



Oregon
Theodore R. Kubongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

4/15/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Dallas Plan Amendment
DLCD File Number 001-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, April 28, 2010

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jason Locke, City of Dallas
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative
Thomas Hogue, DLCD Regional Representative
Angela Lazarean, DLCD Urban Planner
Bill Holmstrom, DLCD Transportation Planner

<paa> YA



FORM

2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within 5-Working Days after the Final Ordinance is signed by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

In person electronic mailed

DATE
STAMP

DEPT OF

APR 08 2010

LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

Jurisdiction: **City of Dallas**

Local file number: **ZC/CPA10-01**

Date of Adoption: **4/5/10**

Date Mailed: **4/7/10**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 1/27/2010

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

The proposal is to amend the City of Dallas Comp Plan Map and Zoning Map from Industrial to Residential Medium Density for platted lots located in a residential neighborhood. The subject property is 3.2 acres.

Does the Adoption differ from proposal? no

Plan Map Changed from: I

to: R

Zone Map Changed from: I

to: RM

Location: South of Miller Ave, north of the railroad tracks in a residential neighborhood

Acres Involved: 3.2

Specify Density: Previous: N/A

New: 6-12 du/ac

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

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

DLCD File No.001-10 (18085) [16076]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: Jason Locke

Phone: (503) 831-3565 Extension:

Address: 187 SE Court St

Fax Number: 503-623-2339

City: Dallas

Zip: 97338

E-mail Address: jason.locke@ci.dallas.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this Form 2 on light green paper if available.
3. Send this Form 2 and One (1) Complete Paper Copy and One (1) Electronic Digital CD (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**
7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.

ORDINANCE NO. 1721

An Ordinance amending the Dallas Comprehensive Plan Map for a parcel of real property owned by Fowler Living Trust from Industrial to Residential.

WHEREAS, the FIFE Group, Inc. and the above-named owner, Fowler Living Trust, submitted an application to amend the Comprehensive Plan Map for the real property which is described generally as 3.22 acres located on the south side of SE Jonathan Avenue, as more particularly described on Exhibit A, attached hereto and by reference incorporated herein, from Industrial to Residential; and

WHEREAS, after due notice, on March 9, 2010, the Dallas Planning Commission held a public hearing on the application and at the conclusion thereof recommended to the City Council that the application be granted; and

WHEREAS, after due notice, on April 5, 2010, the City Council held a public hearing on the application and at the conclusion thereof found that there was substantial evidence that the application met the requirements of the Dallas Comprehensive Plan, and that the application should be granted; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

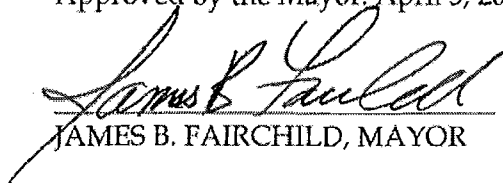
Section 1. The Comprehensive Plan designation of the real property described on Exhibit A attached hereto, and as shown on the map attached hereto as Exhibit B, is hereby changed from Industrial to Residential.

Section 2. The map attached hereto and marked Exhibit B is hereby adopted as the amended Comprehensive Plan Map for said property.

Section 2. The Findings and Conclusions set forth in the staff report on this matter, submitted into the record herein on April 5, 2010, a copy of which is attached hereto as Exhibit C and by this reference incorporated herein, are hereby adopted and approved as the Findings and Conclusions in support of this zone change.

Section 3. Pursuant to Dallas Charter Section 23, this ordinance, upon being read first in full and then by title, shall be enacted at a single meeting on the date set forth below, by unanimous vote of all the council members present.

Read for the first time: April 5, 2010
Read for the second time: April 5, 2010
Passed by the City Council: April 5, 2010
Approved by the Mayor: April 5, 2010



JAMES B. FAIRCHILD, MAYOR

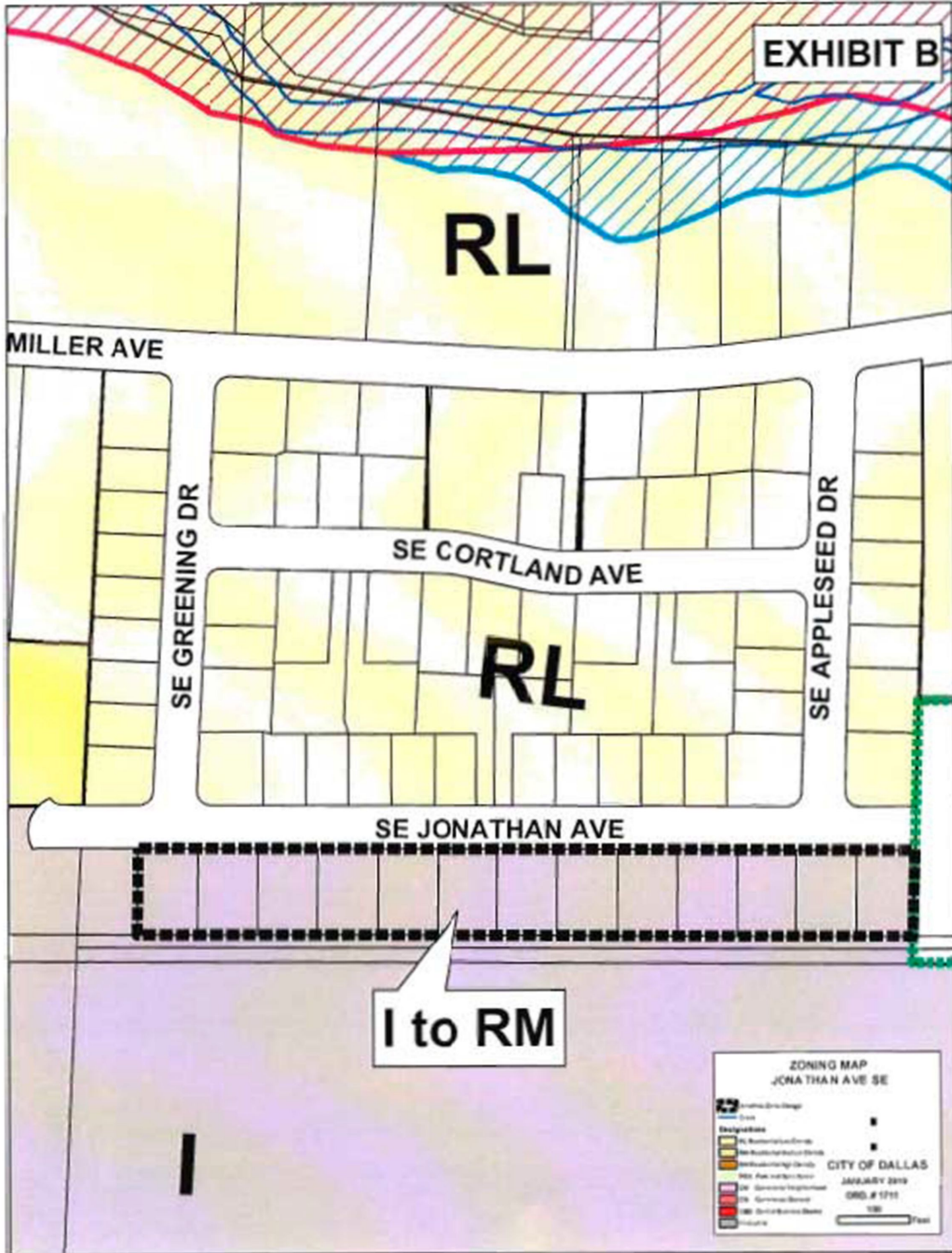
ATTEST:



JERRY WYATT, CITY MANAGER

EXHIBIT A

Lots 20-26 of Applegate Landing Subdivision, Phase 1, and lots 64-69 of Applegate landing,
Phase III.



CITY OF DALLAS
City Council

APPLICATION COMPLETE:
FEBRUARY 8, 2010

EXHIBIT C

STAFF REPORT
DATE: MARCH 25, 2010

FILE NO.	ZC/CPA10-01
HEARING DATE	APRIL 5, 2010 7:00 P.M. CITY HALL COUNCIL CHAMBERS 187 SE COURT STREET DALLAS, OREGON 97338
OWNER	FOWLER LIVING TRUST
APPLICANT	THE FIFE GROUP, INC.
REQUEST	ZONE CHANGE AND COMPREHENSIVE PLAN MAP AMENDMENT FROM INDUSTRIAL TO RESIDENTIAL (MEDIUM DENSITY) FOR 3.22 AC
LOCATION	SOUTH SIDE OF SE JONATHAN AVE., NORTH OF THE RAILROAD TRACKS
RECOMMENDATION	APPROVAL

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



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

BACKGROUND INFORMATION: The subject property is located on the south side of SE Jonathan Ave and is comprised of 13 previously platted lots in the Applegate Landing Subdivision and are currently zoned Industrial (I). Prior to the adoption of the new Development Code and Zoning Map, the zoning was Light industrial (IL). The Comprehensive Plan designation is Industrial. The lots are of generally equal size and are 84'x120' (10,000+/- sq.ft.). The access to the subject property occurs via SE Greening Drive and SE Appleseed Drive. SE Jonathan Ave is a fully improved city street but lacks sidewalks on the south side.

The property to the east contains a church, is outside the City Limits and inside the Urban Growth Boundary and is designated as Industrial on the Comp Plan Map. The property to the south is zoned Industrial, is currently vacant, and is separated from the subject property by the railroad tracks and accompanying right-of-way. The property to the west is zoned Industrial and contains self-storage units. The property to the north is a residential subdivision that is fully built out and contains detached single-family dwellings and duplexes.

On January 20, 2010, the applicant held the required Neighborhood meeting that was noticed and carried out according to the requirements of the Dallas Development Code Section 4.1.080. The applicant states that no property owners attended the meeting. On March 9, 2010, the Planning Commission held a public hearing on the matter, and recommended approval to the City Council.

APPROVAL CRITERIA:

Type IV Legislative Criteria (4.1.040)

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

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

Goal 9: Economic Development

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

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

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

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

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

Findings: The City of Dallas completed Periodic Review in 2006. A major component of that project was an Economic Opportunities Analysis that identified the need for large industrial sites. In fact, that same EOA indicated that there was a surplus of small industrial sites. While the proposal seeks to remove 3.3 acres of industrial land from the city supply, the configuration and location of the property does not lend itself to developing the type of employment opportunities outlined in the EOA. The property is composed of 13 subdivided lots, most of which are 84'x120', or 10,000 sq.ft+/- . They are located on the southern edge of an existing subdivision, can only be accessed through local residential streets that serve the subdivision, and are directly across the street from said residential uses. The ability to buffer the industrial uses would be difficult, and therefore the ability to minimize the adverse impacts associated with an industrial use on the adjacent residential uses would be virtually impossible. Such impacts would include lighting, truck traffic, noise and odor, and parking. The applicant has stated that their ability to market and/or develop the lots for industrial purposes has been unsuccessful, primarily due to the size and location of the lots and the potential negative impacts on the surrounding neighborhood. In addition, the city has numerous lots(8+) in the .5-5 acre size category that are appropriately located, fully serviced, and ready to go.

Conclusion: The conversion of this property from industrial to residential use is consistent with the city and state planning requirements, and is consistent with the city's most recently adopted EOA.

Goal 10: Housing

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

Finding: The City of Dallas recently adopted a new Development Code that significantly changed the allowed housing types in various residential zones. The RM zone (Residential Medium Density) now allows more housing types beyond

just apartments, including row houses, zero lot line housing, and small lot housing types in order to encourage development of needed housing types within the city. There is currently very little vacant RM-zoned land outside of designated Mixed-Use Nodes.

Conclusion: The proposal would provide an additional 3.22 acres of RM zoned land to provide a much needed housing type, single family attached or detached small lot housing at a price level affordable for the citizens of Dallas.

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

ECONOMIC GOALS:

2.1 Industrial Development Policies

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

Findings: The proposal removes 3.22 acres of unsuitable Industrial land from the City of Dallas industrial land inventory. This will not impact the provision of choice among suitable sites.

2.3 Industrial Land Use Policies

1. Preserve prime industrial sites and reserve suitable land to provide a choice among sites for new industrial development prior to actual demand.
2. Support the Ash Creek Water Control District in order to maximize use of the Ash Creek Industrial area.
3. Encourage the use of the industrial park concept by requiring master planning rather than piecemeal development of industrial sites and areas.

4. Where appropriately buffered, designate multi-family residential land near industrial sites to minimize travel distance from employment centers to housing.
5. Encourage the continued growth of the service-related industries.

Findings: The proposal removes 3.22 acres of unsuitable Industrial land from the City of Dallas industrial land inventory. This will not impact the provision of choice among suitable sites, will provide a buffer from Industrial land to the south, and will have no impact on the growth of service-related industries.

HOUSING GOALS

3.3 Phasing & Adequate Public Facilities

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

1. Except in areas identified for more intensive development, existing high-quality residential areas and housing stock within the community shall be maintained and conserved.
2. The development of close-in vacant land, readily serviceable by a full range of urban services shall have a higher priority than development of peripheral land that cannot be provided, efficiently, with a full range of urban services.
3. Vacant land within the current City limits shall have a higher priority than unincorporated areas.

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

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

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

3. The property and affected area is presently provided with adequate public facilities and services, including transportation, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.
Findings: The subject property is currently served by SE Jonathan Ave, City water, sanitary sewer, and storm drainage. The proposed use would utilize these existing services, which have adequate capacity to serve the uses allowed in the RM zone.
Conclusion: The subject property is presently provided with adequate public facilities and services.

Land Use Map and Text amendments 4.7.030(B)

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

1. Approval of the request is consistent with the Statewide Planning Goals;
Finding: See G1 above
2. Approval of the request is consistent with the Comprehensive Plan;
Finding: See G2 above
3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and
Finding: The subject property is currently served by SE Jonathan Ave, City water, sanitary sewer, and storm drainage. The proposed use would utilize these existing services, which have adequate capacity to serve the uses allowed in the RM zone.
4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application; and
Findings: The subject property is zoned Industrial, and is located in a residential neighborhood. The applicant states, and staff concurs, that this is an inconsistency on both the comprehensive plan map and zoning map, and that redesignating the property to residential with the proposed RM zoning will adequately correct the inconsistency and is, in fact, more in line with the Comprehensive Plan.
5. The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.060.

4.7.060 TRANSPORTATION PLANNING RULE COMPLIANCE

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

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the Dallas Transportation System Plan; or
Finding: The subject property is served by an existing local street, SE Jonathan Ave. There is no proposal or need to change the functional classification of SE Jonathan Ave. The nearest major collector is SE Miller Ave, which operates at acceptable performance levels.
2. Change the standards implementing a functional classification system; or
Finding: There is no change to the standards implementing the functional classification system.
3. As measured at the end of the planning period identified in the Dallas Transportation System Plan or the adopted plan of any other applicable roadway authority, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or
Finding: The proposal, as measured at the end of the planning period identified in the Dallas Transportation Plan, will not result in levels of travel or access that are inconsistent with the functional classification of the existing transportation facility.
4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in road authority’s adopted plan; or
Finding: The proposal, with the RM designation at full buildout, would generate 30-35 peak hour trips on to SE Miller Ave. SE Miller Ave. is a major collector with significant additional capacity. Therefore, the proposal would not fall below the minimum acceptable standard.
5. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the road authority’s adopted plan.
Finding: SE Miller Ave. does not currently, nor is it projected to perform below minimum acceptable standards as a result of the proposal.
6. Where the City lacks specific transportation policies or standards, the City Council shall be consulted, as provided under Section 4.1.050 (Type IV Legislative Review).
Finding: Not applicable.

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

CONCLUSION: It can be found that this proposal meets all the applicable criteria.

RECOMMENDATION: Approve the zone change and Comprehensive Plan Map amendment.

RESPECTFULLY SUBMITTED,

Jason Locke



Community Development Department Director

Attachments:

Plat Map
Aerial photo
Planning Commission minutes
Notice
Application form and materials

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

NE1/4 SW1/4 SEC.34 T7S R5W WM
POLK COUNTY
Scale 1" = 100'

7.5.34CA

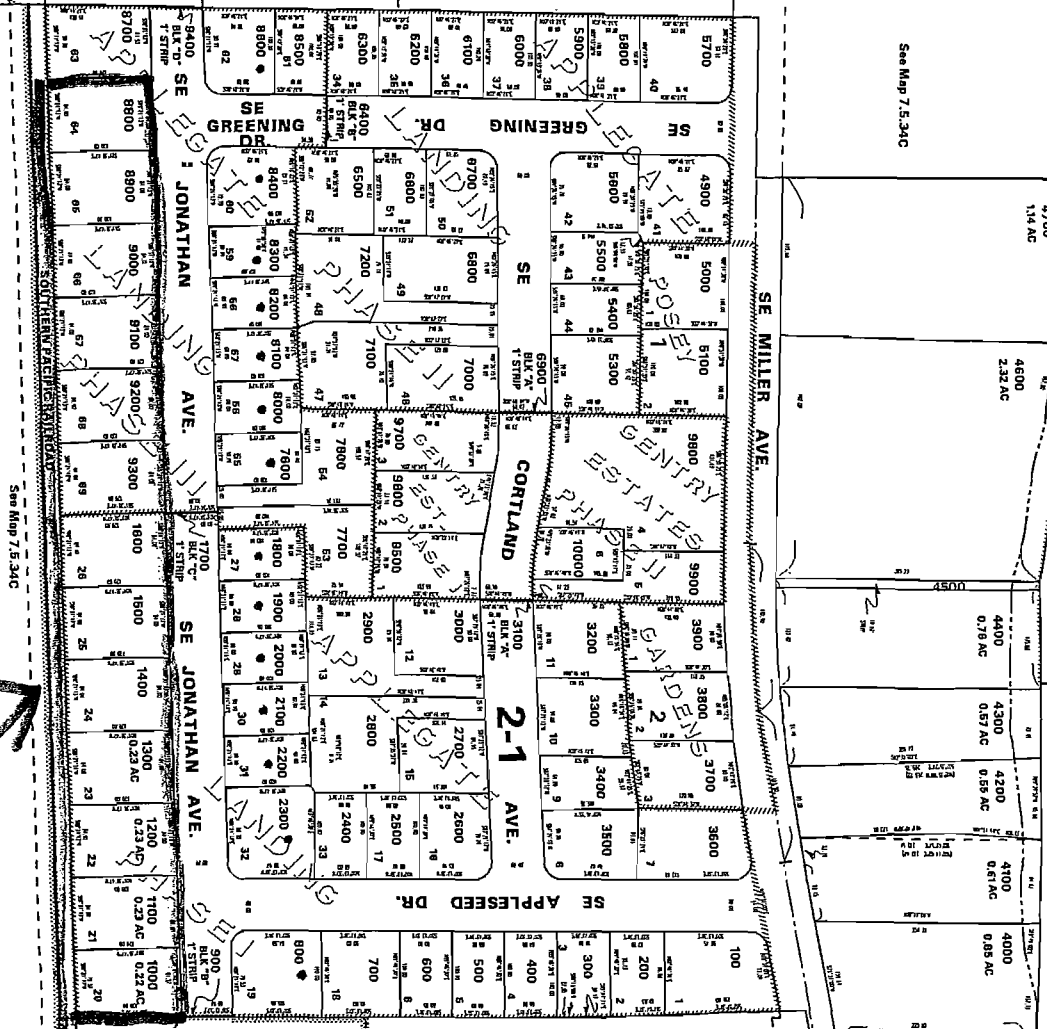
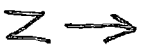
Cancelled No.
4201
4300
4400
5201
7300
7400
7500
7600

See Map 7.5.34A

See Map 7.5.34C

See Map 7.5.34CB

See Map 7.5.34DB



SUBJECT
PROPERTY

7 R 34CA

ORDINANCE NO. 1722

An Ordinance changing the zoning designation of a parcel of real property owned by Fowler Living Trust from Industrial to Residential Medium Density.

WHEREAS, the FIFE Group, Inc. and the above-named owner, Fowler Living Trust, submitted a zone change application to the City requesting that the zoning designation of the real property which is described generally as 3.22 acres located on the south side of SE Jonathan Avenue, as more particularly described on Exhibit A, attached hereto and by reference incorporated herein, and as shown on the map attached hereto as Exhibit B and by this reference incorporated herein, be changed from Industrial to Residential Medium Density; and

WHEREAS, after due notice, on March 9, 2010, the Dallas Planning Commission held a public hearing on the application and at the conclusion thereof recommended to the City Council that the application be granted; and

WHEREAS, after due notice, on April 5, 2010, the City Council held a public hearing on the application and at the conclusion thereof found that there was substantial evidence that the application met the requirements of the Dallas Development Code and that the application should be granted; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The zoning designation of the real property described on Exhibit A attached hereto, and as shown on the map attached hereto as Exhibit B, is hereby changed from Industrial to Residential Medium Density.

Section 2. The Findings and Conclusions set forth in the staff report on this matter, submitted into the record herein on April 5, 2010, a copy of which is attached hereto as Exhibit C and by this reference incorporated herein, are hereby adopted and approved as the Findings and Conclusions in support of this zone change.

Section 3. Pursuant to Dallas Charter Section 23, this ordinance, upon being read first in full and then by title, shall be enacted at a single meeting on the date set forth below, by unanimous vote of all the council members present.

Read for the first time: April 5, 2010
Read for the second time: April 5, 2010
Passed by the City Council: April 5, 2010
Approved by the Mayor: April 5, 2010

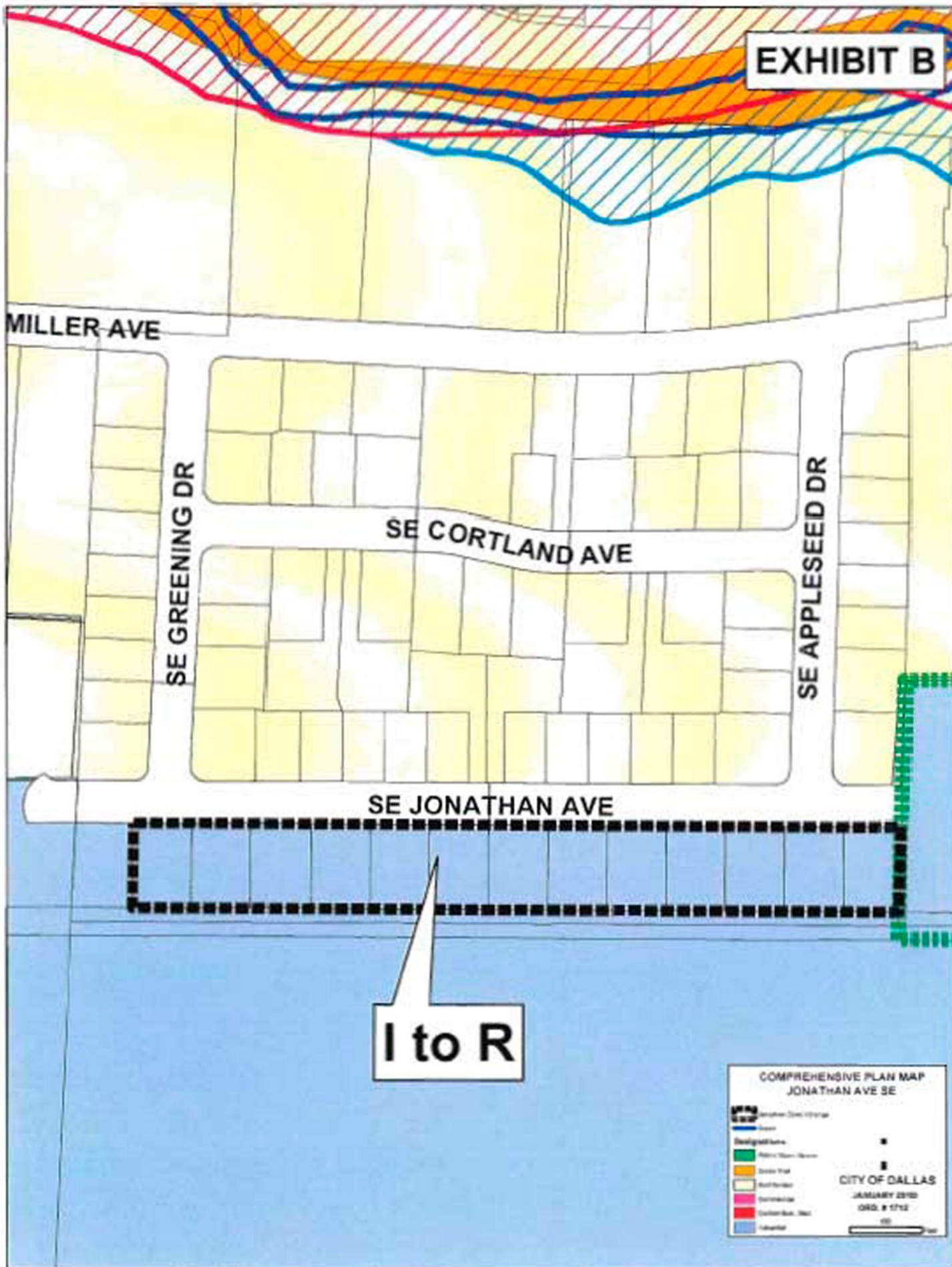

JAMES B. FAIRCHILD, MAYOR

ATTEST:


JERRY WYATT, CITY MANAGER

EXHIBIT A

Lots 20-26 of Applegate Landing Subdivision, Phase 1, and lots 64-69 of Applegate landing,
Phase III.



CITY OF DALLAS
City Council

APPLICATION COMPLETE:
FEBRUARY 8, 2010

EXHIBIT C

STAFF REPORT
DATE: MARCH 25, 2010

FILE NO.	ZC/CPA10-01
HEARING DATE	APRIL 5, 2010 7:00 P.M. CITY HALL COUNCIL CHAMBERS 187 SE COURT STREET DALLAS, OREGON 97338
OWNER	FOWLER LIVING TRUST
APPLICANT	THE FIFE GROUP, INC.
REQUEST	ZONE CHANGE AND COMPREHENSIVE PLAN MAP AMENDMENT FROM INDUSTRIAL TO RESIDENTIAL (MEDIUM DENSITY) FOR 3.22 AC
LOCATION	SOUTH SIDE OF SE JONATHAN AVE., NORTH OF THE RAILROAD TRACKS
RECOMMENDATION	APPROVAL

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



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

BACKGROUND INFORMATION: The subject property is located on the south side of SE Jonathan Ave and is comprised of 13 previously platted lots in the Applegate Landing Subdivision and are currently zoned Industrial (I). Prior to the adoption of the new Development Code and Zoning Map, the zoning was Light industrial (IL). The Comprehensive Plan designation is Industrial. The lots are of generally equal size and are 84'x120' (10,000+/- sq.ft.). The access to the subject property occurs via SE Greening Drive and SE Appleseed Drive. SE Jonathan Ave is a fully improved city street but lacks sidewalks on the south side.

The property to the east contains a church, is outside the City Limits and inside the Urban Growth Boundary and is designated as Industrial on the Comp Plan Map. The property to the south is zoned Industrial, is currently vacant, and is separated from the subject property by the railroad tracks and accompanying right-of-way. The property to the west is zoned Industrial and contains self-storage units. The property to the north is a residential subdivision that is fully built out and contains detached single-family dwellings and duplexes.

On January 20, 2010, the applicant held the required Neighborhood meeting that was noticed and carried out according to the requirements of the Dallas Development Code Section 4.1.080. The applicant states that no property owners attended the meeting. On March 9, 2010, the Planning Commission held a public hearing on the matter, and recommended approval to the City Council.

APPROVAL CRITERIA:

Type IV Legislative Criteria (4.1.040)

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

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

Goal 9: Economic Development

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

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

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

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

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

Findings: The City of Dallas completed Periodic Review in 2006. A major component of that project was an Economic Opportunities Analysis that identified the need for large industrial sites. In fact, that same EOA indicated that there was a surplus of small industrial sites. While the proposal seeks to remove 3.3 acres of industrial land from the city supply, the configuration and location of the property does not lend itself to developing the type of employment opportunities outlined in the EOA. The property is composed of 13 subdivided lots, most of which are '84'x120', or 10,000 sq.ft+/- . They are located on the southern edge of an existing subdivision, can only be accessed through local residential streets that serve the subdivision, and are directly across the street from said residential uses. The ability to buffer the industrial uses would be difficult, and therefore the ability to minimize the adverse impacts associated with an industrial use on the adjacent residential uses would be virtually impossible. Such impacts would include lighting, truck traffic, noise and odor, and parking. The applicant has stated that their ability to market and/or develop the lots for industrial purposes has been unsuccessful, primarily due to the size and location of the lots and the potential negative impacts on the surrounding neighborhood. In addition, the city has numerous lots(8+) in the .5-5 acre size category that are appropriately located, fully serviced, and ready to go.

Conclusion: The conversion of this property from industrial to residential use is consistent with the city and state planning requirements, and is consistent with the city's most recently adopted EOA.

Goal 10: Housing

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

Finding: The City of Dallas recently adopted a new Development Code that significantly changed the allowed housing types in various residential zones. The RM zone (Residential Medium Density) now allows more housing types beyond

just apartments, including row houses, zero lot line housing, and small lot housing types in order to encourage development of needed housing types within the city. There is currently very little vacant RM-zoned land outside of designated Mixed-Use Nodes.

Conclusion: The proposal would provide an additional 3.22 acres of RM zoned land to provide a much needed housing type, single family attached or detached small lot housing at a price level affordable for the citizens of Dallas.

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

ECONOMIC GOALS:

2.1 Industrial Development Policies

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

Findings: The proposal removes 3.22 acres of unsuitable Industrial land from the City of Dallas industrial land inventory. This will not impact the provision of choice among suitable sites.

2.3 Industrial Land Use Policies

1. Preserve prime industrial sites and reserve suitable land to provide a choice among sites for new industrial development prior to actual demand.
2. Support the Ash Creek Water Control District in order to maximize use of the Ash Creek Industrial area.
3. Encourage the use of the industrial park concept by requiring master planning rather than piecemeal development of industrial sites and areas.

4. Where appropriately buffered, designate multi-family residential land near industrial sites to minimize travel distance from employment centers to housing.
5. Encourage the continued growth of the service-related industries.

Findings: The proposal removes 3.22 acres of unsuitable Industrial land from the City of Dallas industrial land inventory. This will not impact the provision of choice among suitable sites, will provide a buffer from Industrial land to the south, and will have no impact on the growth of service-related industries.

HOUSING GOALS

3.3 Phasing & Adequate Public Facilities

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

1. Except in areas identified for more intensive development, existing high-quality residential areas and housing stock within the community shall be maintained and conserved.
2. The development of close-in vacant land, readily serviceable by a full range of urban services shall have a higher priority than development of peripheral land that cannot be provided, efficiently, with a full range of urban services.
3. Vacant land within the current City limits shall have a higher priority than unincorporated areas.

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

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

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

3. The property and affected area is presently provided with adequate public facilities and services, including transportation, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.
Findings: The subject property is currently served by SE Jonathan Ave, City water, sanitary sewer, and storm drainage. The proposed use would utilize these existing services, which have adequate capacity to serve the uses allowed in the RM zone.
Conclusion: The subject property is presently provided with adequate public facilities and services.

Land Use Map and Text amendments 4.7.030(B)

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

1. Approval of the request is consistent with the Statewide Planning Goals;
Finding: See G1 above
2. Approval of the request is consistent with the Comprehensive Plan;
Finding: See G2 above
3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and
Finding: The subject property is currently served by SE Jonathan Ave, City water, sanitary sewer, and storm drainage. The proposed use would utilize these existing services, which have adequate capacity to serve the uses allowed in the RM zone.
4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application; and
Findings: The subject property is zoned Industrial, and is located in a residential neighborhood. The applicant states, and staff concurs, that this is an inconsistency on both the comprehensive plan map and zoning map, and that redesignating the property to residential with the proposed RM zoning will adequately correct the inconsistency and is, in fact, more in line with the Comprehensive Plan.
5. The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.060.

4.7.060 TRANSPORTATION PLANNING RULE COMPLIANCE

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

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the Dallas Transportation System Plan; or
Finding: The subject property is served by an existing local street, SE Jonathan Ave. There is no proposal or need to change the functional classification of SE Jonathan Ave. The nearest major collector is SE Miller Ave, which operates at acceptable performance levels.
2. Change the standards implementing a functional classification system; or
Finding: There is no change to the standards implementing the functional classification system.
3. As measured at the end of the planning period identified in the Dallas Transportation System Plan or the adopted plan of any other applicable roadway authority, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or
Finding: The proposal, as measured at the end of the planning period identified in the Dallas Transportation Plan, will not result in levels of travel or access that are inconsistent with the functional classification of the existing transportation facility.
4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in road authority’s adopted plan; or
Finding: The proposal, with the RM designation at full buildout, would generate 30-35 peak hour trips on to SE Miller Ave. SE Miller Ave. is a major collector with significant additional capacity. Therefore, the proposal would not fall below the minimum acceptable standard.
5. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the road authority’s adopted plan.
Finding: SE Miller Ave. does not currently, nor is it projected to perform below minimum acceptable standards as a result of the proposal.
6. Where the City lacks specific transportation policies or standards, the City Council shall be consulted, as provided under Section 4.1.050 (Type IV Legislative Review).
Finding: Not applicable.

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

CONCLUSION: It can be found that this proposal meets all the applicable criteria.

RECOMMENDATION: Approve the zone change and Comprehensive Plan Map amendment.

RESPECTFULLY SUBMITTED,

Jason Locke



Community Development Department Director

Attachments:

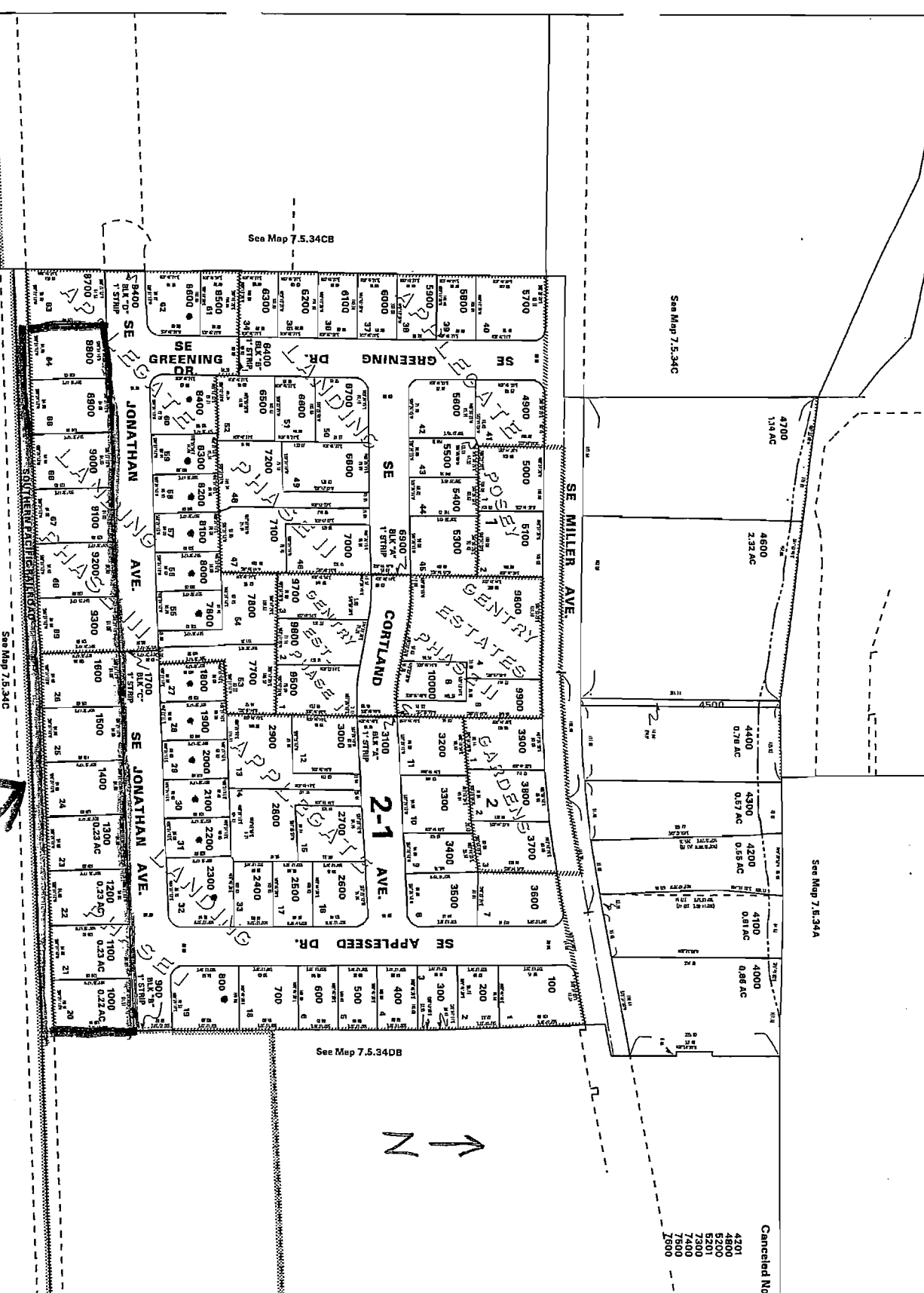
Plat Map
Aerial photo
Planning Commission minutes
Notice
Application form and materials

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

NE1/4 SW1/4 SEC. 34 T7S R5W WM
POLK COUNTY
Scale 1" = 100'

7.5.34CA

Cancelled No.
4201
4800
5200
5201
7300
7400
7500
7600



SUBJECT
PROPERTY

7.5.34CA



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 187 SE Court Street
 Dallas, OR 97338



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 635 CAPITOL STREET NE, SUITE 150
 SALEM OREGON 97301-2540