



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: September 16, 2015

Jurisdiction: City of Dallas

Local file no.: ZC/CPA 15-01

DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/14/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 46 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 001-15 {23759}

Received: 9/14/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Dallas

Local file no.: **ZC/CPA 15-01**

Date of adoption: 9/8/15

Date sent: 9/14/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 4/24/15

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Suzanne Dufner

Phone: 503.831.3572

E-mail: suzanne.dufner@dallasor.gov

Street address: 187 SE Court St

City: Dallas

Zip: 97338-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

N/A

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from Residential to Commercial 0.46 acres. A goal exception was required for this change.

Change from to acres. A goal exception was required for this change.

Change from to acres. A goal exception was required for this change.

Change from to acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 7.5.28.CD/2302; 407 E. Ellendale Ave.

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from Residential Low Density	to Commercial General	Acres: 0.46
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 7.5.28CD/2302; 407 E. Ellendale Ave

List affected state or federal agencies, local governments and special districts: ODOT

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

N/A

ORDINANCE NO. 1785

An Ordinance amending the Dallas Comprehensive Plan Map for a parcel of real property owned by Christina and Dale Perry from Residential to Commercial; and declaring an emergency.

WHEREAS, Trahan Consulting and the above-named owners, Christina Perry and Dale Perry, submitted an application to amend the Comprehensive Plan Map for the real property which is described generally as .46 acres located at and commonly known as 407 E. Ellendale Avenue, as more particularly described on Exhibit A, attached hereto and by reference incorporated herein, from Residential to Commercial; and

WHEREAS, after due notice, on June 9, 2015, 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 July 20, 2015, 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 application of the owners of the property described on Exhibit A, attached hereto, to amend the Comprehensive Plan Map for the property from Residential to Commercial be, and it hereby is, approved.

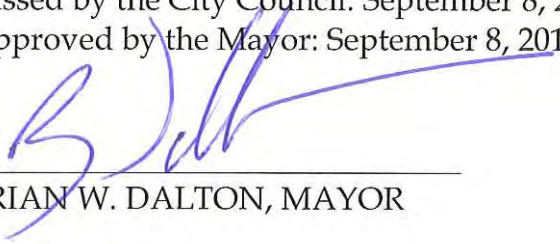
Section 2. The map attached hereto and marked Exhibit B is hereby adopted as the amended Comprehensive Plan Map for said property.

Section 3. The Findings and Conclusions set forth in the staff report on this matter, submitted into the record herein on July 20, 2015, 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 Comprehensive Plan Map amendment.

Section 4. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to

exist and this Ordinance shall take effect immediately upon its passage.

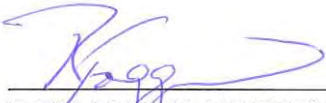
Read for the first time: August 3, 2015
Read for the second time: September 8, 2015
Passed by the City Council: September 8, 2015
Approved by the Mayor: September 8, 2015



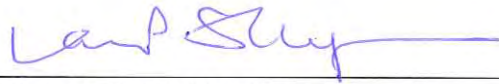
BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:



RONALD W. FOGGIN,
CITY MANAGER

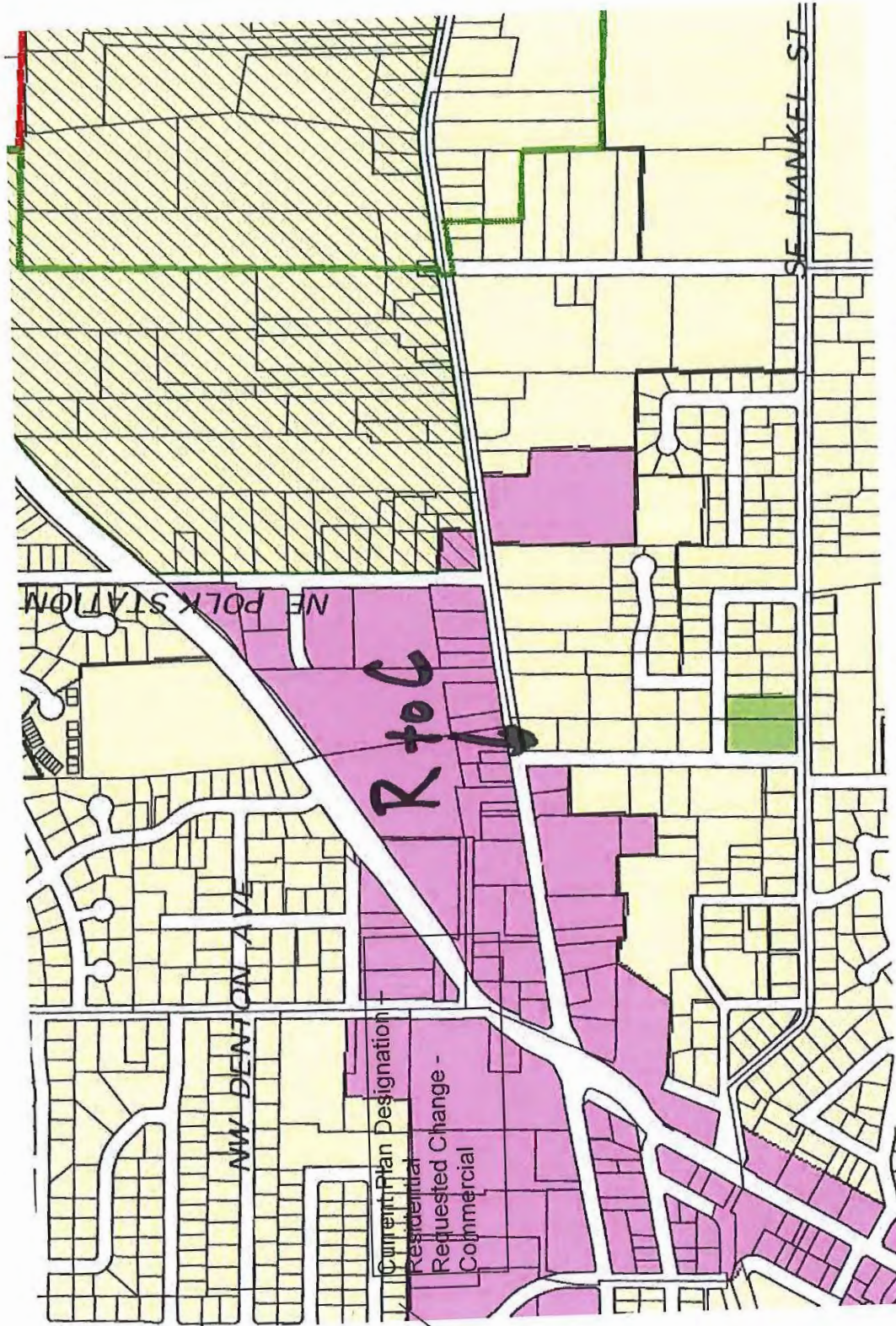


LANE P. SHETTERLY
CITY ATTORNEY

EXHIBIT A

Legal Description

Lots numbered Three (3), Four (4), and Five(5), Block Numbered Three (3), DAVIS SUBDIVISION, in the City of Dallas, Polk County, Oregon; SAVE AND EXCEPT the South 128 feet thereof.



COMPREHENSIVE PLAN MAP AMENDMENT/ZONE CHANGE 15-01: 407 E. ELLENDALE

EXHIBIT C

CITY OF DALLAS
City Council

APPLICATION COMPLETE:
APRIL 24, 2014

STAFF REPORT
DATE: JULY 13, 2015

FILE NO.	ZC/CPA 15-01
HEARING DATE	APRIL 9, 2015 7:00 P.M. CITY HALL COUNCIL CHAMBERS 187 SE COURT STREET DALLAS, OREGON 97338
OWNER(S)	CHRISTINA AND DALE PERRY
APPLICANTS AGENT	TRAHAN CONSULTING
REQUEST	ZONE CHANGE FROM RESIDENTIAL LOW DENSITY TO COMMERCIAL GENERAL AND COMPREHENSIVE PLAN MAP AMENDMENT FROM RESIDENTIAL TO COMMERCIAL FOR 0.46 ACRES
LOCATION	407 E. ELLENDALE AVENUE
RECOMMENDATION	APPROVAL

CITY OF DALLAS
CITY COUNCIL
COMMUNITY DEVELOPMENT
DEPARTMENT STAFF REPORT



BACKGROUND INFORMATION: The subject property is located on the southeast corner of E. Ellendale Avenue and SE Uglow Street. The subject property is just under one-half acre (20,250 sf) in size and is currently designated Residential (R) on the Comprehensive Plan Map and zoned Residential Low Density (RL). The house previously located on the property has been removed and the property is now vacant. The property has an existing driveway off E. Ellendale Avenue and is fully served by City utilities.

The property to the east is zoned Residential Medium Density (RM) and is developed with multi-family residences (Firestone Place) that are managed by Polk Community Development Corporation (CDC). Property to the south is zoned RL and developed with multi-family residences that receive access off SE Uglow Street. Property to the north (across E. Ellendale Avenue) is zoned CG and developed with commercial office use (Ellendale Professional Building). Property to the west (across SE Uglow Street) is also zoned CG developed with a single family residence.

PROPOSAL: The applicant is proposing to change the Comprehensive Plan Map designation from Residential to Commercial, and change the zoning from Residential Low Density (RL) to Commercial General (CG) in order to accommodate future commercial development of the property.

PLANNING COMMISSION HEARING: On June 9, 2015, the Planning Commission conducted a public hearing on the application. At the close of the public hearing, the Planning Commission made a recommendation that the City Council approve the proposed change.

APPROVAL CRITERIA:

Type IV Legislative Criteria (4.1.050)

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;**

Applicable Statewide Planning Goals:

Goal 9: Economic Development

Goal 9 relates to economic development, and requires communities to provide an adequate supply of land suitable for commercial uses.

Findings: The applicant addresses the requirements of Goal 9 based on the most recent Comprehensive Plan information and additional analysis of commercial growth trends using current U.S. Census data and GIS (Geographic Information Systems) information relevant to land supply in Dallas. The overall analysis indicates the City of Dallas is using its commercial land supply very efficiently and that there has been a low absorption rate of commercial development. The proposed amendment would provide additional opportunities for small scale commercial development on a parcel that is adjacent to existing commercial development. The proposed change will not have a negative impact on the city facilities and adjoining properties. Additionally, the proposed amendment will support employment and job creation within the city limits on property that was underdeveloped due to its location.

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.

Findings: Based on the small size of the property (0.46 ac) and the widespread availability of Residential Low Density (RL) land within the city, the proposal will not negatively impact the overall residential land supply.

Conclusion: It can be found, based on the findings above and the information and analysis contained in the application, that the proposal is consistent with the Statewide Planning Goals.

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

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

CHAPTER 2: A SUSTAINABLE DALLAS ECONOMY

2.2 Manpower Development Policies

3. Encourage the creation of job opportunities for residents in the Dallas area within new and present businesses and industries.

Findings: As noted in the Applicant's statement, the proposed amendment will support jobs in the short term during construction and jobs with a positive economic impact as a commercial development is operational.

2.5 Other Commercial Zones

2. Encourage the "cluster" development of commercial activities on sites large enough to provide adequate street access, off-street parking and landscaping.

Findings: The proposed commercial site is 0.46 ac in size, which well exceeds the minimum lot area of 5,000 square feet required for commercial uses. The site is large enough to provide adequate area to accommodate driveway access to the site, parking and landscaping.

3. Discourage "strip" commercial development along arterial streets, by concentrating commercial uses in the CBD and in defined neighborhood commercial "nodes."

Findings: The proposed amendment is for land already located in an established commercial area along E. Ellendale Avenue.

CHAPTER 6: URBAN GROWTH MANAGEMENT

Urban Growth Management Goal

To ensure that urban development does not occur in the absence of the full range of urban services, and that "rural" development outside the City Limits does not interfere with the efficient urban development in the future.

6.2.1-4. Only lands that can be provided with the full range of urban facilities will be considered for annexation or rezoning.

Findings: As noted in the Applicant's statement, the subject property is located inside the city limits. The property was underdeveloped and is located adjacent to commercially zoned land. The property is served with full urban facilities, as demonstrated in the public facilities section below.

CHAPTER 7: PUBLIC FACILITIES PLAN

Public Facilities Goal

To provide a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for community development.

7.1.1-9. Wherever possible, public sewer, storm drainage and water facilities shall be placed within the public right-of-way to simplify maintenance and minimize impacts on private property owners.

Findings: As noted by the Applicant, the property is presently served with adequate public facilities and services, including transportation, sewer, storm and water systems to support the use or can be developed concurrently with development. Comprehensive Plan goals and policies encourage retention and expansion of existing businesses and industries, infill land development patterns, and commercial and industrial development in places where there are adequate streets and utilities to serve the development.

2. **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 Applicant's statement included the following information with regards to the provision of adequate public facilities and services to the site.

The subject property is not currently served by **sanitary sewer**; however, there is a sanitary sewer manhole located in SE Uglow Street having a depth sufficient to allow a new line that can serve the property. The existing Uglow line is of sufficient size and depth to serve a proposed user. With the extension of the Uglow sanitary sewer line as required by development, the property can be served with adequate sanitary sewer service.

There is an existing 12 inch public **storm sewer** line located in E. Ellendale that can serve the property. On-site detention if required of the development, can be achieved by several different means and will be reviewed when the Developer obtains utility plan approval by the City Engineering Department.

There is an existing 10 inch public **water** line located in E. Ellendale Avenue. The residence that was demolished was connected to the city water system. Private water line extensions from the existing public water line, and meters of fire flow demands will be up-sized if required and constructed concurrently with the development of the property.

The property is located adjacent to SE Uglow Street, which is designated by the Dallas Transportation System Plan (TSP), as a local street and E. Ellendale Avenue, which is classified as an arterial street and a state highway under the jurisdiction of the Oregon Department of Transportation (ODOT). Both streets are improved with curb, gutter and sidewalk. Transportation impacts associated with the development of the property will be further analyzed by the City and ODOT through the site design review process.

Conclusion: The property and affected area is presently provided with adequate public facilities and services, including transportation, stormwater, 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.

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;**
Findings: See above (1).
2. **Approval of the request is consistent with the Comprehensive Plan;**
Findings: See above (2).

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**

Findings: See above (3).

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 Applicant states and staff concur; the requested map amendments will facilitate commercial growth in an area adjacent to commercial zoning districts. The proposed amendments will enable commercial development on an underutilized property, provide jobs and economic growth. The property is served by existing public utilities and is sufficiently sized for commercial development that can comply with the City's development standards.

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

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

Findings: Per the Applicant's statement, the requested zone and plan map amendments would not change the facility classification of the existing transportation system. No facility standards will be negatively impacted with the proposed change. The amendments do not include any enforceable or ongoing requirements that would limit traffic generation or change the standards implementing a functional classification system.

The small size of the subject property (0.46 ac), limits its potential increase in trips that could be generated by the subject property as a result of the proposed zone and map change. Comparison of potential increase in trip generation under the existing and proposed zoning is not significant. Under the current land use designation the site has the potential for a maximum of three dwelling units, which would generate an estimated 28.5 daily trips. Review of allowed commercial uses (e.g. retail, service, office) would have a varying degree of daily trips based on type of use and size of building. However, under the proposed land use designation and limited size of the subject property, it is expected that the increase, if any, in daily trips would be insignificant. Future development of the property will be required to satisfy ODOT and City standards to address traffic impact concerns raised as part of a site design review application for development.

The Oregon Department of Transportation (ODOT) provided preliminary comments on the subject property that would limit access to the furthest distance from SE Uglow Avenue, with a right turn in and right turn out onto E. Ellendale Avenue. These comments have been incorporated into the proposed site layout shown on the Applicant's conceptual site plan included with the application.

OVERALL TPR FINDING: Based on the above findings, the proposal would not result in a significant effect on an existing or planned transportation facility. The project levels and types of travel and access for E. Ellendale Avenue are consistent with its existing functional classification as an arterial street. The levels of development that would result in the types or levels of travel or access are consistent with the functional classification of the existing or planned transportation facility. The requested zone and plan map amendments do not degrade the performance of the existing transportation facility and all interactions would meet mobility targets and standards identified in the TSP and Comprehensive Plan.

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

RECOMMENDATION:

The Planning Commission recommends the City Council APPROVE the proposed Comprehensive Plan Map amendment from Residential to Commercial and zone change from Residential Low Density (RL) to Commercial General (CG).

Jason Locke
Community Development Department Director

ORDINANCE NO. 1786

An Ordinance changing the zoning designation of a parcel of real property owned by Christina and Dale Perry from Residential (Low Density) to Commercial General; and declaring an emergency.

WHEREAS, Trahan Consulting and the above-named owners, Christina Perry and Dale Perry, submitted a zone change application to the City requesting that the zoning designation of the real property which is described generally as .46 acres located at and commonly known as 407 E. Ellendale Avenue, as more particularly described on Exhibit A, attached hereto and by reference incorporated herein, be changed from Residential Low Density (RL) to Commercial General (CG); and

WHEREAS, after due notice, on June 9, 2015, 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 July 20, 2015, 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 Zoning and 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 Residential Low Density (RL) to Commercial General (CG).

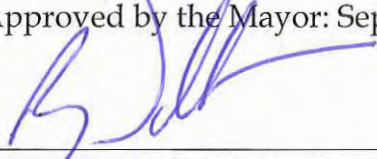
Section 2. The Findings and Conclusions set forth in the staff report on this matter, submitted into the record herein on July 20, 2015, a copy of which is attached hereto as Exhibit C and by this reference incorporated herein, are hereby adopted and approved as the Findings and Conclusions in support of this zone change.

Section 3. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

Read for the first time: August 3, 2015

Read for the second time: September 8, 2015

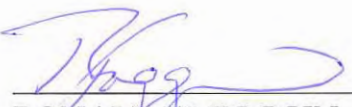
Passed by the City Council: September 8, 2015
Approved by the Mayor: September 8, 2015



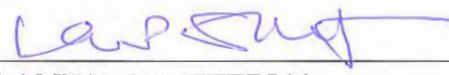
BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:



RONALD W. FOGGIN,
CITY MANAGER

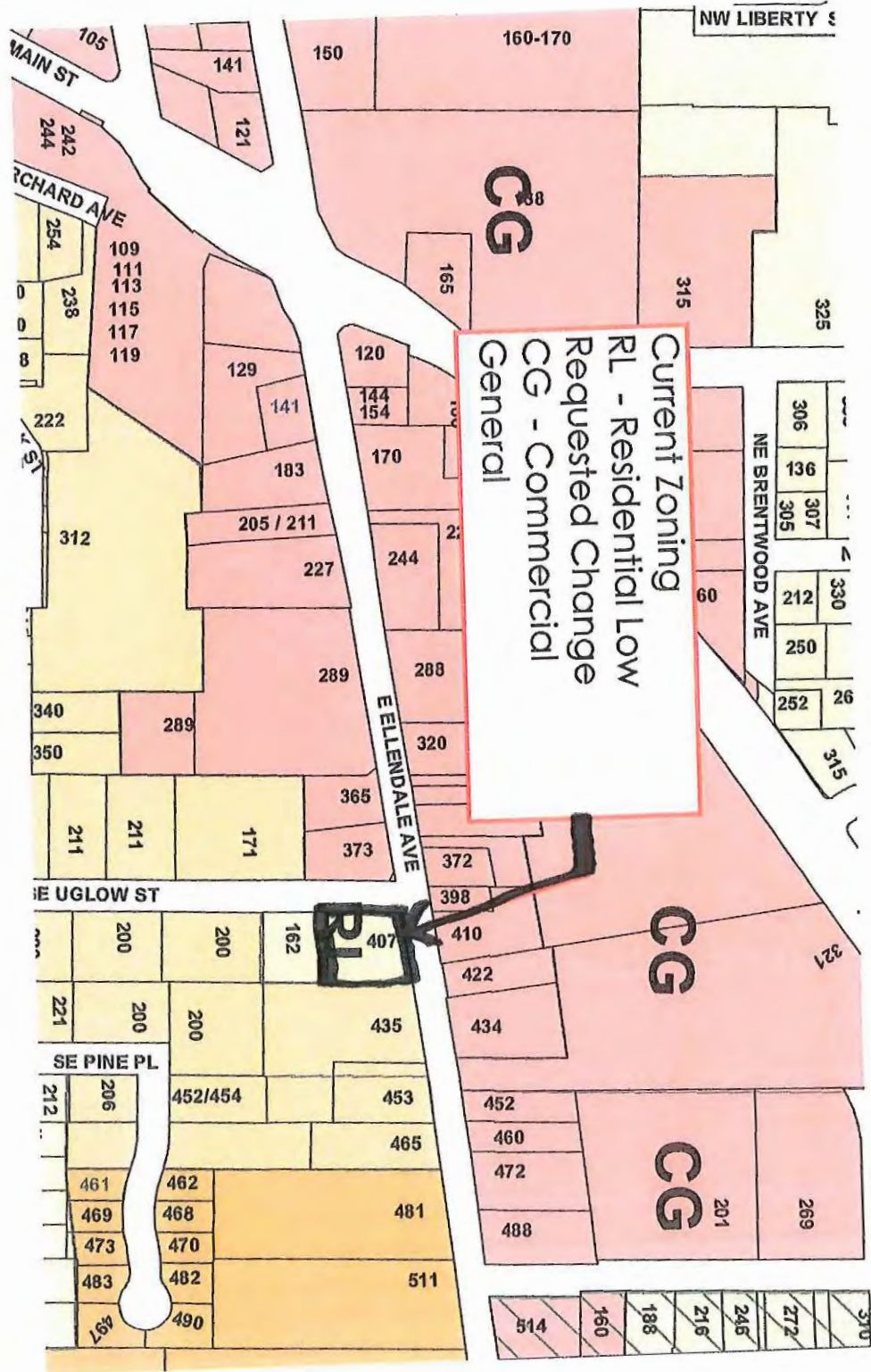


LANE P. SHETTERLY
CITY ATTORNEY

EXHIBIT A

Legal Description

Lots numbered Three (3), Four (4), and Five(5), Block Numbered Three (3), DAVIS SUBDIVISION, in the City of Dallas, Polk County, Oregon; SAVE AND EXCEPT the South 128 feet thereof.



Current Zoning
 RL - Residential Low
 Requested Change
 CG - Commercial
 General

EXHIBIT B

EXHIBIT C

CITY OF DALLAS
City Council

APPLICATION COMPLETE:
APRIL 24, 2014

STAFF REPORT
DATE: JULY 13, 2015

FILE NO.	ZC/CPA 15-01
HEARING DATE	APRIL 9, 2015 7:00 P.M. CITY HALL COUNCIL CHAMBERS 187 SE COURT STREET DALLAS, OREGON 97338
OWNER(S)	CHRISTINA AND DALE PERRY
APPLICANTS AGENT	TRAHAN CONSULTING
REQUEST	ZONE CHANGE FROM RESIDENTIAL LOW DENSITY TO COMMERCIAL GENERAL AND COMPREHENSIVE PLAN MAP AMENDMENT FROM RESIDENTIAL TO COMMERCIAL FOR 0.46 ACRES
LOCATION	407 E. ELLENDALE AVENUE
RECOMMENDATION	APPROVAL

CITY OF DALLAS
CITY COUNCIL
COMMUNITY DEVELOPMENT
DEPARTMENT STAFF REPORT



BACKGROUND INFORMATION: The subject property is located on the southeast corner of E. Ellendale Avenue and SE Uglow Street. The subject property is just under one-half acre (20,250 sf) in size and is currently designated Residential (R) on the Comprehensive Plan Map and zoned Residential Low Density (RL). The house previously located on the property has been removed and the property is now vacant. The property has an existing driveway off E. Ellendale Avenue and is fully served by City utilities.

The property to the east is zoned Residential Medium Density (RM) and is developed with multi-family residences (Firestone Place) that are managed by Polk Community Development Corporation (CDC). Property to the south is zoned RL and developed with multi-family residences that receive access off SE Uglow Street. Property to the north (across E. Ellendale Avenue) is zoned CG and developed with commercial office use (Ellendale Professional Building). Property to the west (across SE Uglow Street) is also zoned CG developed with a single family residence.

PROPOSAL: The applicant is proposing to change the Comprehensive Plan Map designation from Residential to Commercial, and change the zoning from Residential Low Density (RL) to Commercial General (CG) in order to accommodate future commercial development of the property.

PLANNING COMMISSION HEARING: On June 9, 2015, the Planning Commission conducted a public hearing on the application. At the close of the public hearing, the Planning Commission made a recommendation that the City Council approve the proposed change.

APPROVAL CRITERIA:

Type IV Legislative Criteria (4.1.050)

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;**

Applicable Statewide Planning Goals:

Goal 9: Economic Development

Goal 9 relates to economic development, and requires communities to provide an adequate supply of land suitable for commercial uses.

Findings: The applicant addresses the requirements of Goal 9 based on the most recent Comprehensive Plan information and additional analysis of commercial growth trends using current U.S. Census data and GIS (Geographic Information Systems) information relevant to land supply in Dallas. The overall analysis indicates the City of Dallas is using its commercial land supply very efficiently and that there has been a low absorption rate of commercial development. The proposed amendment would provide additional opportunities for small scale commercial development on a parcel that is adjacent to existing commercial development. The proposed change will not have a negative impact on the city facilities and adjoining properties. Additionally, the proposed amendment will support employment and job creation within the city limits on property that was underdeveloped due to its location.

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.

Findings: Based on the small size of the property (0.46 ac) and the widespread availability of Residential Low Density (RL) land within the city, the proposal will not negatively impact the overall residential land supply.

Conclusion: It can be found, based on the findings above and the information and analysis contained in the application, that the proposal is consistent with the Statewide Planning Goals.

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

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

CHAPTER 2: A SUSTAINABLE DALLAS ECONOMY

2.2 Manpower Development Policies

3. Encourage the creation of job opportunities for residents in the Dallas area within new and present businesses and industries.

Findings: As noted in the Applicant's statement, the proposed amendment will support jobs in the short term during construction and jobs with a positive economic impact as a commercial development is operational.

2.5 Other Commercial Zones

2. Encourage the "cluster" development of commercial activities on sites large enough to provide adequate street access, off-street parking and landscaping.

Findings: The proposed commercial site is 0.46 ac in size, which well exceeds the minimum lot area of 5,000 square feet required for commercial uses. The site is large enough to provide adequate area to accommodate driveway access to the site, parking and landscaping.

3. Discourage "strip" commercial development along arterial streets, by concentrating commercial uses in the CBD and in defined neighborhood commercial "nodes."

Findings: The proposed amendment is for land already located in an established commercial area along E. Ellendale Avenue.

CHAPTER 6: URBAN GROWTH MANAGEMENT

Urban Growth Management Goal

To ensure that urban development does not occur in the absence of the full range of urban services, and that "rural" development outside the City Limits does not interfere with the efficient urban development in the future.

6.2.1-4. Only lands that can be provided with the full range of urban facilities will be considered for annexation or rezoning.

Findings: As noted in the Applicant's statement, the subject property is located inside the city limits. The property was underdeveloped and is located adjacent to commercially zoned land. The property is served with full urban facilities, as demonstrated in the public facilities section below.

CHAPTER 7: PUBLIC FACILITIES PLAN

Public Facilities Goal

To provide a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for community development.

7.1.1-9. Wherever possible, public sewer, storm drainage and water facilities shall be placed within the public right-of-way to simplify maintenance and minimize impacts on private property owners.

Findings: As noted by the Applicant, the property is presently served with adequate public facilities and services, including transportation, sewer, storm and water systems to support the use or can be developed concurrently with development. Comprehensive Plan goals and policies encourage retention and expansion of existing businesses and industries, infill land development patterns, and commercial and industrial development in places where there are adequate streets and utilities to serve the development.

2. **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 Applicant's statement included the following information with regards to the provision of adequate public facilities and services to the site.

The subject property is not currently served by **sanitary sewer**; however, there is a sanitary sewer manhole located in SE Uglow Street having a depth sufficient to allow a new line that can serve the property. The existing Uglow line is of sufficient size and depth to serve a proposed user. With the extension of the Uglow sanitary sewer line as required by development, the property can be served with adequate sanitary sewer service.

There is an existing 12 inch public **storm sewer** line located in E. Ellendale that can serve the property. On-site detention if required of the development, can be achieved by several different means and will be reviewed when the Developer obtains utility plan approval by the City Engineering Department.

There is an existing 10 inch public **water** line located in E. Ellendale Avenue. The residence that was demolished was connected to the city water system. Private water line extensions from the existing public water line, and meters of fire flow demands will be up-sized if required and constructed concurrently with the development of the property.

The property is located adjacent to SE Uglow Street, which is designated by the Dallas Transportation System Plan (TSP), as a local street and E. Ellendale Avenue, which is classified as an arterial street and a state highway under the jurisdiction of the Oregon Department of Transportation (ODOT). Both streets are improved with curb, gutter and sidewalk. Transportation impacts associated with the development of the property will be further analyzed by the City and ODOT through the site design review process.

Conclusion: The property and affected area is presently provided with adequate public facilities and services, including transportation, stormwater, 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.

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;**
Findings: See above (1).
- 2. Approval of the request is consistent with the Comprehensive Plan;**
Findings: See above (2).

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**

Findings: See above (3).

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 Applicant states and staff concur; the requested map amendments will facilitate commercial growth in an area adjacent to commercial zoning districts. The proposed amendments will enable commercial development on an underutilized property, provide jobs and economic growth. The property is served by existing public utilities and is sufficiently sized for commercial development that can comply with the City's development standards.

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

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

Findings: Per the Applicant's statement, the requested zone and plan map amendments would not change the facility classification of the existing transportation system. No facility standards will be negatively impacted with the proposed change. The amendments do not include any enforceable or ongoing requirements that would limit traffic generation or change the standards implementing a functional classification system.

The small size of the subject property (0.46 ac), limits its potential increase in trips that could be generated by the subject property as a result of the proposed zone and map change. Comparison of potential increase in trip generation under the existing and proposed zoning is not significant. Under the current land use designation the site has the potential for a maximum of three dwelling units, which would generate an estimated 28.5 daily trips. Review of allowed commercial uses (e.g. retail, service, office) would have a varying degree of daily trips based on type of use and size of building. However, under the proposed land use designation and limited size of the subject property, it is expected that the increase, if any, in daily trips would be insignificant. Future development of the property will be required to satisfy ODOT and City standards to address traffic impact concerns raised as part of a site design review application for development.

The Oregon Department of Transportation (ODOT) provided preliminary comments on the subject property that would limit access to the furthest distance from SE Uglow Avenue, with a right turn in and right turn out onto E. Ellendale Avenue. These comments have been incorporated into the proposed site layout shown on the Applicant's conceptual site plan included with the application.

OVERALL TPR FINDING: Based on the above findings, the proposal would not result in a significant effect on an existing or planned transportation facility. The project levels and types of travel and access for E. Ellendale Avenue are consistent with its existing functional classification as an arterial street. The levels of development that would result in the types or levels of travel or access are consistent with the functional classification of the existing or planned transportation facility. The requested zone and plan map amendments do not degrade the performance of the existing transportation facility and all interactions would meet mobility targets and standards identified in the TSP and Comprehensive Plan.

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

RECOMMENDATION:

The Planning Commission recommends the City Council APPROVE the proposed Comprehensive Plan Map amendment from Residential to Commercial and zone change from Residential Low Density (RL) to Commercial General (CG).

Jason Locke
Community Development Department Director