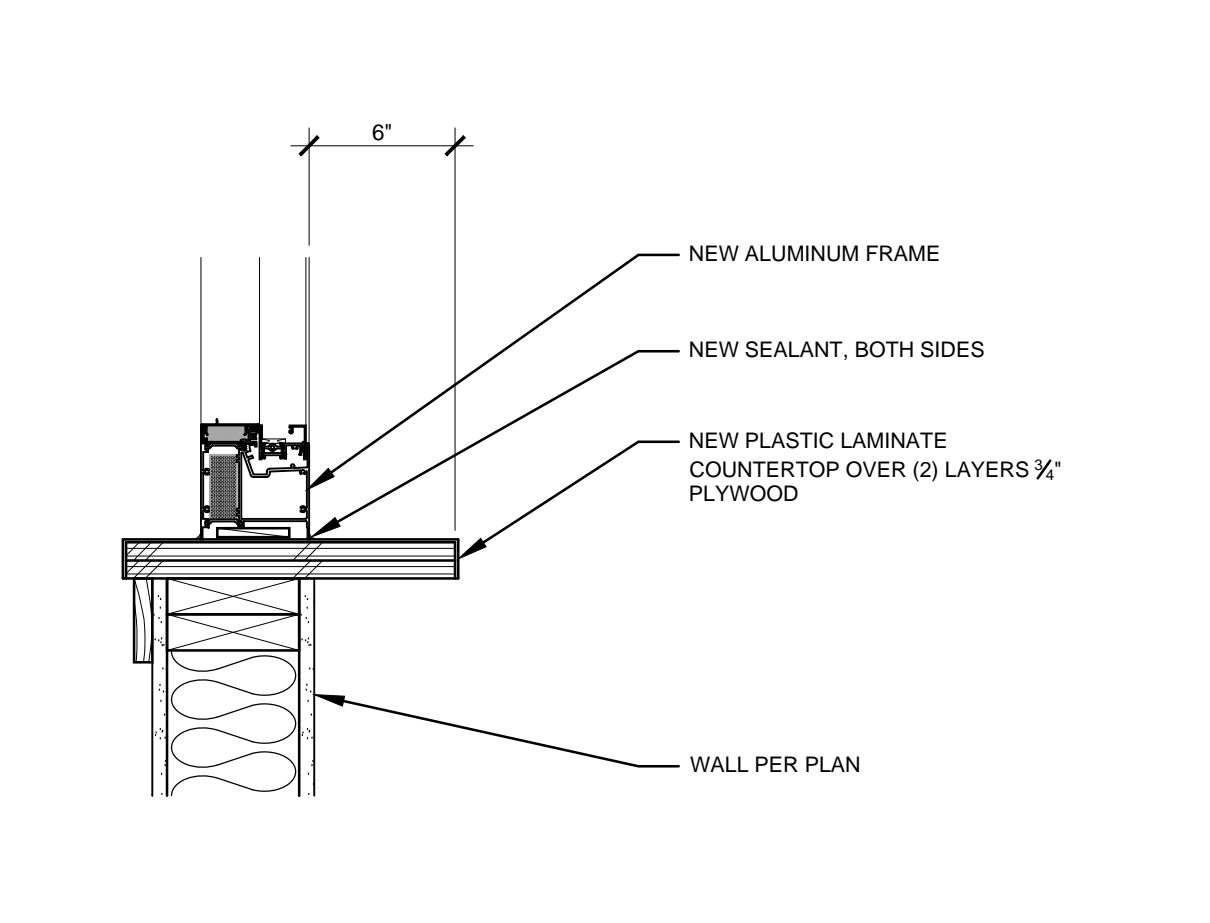
7 WINDOW JAMB - STONE
SCALE: 3" = 1'-0"
22079-A8.2-07



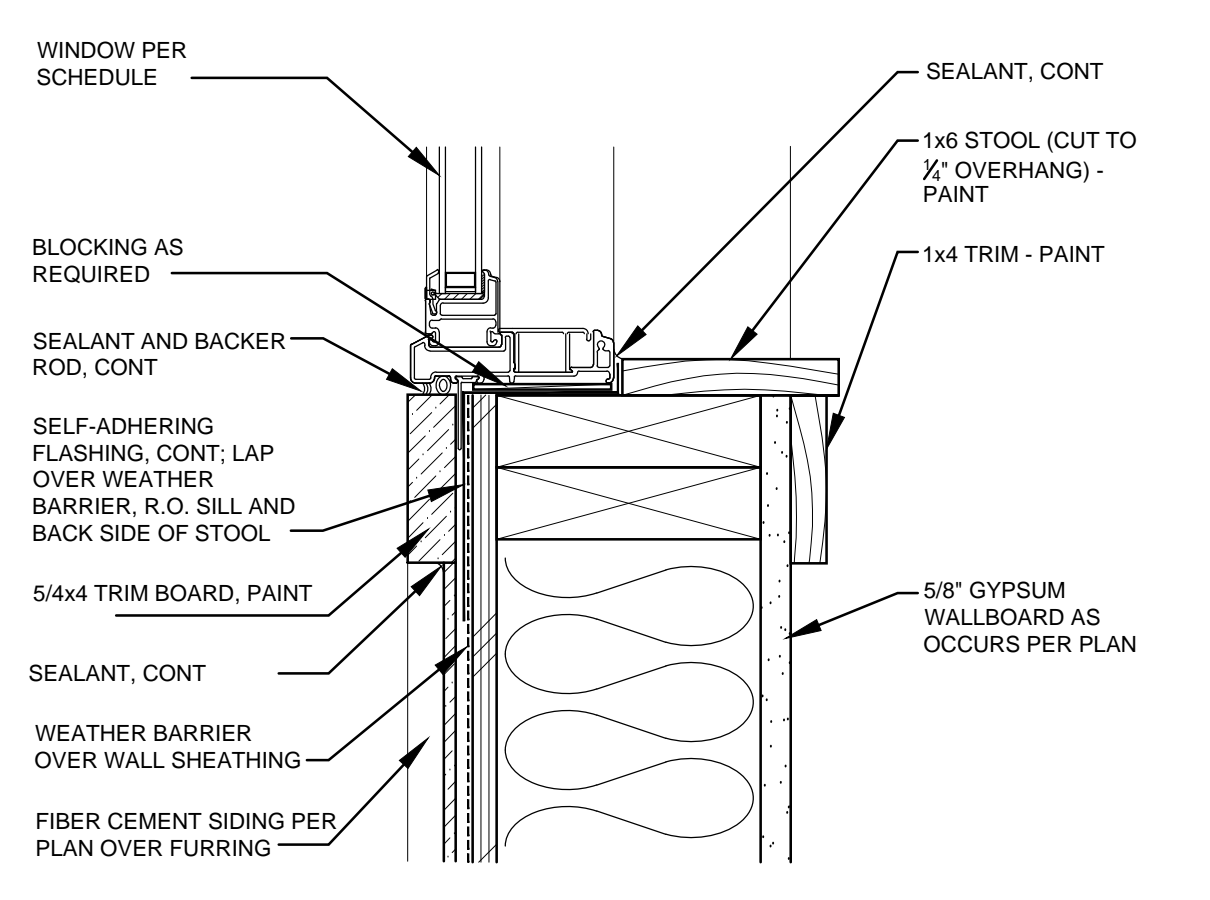
8 ALUM WINDOW JAMB - SIDING
SCALE: 3" = 1'-0"
22079-A8.2-08



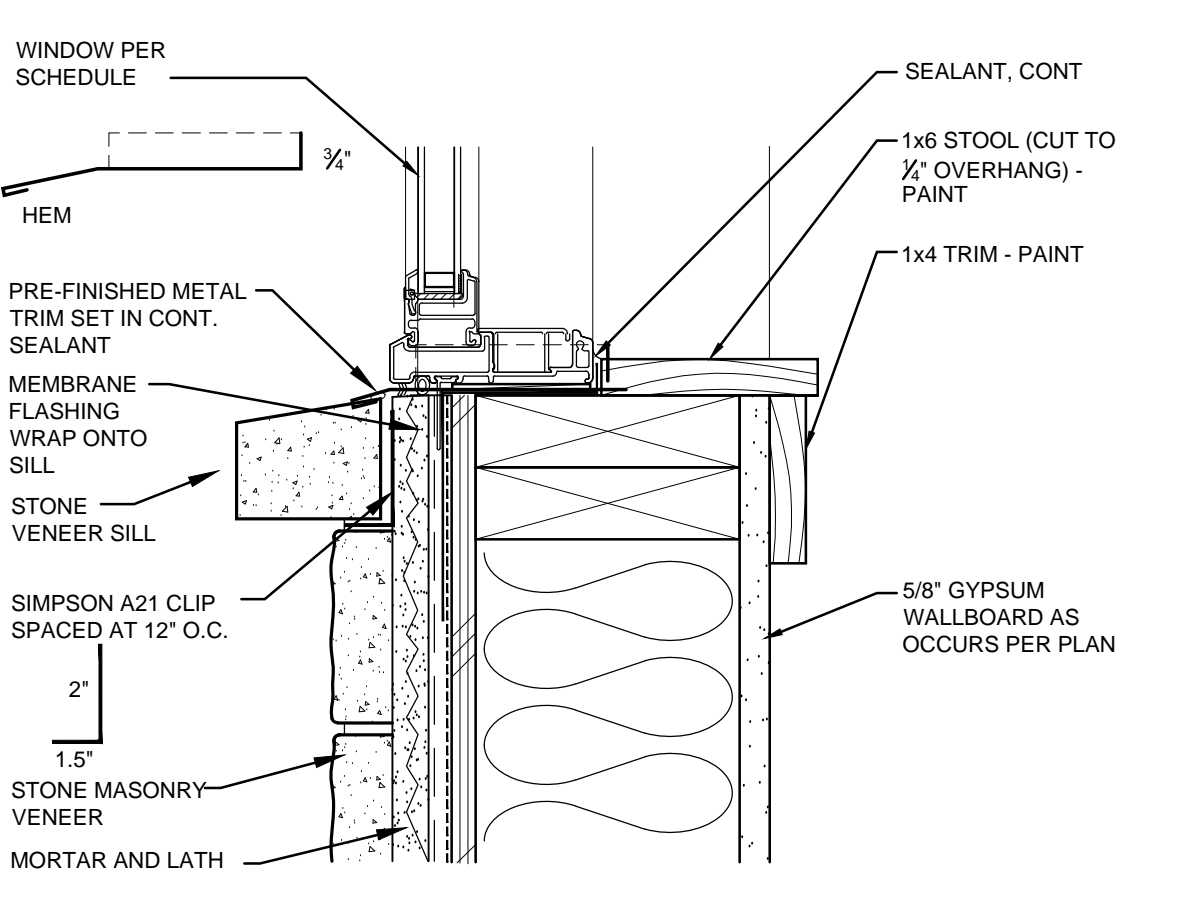
9 ALUM DOOR JAMB AND SIDELITE
SCALE: 3" = 1'-0"
22079-A8.2-09



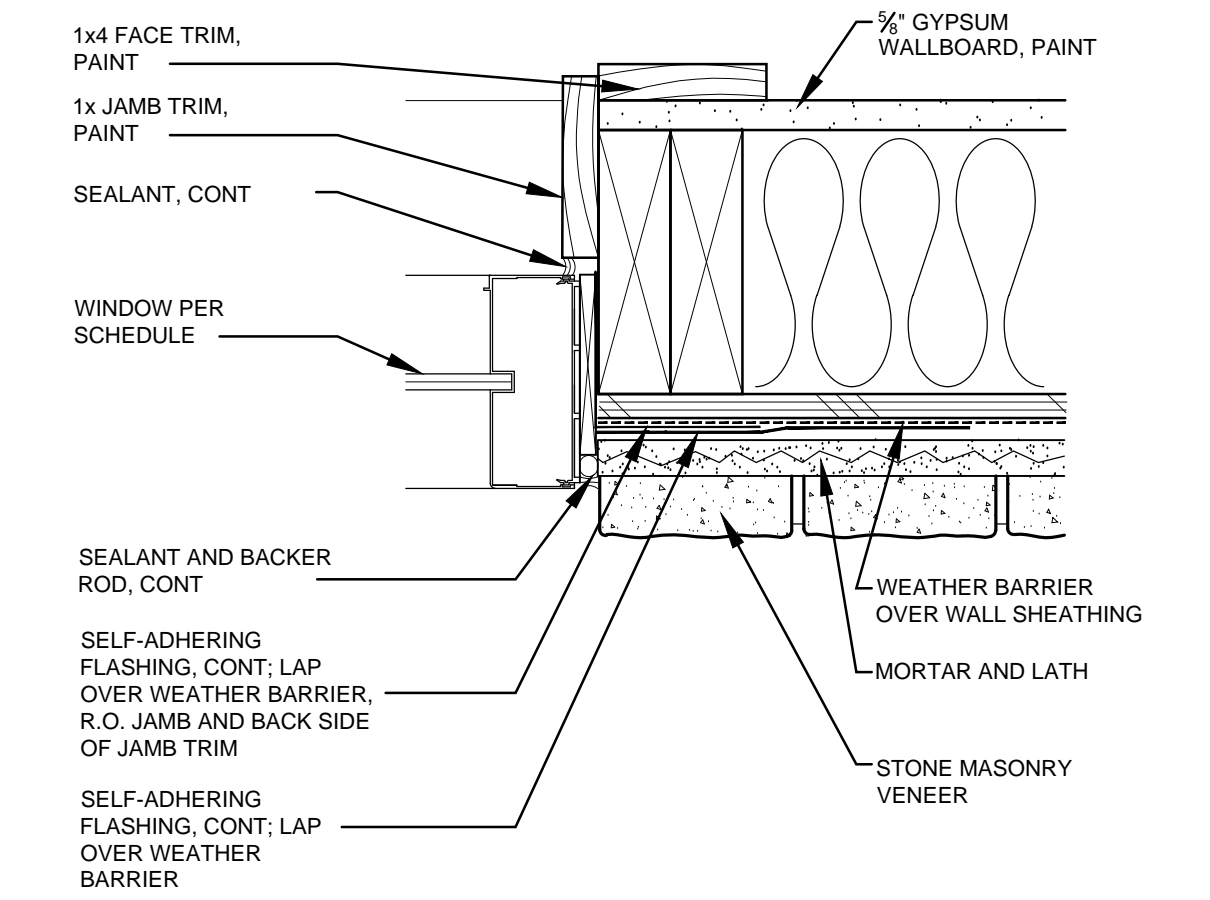
10 ALUM WINDOW SILL
SCALE: 1-1/2" = 1'-0"
22079-A8.2-10



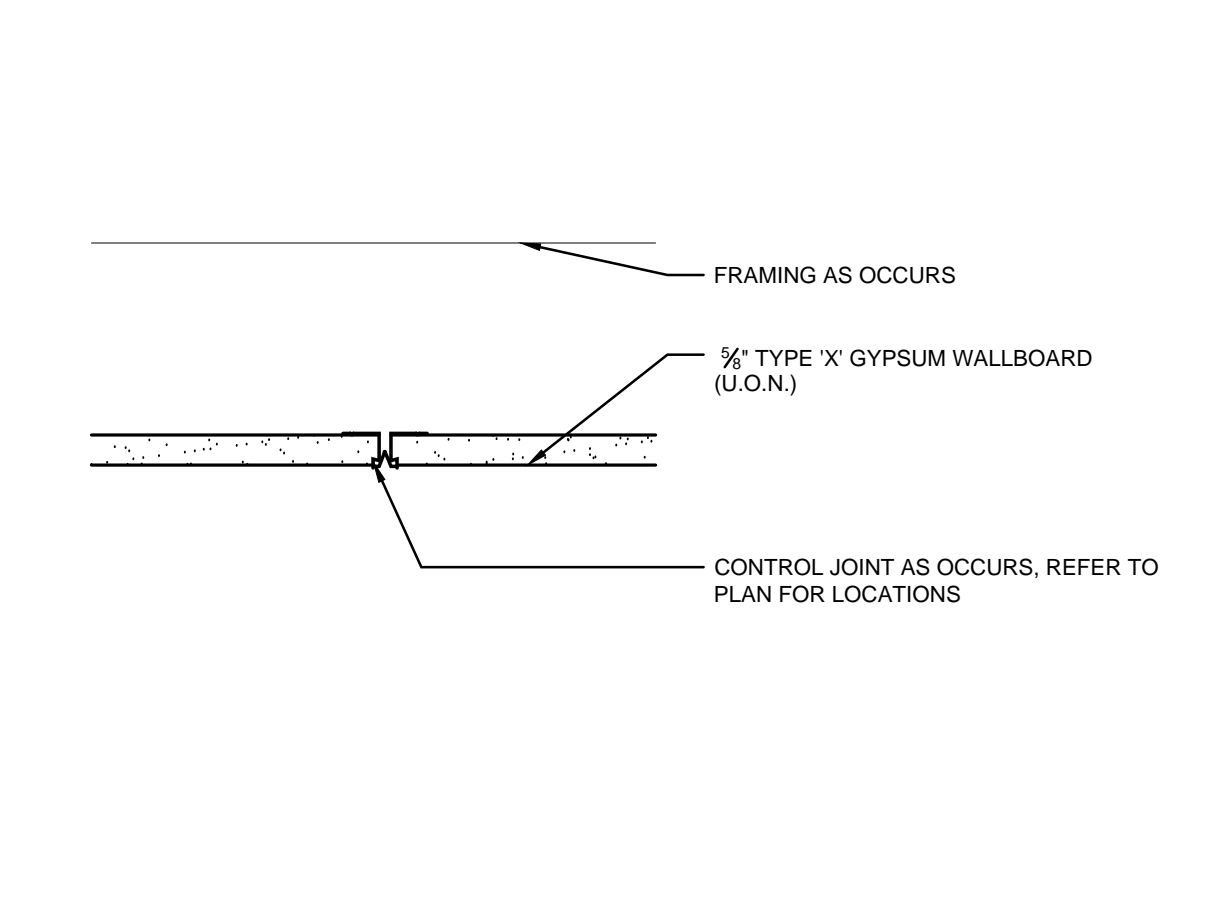
11 WINDOW SILL - SIDING
SCALE: 3" = 1'-0"
22079-A8.2-11



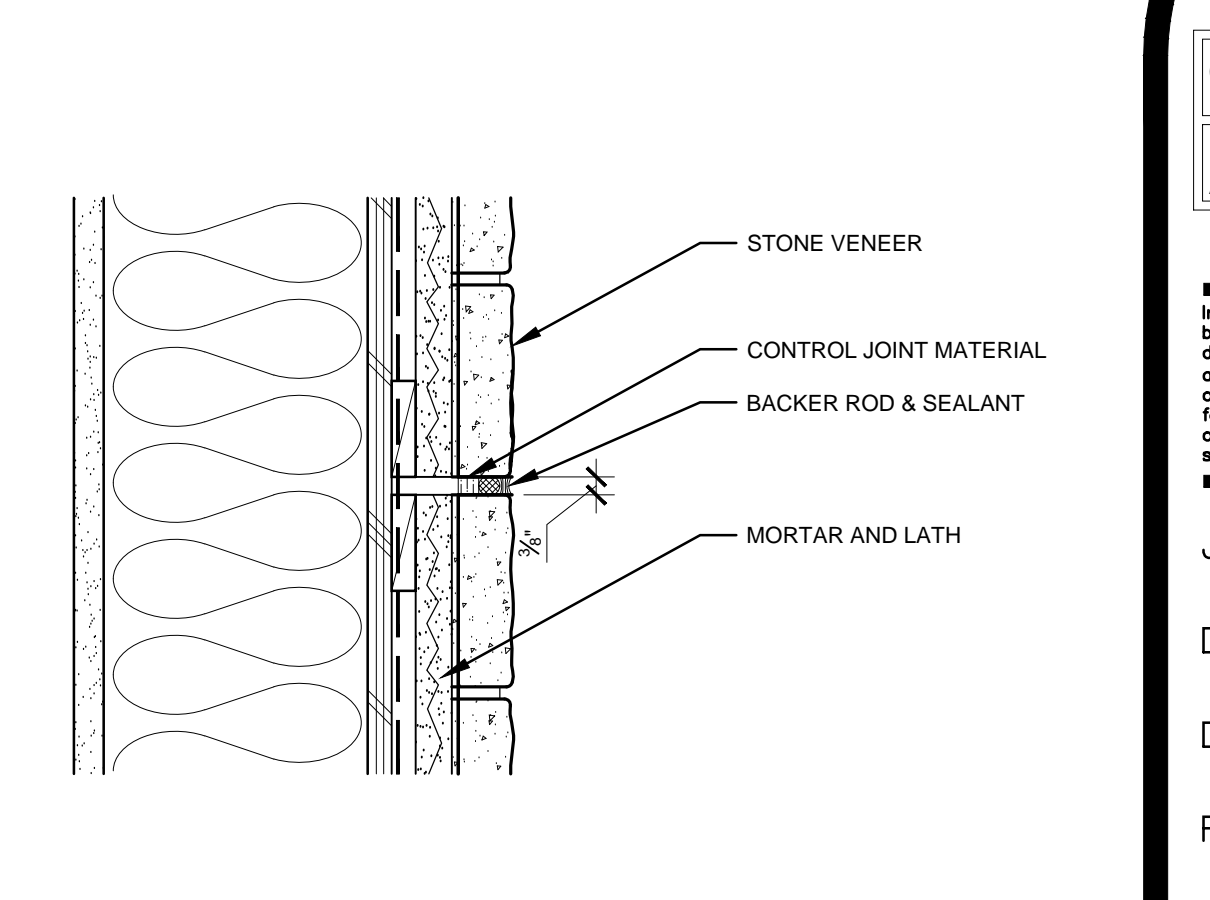
12 WINDOW SILL - STONE
SCALE: 3" = 1'-0"
22079-A8.2-12



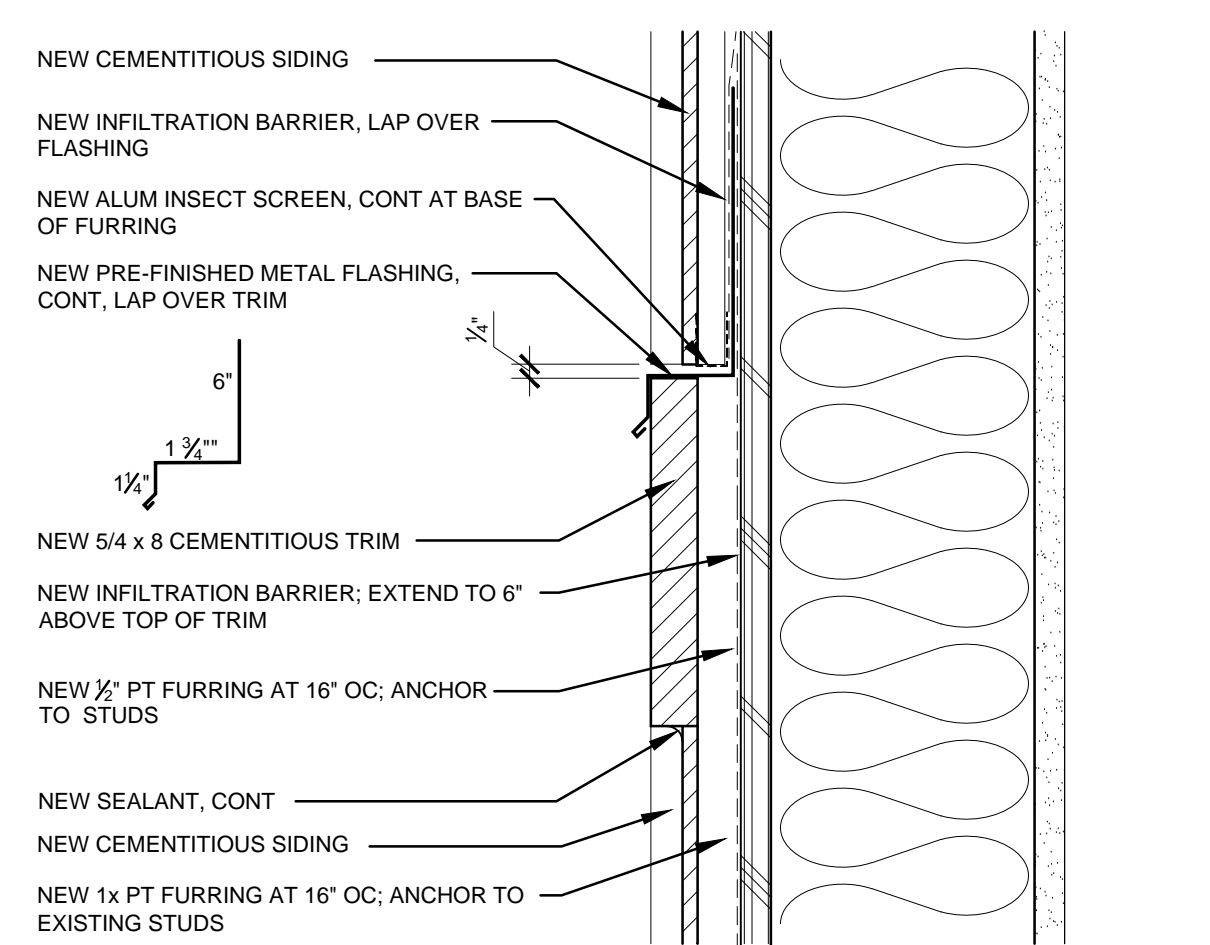
13 ALUM WINDOW JAMB - STONE
SCALE: 3" = 1'-0"
22079-A8.2-13



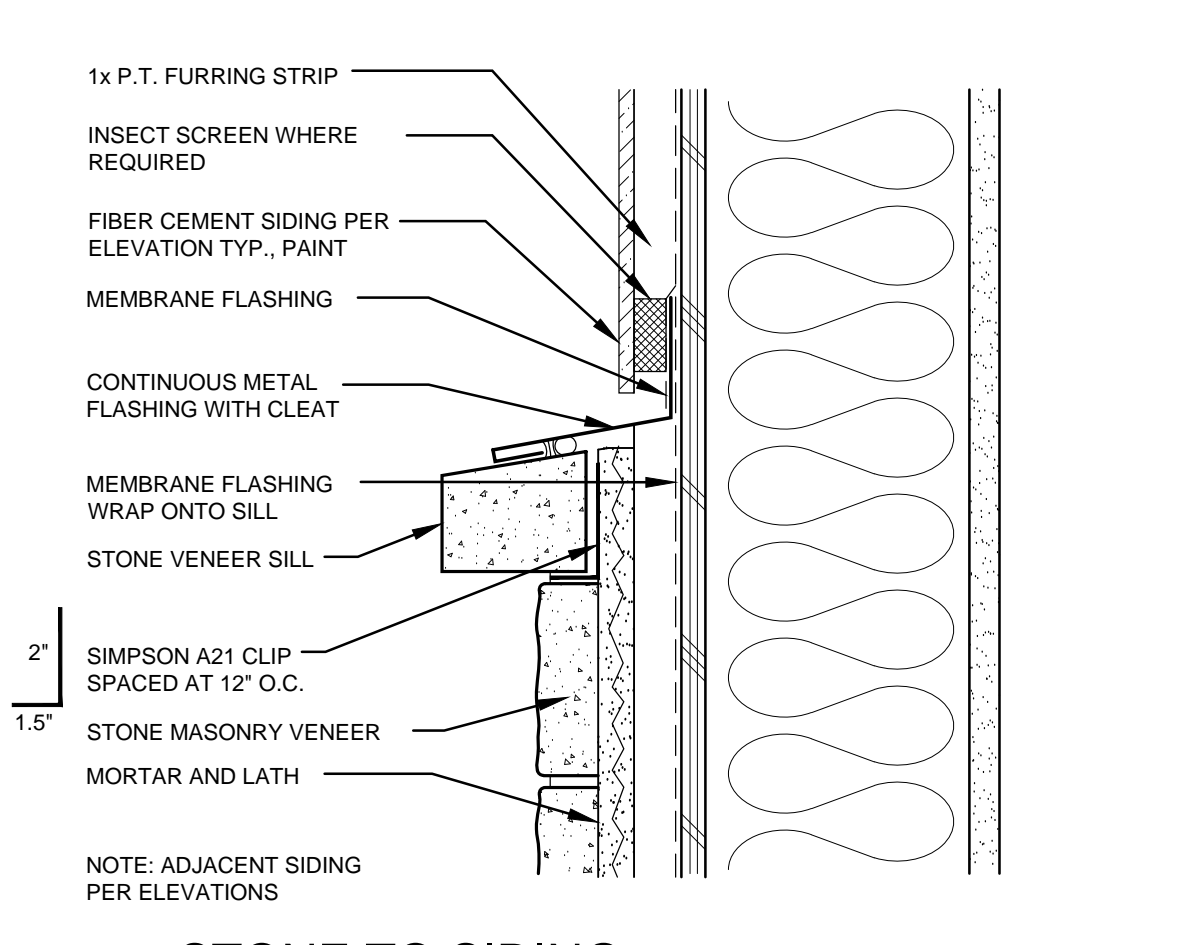
14 CONTROL JOINT
SCALE: 3" = 1'-0"
22079-A8.2-14



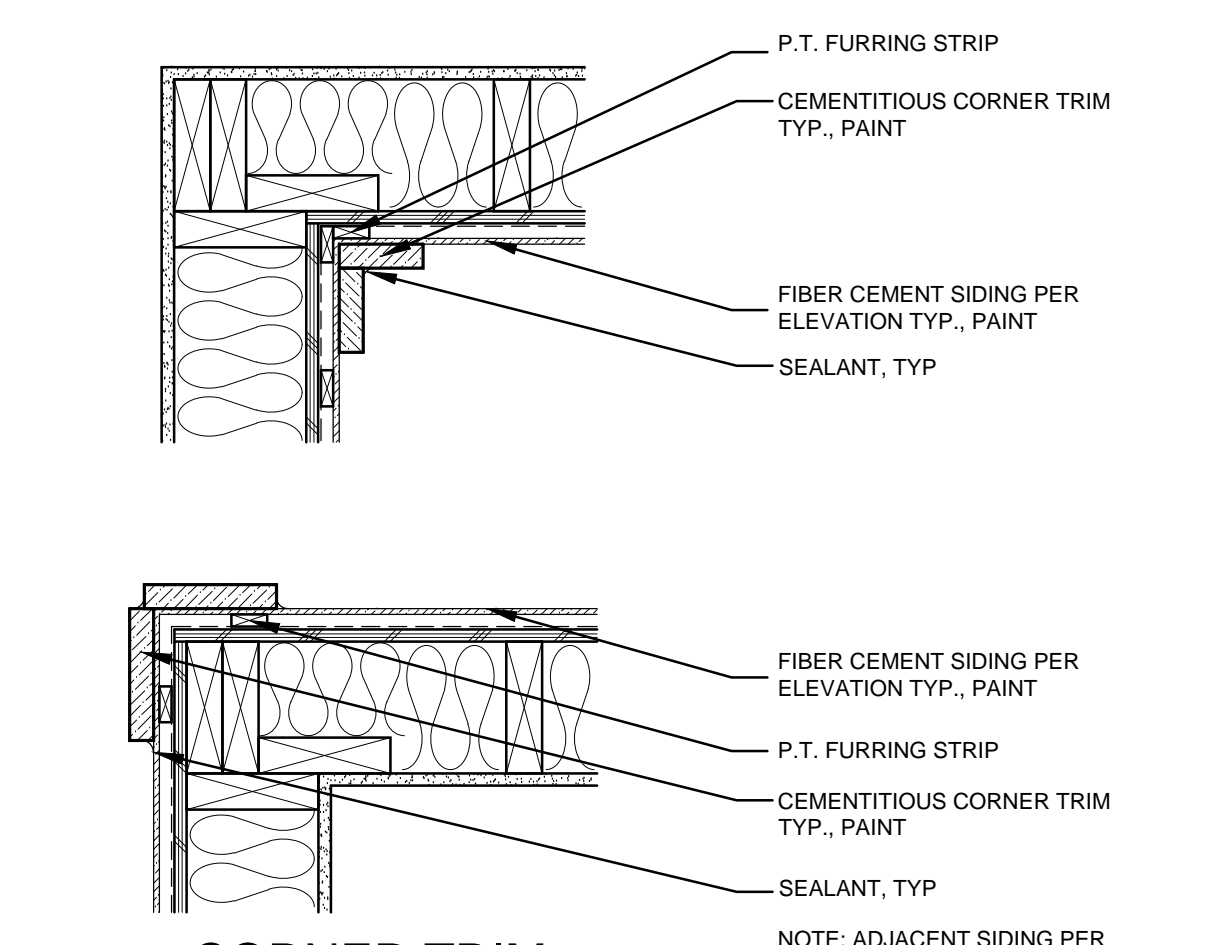
15 MASONRY JOINT
SCALE: 3" = 1'-0"
22079-A8.2-15



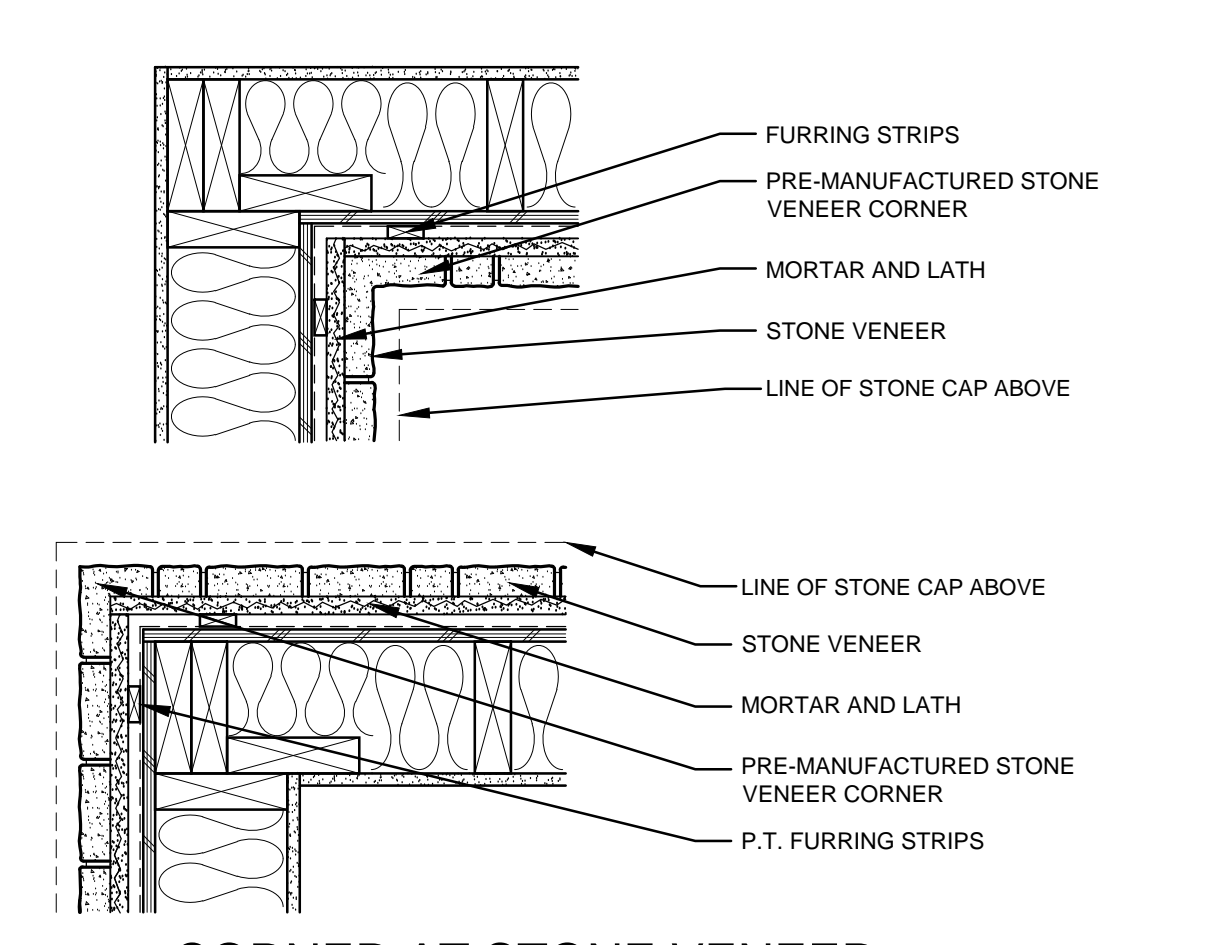
16 CEMENTITIOUS TRIM BAND
SCALE: 3" = 1'-0"
22079-A8.2-16



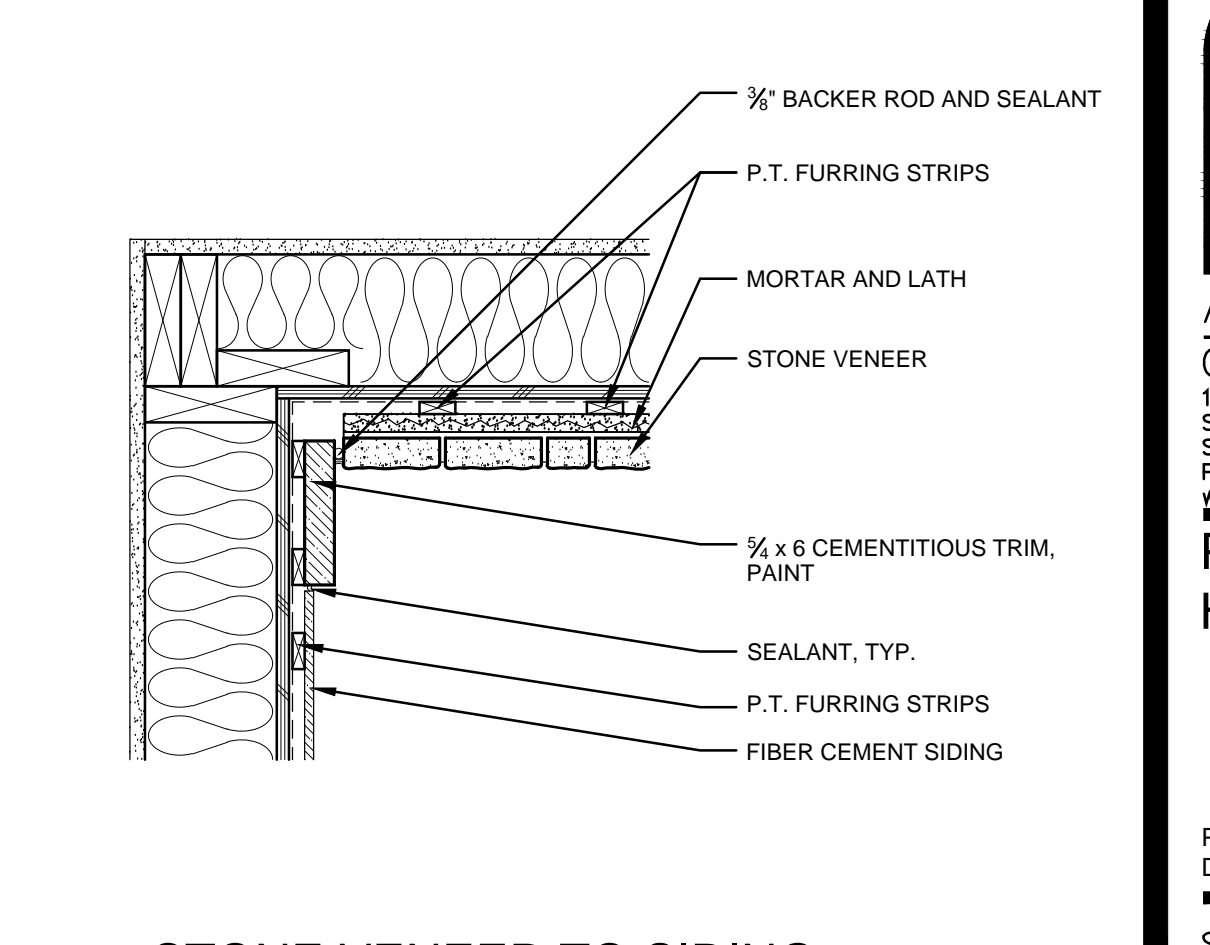
17 STONE TO SIDING
SCALE: 3" = 1'-0"
22079-A8.2-17



18 CORNER TRIM
SCALE: 3/4" = 1'-0"
22079-A8.2-18



19 CORNER AT STONE VENEER
SCALE: 3/4" = 1'-0"
22079-A8.2-19



20 STONE VENEER TO SIDING
SCALE: 1 1/2" = 1'-0"
22079-A8.2-20

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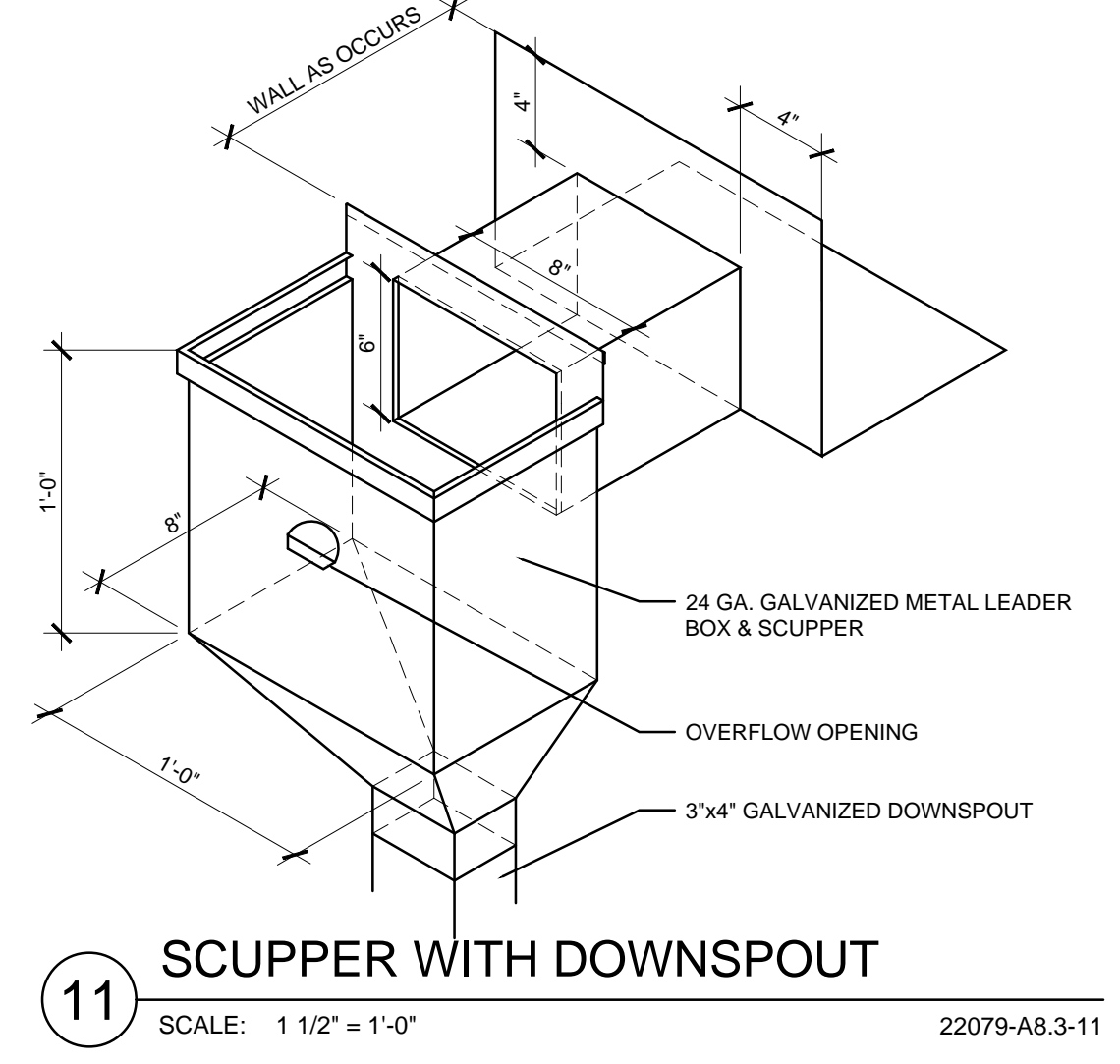
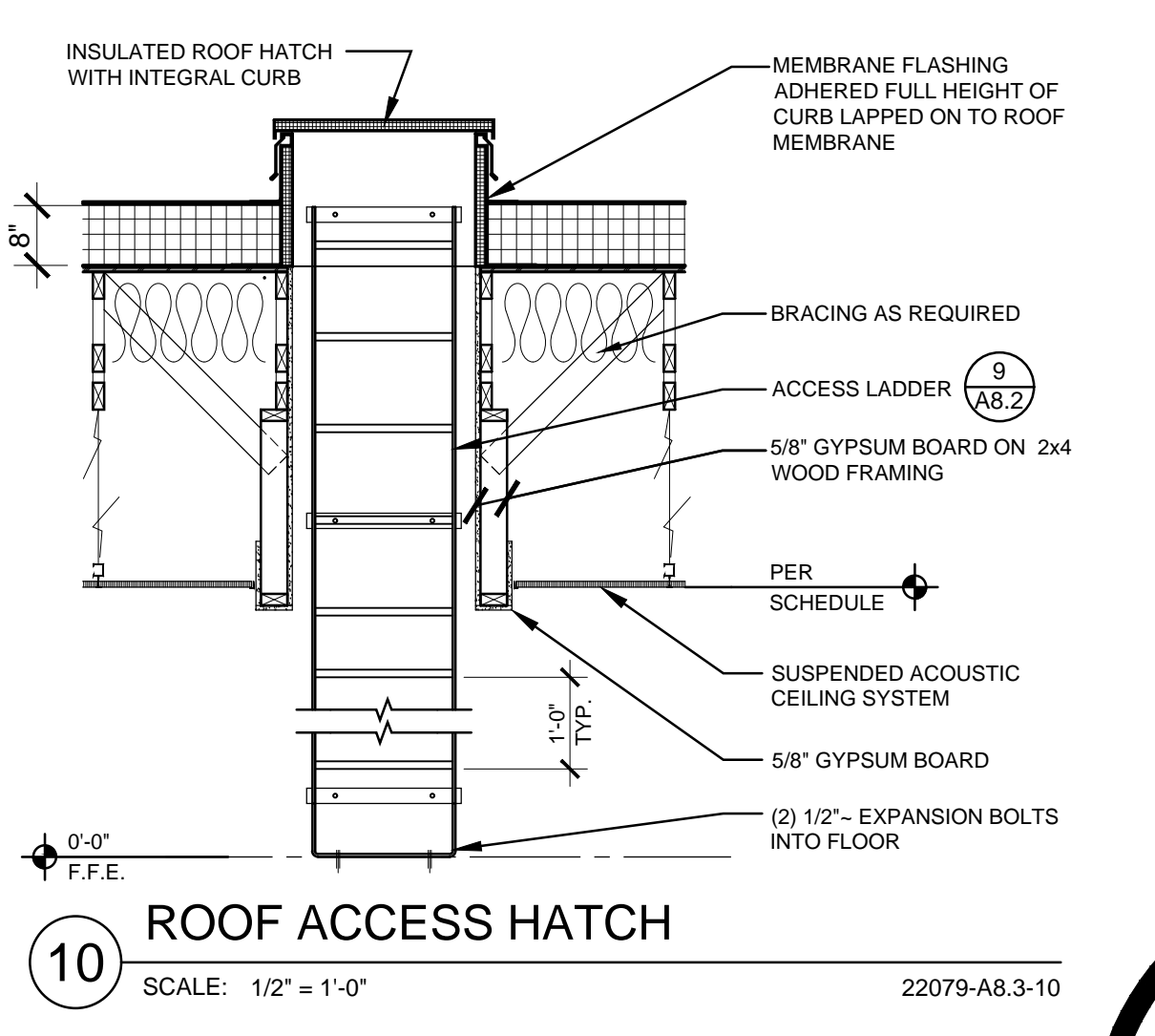
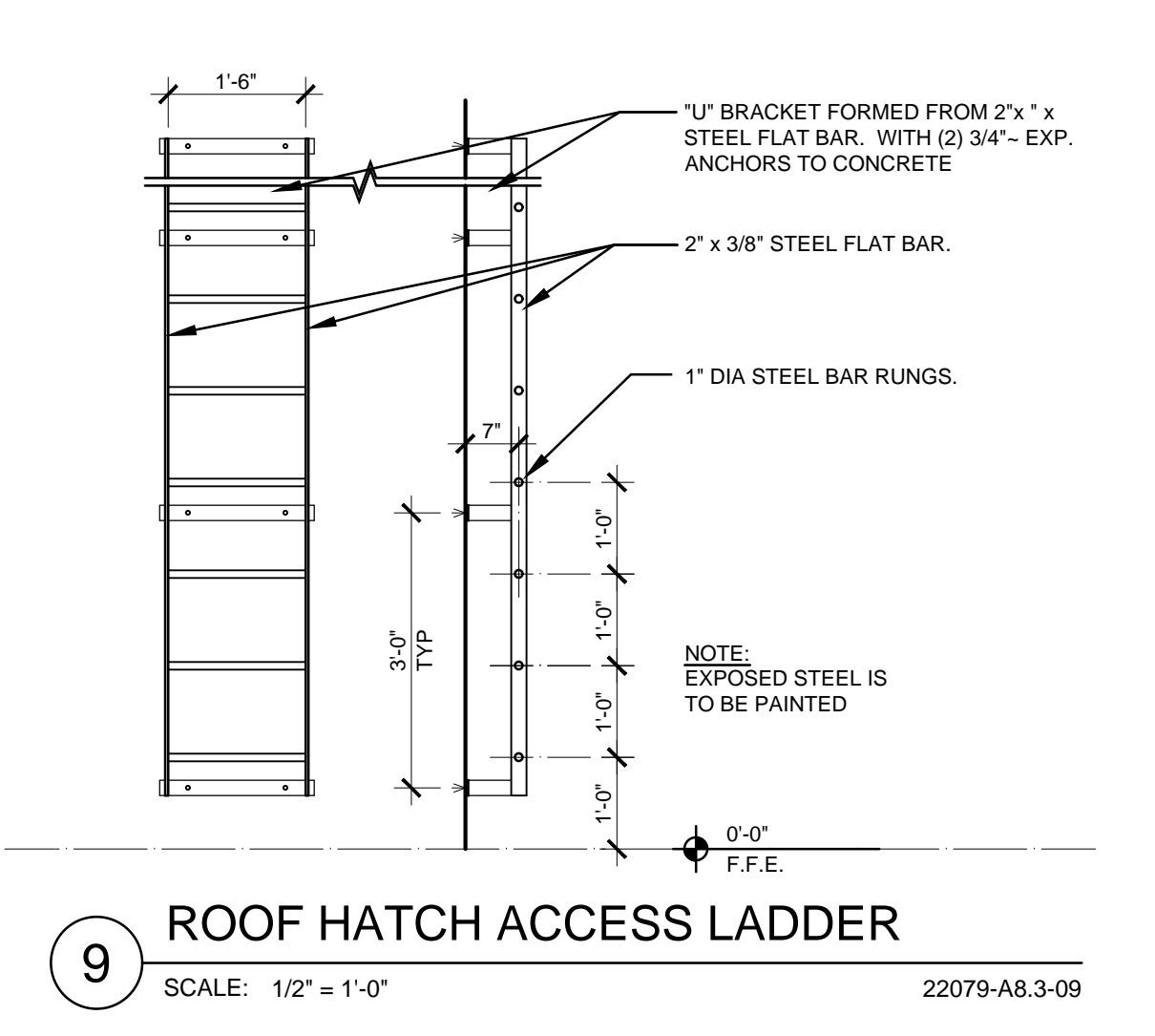
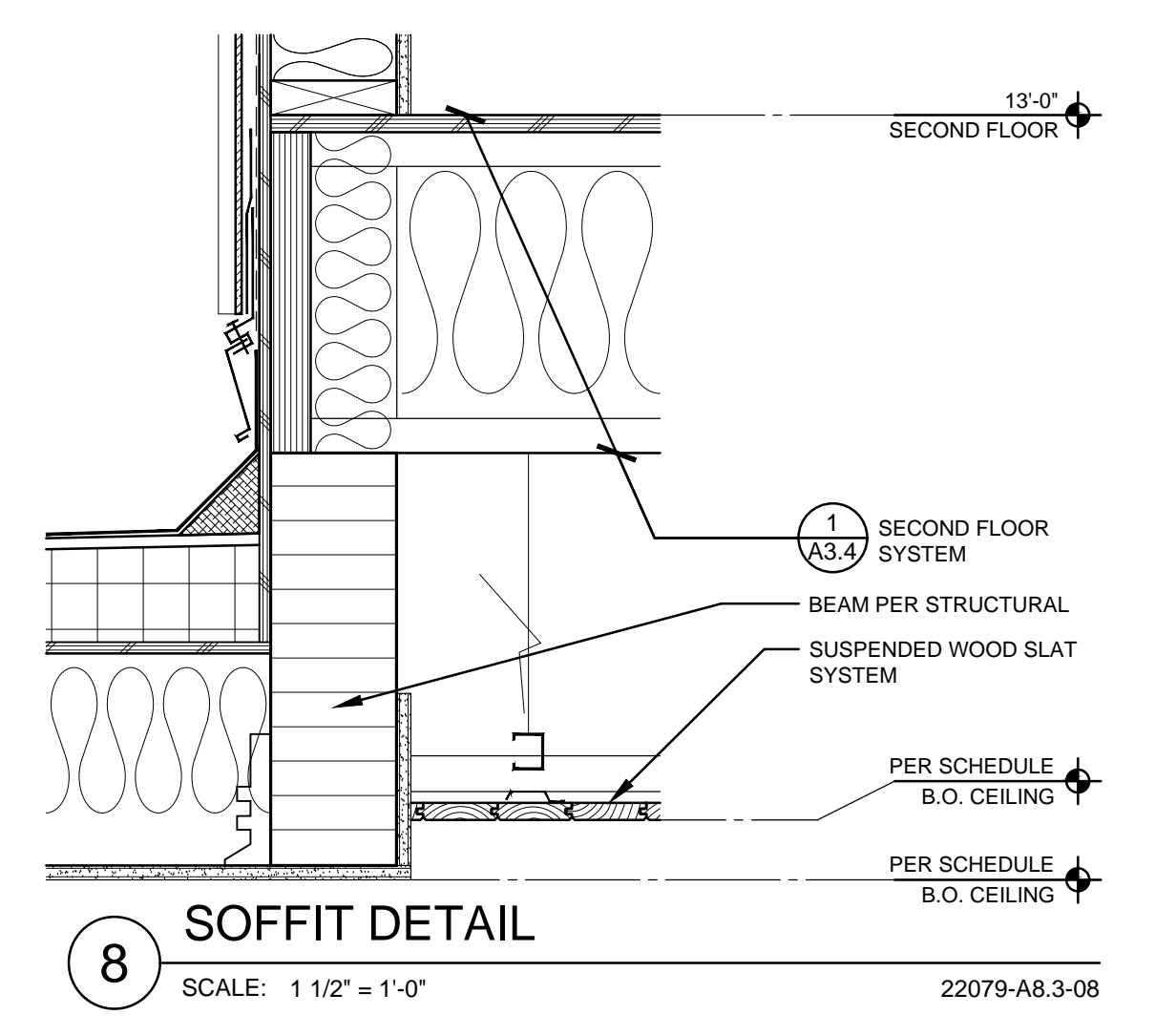
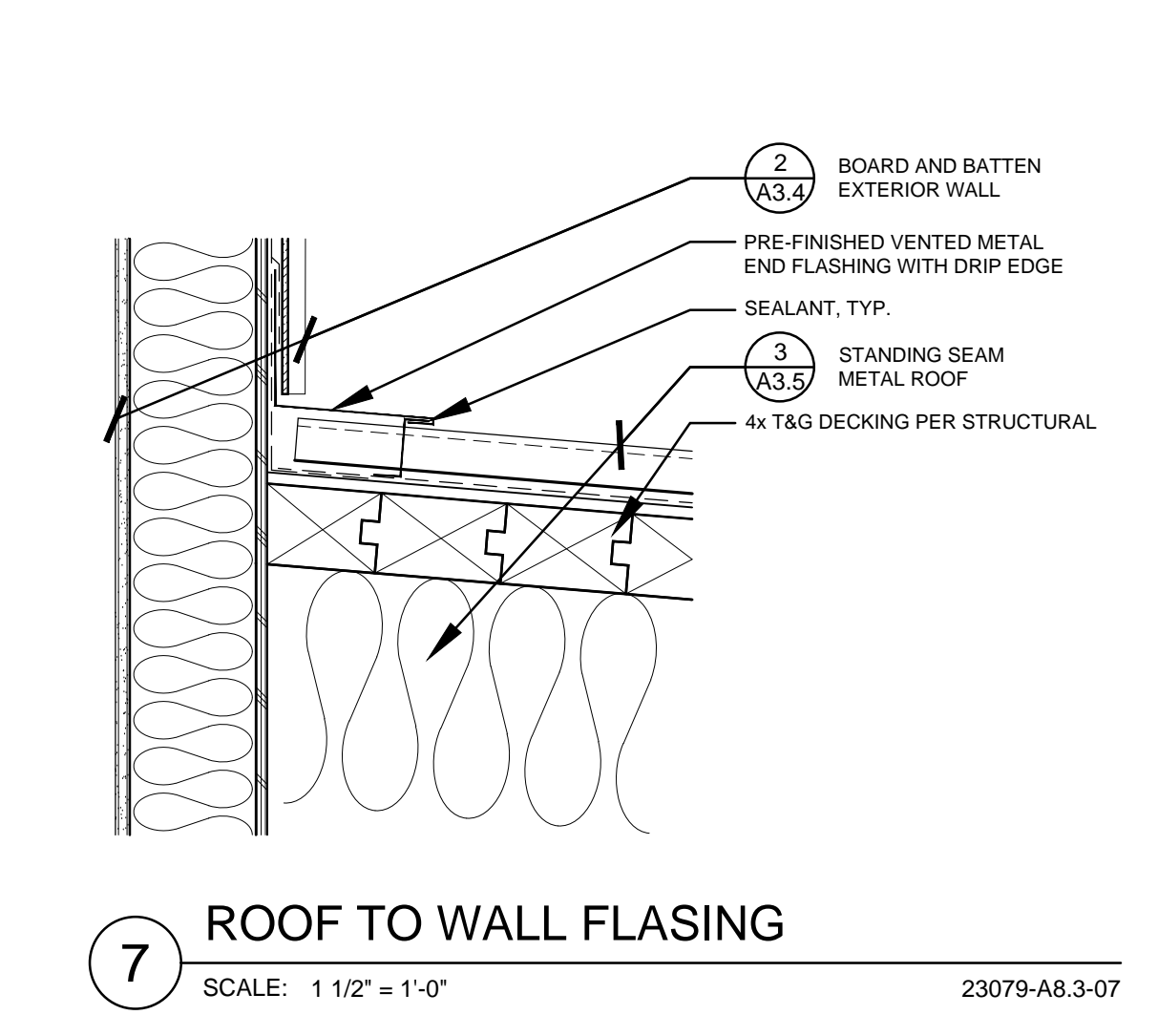
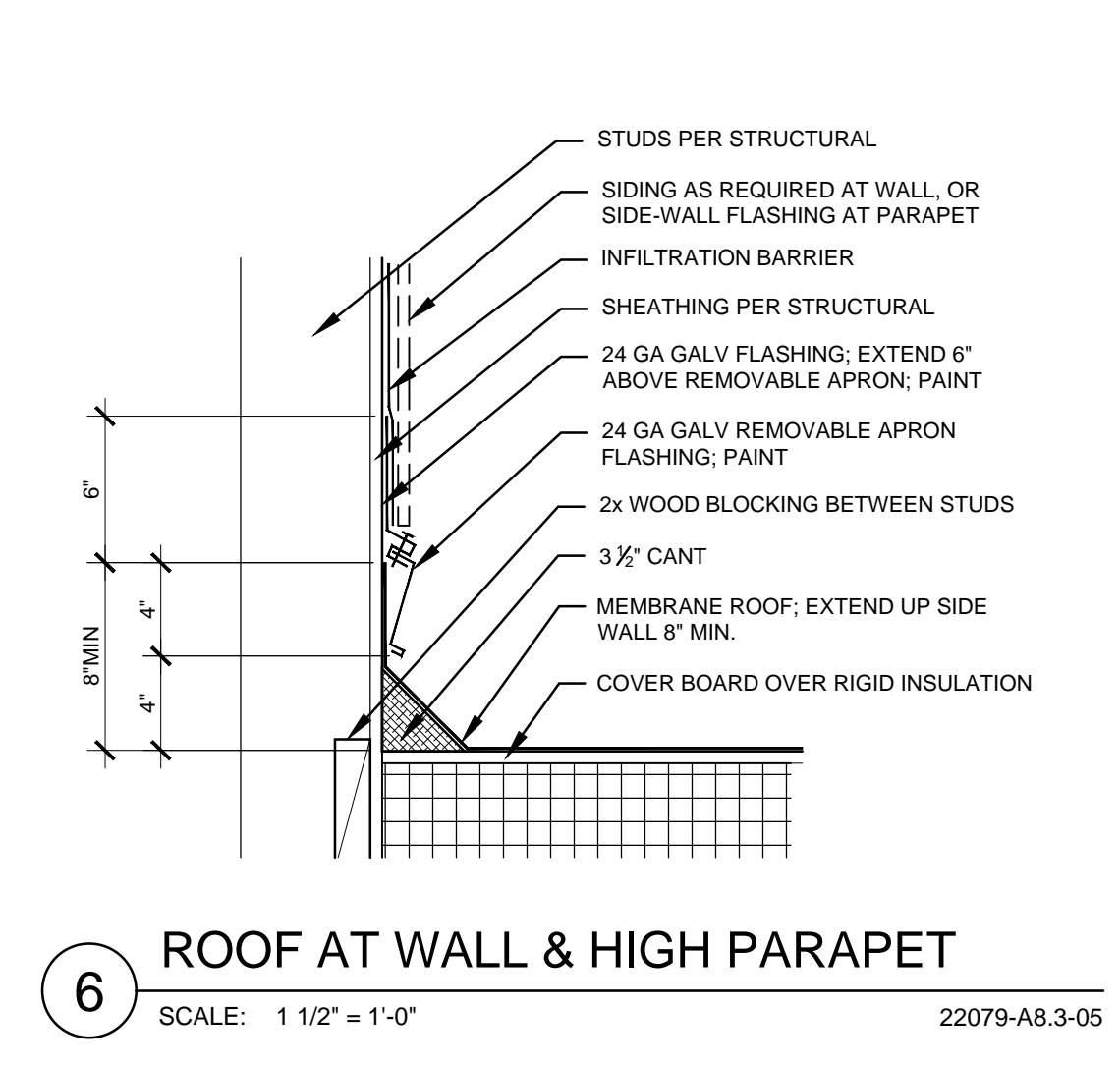
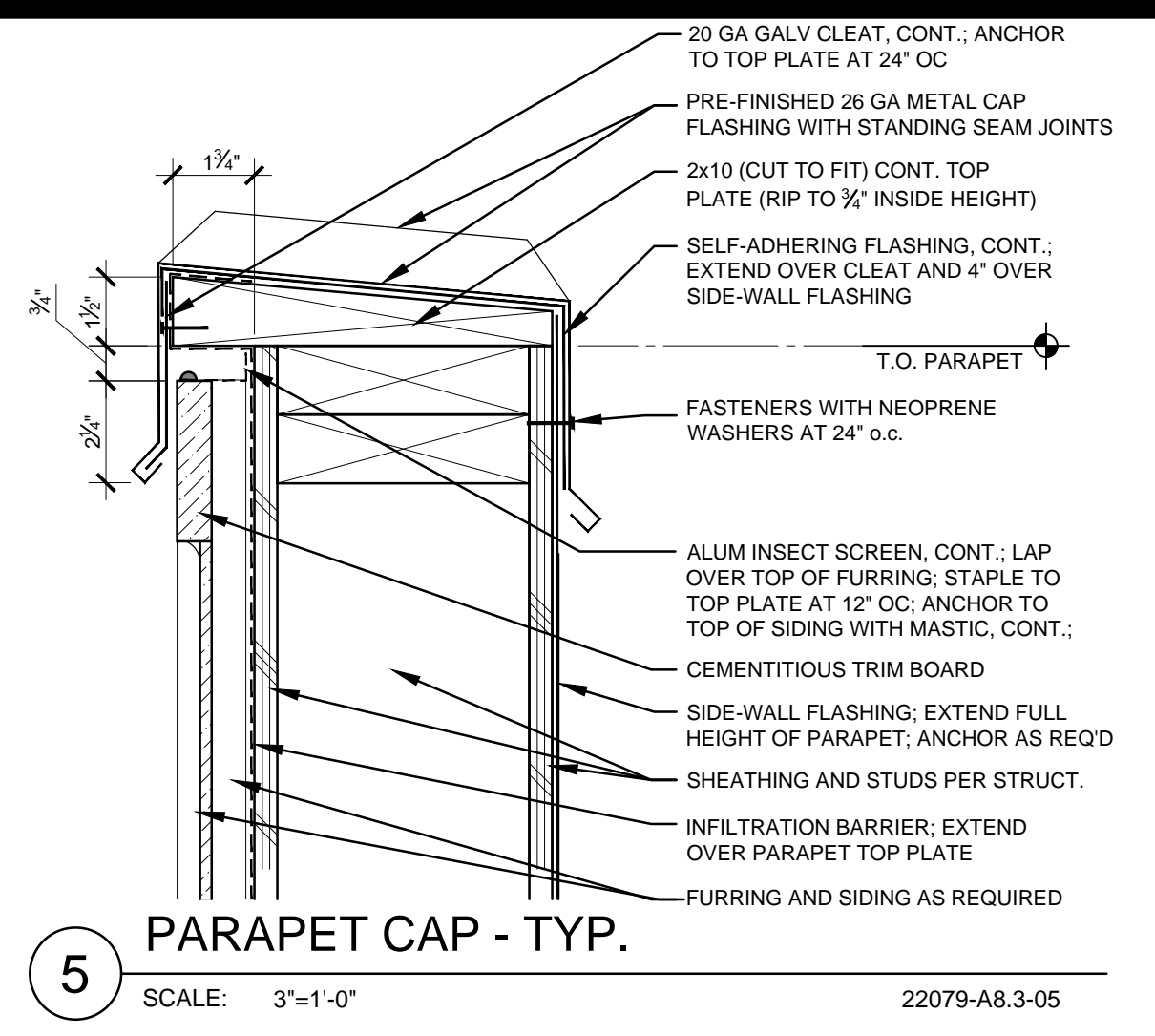
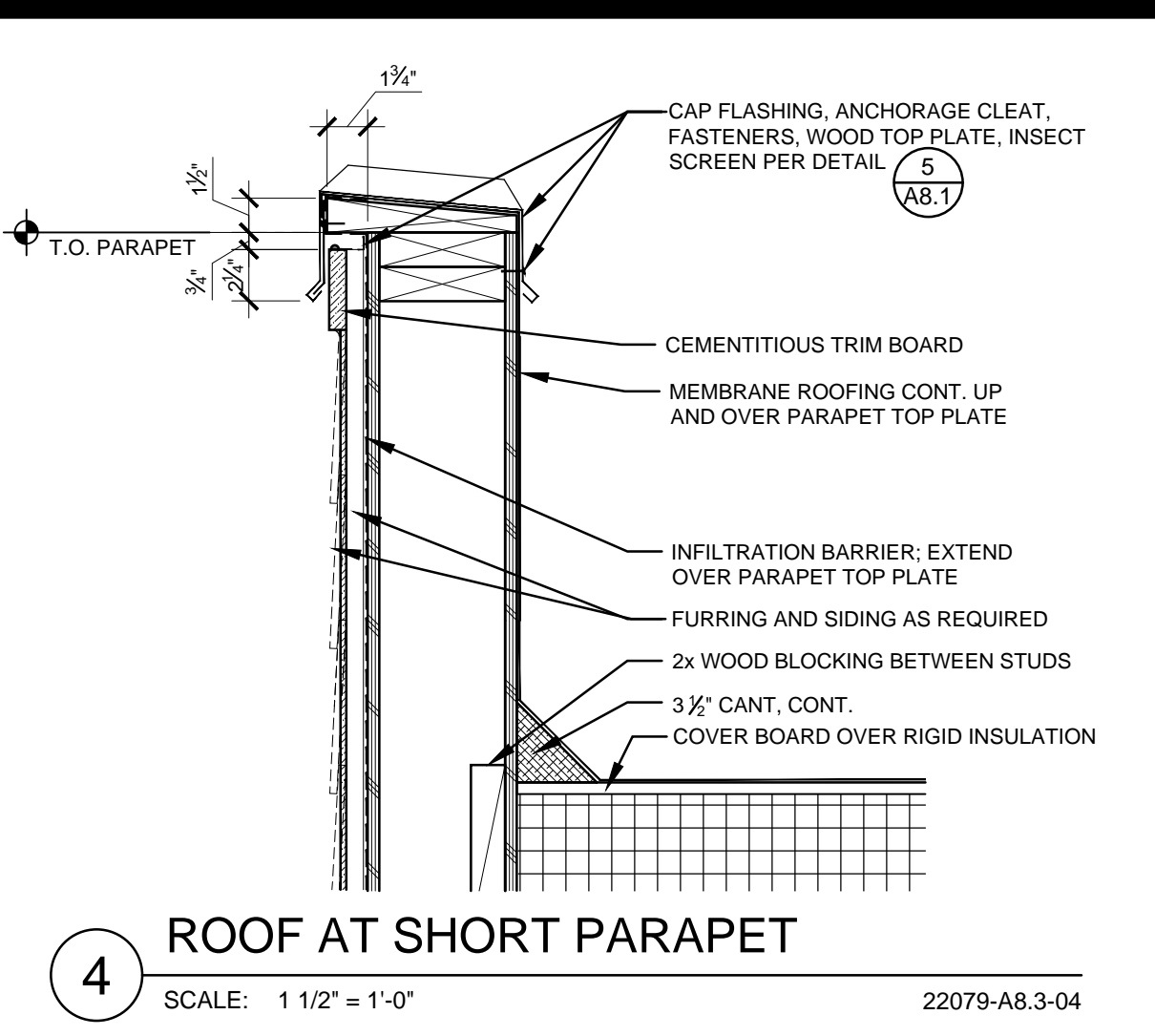
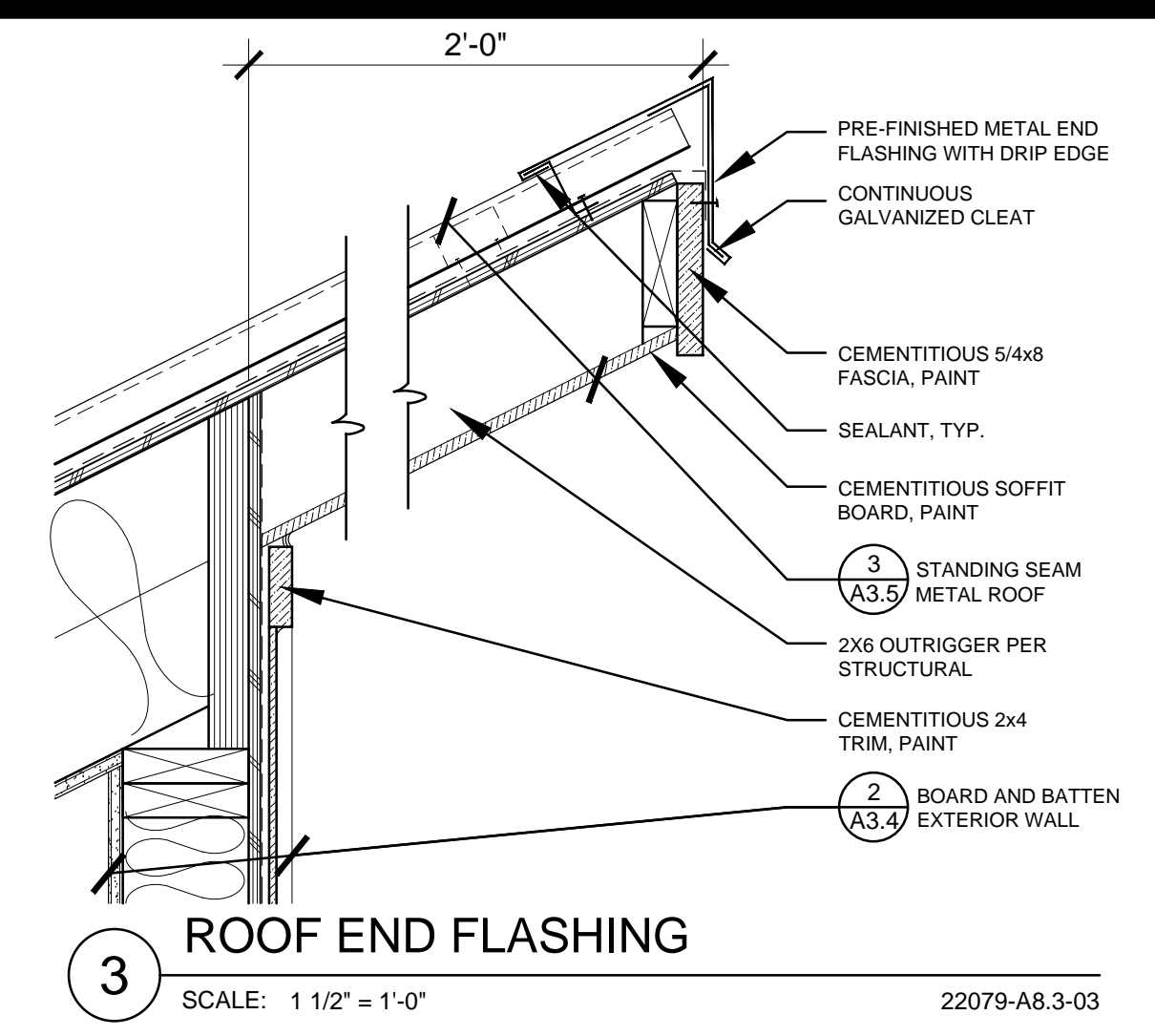
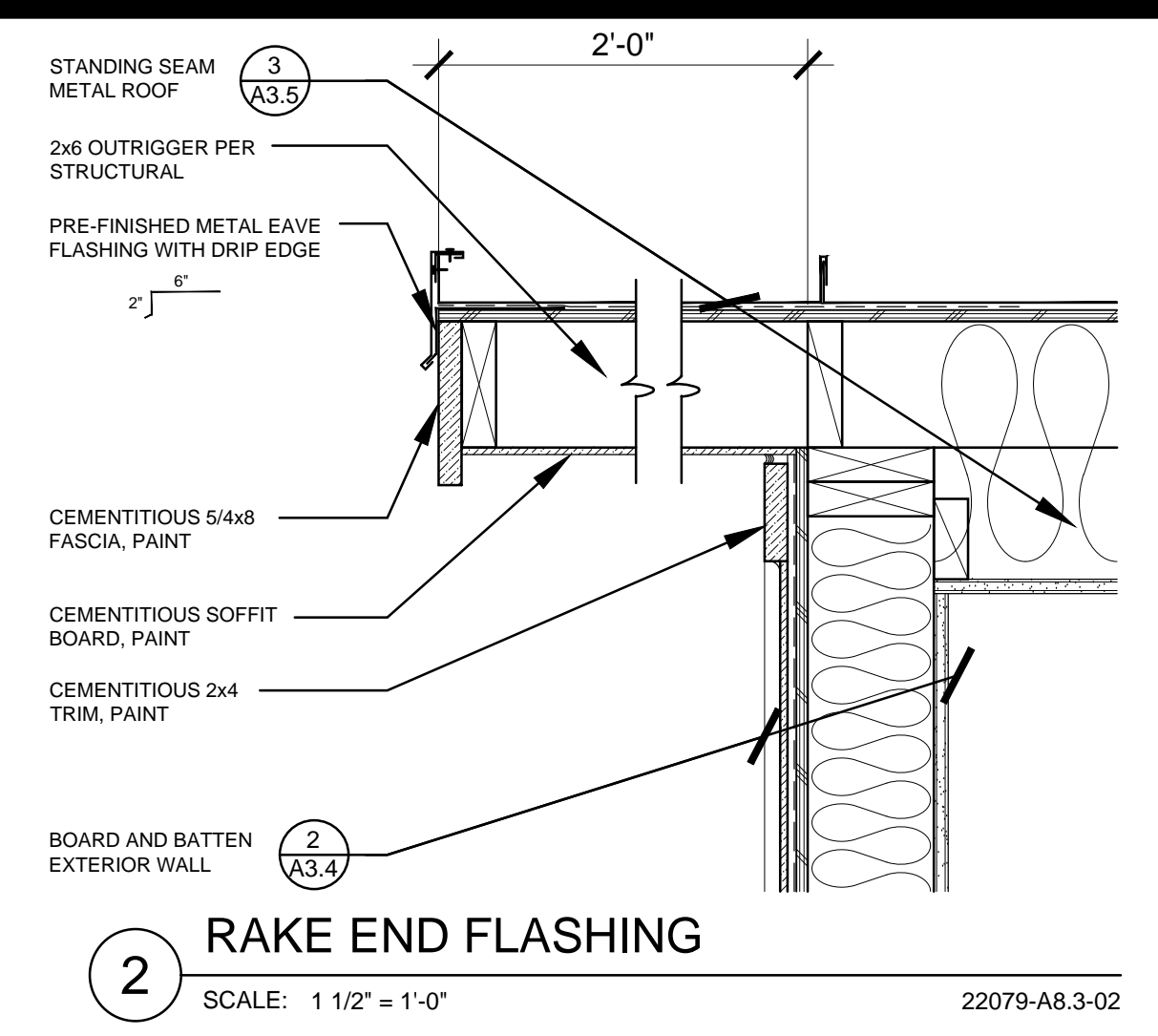
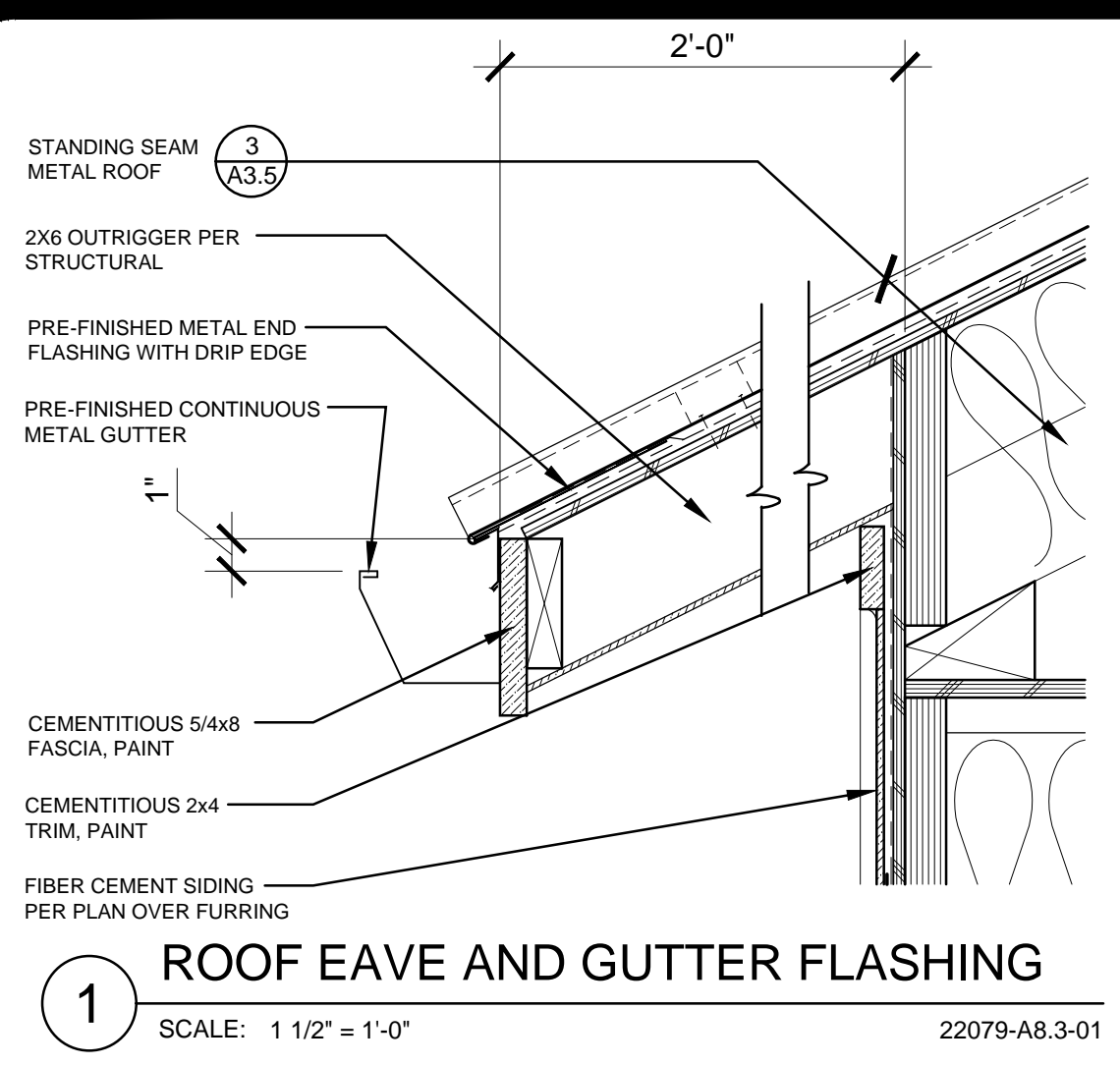
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