



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

April 19, 2006



TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Dallas Plan Amendment
DLCD File Number 002-06

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office. This adoption was adopted by the City on November 16, 2005, and passed the 21-day appeal period from the date of the adoption.

Appeal Procedures*

DLCD DEADLINE TO APPEAL: Acknowledged under ORS 197.625 and ORS 197.830 (9)

This amendment was not submitted to DLCD for review prior to adoption.

Pursuant to ORS 197.625 if no notice of intent to appeal is filed within the 21-day period set out in ORS 197.830 (9), the amendment to the acknowledged comprehensive plan or land use regulation or the new land use regulation shall be considered acknowledged upon the expiration of the 21-day period.

Under ORS 197.830 (9) a notice of intent to appeal a land use decision or limited land use decision shall be filed not later than 21 days after the date the decision sought to be reviewed becomes final.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS ADOPTED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Jason Locke, DLCD Regional Representative
Jerry Wyatt, City of Dallas

<paa>

NR01

2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DATE RECEIVED

DEPT OF
APR 17 2006
LAND CONSERVATION AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: City of Dallas Local file number: Zone 1-05
 Date of Adoption: 11/16/05 Date Mailed: 4/12/06
 Date original Notice of Proposed Amendment was mailed to DLCD: 5/31/05

- | | |
|--|---|
| <input type="checkbox"/> Comprehensive Plan Text Amendment | <input type="checkbox"/> Comprehensive Plan Map Amendment |
| <input type="checkbox"/> Land Use Regulation Amendment | <input checked="" type="checkbox"/> Zoning Map Amendment |
| <input type="checkbox"/> New Land Use Regulation | <input type="checkbox"/> Other: _____ |

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amend zone map from IL-Industrial Light to RMD-Residential Medium Density
for the southern portion of two tax lots: 7.5.34CB 2100 and 2101.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

Tax lot 7.5.34CB2200 (1451 SE Miller Ave.) was withdrawn from the original
proposed amendment.

Plan Map Changed from: _____ to: _____

Zone Map Changed from: IL-Industrial Light to: RMD-Residential Medium Density

Location: 1463 SE Miller Ave and TL7.5.34CB 2100 Acres Involved: 1.40 apprx.

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: 1, 2

Was an Exception Adopted? YES NO

DLCD File No.: 002-06
(NOA)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

City of Dallas

Local Contact: Jerry Wyatt Phone: (503) 831-3565 Extension: _____

Address: 187 SE Court St. City: Dallas

Zip Code + 4: 97338 - Email Address: jerry.wyatt@ci.dallas.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

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

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.

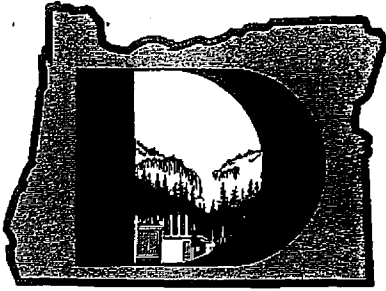
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.

4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.

5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.

6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to mara.ulloa@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.



City of Dallas

➤ Office of the City Manager

October
September 20, 2005

Larry and Mettie Merryman
1463 SE Miller Ave.
Dallas, OR 97338

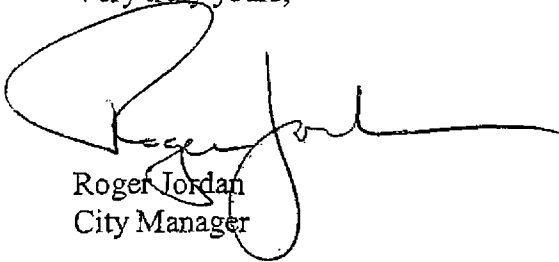
Dear Mr. and Mrs. Merryman:

Enclosed is a copy of City of Dallas Ordinance No. 1656, which changes the zone for Tax Lot 7.5.34CB 2100-1463 SE Miller Avenue to change the zone from IL-Industrial Light to RMD-Residential Medium Density.

This ordinance was passed on October 17, 2005, and becomes effective 30 days later, which means the effective date will be November 16, 2005.

If you have any questions or comments about this, please feel free to call me.

Very truly yours,



Roger Jordan
City Manager

RJ:meh

Enclosure

cc: Jerry Wyatt, Community Development Director
Fred Braun, Public Works Director
Engineering
Building Department

ORDINANCE NO. 1656

An Ordinance changing the zoning designation of a parcel of real property owned by Larry Merryman and Mettie Merryman from Light Industrial to Residential Medium Density.

WHEREAS, the above-referenced owners submitted a zone change application to the City requesting that the zoning designation of the real property which is described on Exhibit 1 hereto, and by this reference incorporated herein, be changed from Light Industrial to Residential Medium Density; and

WHEREAS, after due notice, the Planning Commission held a public hearing on the application and at the conclusion thereof recommended to the City Council that the application be granted; and

WHEREAS, after due notice, the City Council held a public hearing on the application and at the conclusion thereof found that there was substantial evidence that the application met the requirements of the Dallas Development Code and was in compliance with the Comprehensive Plan and that the application should be granted; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The zoning designation of the real property described on Exhibit 1 hereto is hereby changed from Light Industrial to Residential Medium Density.

Section 2. The Findings and Conclusions set forth in the staff report on this matter, submitted into the record herein on September 19, 2005, are hereby adopted and approved as the Findings and Conclusions in support of this zone change.

Read for the first time: October 3, 2005
Read for the second time: October 17, 2005
Passed by the City Council: October 17, 2005
Approved by the Mayor: October 17, 2005

ATTEST:



CITY MANAGER

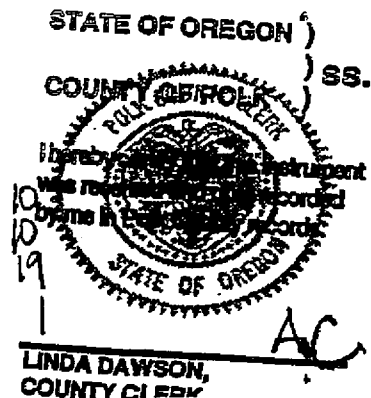


MAYOR

DESCRIPTION SHEET

Beginning at a point on the South boundary of the Orrs Corner County Road, said point being 1851.23 feet North and 1670.50 feet West and 494 feet North 88°51'30" West from the Southeast corner of the North one-half of the David Grant Donation Land Claim No. 65 in Township 7 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; and running thence North 88°51'30" West 86.54 feet to the Northeast corner of the tract conveyed to J.R. Wall by deed recorded at Page 499 of Deed Records 101 of said County; thence Southerly along the projected East line of the said Wall tract 385.49 feet; thence South 88°51'30" East 264.54 feet to the Southwest corner of the tract conveyed to Charles J. Hines and wife as described in deed recorded May 16, 1961, at Page 393 of Deed Record 177 of said County; thence North 0°44'-1 1/2' East along the West line of said Hines tract 245.49 feet; thence North 88°51'30" West 178 feet; thence North 0°44'-1 1/2' East 140 feet to the place of beginning.

409427



All of the real property as described in Book 312, Page 0538, dated January 22, 1996, save and except the following:

Beginning at the northeast corner of the above-described parcel, thence North 88° 51' 30" West 86.54 feet, thence southerly along the projected west line of the above-described parcel 140.00 feet, thence South 88° 51' 30" East 86.54 feet, thence North 0° 44' 30" East 140.00 feet to the point of beginning.

