

JENRAE

Comprehensive Plan Amendment and Zone Change

#CPA-20-01 / #ZC-20-01

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JENRAE PROPERTIES, LLC

COMPREHENSIVE PLAN & ZONE CHANGE

DATE: March 18, 2020.

SUBMITTED TO: City of Dallas, Oregon
Planning Department
187 SE Court Street
Dallas, OR 97388

APPLICANT: JENRAE Properties, LLC



Trahan Consulting, LLC
P.O. Box 441 Dallas OR 97338

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PROJECT BACKGROUND.

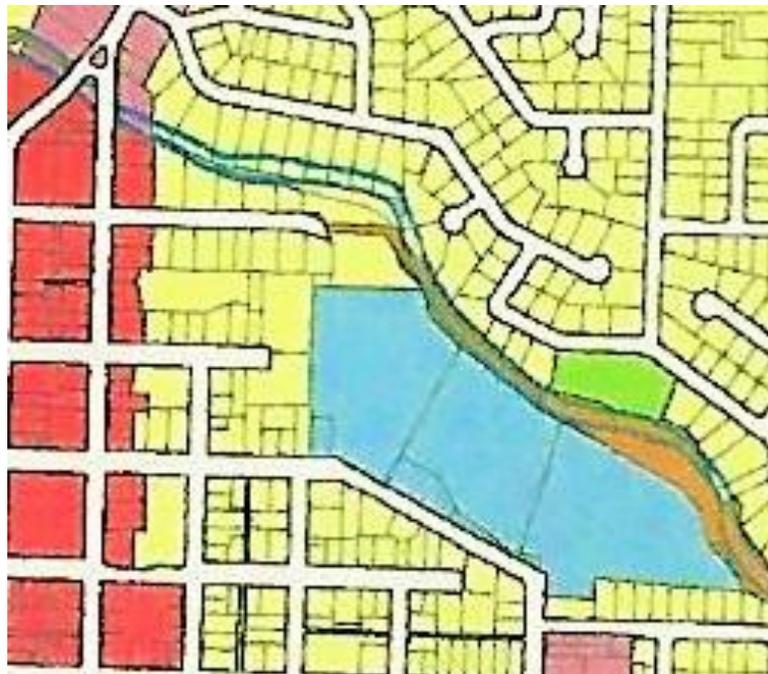
This proposal involves three tax Lots located in the City of Dallas, Oregon:

- ❖ T7S, R5W Section 33BC Tax Lot 14900
- ❖ T7S, R5W Section 33BC Tax Lot 100
- ❖ T7S, R5W Section 33BC Tax Lot 103

The subject properties are generally located south of SE Walnut Avenue, north of SE Mill Street, west of SE LaCreole Drive, and east of SE Jefferson Street.

The applicant is seeking to accomplish the following tasks:

1. Amend the City of Dallas Comprehensive Plan Map in two respects:
 - a. Change the plan designation for T7S, R5w Section 33BC Tax Lot 14900 from “Industrial” to “Residential.”
 - b. Change the location of the Rickreall Creek trail as it is currently shown on the Comprehensive Plan Map, a portion of which is shown below, for T7S, R5w Section 33BC Tax Lots 100, 103, and 14900 to a new location, as shown on Map 1.
Map 1



2. Amend the City of Dallas Comprehensive Plan Map No. 5 (Recreation) in one respect. The Rickreall Creek trail is currently shown on the Map No 5, the relevant portion of which is shown below, as traversing through Tax Lots 100, 103, and 14900 (T7S, R5W Section 33BC,

TL 100) in a manner than holds close top Rickreall Creek. This application seeks to change the location of the trail to a new location, as shown on Map __2__.

Map 2



3. Amend the City of Dallas Comprehensive Plan's Pedestrian and Bicycle Networks (Figures 7-8 & 7-9) in one respect: change the location of the Rickreall Creek trail as it is currently shown for T7S, R5W Section 33BC Tax Lots 100, 103, and 14900 to a new location, as shown on Map __3__.

Map 3



- Amend the City of Dallas Parks Master Plan dated May 2015 in one respect: change the location of the Rickreall Creek trail as it is currently shown on Dallas Parks Map, Future Parkland Recommendation (page 64) for T7S, R5W Section 33BC Tax Lots 100, 103, and 14900 to a new location, as shown on Map _4__.

Map 4



Amend the City of Dallas Comprehensive Zoning Map by changing the zoning for T7S, R5w Section 33BC Tax Lot 14900 from “I – Industrial” to “RM (Residential Medium Density).” Map 5



This general proposal was discussed with City of Dallas Staff at a pre-application conference on May 8, 2018.

The current comprehensive plan designations of the property is Industrial. The subject property is zoned I – Industrial. The applicant is seeking a Comprehensive Plan amendment and Zone Change for a portion of the subject site that currently has an Industrial designation and is zoned Industrial. The proposed Comprehensive Plan designation is Residential, and the proposed zone is RM (Residential Medium Density). The purpose of this request is to prepare the subject site for a future subdivision and future development of a combination of single-family and multi-family homes.

Currently, on the southerly portion of the subject property there is an existing industrial building. The industrial building is planned to be retained and to continue to have the Industrial designation on the Comprehensive Plan Map and to keep its Industrial zoning. A concurrent property line adjustment has been submitted to the City of Dallas Planning Department. The property line adjustment will adjust the northerly property line of the subject property and thereby shrinking the industrial property to just what is needed for the existing use and expanding the residential property for the future development. Although the property line will be moved through the property line adjustment, zoning boundaries and Comprehensive Plan designations cannot be changed without a Comprehensive Plan Amendment and Zone Change application a type IV legislative process.

The Comprehensive Plan Amendment and Zone Change is warranted and appropriate for the subject property for several reasons. The industrial site is currently developed and has been in it's current state since 1951 with no proposals to expand. The topography of the Industrial site makes it impractical to further develop with more industrial uses as there is a steep grade change just to the north of the existing building. It would only be practical to access the northern portion of the Industrial site from the north side of the property which would be inappropriate and likely not supported by City staff because it would bring industrial traffic through a residential area. The proposed configuration will retain the existing industrial use building and continue to send the industrial traffic to SE Mill Street. The northern portion of the site is suited well for residential zoning because it is adjacent to residential uses and sits as a completely different elevation than the industrial use. The elevation change will act as a natural buffer for the residential uses from the industrial uses to the south. The future subdivision will support the City's policy to add needed affordable housing to the area and would infill a currently underutilized property.

STATEWIDE PLANNING GOALS

Goal 1: Citizen Involvement.

Purpose: To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Applicant's Response: Goal 1 requires local governments to adopt and administer programs to ensure the opportunity for citizens to be involved in all phases of the planning process. The County has adopted such a program for PAPAs, and it is incorporated within the Comprehensive Plan and Zoning Code, both of which have been acknowledged by LCD. Among other things, the County's program requires notice to citizens, agencies, neighbors, and other interested parties followed by multiple public hearings before the County makes a decision on the Application. These procedures provide ample opportunity for citizen involvement in all phases of these Applications. The Board should find that, upon compliance with the County's notice and hearing procedures, the County has reviewed the Applications in a manner consistent with Goal 1. See *Wade v. Lane County*, 20 Or LUBA 369, 376 (1990) (Goal 1 is satisfied as long as the local government follows its acknowledged citizen involvement program).

Goal 2: Land Use Planning.

Purpose: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Applicant's Response: Goal 2 requires establishing a land use planning process and policy framework as a basis for all land use decisions and requires an adequate factual base for all land use decisions. In the present case, the provisions of the zoning code and the ORS establish the land use planning process and policy framework for considering the Application. Further, the enclosed materials, including this narrative, demonstrate that the Application satisfies all applicable approval criteria. As such, there is an adequate factual base for the County's decision.

Additionally, Goal 2 requires that the County coordinate its review and decision on the Applications with appropriate government agencies. In its review of the Applications, the County has provided notice and an opportunity to comment to affected government agencies, including nearby cities and the State Departments of Land Conservation and Development and Transportation.

The hearings officer finds that the Application is consistent with Goal 2.

GOAL 5: NATURAL RESOURCES

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

Applicant’s Response: The requested amendment does not involve or affect inventoried Goal 5 resources. Therefore, Goal 5 is inapplicable. Storm water management will be engineered and approved by the city prior to and with any development of the property. When development of the subject property does occur, it will comply with all of the local, state, and federal regulations regarding natural resources, historic areas and open spaces. The subject project does not contain any identified scenic or historic areas.

Goal 6: Air, Water, and Land Resources Quality

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

Applicant’s Response: Goal 6 requires the County to protect air, water, and land resources from waste and process discharges from development. The applicant is not proposing development. In approving a change in the comprehensive plan and zoning map designations for a property to allow construction of a new land use, a city only needs to establish that it is reasonable to expect that federal and state environmental standards will be met in the future when permits for the proposed is sought. *Nicita v. City of Oregon City*, 74 Or LUBA 176 (2016). 10. Goal 6 – Air, Water and Land Resource Quality. *Graser-Lindsey v. City of Oregon City*, 74 Or LUBA 488 (2016). Goal 6 does not require that a local government anticipate and precisely duplicate state and federal environmental permitting requirements in approving a post-acknowledgment plan amendment. *Friends of the Applegate v. Josephine County*, 44 Or LUBA 786 (2003). Before a local government is obligated to consider whether a land use regulation amendment implicates its obligations under Goal 6 to ensure that the amendment will not lead to violation of air quality standards, there must be at least some minimal basis for suspecting that the land use regulation amendment will have impacts on air quality that would threaten to violate air quality standards. *Home Builders Association v. City of Eugene*, 59 Or LUBA 116 (2009). Goal 6 does not require the local government to demonstrate its decision will not cause any adverse environmental impact on individual properties. *Salem Golf Club v. City of Salem*, 28 Or LUBA 561 (1995).

In this case, there are no state or federal environmental permitting requirements for residential uses. In this case, the applicant is proposing residential usage of urbanizable land, which is not a type of land use that involves major emission sources or expansion of existing sources.

GOAL 7: NATURAL HAZARDS

Purpose: To protect people and property from natural hazards. Natural Hazard Planning: 1) Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards. 2) Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires.

Applicant's Response: Goal 7 requires local governments to evaluate risks from natural hazards and to avoid or prohibit development in areas "where the risk to public safety cannot be mitigated." As an example, a county may reasonably conclude that wildfire risk from destination resorts will be mitigated by the fire siting standards that apply to destination resorts under the county's zoning ordinance. *Johnson v. Jefferson County*, 56 Or LUBA 72 (2008). Goal 7 prohibits development in known areas of natural hazards without appropriate safeguards. A county's decision designating land from agricultural to commercial uses to allow siting of an RV park within a floodplain provides "appropriate safeguards," where the county imposes conditions designed to minimize potential flood damage, including requiring that RVs be removed from the park in advance of floods. *Smith v. Douglas County*, 37 Or LUBA 801 (2000).

In this case, Applicant has documented that the TL 14900 is not located in a floodplain. The applicant has submitted a Letter of Map Amendment ("LOMA") application to FEMA, which is currently pending. Therefore, the proposed change will not affect any land that is located in a floodplain or other area of natural hazard.

GOAL 8: RECREATIONAL NEEDS

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

Applicant's Response: The applications does potentially affect an inventoried recreational need or facilities. Therefore, Goal 8 is applicable. When a city undertaking a post-acknowledgment comprehensive plan or land use regulation amendment seeks to establish compliance with Goal 8, the relevant concern is whether the amendment has direct or secondary effects on "recreation areas, facilities and opportunities" inventoried and designated by the acknowledged plan to meet the local government's recreational needs. Goal 8 does not require that there will be no adverse effects on any recreational activity occurring in the vicinity of the proposed amendment. *Salem Golf*

Club v. City of Salem, 28 Or LUBA 561 (1995). The zone change complies with Goal 8 because it helps the city establish the Rickreall Creek trail.

GOAL 9: ECONOMIC DEVELOPMENT

Purpose: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Applicant's Response: Every urban area evaluates its needs for land to serve commercial and industrial development. The community then must plan for enough land to meet those needs. As a result, every city in Oregon now has the supply of land it needs to sustain a healthy local economy. As such, the subject property, as currently zoned, does not provide adequate opportunities for economic development. The subject property is too small, it has a challenging topography change, and it adjacent to residential uses. The subject property, if rezoned to residential (RM), would provide needed affordable housing in the City of Dallas.

In 1998 the Dallas Comprehensive Plan (DCP) identified a shortage of at least 56 buildable industrial acres to meet the Year 2020 employment needs. Dallas concluded that much of the City's existing industrial land supply was unsuitable to meet the needs of large firms or moderate-scale industrial parks. This was due to the available acreage was spread among small parcels (avg. size 1.91acres) or it was concentrated in a single ownership who had not shown an interest to sell the property at a fair market value. The DCP also concluded that larger industrial firms as well as master planned industrial parks typically require sites of 20 acres or greater. As stated in the background section of this narrative, the industrial portion of the subject property was developed in 1951 with no further expansions planned or proposed in almost 70 years it can be concluded that this site is not suitable for industrial expansion.

With the amendment of the DCP in 2004 and the expansion of the Urban Growth Boundary (UGB) 62 acres of buildable industrial lands were added to the buildable lands inventory for the City. Based on the DCP criteria for meeting the needs of buildable industrial lands, the portion of the subject property proposed to be rezoned and designated to residential has little effect on meeting the deficit of industrial lands as it is not suitable for expansion of the industrial development. The 2004 amendment identified a shortfall of 56 buildable acres of industrial land to meet employment needs and added 62 buildable acres, which is 6 more acres than targeted. The subject property is 6.16 acres in total and will have approximately 4.87 acres of RM zoned property. There is ample property available for industrial use, which includes the three large industrial sites of 20 acres or greater, to meet the city's 20-year need. The rezoning of this property has a negligible impact on the overall available inventory of Industrial zoned property and associated employment opportunities.

GOAL 10: HOUSING

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

Applicant's Response: In the State of Oregon, cities are mandated to provide and allow for a variety of housing locations, types, and densities as means to address needed affordable housing in the state. Cities must keep adequate supplies of lands available and suitable for residential uses. The northern portion of the subject site is an appropriate location to provide for residential uses due to being surrounded on three sides by residential uses and the dramatic change in topography from the portion of the subject site that abuts SE Mill Street.

GOAL 11: PUBLIC FACILITIES

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

Applicant's Response: SE Academy Street abuts the RM portion of the subject property. City infrastructure will be designed and extended throughout the subject site at the time of future development. The design will be reviewed and approved by the City prior to construction of the future development. Facilities are currently in place and can be extended to serve the future proposed subdivision.

GOAL 12: TRANSPORTATION

Purpose: To provide and encourage a safe, convenient and economic transportation system. This division also implements provisions of other statewide planning goals related to transportation planning in order to plan and develop transportation facilities and services in close coordination with urban and rural development. The purpose of this division is to direct transportation planning in coordination with land use planning.

Applicant's Response: From the perspective of vehicular traffic, the proposed zone change will have a lesser impact on the transportation facilities than if the industrial development were to be expanded. The industrial designation allows for a variety of intensive uses to be sited at this location while rezoning to RM allows for single and multi-

amily uses. If the amendment and zone change is approved, the future development would complete the extensions of SE Academy Street, improving vehicular, bicycle, and pedestrian circulation in the area. The intensity of the traffic traveling through the area

will be minimized if the Comprehensive Plan amendment and zone change are permitted.

OREGON ADMINISTRATIVE RULES (OARs).

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 the 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.

Applicant's Response: In 1998, the Dallas Comprehensive Plan (DCP) identified a shortage of at least 56 buildable industrial acres to meet the Year 2020 employment needs. Dallas concluded that much of the City's existing industrial land supply was unsuitable to meet the siting needs of large firms or moderate-scale industrial parks in large part due to the acreage was spread among small parcels (avg. size 1.91 acres) or it was concentrated in a single ownership who had not shown an interest to sell the property at a fair market value. The DCP also concluded that larger industrial firms as well as master planned industrial parks typically require sites of 20 acres or greater.

In 2004, the City of Dallas amended the DCP and Urban Growth Boundary expansion to add approximately 79 acres to the Dallas UGB to address the need for additional buildable industrial. The two areas incorporated include 40.21 acres of buildable industrial land and the other is 21.53 acres of buildable industrial land, for a total of 62 acres.

Based on the DCP criteria for meeting the needs of buildable Industrial property, the subject property has little effect on meeting the deficit. The 2004 amendment identified a shortfall of 56 buildable acres of industrial land to meet employment needs and added 62 buildable acres, which is 6 more acres than targeted.

The subject property is not an appropriate location for an expanded industrial use due to the steep topography change from where the current industrial development is sited and the northerly portion of the subject property abutting residential uses on three sides. The highest and best use for the portion the property planned to be redesigned and rezoned to RM is industrial as it adds to needed affordable housing in the City of Dallas.

CITY OF DALLAS COMPREHENSIVE PLAN

CHAPTER 2: A SUSTAINABLE DALLAS ECONOMY (VOLUME 1)

ECONOMIC GOALS

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

- a) Maintain the existing and encourage the future development of a sound economic base in Dallas by providing for adequate and diversified industries, retail and wholesale establishments and service related industries.
- b) Encourage new industrial development that serves the needs of the Dallas Community and is designed to minimize impacts on Dallas residential neighborhoods, consistent with the policies of the Dallas Comprehensive Plan.
- c) Maintain the Central Business District as the dominant commercial cultural center of the community.
- d) Encourage a broad variety of commercial activities in the Dallas area in convenient and desirable locations to serve the public.
- e) Provide for small-scale, neighborhood commercial centers that complement the Central Business District and which minimize travel from home to shopping.

ECONOMIC POLICIES

2.1 Industrial Development Policies

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

Applicant's Response: The subject property is zoned I – Industrial. However, the applicant does not believe the property meets the goals and policies described above for the following reasons:

Policy 2.1 (1) – The portion of the subject property proposed for the residential designation and RM zoning is not prime industrial land because of its small size and the topography change. These factors make it challenging to develop. In order to serve the northern portion of the subject site, traffic would have to be directed through residentially zoned lands due to the dramatic topography change from SE Mill Street. The subject site is surrounded on three sides by residential uses with no substantial way to buffer the uses from one another. The topography change between the existing industrial development and the proposed residential area provides for a clear and obvious buffer between uses. The character of the area where the applicant is proposing the zone change is residential and lends itself to be an infill residential development as it is on grade with the other residential uses abutting the site. As the applicant discussed in the response to Goal 12, the proposed residential use will have a lesser impact on the existing infrastructure than an expansion of the industrial development. The future subdivision will complete the extension of SE Academy Street which will provide circulation for vehicular, bicycle, and pedestrian traffic.

Policy 2.1 (2) - There is more desirable industrial land within the city limits that would better fill the needs of potential industrial business owners. In 2004 the City of Dallas amended the DCP and Urban Growth Boundary expansion to add approximately 79 acres to the Dallas UGB to address the need for additional buildable industrial. The DCP also concluded that larger industrial firms as well as master planned industrial parks typically require sites of 20 acres or greater. The portion of the subject site proposed to be designated and zoned to residential is less than 6 acres in size. This proposal will retain the existing industrial use which has been in place since 1951.

Policy 2.1 (3) – As stated previously, the portion of the subject property to be zoned to residential is not appropriate for industrial uses due to the access, topography, and proximity to residential uses. The current trends in the City of Dallas show industrial uses are closing or relocating to other cities from Dallas. Approval of this application will add to the economic revival of trade work in Dallas at the time the single-family homes are constructed.

Policy 2.1 (4) - As previously stated, the applicant believes that there is better property within the city limits to develop an industrial park. Traffic circulation is essential to the successful development of an industrial park. The subject property lacks sufficient room to develop an acceptable traffic circulation pattern to include sufficient parking for employees. Additionally, due to the topography change, the northern portion of the property would have to take access through the industrial areas.

Policy 2.1 (5) -The applicant believes there is property located within the city that is more suitable for the development of industrial sites. As described in Goal 9, there is an

ample supply of industrial zoned property with a diverse inventory of small to large parcels. The re zoning of the subject property would have an insignificant impact on the existing inventory.

Policy 2.1 (6) – This policy is in conflict with the purpose of the UGB. Land within the City of Dallas UGB should be developed to prevent sprawl and unnecessary development of farmland within Polk County. Planned and orderly development, such as the future proposed residential subdivision, should continue to be allowed and encouraged within the City’s UGB.

2.3 Industrial land Use Policies

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

Applicant’s Response: For the following reasons, the subject site is not an appropriate location for further industrial development.

Policy 2.3 (1) - The subject site is not “Prime industrial” property as contained in OAR 660-009-0005(8). These reasons have been previously stated; the property is small in size and is less than 10 acres; the property is not connected to a major transportation corridor or facility, traffic circulation would be an issue and the subject property is not located next to a marine port, airport or multimodal freight or transshipment facility; located adjacent to residential neighborhoods and the future conflicts in mixing residential and industrial traffic.

In 2004 the City of Dallas amended the DCP and Urban Growth Boundary expansion to add approximately 79 acres to the Dallas UGB to address the need for additional buildable industrial. The two areas incorporated include 40.21 acres of buildable industrial land and the other is 21.53 acres of buildable industrial land, for a total of 62 acres.

Based on the DCP criteria for meeting the needs of buildable Industrial property, the subject property has little effect on meeting the deficit. The 2004 amendment identified a shortfall of 56 buildable acres of industrial land to meet employment needs and added 62 buildable acres, which is 6 more acres than targeted.

The existing industrial development on the southerly portion of the subject site, adjacent to SE Mill Street, was constructed in 1951 and has never been, or proposed to have been, expanded because the remainder of the site is not appropriate for industrial development due to its topography, access, and proximity to surrounding residential uses.

Policy 2.3 (2) - The subject property is not connected to the "Ash Creek Water Control District".

Policy 2.3 (3) – There have been no industrial master plans adopted for the remaining vacant portion of the subject property. Any industrial proposal on the vacant portion of the property would be inappropriate and likely highly contested by the neighbors adjacent to the property because it would bring industrial traffic, noise, dust, and other nuisances through the residential neighborhood.

Policy 2.3 (4) - The subject property is not "Prime industrial" property for reasons previously stated; traffic circulation, close proximity to a major transportation corridor, too close to residential neighborhoods and the future conflicts in mixing residential and industrial traffic. The site's topography prevents reasonable access to SE Mill Street which would force industrial traffic through the residential areas. However, approval of the rezoning would allow affordable housing in close proximity to other industrial and commercial employment opportunities.

Policy 2.3 (5) - As currently zoned, the subject property does not "encourage the continued growth of the service-related industries". Because of its location away from a major traffic corridor, the property is not able to be developed successfully. With the approval of this request, the property can be developed with homes offering a future developer opportunity to provide affordable and livable housing blending in with the already developed neighborhood.

CHAPTER 3: LIVABLE RESIDENTIAL NEIGHBORHOOD (VOLUME 1)

RESIDENTIAL NEIGHBORHOOD GOALS

To maintain and enhance the quality of existing residential neighborhoods and, through -master planning to ensure that new development is integrated into the community and results in new, high quality residential neighborhoods.

To encourage the development of a variety of housing types and densities to meet the needs and desires of the community and assure that existing and future residents of the community have the opportunity to acquire safe and sanitary housing at reasonable cost.

RESIDENTIAL NEIGHBORHOOD POLICIES

The following policies must be explicitly considered when reviewing annexation, zone change and Quasi-judicial development applications:

3.1 Locational & Design Policies

1. Residential neighborhood areas shall be planned and developed consistent with the following design requirements:
2. Each residential neighborhood shall be located within 1.5 miles of planned general or neighborhood commercial development.
3. Each residential neighborhood shall be served by a grid street system, which minimizes use of cul-de-sacs, double-frontage lots and walled subdivisions.
4. Each residential neighborhood shall provide its fair share of multi-family housing, consistent with residential Policy 3.2.
5. Land planned for multi-family housing shall be located adjacent to planned commercial areas or along and arterial and collector streets and shall be reserved exclusively for that purpose.
6. Pedestrian and bicycle access shall be provided between commercial, open space and residential uses in all new development.
7. Public or private park land shall be provided in proportion to residential development and in accordance with Chapter 4.5 (Level of Service).
8. Identified river and stream corridors, wetlands, flood hazard, steep hillsides and slide hazard areas where building would be hazardous shall be considered unbuildable and shall be used to define neighborhood boundaries.
9. High-density residential zoning shall be limited to the area immediately adjacent to the Central Business District and neighborhood shopping centers.
10. Redevelopment of the second and third stories of buildings in the Central Business District for residential and commercial uses shall be encouraged.

Applicant's Response: The following are responses to each policy:

Policy 3.1 (1) – If the subject property was rezoned to residential (RM) the neighborhood would be located within blocks of the CBD.

Policy 3.1(2) – If the subject property was rezoned to residential (RM) the future development would extend SE Academy Street to the east and south throughout the development providing a loop. Emergency service access will be provided. The traffic circulation will be reviewed at the time of subdivision submittal.

Policy 3.1(3) – If the subject property was rezoned to residential (RM), the medium density does allow for some limited multi-family uses if required.

Policy 3.1 (4) - If the subject property were rezoned to residential (RM), the future development would be in close proximity to commercially developed businesses. The future development of this property would extend SE Academy Street within close proximity to Main Street. The future residents will have access to the existing complex transportation network within the heart of the City.

Policy 3.1(5) – The applicant is not proposing a multi-family development at this time. However, the location of the subject site allows for the extension of SE Academy Street which will provide for a complete circulation system that includes the safe movement of vehicular, pedestrian and bicycle traffic throughout the development.

Policy 3.1(6) – The future development can tie into existing infrastructure which will provide complete access to commercial uses from the subject site.

Policy 3.1 (7) – At the time of subdivision approval, the applicant, in conjunction with a professional engineer and land surveyor, will address any impact the creek may have on the development of the subject property with residential uses. The applicant is confident any potential limitations on the subject site can be mitigated through acceptable engineering practices.

Policy 3.1 (8) – The subject property is adjacent to RM property that is adjacent to the CBD which meets the intent of this policy.

Policy 3.1(9) – The subject property is located near the CBD, not within the CBD. Therefore, this policy is not applicable.

CHAPTER 4: PARKS AND OPEN SPACE (VOLUME 1)

PARKS AND OPEN SPACE GOALS

4.1 Natural, Scenic and Historic Resources Policies

1. A riparian buffer shall be established and protected along Rickreall and Ash Creeks, as prescribed in the Dallas Development Code. This undisturbed area shall be surveyed and protected through deed restrictions or other appropriate means, prior to development approval.
2. Dallas will encourage the development of an integrated trail system to provide recreational opportunities and to link open space and park areas through the planned development process.

3. Rickreall and Ash Creeks shall be protected from pollution.
4. Steeply-sloped areas shall be preserved in their natural state to the maximum extent possible through hillside development standards in the Dallas Development Code.
5. Identified scenic, recreational, or historic sites shall be protected to the maximum extent possible through clear and objective standards in the Dallas Development Code.
6. The City shall seek state funding to conduct a “Local Wetlands Inventory.” Wetlands identified on that inventory shall be fully protected unless the economic, environmental, social and energy consequences of allowing conflicting uses have been fully examined in accordance with OAR Division 23, and incorporated into the Dallas Comprehensive Plan.

Applicant’s Response: The following are responses to each policy:

Policy 4.1 (1) – Policy 4.1(1) seeks to ensure that “a riparian buffer will be established and protected along Rickreall and Ash Creeks, as prescribed in the Dallas Development Code.” This policy is not an approval standard for a zone change, but will be applied at the time of subdivision and development approval. Approval of this zone change does not prevent the city and the Applicant from creating a deed restrictions or other appropriate means to protect the riparian buffer, at or prior to development approval.

Policy 4.1 (2) – Policy 4.1(2) seeks to ensure that the City of Dallas “encourage the development of an integrated trail system to provide recreational opportunities and to link open space and park areas through the planned development process.” This plan policy uses the term “encourage,” which is considered by LUBA and the Courts to aspirational language. Such language will generally not be found to be mandatory approval standards for a land use application. *Neuschwander v. City of Ashland*, 20 Or LUBA 144 (1990); *Citizens for Responsible Growth v. City of Seaside*, 23 Or LUBA 100 (1992), *aff’d w/o op.* 114 Or App 233 (1993). Even so, the proposed zone change is consistent with the goal of developing an integrated trail system to provide recreational opportunities and to link open space and park areas. If approved, the proposed zone change will facilitate the linkage of SE Academy Street, SE Oak Street, and SE Mill Street, as well as providing a gateway for the City to extend the Rickreall Trail further to the east along City-owned property.

Policy 4.1 (3) – Policy 4.1(3) seeks to ensure that the city protect Rickreall and Ash Creeks from pollution. A zone change from Industrial to Residential is consistent with this policy because industrial uses are more likely to pollute the creek than residential uses.

Policy 4.1 (4) – Policy 4.1(4) mandates that “steeply-sloped areas” are “preserved in their natural state to the maximum extent possible.” The policy is not an approval standard for a zone change, because it states that it is implemented through hillside development standards in the Dallas Development Code, and that provision applies at the time a development application is proposed. Comprehensive plan policies which the plan states are specifically implemented through

particular sections of the local code do not constitute independent approval standards for land use actions. *Murphey v. City of Ashland*, 19 Or LUBA 182 (1990).

Policy 4.1 (5) – Policy 4.1(5) states that “[i]dentified scenic, recreational, or historic sites shall be protected to the maximum extent possible through clear and objective standards in the Dallas Development Code. Again, when a comprehensive plan policy specifically states that it is implemented through particular sections of the local code, the plan policy will not constitute an independent approval standard for a land use actions. *Murphey v. City of Ashland*, 19 Or LUBA 182 (1990).

Policy 4.1 (6) – Policy 4.1(6) is a policy directive to the city staff, and is not an approval standard for a land use action.

4.4 Specific Park Needs

4. In order to meet passive recreation needs (the opportunity to picnic, stroll, or simply sit and enjoy pleasant surroundings), the plan proposes the establishment of a Rickreall Creek Trail connecting (at a minimum) the City park to the proposed East Dallas Community Park. Eventually, the trail might form a segment of a regional trail system connecting the Coast Range to the Willamette River.

Applicant’s Response: The applicant’s zone change is consistent with the goal of establishing the Rickreall Creek Trail connecting the City park to the proposed East Dallas Community Park. Volume II of the Dallas Comprehensive Plan describes the Rickreall Trail as follows:

Park Creek Trail Rickreall Creek is one of Dallas’ most valuable natural resources. With a minimum year-round required flow of 5 cubic feet per second, Rickreall Creek has several species of anadromous fish, including steelhead, salmon, and native cutthroat trout. The Department of Fish and Wildlife annually releases 1,000 rainbow trout in and near the City Park in time for opening day of fishing season. In an effort to preserve these resources for the continued enjoyment of Dallas residents, the City plans on developing the Park Creek Trail, a 4.2 mile greenway that will stretch the width of the current UGB. The City has acquired or retained easements over approximately 5,600 linear feet City of Dallas Comprehensive Plan, Vol. II: Background Document - Page 48 July 1, 1998 revised 1/10 of land along the banks of the creek. Another 2,200 linear feet of trail have been improved along the creek at Walnut Street Park, the City Park, and Kingsborough Park. The Park Creek Trail is of such importance to the City that it has a separate plan designation, indicating areas that have been and will eventually be acquired by the City.

The Applicant's zone change application provides an opportunity to complete another segment of the trail system at no cost to the City. The Zone Change provides a work-around to an existing problem caused by pre-existing development. An existing residence on tax lot was built prior to zoning, and features a deck that is built right up to the end of the upper terrace of land. The City's zoning code requires the Rickreall trail to both be ten-foot- wide, 3.1.030(B)(3) and ideally, it should maintain a 10-foot setback from the top of bank. CDDC 2.8.050. As a result of these two requirements, the trail ideally requires a corridor that is at least 20 foot wide. There is insufficient space on TL 100 to accommodate the trail and the existing dwelling and deck. When combined with the drastic topography change between the elevation of the dwelling and the elevation of the creek, it is impractical to provide an ADA compliance trail at this location. For this reason, the location of the dwelling and deck precludes, as a practical matter, the establishment of the Park Creek Trail at a location where it remains close to Rickreall Creek, unless the City is willing to exercise eminent domain to acquire that property.

The zone change provides a practical alternative by routing the Park Creek Trail along a significant grove of cedar trees. Preservation of these cedar trees creates a public asset that offsets the effect of the trail leaving the close proximity of Rickreall Creek for a short area. Given that redevelopment of Tax Lot 100 is extremely unlikely over the planning horizon, the acquisition of the tree grove and having an operational segment of trail within a short period of time is also more beneficial to the City, as compared to exercising the City's right of condemnation or waiting for TAL Lot 100 to redevelop.

DALLAS DEVELOPMENT CODE (DDC).

CHAPTER 4.1

4.1.040 TYPE III PROCEDURE (QUASI-JUDICIAL)

A. Pre-application Conference. A pre-application conference is required for all Type III applications. The requirements and procedures for a pre-application conference are described in Section 4.1.060.

Applicant's Response: A Pre-Application Conference was held on May 8, 2018.

B. Application Requirements

1. Application forms. *Type III applications shall be made on forms provided by the City Planning Official; if a Type II application is referred to a Type III hearing, either voluntarily by the applicant or staff, or upon appeal, no new application is required,*

Applicant's Response: The Applicant has included the City Application Forms with this application.

Submittal Information. When a Type III application is required, it shall:

Include the information requested on the application form;

Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each approval, e.g., Chapters 4.2 (Land Use Review and Site Design Review), 4.3 (Land Divisions), 4.6 (Modifications), 4.8 (Code Interpretations), and 4.9 (Miscellaneous Permits); and

Be accompanied by the required fee.

Be accompanied by a list of property owners of record within one hundred (100) feet of the subject site (by tax map and lot number) and mailing labels for the same.

Applicant's Response: The Applicant has included all of the required information with this application submittal.

4.1.050 TYPE IV PROCEDURE (LEGISLATIVE)

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

Applicant's Response: A Pre-Application Conference was held on May 8, 2018.

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

Applicant's Response: The applicant understands that this legislative request is not subject to the 120-day rule under ORS 227.178.

C. Application Requirements.

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

Submittal Information. *The application shall contain:*

The information requested on the application form;

b. *A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);*

c. *The required fee; and*

d. *One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.*

Applicant's Response: The applicant has included with this application the following: The information requested on the application form. All applicable maps as required. The required fee; and One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.

CHAPTER 4.7

CHAPTER 4.7 – LAND USE DISTRICT MAP AND TEXT AMENDMENTS

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

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

Applicant's Response: The applicable Statewide Planning Goals are addressed, *supra*.

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

Applicant's Response: The applicable Comprehensive Plan Policies are addressed, *supra*.

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

Applicant's Response: The subject property is located centrally to the city, and is therefore fully served with the full slate of public services, such as water, sewer, transportation, parks, schools, police, fire, etc.

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

Applicant's Response: This zone change is in the public interest for the following reasons:

- ❖ The Zone Change allows the City to provide needed housing on a site that has proven to be otherwise undesirable as an industrial site.
- ❖ The Zone Change will greatly increase pedestrian and bicycle connectivity in this vicinity, and will provide an additional segment of the Rickreall Creek Trail system;
- ❖ The Zone Change will allow development of TL 14900 in a manner that enhances the pedestrian amenities offers on the creek trail, including the addition of a playground structure for children, and four exercise stations.
- ❖ The Zone Change will save a significant row of cedar trees and incorporate those trees into the trail system.
- ❖ The development of TL 14900 will allow the residents of this development to have convenient pedestrian access to the downtown core via the Rickreall Creek trail.

This zone change application will provide the City with an opportunity to resolve an internal conflict in the Comprehensive Plan. The Comprehensive Plan Map dated May 2018 and Map 5 (Recreation) show the creek trail planned as following the creek closely, and traversing through T7S, R5W, Section 33, tax lots 100, 103, and 14900. The trail's planned traverse over tax lot 100, as envisioned in the 2018 Plan Map and Recreation Map, is limited inasmuch as it is contingent upon the redevelopment and relocation of the residence on TL 100, which is not anticipated over the next 20-year planning horizon. The dwelling located on TL 100 was recently remodeled. Given its idyllic setting and close proximity to the downtown core, the property's highest and best use is anticipated to remain a large-lot single-family executive residence.

In contrast, the Transportation Planning maps addressing Pedestrian and Bicycle Networks (Figures 7-8 & 7-9) show the creek trail diverting away from the creek and traversing along the north boundary of T7S, R5W, Section 33, tax lot 14900. This same route is reflected in the Parks Master Plan dated May 2015, at p 64 (Dallas Parks Map, Future Parkland Recommendation). This second

alternative is preferable to the alternative that hugs the creek, because it can be constructed immediately, and is not dependent on the redevelopment of Tax lot 100.

This Zone Change provides the City with an opportunity to clarify the route of the creek trail as it relates to this property. This application ensures the completion of this segment of the Creek Trail in a short time horizon, and results in a viable trail system over the lands at issue in the short term (< 2 year) planning horizon. The Applicant is proposing a third alternative, which is to route the trail further away from the creek, but is proposing to offset that modification by offering two additional points of pedestrian and bicycle connectivity not contemplated by the Comprehensive plan.

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

Applicant's Response: The applicable Statewide Planning Goals are addressed, *infra*.

4.7.060 Transportation Planning Rule Compliance

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

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

Applicant's Response: The proposal is to change the zoning and Comprehensive Plan designation of a portion of the subject property from Industrial to RM – Residential Medium Density. The change in zoning will have a lesser impact on the transportation system than the uses allowed within the industrial zone. At the time of future subdivision submittal, detailed information will be submitted regarding the extension of SE Academy Street and the proposed circulation throughout the subdivision and any potential impacts on the existing infrastructure.

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

Applicant's Response: The proposal is for a Comprehensive Plan Change and zone change and at this time does not include a specific development proposal which would change the standards implementing a functional classification system.

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

Applicant's Response: As stated previously, the future proposed development will have a lesser impact on the infrastructure than what is currently allowed on the subject property. In the future when a specific development is being proposed, the applicant will work with City staff and consultants to determine the levels of impact on the transportation system.

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

Applicant's Response: SE Academy Street's current terminus is at the applicant's property. With approval of this Comprehensive Plan and zone change, the applicant will later submit for a residential subdivision and will provide engineered drawings detailing the proposed transportation facilities throughout the subdivision. The proposed transportation system will be designed to adequately serve the future proposed subdivision.

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

Applicant's Response: SE Academy Street is stubbed to the applicant's property. With the approval of this and future applications for the proposed development, the street will be extended improving the circulation ability of vehicular, pedestrian, and bicycle traffic throughout the area where they currently encounter a dead end. This proposal will improve the current transportation facilities in place in the area.

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

Applicant's Response: The applicant is willing to consult with City Council, if necessary, for the future development of the subdivision.

B. Amendments That Affect Transportation Facilities. Except as provided in subsection C, amendments to the Comprehensive Plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

1. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or

Applicant's Response: The applicant understands conditions may be imposed on the approval of this application request. However, the proposal will have a lesser impact on the transportation system than that of an intensive industrial proposal.

2. Amending the Comprehensive Plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or

Applicant's Response: This section is not applicable to this request.

3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or

Applicant's Response: The proposal will reduce demand on the existing transportation system as residential uses produce an average of 10 vehicle trips per day and typical traffic doesn't include the heavy truck traffic that industrial uses generate. Additionally, the future roadway extensions and circulation will enhance the existing transportation system.

4. Amending the planned function, capacity or performance standards of the transportation facility; or

5. Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.

Applicant's Response: The applicant does not believe the proposal will affect the existing transportation facilities except that the extension of SE Academy Street will enhance the safe and orderly circulation of vehicular, bicycle, and pedestrian traffic throughout the development where they are currently met with a dead end.

2015 PARK MASTER PLAN.

The 2015 Mark Master Plan describes the Rickreall Creek Trail System a trail corridor. The plan describes these corridors as follows:

Trail corridors are linear-shaped parks that may follow streams, abandoned railroad lines, transportation or utility rights-of-way, or elongated natural areas. These parks typically support facilities such as soft or hard-surfaced trails, interpretative and informational signage, and trailheads. Trail corridors may support non-motorized transportation, recreation, exercise, and community access by connecting significant destinations within the City. Trails should be looped and interconnected to provide a variety of trail lengths and destinations. They should link to various parts of the community, as well as existing park sites.

See Parks Master Plan at p. 30. The design criteria for trail corridors is set forth as follows:

Sensitive areas such as wetlands, riparian zones and other ecologically sensitive areas should be protected. Trails that pass through sensitive areas should be designed with site sensitive materials as to not harm the resource. Providing views to these areas can be achieved through proper site layout. Wetland and riparian areas should be protected by a 50-foot native vegetation buffer allowing access occasionally for interpretive and educational viewing areas that are accompanied by a sign. Improvements should be limited to restorative actions and minimal construction of human made elements with the exception of thoughtfully placed paths. Paths should be ADA compliant, while also using materials that blend into the landscape. The construction and design of paths needs to be carefully planned. Take into account the amount of users, the width of the path, the type of path, the placement in regards to the topography, and soils and drainage conditions. All trails do not need to be paved but the system should offer diverse experiences to those who may be more challenged than others. Pathways that are paved with asphalt or concrete should be constructed correctly to achieve the longest lifetime possible.

See Parks Master Plan at p. 30. On tax lot 100, described *supra*, an existing house and deck forecloses the possibility of connecting the Rickreall trail across the riverside of that property. The deck is located so close to a drop in elevation that the trail would literally have to be built

with stairs, which are not ADA compliant. Any such design would necessarily intrude into ecologically sensitive areas, which should instead be protected from development.

The applicant proposes to have the creek trail deviate to the south as it enters TL 14900 from the east. As proposed, the trail would follow a 300-foot row of mature (100 foot+) cedar trees before turning west and passing between two residential dwellings. At that point, the trail would follow sidewalks in a residential neighborhood, and would interconnect with both Oak Street and Academy Street. A portion of Tax Lot 100 would be dedicated to the public for use as a park facility with playground equipment and exercise stations.

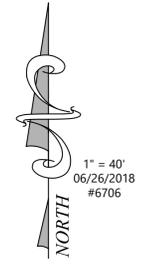
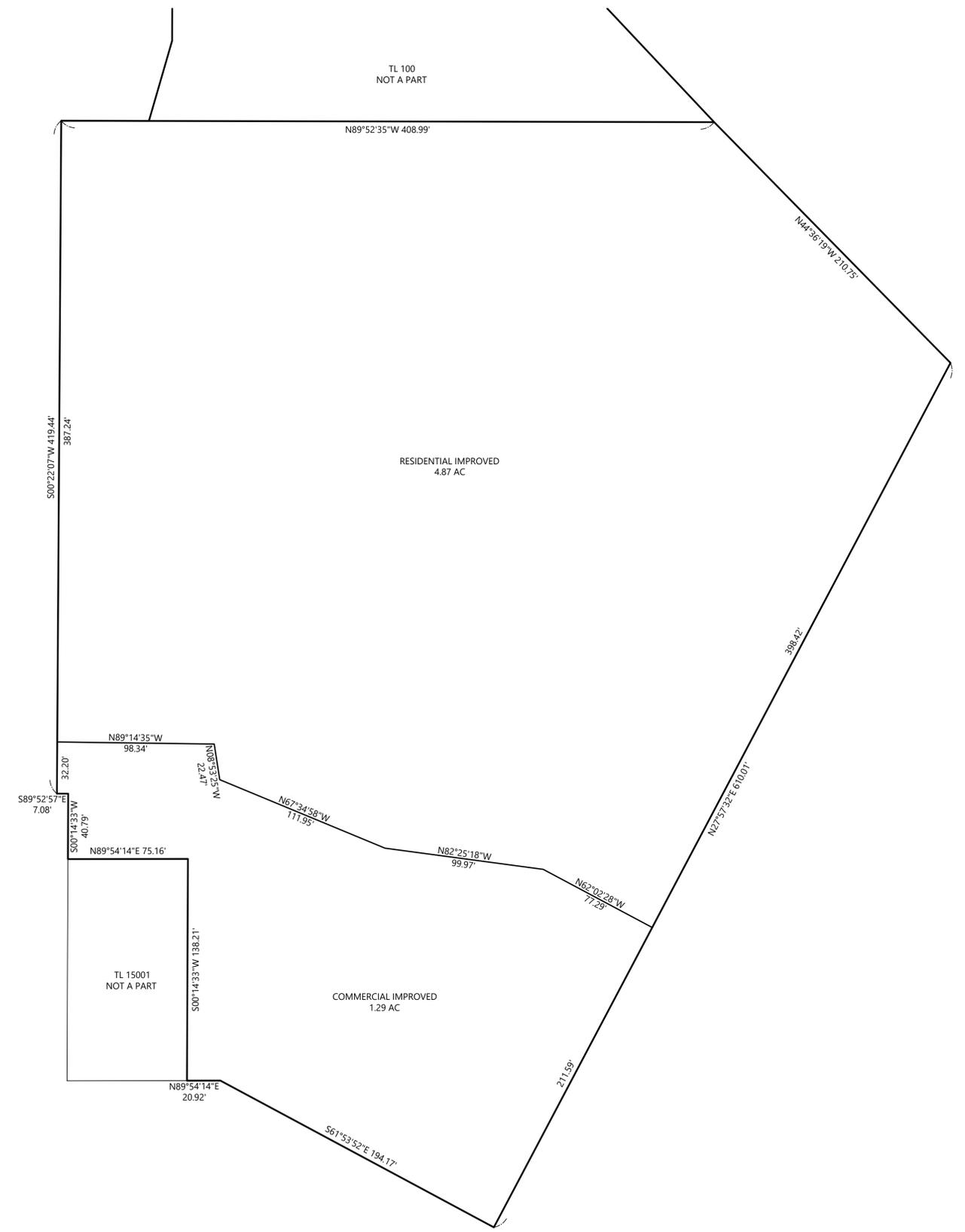
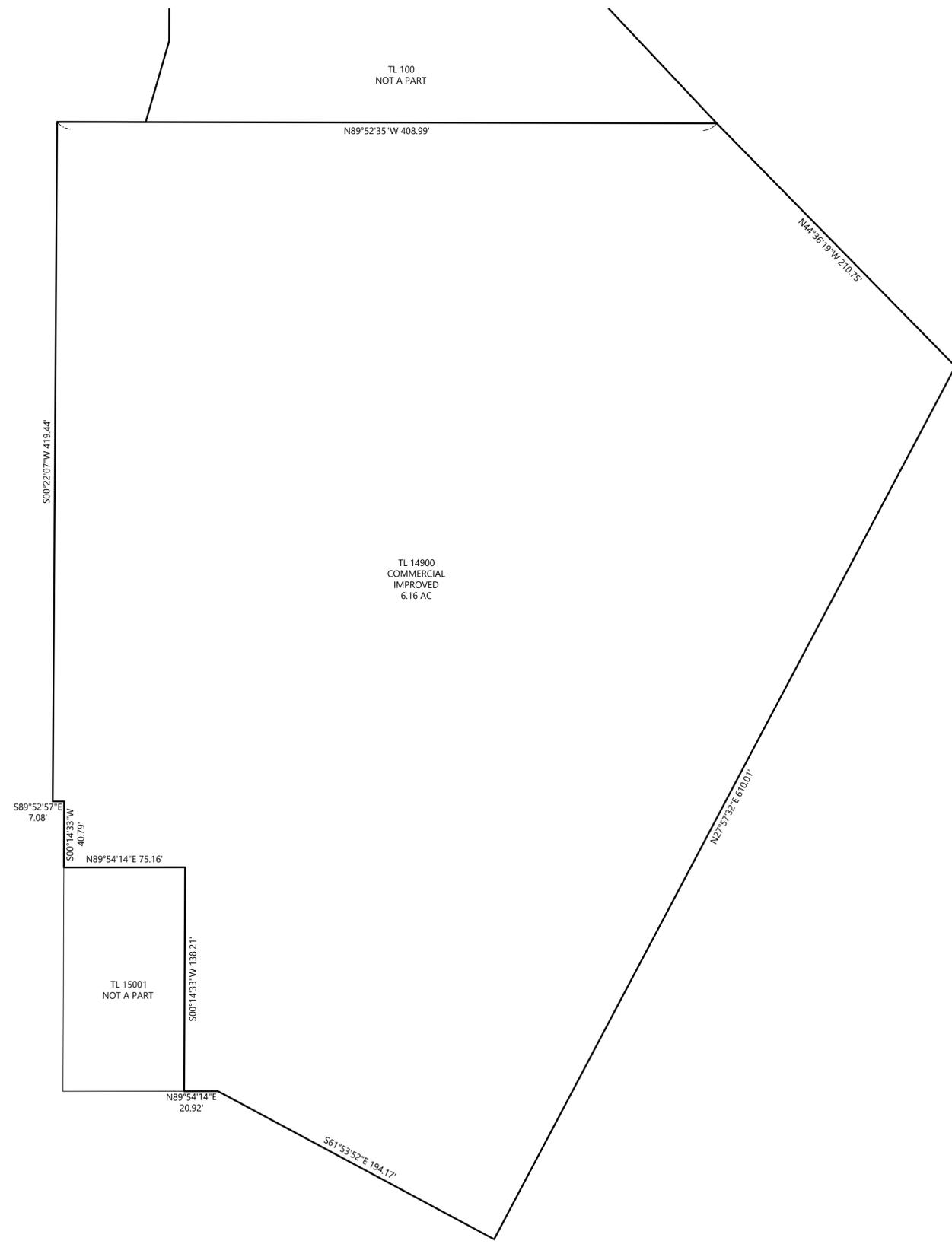
CONCLUSION.

The applicant has demonstrated the proposed Comprehensive Plan Amendment and zone change comply with the Statewide Planning Goals, applicable Oregon Administrative Rules, Dallas Comprehensive Plan Policies, and the Dallas Development Code. The portion of the subject site proposed to be changed from industrial to residential is an inappropriate location for industrial uses due to its proximity to abutting residential uses which surround the property on three sides. The existing industrial development is planned to remain on the southern portion of the subject site abutting SE Mill Street. The existing industrial development was constructed in 1951 and has never been expanded to the remaining vacant portion of the subject site due to the impracticality of the development. The site's topography prevents reasonable access to SE Mill Street which would force industrial traffic through the residential areas. The portion to be changed is small and is not practical for an industrial park. There are other sites within the City of Dallas which are more appropriate for industrial development. This site is well suited for residential infill and will provide for needed affordable housing in the fast-growing City of Dallas.

The applicant requests that City staff contact the representative, Paul Trahan of Trahan Consulting, LLC, if any additional information should be submitted for consideration of this proposal.

Existing Conditions

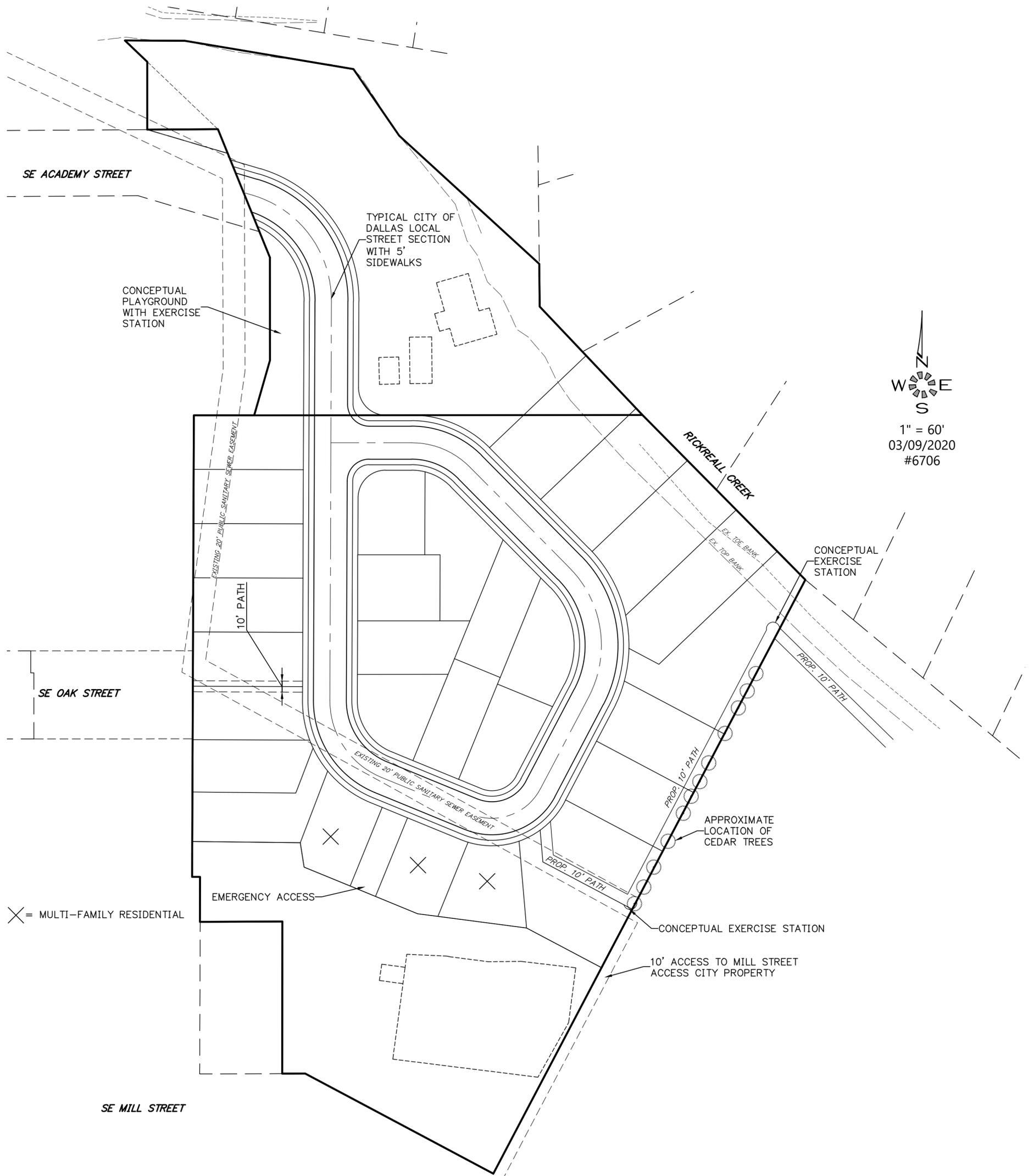
Proposed Conditions



JENRAE ZONE CHANGE

IN THE NW 1/4 SEC., 33 T. 7 S., R. 5 W., W.M.
CITY OF DALLAS, POLK COUNTY, OREGON

BY:
MULTI/TECH ENGINEERING SERVICES, INC.
1155 13TH ST. S.E. SALEM, OREGON 97302
503-363-9227



1" = 60'
03/09/2020
#6706

Date: August 10, 2018
 To: Mr. Paul Trahan, Land Use Planner
 From: Karl Birky, PE, PTOE
 Re: TPR Analysis for JENRAE Site



Introduction:

The intent of this letter is to address the Transportation Planning Rule (TPR) aspects of your application to change the Comprehensive Plan Map designation and zoning of tax lot 14900 of tax map 7S 5W Sec 33BC in Dallas, Oregon. The 4.86 Ac site is located at 492 SE Mill St. The proposed zone change will change the zoning from Industrial to Residential Medium (RM) and allow the site to develop with residential uses. When an Oregon city or county considers changing the zoning or the comprehensive plan map designation of a parcel, it is required to determine that no "significant effect" will occur to the transportation system as a result of the change.



The Transportation Planning Rule (TPR) was adopted in Oregon years ago to provide direction and order to development of streets and roads in Oregon. The rule limits making changes to zoning and comprehensive plan maps that would "significantly" affect the existing transportation system and the one being planned for the future in cities and in the state. Generally, cities and traffic engineers use the ITE Trip Generation Manual to estimate the trip generation of a variety of uses.

Trip Generation in the Existing Industrial Zone:

The site is in the City of Dallas and zoned I. The intent of the Industrial zone is to provide "a range of industrial and employment intensive land uses". This parcel is an isolated industrial area, away from the larger industrial area in the City. Allowed and permitted uses in the Industrial zone (I) include:

Drive up (banks), Offices, Industrial and Manufacturing uses. The TPR compares the traffic that a site could generate in the existing zoning to the traffic it could generate in the proposed zone, using high trip generating uses. The following table lists high trip generating allowed uses in the Industrial zone. It assumes 40% of the site is covered with buildings. The site is 211,700 sq ft in area and 40% of that area is 84,680 sq ft. This study will use the ITE Trip Generation Manual (10th edition) to estimate the trips that could be generated with the existing zoning.

Use (ITE #)	Building Area	ADT (daily trips)	AM trips	PM trips
Gen Office (710)	77,700 sq ft	757	90	89
Drive In Bank (912)	7,000 sq ft	700	67	143
Total	84,700	1457	157	233

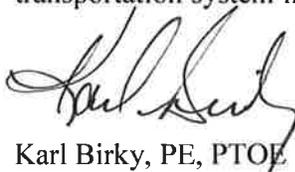
Trip Generation in the Proposed Residential Medium Zone:

Preliminary layout of the site with the proposed RM zone shows the site with a street removing 1.29 acres from the larger 4.86 acre site and leaving 3.57 acres for developing allowed and permitted uses. Apartments will generate the most trips among the allowed uses in the RM zone. Each single bedroom apartment counts as 1/2 a dwelling unit (DDC 2.2.050.B.2) and the site can be developed with 6 to 12 units per acre or with 24 apartments per acre or 86 apartments on the site. It is noted this is a theoretical maximum required by the TPR for this analysis.

Use (ITE #)	Units	ADT (daily trips)	AM trips	PM trips
Apartments (220)	86	627	39	48
Total	86	627	39	48

Summary and Findings:

The site's trip generating potential is significantly reduced if the comprehensive plan map is amended and the zoning designation is changed from Industrial (I) to Residential Medium (RM). If the site were developed with allowed uses in the Industrial zoning (an office building and a drive in bank) it could generate 1457 trips per day. If the site is zoned RM, it could be developed with apartments and generate 627 trips per day. It is my opinion the comprehensive plan map and the zoning designation can be changed to RM and will have no significant effect on the transportation system in Dallas.



Karl Birky, PE, PTOE
ATEP, Inc.
Salem, OR 97302



Technical Memo

WEST Consultants, Inc.

2601 25th St. SE

Suite 450

Salem, OR 97302-1286

(503) 485 5490

(503) 485-5491 Fax

www.westconsultants.com



Name: Matthew Hendrick, P.E.
Company: Multi/Tech Engineering Services, Inc.
Date: June 20, 2019
From: Hans Hadley, P.E., Senior Hydraulic Engineer
Subject: Jenrea Property Flood Risk Assessment



Per your request, a flood risk assessment for the properties located at 486 Mill Street and 365 Academy Street in Dallas, OR was conducted. The subject properties are located adjacent to Rickreall Creek and are located within a FEMA Special Flood Hazard Area (Zone AE) with published base flood (100-yr) elevations (see **Figures 1 and 2**). FEMA cross sections BU and BV cross the subject properties. Peak flow statistics and 100-yr water surface elevations are available in the Flood Insurance Study (FIS) for Polk County, OR date December 19, 2006.

No USGS or Oregon Water Resources Department stream flow data, in addition to that which was available at the time the FIS, are available for Rickreall Creek near the subject properties. USGS Regional Regression equations estimate the base flood peak discharge to be 7,280 cfs, which is significantly less than the peak discharge provided in the FIS. Therefore, the effective FEMA base flood (100-yr) discharge of 12,000 cfs was used in the hydraulic analysis.

A 1-dimensional HEC-RAS (ver. 5.0.7) hydraulic model was developed for Rickreall Creek using recently collected hydraulic cross section and topographic survey data provided by your office. The survey data were provided in the North American Vertical Datum of 1988 (NAVD 88). The study limits for the hydraulic model extend from FEMA cross section BT at the downstream end to FEMA cross section BX at the upstream end.

Table 1 summarizes the updated water surface elevations from the HEC-RAS hydraulic model and compares them to the effective FEMA base flood water surface elevations provided in the FIS.

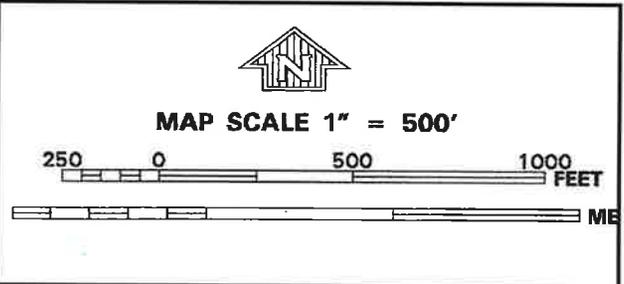
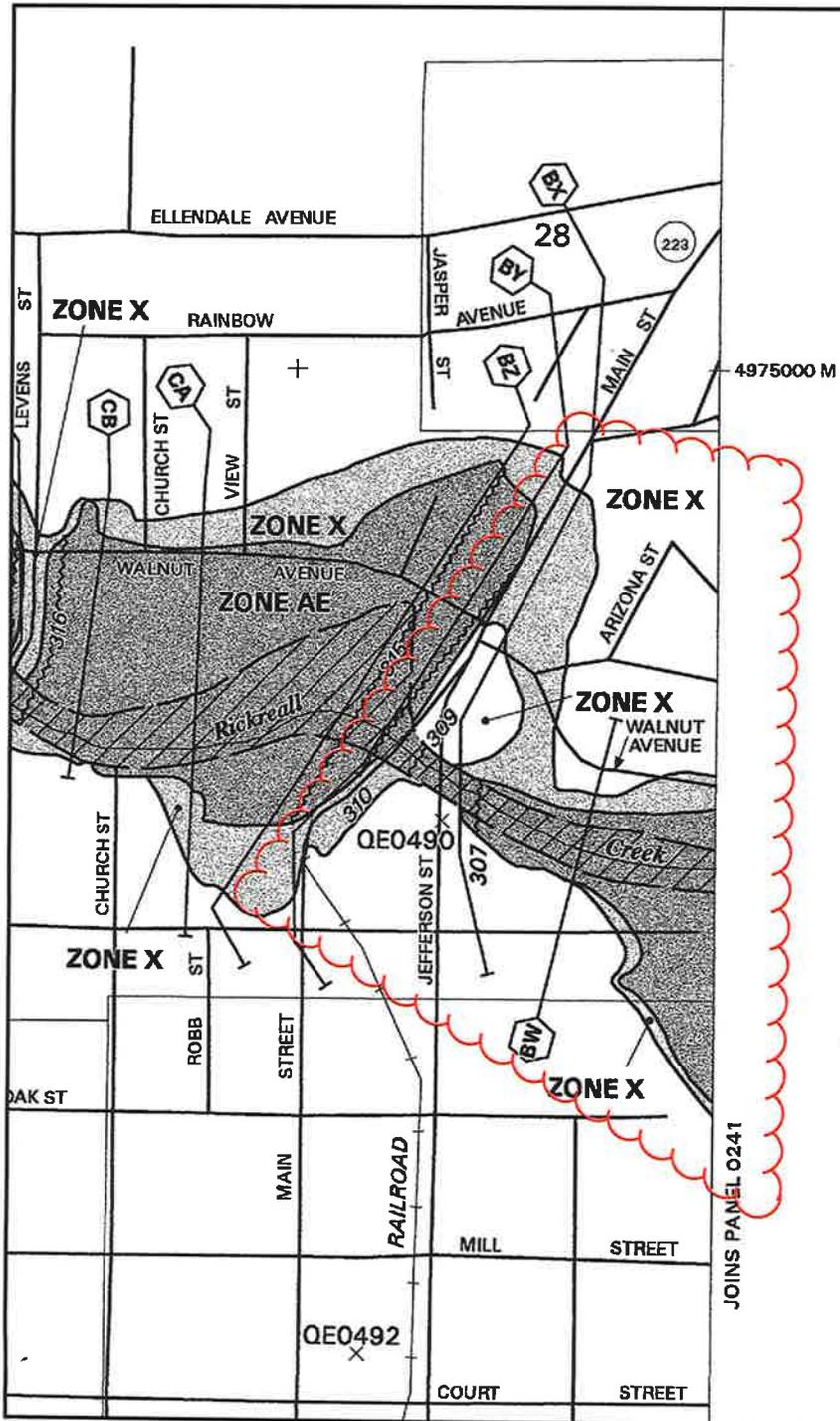
As seen in the table, the updated water surface elevations are the same or slightly higher than the water surface elevations in the effective FIS.

Cross Section Letter	HEC-RAS Cross Section Station	HEC-RAS 100-yr Water Surface Elevation (ft, NAVD 88)	Effective FEMA 100-yr Water Surface Elevation, (ft, NAVD 88)
BT	17	295.0	295.0
BU	1257	300.7	300.6
--	1473	303.4	--
--	1678	303.2	--
BV	1882	304.9	304.7
--	2081	304.9	--
--	2305	306.1	--
--	2345	305.9	--
--	2401	306.3	--
BW	2483	306.8	305.9
BX	2838	307.7	307.0

The attached map shows the areas within the study limits that would be inundated by the updated base flood (100-yr) water surface elevations for Rickreall Creek as well as the effective FEMA flood hazard boundaries for the base flood and floodway. As seen in the map, there is a low area within the subject properties that is below the updated base flood water surface elevations. However, the topographic data for the property indicates that this area is isolated from the creek by natural high ground and would not be inundated by floodwaters from the creek during the base flood event. Similarly, a comparison of the effective FEMA base flood elevations to the topographic data for the properties indicates that this area should not have been included in the regulatory FEMA 100-yr floodplain when it was originally developed. It is recommended that an application for a Letter of Map Amendment (LOMA) be sent to the City and FEMA for the purpose of removing this area from the FEMA Special Flood Hazard Area.

The results of the analysis are based on unobstructed flow. If a flow obstruction were to occur during the base flood event or if the peak discharge in Rickreall Creek exceeds the published FEMA peak flow rate, the water surface elevations would be expected to be higher than reported herein.

If you have any question, please don't hesitate to contact me at 503-485-5490 or hhadley@westconsultants.com.



PANEL 0237F

FIRM FLOOD INSURANCE RATE MAP

POLK COUNTY,
OREGON
AND INCORPORATED AREAS

PANEL 237 OF 575
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
POLK COUNTY, UNINCORPORATED AREAS	410188	0237	F
DALLAS, CITY OF	410187	0237	F

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
41053C0237F

MAP REVISED:
DECEMBER 19, 2006

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Figure 1 - Excerpt from FEMA Flood Insurance Rate Map Panel 237

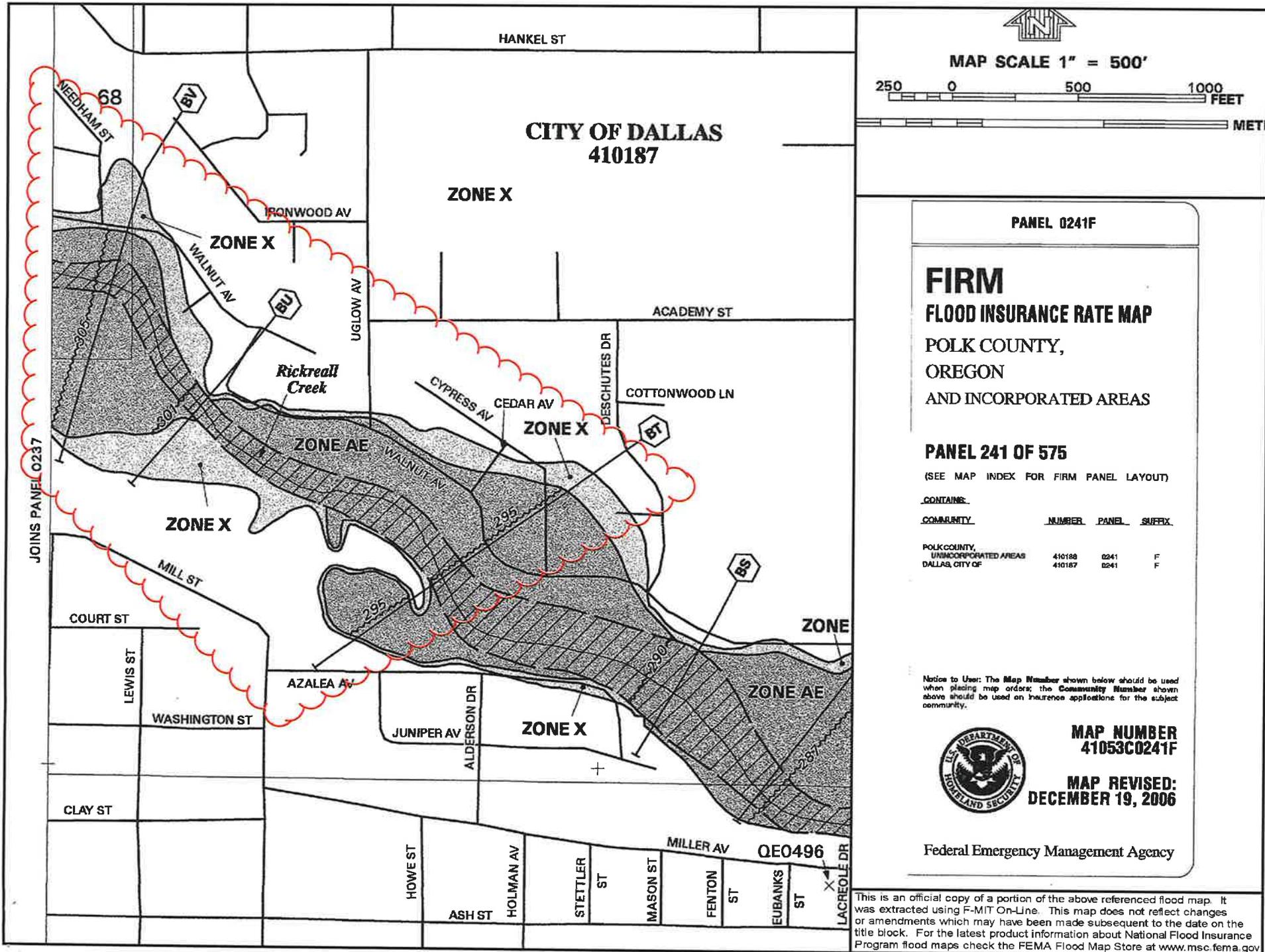


Figure 2 - Excerpt from FEMA Flood Insurance Rate Map Panel 241



WEST
Consultants, Inc.
June 8, 2019

Legend

Ground Contours

- Intermediate
- Index
- Base Flood Elevation
- Cross Sections

Depth (100-yr)

Value

- High : 14.2
- Low : 0.001

FEMA Effective Flood Boundary

- 100-yr
- Floodway

BV FEMA Cross Section Letter

Contour Interval: 1.0 ft
Horizontal Datum: Oregon Coordinate Reference System, Salem NAD 83, Int. Ft.
Vertical Datum: NAVD 88

Topographic Data Sources:
Multi-Tech Ground Survey (converted from NGVD29 to NAVD 88, +3.41 ft)
DOGAMI LIDAR Topography (NAVD88)

Cross Section Data Sources:
Multi-Tech Ground/Hydrographic Survey (converted from NGVD 29 to NAVD88, +3.41 ft)

This area is below the Base Flood Elevation but is isolated from Rickreall Creek by natural high ground. Therefore, this area should not be included in the Regulatory Floodplain



September 4, 2019

Matthew W. Hendrick
Civil Engineer
Multi/Tech Engineering Services, Inc.
1155 13th Street SE
Salem, OR 97302



Oregon

2601 25th Street SE, Ste. 450
Salem, OR 97302-1286
(503) 485-5490

Arizona

8950 S. 52nd St., Ste. 210
Tempe, AZ 85284-1043
(480) 345-2155

California

101 Parkshore Drive
Folsom, CA 95630-4726
(916) 932-7402

11440 W. Bernardo Ct., Ste. 360
San Diego, CA 92127-1644
(858) 487-9378

Texas

8951 Cypress Waters Blvd., Ste. 160
Dallas, TX 75019-4784
(214) 932-3015

Washington

12509 Bel-Red Rd., Ste. 100
Bellevue, WA 98005-2535
(425) 646-8806

River Measurement

A Division of WEST Consultants
811 NE 154th Street
Vancouver, WA 98685-1347
(360) 571-2290

Dear Matt,

Per your request I have submitted a Letter of Map Amendment (LOMA) application to the Federal Emergency Management Agency (FEMA) to remove a portion of the property located at 365 Academy Street SE, Dallas, OR 97338 from the FEMA Special Flood Hazard Area. The FEMA case number is 19-10-1284A.

The topographic information provided to FEMA clearly shows that the portion of the property identified by the metes and bounds description should not have been included in the FEMA Special Flood Hazard Area for Rickreall Creek due to the presence of natural high ground between the creek and lower elevation portions of the property. I also conducted an independent hydraulic modeling assessment of Rickreall Creek and similarly found that the portion of the property identified by the metes and bounds description is not subject to flooding by the 1-percent annual chance (100-yr) flood. See memo from me dated June 20, 2019.

I will let you know the status of the LOMA application as I receive updates from FEMA.

If you have any questions or are in need of any further assistance in this matter, please don't hesitate to call me.

Sincerely,

Hans R. Hadley, P.E., CFM
Senior Project Manager



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CITY OF DALLAS, POLK COUNTY, OREGON	A parcel of land, as described in the Deeds recorded as Document Nos. 2009-000886, 2017-011388, 200011965, 73627, 73626, 62192, 379236, 341573, 2019-008779, 2018-000949; and Property 2 as shown on the Record of Survey recorded as Document No. 16425; all in the Office of the County Clerk, Polk County, Oregon
	COMMUNITY NO.: 410187	
AFFECTED MAP PANEL	NUMBER: 41053C0237F; 41053C0241F DATE: 12/19/2006; 12/19/2006	
FLOODING SOURCE: RICKREALL CREEK		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 44.923051, -123.311944 SOURCE OF LAT & LONG: LOMA LOGIC DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
--	--	--	SE Academy Street, SE Mill Street & SE Oak Street	Portion of Property	X (shaded)	305.7 feet	--	299.0 feet

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

LEGAL PROPERTY DESCRIPTION	SUPERSEDES PREVIOUS DETERMINATION
PORTIONS REMAIN IN THE FLOODWAY	STATE LOCAL CONSIDERATIONS
INTERVENING HIGH GROUND - NO FILL	

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the described portion(s) of the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

LEGAL PROPERTY DESCRIPTION (CONTINUED)

BEGINNING at a 1/2" Iron Rod at the Southeast corner of a tract of land described in Deed Number 2019-14634 Polk County Deed Records, located in the Northwest Quarter of Section 33, Township 7 South, Range 5 West, of the Willamette Meridian, City of Dallas, Polk County, Oregon; thence North 00°05'39" West 80.87 feet; thence South 85°30'20" East 188.67 feet; thence South 34°56'55" East 22.34 feet; thence South 05°13'31" West 42.58 feet; thence South 43°58'29" East 135.36 feet; thence South 47°04'57" East 10.30 feet; thence South 09°46'57" West 7.79 feet; thence South 00°00'00" East 11.65 feet; thence South 22°22'48" East 9.73 feet; thence South 30°54'42" East 24.99 feet; thence South 52°02'47" East 19.17 feet; thence South 10°50'32" East 6.19 feet; thence South 58°58'52" East 23.63 feet; thence South 36°11'50" East 20.62 feet; thence South 09°02'39" East 18.54 feet; thence South 18°38'05" West 12.49 feet; thence South 62°33'30" East 29.24 feet; thence South 35°33'59" East 60.67 feet; thence South 30°10'25" East 25.91 feet; thence South 60°24'08" East 44.03 feet; thence South 52°29'37" East 37.14 feet; thence South 23°50'26" East 66.60 feet; thence South 88°00'31" East 19.54 feet; thence South 45°01'39" East 37.20 feet to the East line of a tract of land described in Deed Number 2000-11965 Polk County Deed Records; thence along said line South 27°47'51" West 347.14 feet to a 5/8" iron rod; thence North 62°12'09" West 77.29 feet to a 5/8" iron rod; thence North 82°34'59" West 99.97 feet to a 5/8" iron rod; thence North 67°44'39" West 111.95 feet to a 5/8" iron rod; thence North 09°03'06" West 22.47 feet to a 5/8" iron rod; thence North 89°24'16" West 98.44 feet to a 5/8" iron rod on the East line of a tract of land described in Deed Number 2013-3433 Polk County Deed Records; thence along said East line North 00°13'19" East 153.24 feet to the Northeast corner of said tract of land; thence along the North line of said tract North 90°00'00" West 146.89 feet to the East Right of Way line of Southeast Oak Street; thence along said Right of Way line North 00°00'00" East 20.00 feet to the Northeast corner of said Right of Way; thence along the North line of said Right of Way North 90°00'00" West 29.20 feet to the Southeast corner of a tract of land described in Deed Number 2019-7165 Polk County Deed Records; thence along said East line of said tract of land North 00°00'00" East 125.00 feet to the Northeast corner of said tract of land; thence along the North line of said tract of land North 90°00'00" West 50.00 feet to the Southwest corner of a tract of land described in Deed Number 2018-949 Polk county Deed Records; thence along the West line of said tract of land North 00°00'00" East 139.00 feet to the South line a tract of land described in Deed Number 2007-11388 Polk County Deed Records; thence along said South line of said tract North 90°00'00" West 55.49 feet to the Southwest corner of said tract; thence along the West line of said tract North 00°00'00" East 150.00 feet to the South Right of Way line of Southeast Academy Street; thence along said South Right of Way line North 90°00'00" East 157.49 feet; thence North 00°00'00" East 29.59 feet; thence North 64°11'59" East 13.24 feet; thence South 67°58'59" East 13.71 feet; thence North 81°05'06" East 3.58 feet; thence North 02°06'29" West 11.33 feet; North 64°23'52" East 3.70 feet; thence North 11°35'54" West 16.23 feet to the South line of a tract of land described in Deed Number 2019-14634 Polk County Deed Records; thence along the South line of said tract North 89°59'23" East 54.61 feet to the POINT OF BEGINNING

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

PORTIONS OF THE PROPERTY REMAIN IN THE FLOODWAY (This Additional Consideration applies to the preceding 1 Property.)

A portion of this property is located within the Special Flood Hazard Area and the National Flood Insurance Program (NFIP) regulatory floodway for the flooding source indicated on the Determination/Comment Document while the subject of this determination is not. The NFIP regulatory floodway is the area that must remain unobstructed in order to prevent unacceptable increases in base flood elevations. Therefore, no construction may take place in an NFIP regulatory floodway that may cause an increase in the base flood elevation, and any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management. The NFIP regulatory floodway is provided to the community as a tool to regulate floodplain development. Modifications to the NFIP regulatory floodway must be accepted by both the Federal Emergency Management Agency (FEMA) and the community involved. Appropriate community actions are defined in Paragraph 60.3(d) of the NFIP regulations. Any proposed revision to the NFIP regulatory floodway must be submitted to FEMA by community officials. The community should contact either the Regional Director (for those communities in Regions I-IV, and VI-X), or the Regional Engineer (for those communities in Region V) for guidance on the data which must be submitted for a revision to the NFIP regulatory floodway. Contact information for each regional office can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <http://www.fema.gov/about/regoff.htm>.

INTERVENING HIGH GROUND - NO FILL PLACED (This Additional Consideration applies to the preceding 1 Property.)

Although the subject of the determination is below the elevation of the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood), it is outside the Special Flood Hazard Area because of intervening high ground. Intervening high ground is natural high ground that exists between a property and/or structure and the flooding source, providing the property and/or structure protection against inundation from the base flood.

SUPERSEDES OUR PREVIOUS DETERMINATION (This Additional Consideration applies to all properties in the LOMA DETERMINATION DOCUMENT (REMOVAL))

This Determination Document supersedes our previous determination dated 11/16/2017, for the subject property.

STATE AND LOCAL CONSIDERATIONS (This Additional Consideration applies to all properties in the LOMA DETERMINATION DOCUMENT (REMOVAL))

Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Information eXchange (FMIX) toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Engineering Library, 3601 Eisenhower Ave Ste 500, Alexandria, VA 22304-6426.

A handwritten signature in black ink, appearing to read "Luis V. Rodriguez".

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

December 3rd, 2018

Paul K. Trahan
Trahan Consulting LLC
P.O. Box 441
Dallas, OR 97338

Dear Mr. Trahan:

At your request; Zion Natural Resources Consulting has evaluated tax lots 100 and 14900 located at 492 SE Mill Street, in Dallas, OR (T7S, R5W, Sec. 33BC, tax lots 100 and 14900) for potentially jurisdictional wetlands and streak horned lark habitat.

This 8.2 acre site is an infill lot surrounded by residential developments to the north, south, and west with the city public works shops to the east. Tax lot 100 consists of a small orchard, maintained lawn, and residence bordered by Rickreall Creek to the north. The creek has an un-mowed buffer dominated by mature Douglas fir, Oregon ash, cottonwood, and big leaf maple with openings consisting of scotch broom and orchard grass. Tax lot 14900 to the south consists of a mowed open field with a remnant baseball field in the southeast corner. The southern boundary of the tax lot is sloped from the south to the north creating the floodplain. Vegetation consists of mowed turf grasses (tall fescue and bentgrass), with mature cottonwoods and Himalayan blackberry along the slopes to the south.

The study area is mapped as having the soil series Abiqua silty claim loam (1A). This soil is considered non-hydric with no hydric inclusions according to the USDA hydric soils list for Polk County. This series is also listed as a poorly drained soil and is occasionally flooded. The National Wetland Inventory (NWI) map identifies Rickreall Creek (R2UBH) along the northern portion of the property. There is currently not a Local Wetland Inventory (LWI) map available for the City of Dallas. Approximately 80% of the site is within the 100-year floodplain of Rickreall Creek.

Wetlands

Based on fieldwork consisting of soil sampling within the lowest portions of the site completed on July 9th, 2018; we have determined that there are no wetlands present outside of the ordinary high water line of Rickreall Creek that borders the study area to the north.

Streak Horned Lark Habitat

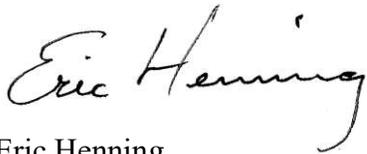
The site was also evaluated for potential streak horned lark (*Eremophila alpestris strigata*) habitat. The streaked horned lark is listed as threatened under the Federal

Endangered Species Act (USFWS 2013). Larks are ground-nesting song birds that use short, sparsely-vegetated habitats dominated by grasses and forbs situated within wide open areas with few trees, shrubs or other tall objects (Pearson & Hopey 2005). According to “Streaked Horned Lark Habitat Characteristics” (Anderson & Pearson 2015) nearly all known occupied sites have a landscape context (openness comprised of either low stature land cover or open water) of greater than 150 acres. In the Willamette Valley a majority of the site sizes are greater than 100 acres within a minimum of 48 acres (Corvallis).

Based on the small size of the study area (also accounting for other offsite contiguous habitat) along with tall mature trees bordering the site we believe that this site does not contain suitable habitat for the streak horned lark.

Please feel free to contact us with any questions or concerns about this information.

Sincerely,

A handwritten signature in black ink that reads "Eric Henning". The signature is written in a cursive style with a large, sweeping initial "E".

Eric Henning
Managing Member
Zion Natural Resources Consulting