



AGENDA
City of Dallas
Planning Commission
TUESDAY, December 12, 2023 - 7:00 p.m.
City Hall Council Chambers
187 SE Court Street

Planning Commission

President
John Swanson

Vice President
Andy Groh

Commissioner
Carol Kowash

Commissioner
Tory Banford

Commissioner
John Schulte

Commissioner
Rich Spofford

Commissioner
Mary Newell

Staff

City Attorney
Lane Shetterly

City Planner
Chase Ballew

Recording Secretary
Benjamin Curry

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES - Regular meeting of November 2023
4. PUBLIC COMMENT – This is an opportunity for citizens to speak to items not on the agenda (3 minutes per person please.)
5. PUBLIC HEARINGS
 - CUP 23-11 – 636 Main Street – *Dallas Community School Conditional Use Permit for High School in former Bank Building*
 - CPA 23-01 – Clow Corner – *Ken Perkins Comp Plan / Zone Change – Industrial to Residential Medium*
 - SUB 21-07 – ~~Creekside 3 Subdivision Modification – David Radke~~
~~Modification of condition of approval regarding floodplain development~~
Rescheduled to January 9th, 2023 – 7:00 p.m.
6. RENT BURDENED COMMUNITY DISCUSSION
7. COMMISSIONER COMMENTS
8. STAFF COMMENTS
9. ADJOURN

Next meeting will be 01/09/2024

Although the meeting is in person you may also watch virtually.

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

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

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

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

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

MINUTES

1 **1. CALL TO ORDER**

2 President John Swanson presiding, called the meeting to order at 7:02 p.m.

3
4 **2. ROLL CALL**

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

6 **Not in Attendance:** Carol Kowash

7 **Staff Present:** Chase Ballew, City Planner; Charlie Mitchell, Economic & Community Development Director;
8 Tom Gilson, Public Works Supervisor; Benjamin Curry, Recorder

9 **Healthy Sustainable Communities:** Jon Legarza, Nikki Hart-Brinkley, Matt Brinkley

10
11 **3. APPROVAL OF MINUTES**

12 Mr. Swanson presented the minutes of the regular meeting of September 12, 2023. Mr. Schulte made a motion
13 to approve the minutes as written. Mr. Spofford seconded the motion. The motion passed unanimously.

14 Mr. Swanson presented the minutes of the regular meeting of October 10, 2023. Mr. Schulte made a motion to
15 approve the minutes as written. Mr. Spofford seconded the motion. The motion passed unanimously.

16
17 **4. PUBLIC COMMENT (3 minutes per person)**

18 There were none.

19
20 **5. La Creole Node Master Plan Update Presentation - Agenda item #6**

21 Mr. Swanson, at the recommendation of staff, moved agenda item #6 ahead of the scheduled public hearings.

22 Mr. Swanson introduced the agenda item to be discussed, the Type IV land-use proceedings to follow, and
23 the consulting team providing the presentation. Staff recommendation is to recommend the proposed for La
24 Creole Node Conceptual Plan #4 to City Council for approval.

25
26 **Healthy Sustainable Communities - Jon Legarza, Nikki Hart-Brinkley, Matt Brinkley**

27 Mr. Legarza and his team provided a presentation via Zoom utilizing a PowerPoint slide deck. His team
28 walked through the history and progress of the La Creole Node master plan redesign work, the public
29 engagement process, technical advisory committee findings, and facilitated a Q/A session with the
30 commissioners.

31
32 **DELIBERATIONS**

33 Ms. Newell questioned the location and mix of low-density residential zoning. Mr. Groh discussed pedestrian
34 walkways and the plan for acquisition and development of the designated park areas. Mr. Schulte raised the
35 issue of the strategic role of the Planning Commission and the sufficiency of public feedback in the proposed
36 concept map. Mr. Swanson noted this redesign work being a refinement of a 20 year planning process and
37 highlighted the work by staff and the consulting team to solicit public feedback.

38
39 Mr. Banford made a motion to recommend La Creole Node Conceptual Plan #4, to City Council for
40 acceptance. Mr. Groh seconded the motion. The motion passed by split vote with Mr. Spofford, Mr. Banford,
41 Ms. Newell, Mr. Swanson, and Mr. Groh voting in favor with Mr. Schulte voting in opposition.

42
43 **6. PUBLIC HEARING - A**

44 **Conditional Use Permit #CUP-23-10 Tim Sampont/Tim's Garage - 188 Washington Street**

45 Mr. Swanson opened the public hearing at 7:45 p.m. He introduced the agenda item, the rules for public
46 testimony, and the quasi-judicial proceedings to follow. Mr. Banford acknowledged that he is a member of
47 the Urban Renewal District Advisory Committee and has heard about this issue. He does not believe it will
48 impact his ability to participate on this issue. No other ex-parte contact or conflicts of interest were declared.

49
50 **STAFF REPORT**

51 Mr. Ballew read from the staff report and summarized the application and the criteria for approval. Staff
52 recommendation is that Conditional Use Permit CUP-23-10 be granted.
53

54 The commission discussed with staff the driveway locations, easements, future development challenges for
55 the lot, ODOT regulations for major arterials, the addition and design of the site-obscuring fence, and past
56 enforcement of the current non-compliant use.
57

58 **APPLICANT PRESENTATION**

59 No presentation provided.
60

61 **PUBLIC TESTIMONY**

62 **Dallas Downtown Association (DDA) – Board Chair, Brian Dalton**

63 DDA Board Chair Brian Dalton read from a prepared statement and shared the DDA’s strong support for small
64 businesses, the further development and revitalization of downtown, and support for the application along with
65 a recommendation of additional conditions for approval. (Amendment A)
66

67 **Brian Dalton – 1635 Bridlewood Court Dallas, Oregon 97338**

68 Mr. Dalton, representing himself, shared the following statement: “My family moved to Dallas in 1899 and we
69 have owned at least five buildings in town, one of which is on the National Register. In this case, I am in full
70 support of the DDA’s position and ask that you adopt it. Thank you.”
71

72 **Leroy Murray - 17409 Brown Road, Dallas, Oregon 97338**

73 Mr. Murray proffered testimony via phone as the property owner of the lot under discussion. He was asked by
74 Mr. Groh if they were monitoring the contamination levels on the property. He said no, but that he had records
75 of the prior environmental clean-up. He claimed to be in contact with a staff member from ODOT and was told
76 that due to a future walkway development, he would be able to keep both driveways.
77

78 **REBUTTAL**

79 No rebuttal was provided as the applicant was not present.

80 Mr. Swanson closed the Public Hearing at 8:14 p.m.
81

82 **DELIBERATIONS**

83 Mr. Swanson acknowledged the need for street trees and landscaping. He highlighted the potential
84 conflicts with the objectives of the DDA and appreciated the statement of positive support with the
85 suggested additional criteria for approval.

86 Mr. Groh identified the proposed driveway locations as a concern, noting ODOT regulations
87 regarding major arterials, as well as safety concerns with a blind exit on Church Street so close to
88 the Washington Street intersection.

89 Ms. Newell inquired about the possibility of relocating the driveway to the East side of the
90 proposed storage lot abutting the main business operation. Mr. Gilson, representing Public Works,
91 identified the technical challenges associated with the grading on the East lot face.

92 Mr. Banford voiced his support for local businesses but also acknowledged that a storage lot is not
93 the highest and best use of prime downtown commercial land, referencing the large amount of
94 available industrial land outside the central business district.

95 Mr. Swanson shared that it is good practice to not make a non-conforming use more non-
96 conforming and he believes this proposal would do that. He is in favor of a motion for denial and
97 recommended that City Staff work with the applicant to propose an alternative solution that
98 addresses the concerns that were raised.
99

100 Ms. Newell made a motion to deny #CUP-23-10. The motion was withdrawn at the advice of
101 Counsel on the basis of the need to identify the criterion for denial.
102

103 Mr. Groh made a motion to deny Conditional Use Permit #CUP-23-10 due to not meeting the
104 following three standards. Specifically, the Planning Commission finds that:

- 105 • Site access is inadequate, as the driveway does not meet the spacing standard required by
106 DDC.3.1.020.F.

- Visibility is inadequate as the proposed fence and gate does not provide the intersection vision clearance required by DDC.3.1.020.N.
- Safety is inadequate, as operations of the site will require use of the state highway to move inoperative vehicles back and forth between the storage lot and the repair bays.

Mr. Swanson stated the noticing requirements of the land-use decision and the process for appeal.

7. **PUBLIC HEARING - B**

ZC#23-01 Polk Community Development Corp – 520 SE Hankel Street

Mr. Swanson opened the public hearing at 8:35 p.m. He introduced the agenda item, the rules for public testimony, and the Type IV land-use proceedings to follow. No ex-parte contact or conflicts of interest were declared.

STAFF REPORT

Mr. Ballew read from the staff report summarizing the application and the criteria for approval utilizing a PowerPoint slide deck. Staff recommendation is that Zoning Map Amendment ZC#23-01 be recommended to City Council for approval. He noted that the office of Planning Official has the authority to expand the rezoning to include 498 Hankel Street in alignment with the orderly expansion of the City.

Mr. Groh asked about a discrepancy on the proposed maps. Mr. Ballew confirmed it was a pre-existing map and that the final district will be in accordance with standard district mapping provisions. Mr. Groh also highlighted the proposed continuation of Pine Street, from East to West. Mr. Ballew noted that the continuation of Hankel Street is part of a larger development plan for that area.

APPLICANT PRESENTATION

No presentation provided.

REBUTTAL

No rebuttal was provided due to lack of opposing testimony.

Mr. Swanson closed the Public Hearing at 8:47 p.m.

DELIBERATIONS

Mr. Swanson noted the need for additional residential housing in Dallas and his support for the proposed Zone Change, highlighting that the continuity of Pine Street will further enable Hankel Street to develop.

Mr. Banford made a motion to recommend Zone Change ZC#23-01, as written, to City Council for approval. Mr. Schulte seconded the motion. The motion passed unanimously with Mr. Spofford, Mr. Banford, Ms. Newell, Mr. Swanson, Mr. Schulte and Mr. Groh voting in favor.

8. **COMMISSIONER COMMENTS**

Mr. Schulte shared a desire to set time aside at a future Planning Commission meeting to discuss public engagement and citizen involvement in the strategic planning decision making process.

9. **STAFF COMMENTS**

Mr. Ballew provided his perspective as the City Planner on the La Creole Node Master Plan update, noting that the survey data had identified a deficit of available commercially zoned land and that this plan is formulated to address the deficit.

10. **ADJOURN**

Mr. Swanson adjourned the meeting at 8:55 p.m. Next meeting: December 12th, 2023, 7:00 p.m.

APPROVED:

John Swanson, Planning Commission President

Date

**CITY OF DALLAS
PLANNING COMMISSION
STAFF REPORT**

Meeting Date: December 12, 2023
Report Date: December 5, 2023
Topic: Dallas Community School Main Street Campus - #CUP-23-11

Application Type: Conditional Use
Property Owner: Polk County
Applicant: Soderstrom Architects
Location: 636 Main Street (Former Wells Fargo Bank)

RECOMMENDED ACTION

Approval with Conditions

BACKGROUND INFORMATION

Zoning: CBD – Central Business District
Comprehensive Plan: Central Business District
Floodplain: No Floodplain
Adjacent Land Uses: Retail Sales & Services; Offices; Residences.

PROJECT OVERVIEW

The applicant’s request is to establish a charter school for 150-200 high school students. The proposed school would utilize space within an existing building, which would be remodeled with classrooms and related spaces. Schools are a conditional use within the Central Business District and so require a conditional use permit to be approved prior to operation.

APPROVAL CRITERIA:

DDC.4.4.040.A – Conditional Use Permit Approval Criteria.
DDC.4.2.060.A – Site Design Review Approval Criteria.

Staff refer to and incorporate the applicant’s written narrative for supportive findings in response to the above mentioned criteria (**Exhibit B**). These criteria are further identified in this report with specific findings.

CONDITIONAL USE CRITERIA

Applicable approval criteria for a conditional use permit are contained in Dallas Development Code section 4.4.040.A.

Criterion:

DDC.4.4.040.A.1. – The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety and aesthetic considerations

Finding:

As stated in the applicant's narrative, the proposed school will utilize reconfigured space within the existing commercial structure. The proposed use results in less traffic than the former bank, parking is not required in the CBD zone, and no changes are proposed to site access.

Criterion:

DDC.4.4.040.A.2. – The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval.

Finding:

The applicant's narrative does not specify any potential negative impacts, and staff were not able to identify any potential negative impacts of the proposed use.

Criterion:

DDC.4.4.040.A.3. – All required public facilities have adequate capacity to serve the proposal.

Finding:

The existing structure is already served by public facilities, including water, sewer, and storm drainage with adequate capacity to support the proposed use.

A Traffic Impact Analysis is only required if a development will increase average daily trips by 300 or more, and the projected traffic generation is less than that threshold. The trip generation calculation provided by the applicant appears to be in error, however calculations by staff based on statistics from the Institute of Transportation Engineers (11th ed) determined the proposed school would be expected to generate 295 fewer daily trips than the former bank.

As the estimated traffic generation shows an overall reduction in vehicle trips, it does not meet the threshold for further analysis, and in the absence of other evidence to the contrary, it is presumed the roadway has the capacity to accommodate the use.

SITE DESIGN REVIEW CRITERIA

The Site Design Review approval criteria shall be met. Applicable approval criteria are contained in Dallas Development Code section 4.2.060.A. The Planning Official may waive the application requirements for Site Design Review upon determining that the Conditional Use Permit application provides sufficient information to evaluate the proposal.

Criterion:

DDC.4.2.060.A.1 – The application is complete, as determined in accordance with chapter 4.1 – Types of Applications and Section 4.2.050.

Finding:

The application was determined to be complete, and the Planning Official determined that the materials supplied with the conditional use application provides sufficient information to evaluate the proposal.

Criterion:

DDC.4.2.060.A.2 – The application complies with all of the applicable provisions of the underlying Land Use District (Article 2), including building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable provisions.

Finding:

Except for the specification of allowed uses, which identifies schools as requiring conditional use permits, the standards of Article 2 are specific to the exterior of the buildings. The proposal reuses the existing main entry doors, and adds two new exit doors. The drive-thru canopy is to remain, and a new roll top door would replace the defunct drive-through teller window. These changes by themselves do not trigger further review under the development standards, and the applicant is not proposing any further changes to the exterior, so this criterion is satisfied

Criterion:

DDC.4.2.060.A.3 – The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2, non-conforming uses and development.

Finding:

The standards of Article 2 are specific to the exterior of the buildings, and the applicant is not proposing any changes to the exterior except as noted above, so this criterion does not apply.

Criterion:

DDC.4.2.060.A.4 – The proposal complies with all of the design standards in Article 3.

Finding:

Chapter 3.1 – Site Access) Multiple driveways currently serve the site. The applicant has provided a proposed circulation path showing the vehicle queue for drop-off and pick-up entering from Academy Street and exiting on Main Street. The Main Street driveway already has a “Do Not Enter” sign enforcing this flow. Designated loading areas are only required for non-residential buildings larger than 20,000 square feet, and this building is 6,816 square feet, so no designated loading area is required.

Chapter 3.2 – Landscaping) The landscaping standards of Chapter 3 requires a minimum of 5% of the site be landscaped, and currently 13% of the site is landscaped.

Chapter 3.3 – Parking) No minimum off-street automobile parking is specified for schools, rather parking is to be provided based on the applicant’s projected parking demand, except that no off-street automobile parking is required in the Central Business District. Bicycle parking is shown on the site plan, and exceeds the required rate of 2 per 10 vehicle spaces.

Chapter 3.4 – Public Facilities) The application does not propose constructing public infrastructure, and there is no other no evidence that the development impacts would warrant any further improvements.

Chapter 3.6 – Signs) The application does not include any signs. Any new or altered signs shall require sign permits which comply with Chapter 3.6.

Criterion:

DDC.4.2.060.A.5 – Existing conditions of approval required as part of a prior land use decision, including land divisions, conditional use permits, master planned developments, or other approval, shall be met.

Finding:

City staff are not aware of any prior conditions of approval. This criterion does not apply.

RECOMMENDED ACTION

Staff recommends that the Conditional Use Permit application be approved with the following conditions.

RECOMMENDED CONDITIONS OF APPROVAL

- 1) The applicant shall obtain all required building permits and receive final inspection from the Dallas Building Department prior to occupancy by students.

RECOMMENDED MOTION:

I move to approve the Conditional Use Permit with the condition stated in the staff report.

EXHIBITS

- A. Applicant’s Site Plan
- B. Applicant’s Narrative
- C. Notice of Public Hearing
- D. Letter of Testimony - Grady

**CITY OF DALLAS
OREGON
CONDITIONAL USE PERMIT
DALLAS COMMUNITY SCHOOL**

PROPERTY OWNER: Polk County
850 Main Street
Dallas, Oregon 97338

APPLICANT Soderstrom Architects
ATTN: Marlene Gillis
1331 NW Lovejoy Street, #775
Portland, Oregon 97209

LOCATION: MAP # 07533-BC-02202
ACCOUNT #145251
636 Main Street
Dallas, Oregon 97338

ZONING DESIGNATION: CBD (Central Business District)

PROPERTY SIZE: 15,014 Square Feet

**SODERSTROM ARCHITECTS
1331 NW LOVEJOY STREET, #775
PORTLAND, OREGON 97209**

**IN THE MATTER OF AN APPLICATION FOR THE APPROVAL OF
A CONDITIONAL USE PERMIT
DALLAS COMMUNITY SCHOOL
LOCATION OF SUBJECT SITE
636 MAIN STREET, DALLAS, OREGON 97338
07533-BC-02202**

SECTIONS

1. Condition Use Application
2. City of Dallas Development Code Findings of Fact
3. Property Owners Within 150 Feet
4. Deed and Assessor Summary Report
5. Site Plans

1)

**CONDITIONAL USE PERMIT
APPLICATION FORM**

***DALLAS COMMUNITY SCHOOL
CONDITIONAL USE PERMIT APPLICATION
LOCATION OF SUBJECT SITE
636 MAIN STREET, DALLAS, OREGON 97338
07533-BC-02202***



Conditional Use Permit Application

Dallas Planning Department

Development Code Type III Review

Official Use Only:

File No.: CUP 23-11
 Date: 11-9-23
 Fee: \$ 1,250 PAID

There are certain uses, which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as "Conditional Uses." The purpose of a conditional use permit is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met. An application for a new conditional use permit is processed as a Type III procedure (DDC 4.1.010). Modifications to approved or existing conditional uses shall be processed in accordance with DDC Chapter 4.6 – Modifications. A pre-application conference is required before a conditional use permit application is submitted.

Please return a completed application form with attachments, and the required fee to the Dallas Planning Department, Dallas City Hall, Second Floor, 187 SE Court Street, Dallas, Oregon 97338.

Section 1 – Applicant Information

Name(s): Soderstrom Architects / Marlene Gillis
 Mailing Address: 1331 NW Lovejoy Street, #775, Portland, Oregon 97209
 Email: marleneg@sdra.com Phone Number: 503-481-4677 Cell Number: _____

Section 2 – Property Owner Information (If not applicant)

Property Owner(s): Polk County
 Mailing Address: 850 Main Street, Dallas Oregon 97338
 Email: _____ Phone Number: _____ Cell Number: _____

Section 3 – Project Description

Please describe your project: Conversion of the existing +/-6,816 SF building (formerly Well Fargo Bank into grades 9-12 Charter School.

Site Address: 636 Main Street, Dallas, Oregon 97338 Total Land Area: +/-15,014 SF
 Assessor Map/Taxlot No. 07533-BC-02202 Zoning: CBD (Central Business District)
 Present Use of Property: Vacant

Section 4 – Application Sub

Please submit one electronic copy (below):

- Completed application form;
- Required fee;
- Written narrative that address Section 6, page 3);
- Existing site conditions map;
- Preliminary grading plan;
- A copy of all existing and proposed drawings;
- Drawings of all proposed signage.

CITY OF DALLAS 187 SE COURT ST DALLAS, OR 97338	DATE : 11/9/2023 2:21 PM OPER : JC TKBY : Receipts Receipts TERM : 3 REC# : R00421364	420,000 Planning 1500.00 Dallas Community School 1500.00 Planning Miscellaneous - CUP 23-11 636 M Planning Miscellaneous - CUO 23-11 Pre	Paid By: Dallas Community School 2 1250.00 REF:5393 Paid By: Dallas Community School 2 250.00 REF:5392	APPLIED 1500.00 TENDERED 1500.00 CHANGE 0.00
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- Site plan** with the following information:
 - The proposed development site, including boundaries, dimensions, and gross area;
 - Features identified on the existing site conditions map that are proposed to remain on the site;
 - Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
 - The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
 - The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
 - The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
 - The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);
 - Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
 - Loading and service areas for waste disposal, loading and delivery;
 - Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
 - Location, type, and height of outdoor lighting;
 - Location of mail boxes, if known;
 - Name and address of project designer, if applicable;
 - Locations of bus stops and other public or private transportation facilities;
- Architectural drawings** of all structures showing one or all of the following shall be required for new commercial, commercial/residential, industrial and multifamily buildings, and major remodels of the same:
 - Building elevations (as determined by the City Planning Official) with building height and width dimensions;
 - Building materials, colors and type;
 - The name of the architect or designer;
- Landscape plan** showing the following:
 - The location and height of existing and proposed fences, buffering or screening materials;
 - The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
 - The location, size, and species of the existing and proposed plant materials (at time of planting);
 - Existing and proposed building and pavement outlines;
 - Specifications for soil at time of planting, irrigation if plantings are not drought-tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule;
 - Other information as deemed appropriate by the City Planning Official. An arborist's report may be required for sites with mature trees that are protected under Chapter 3.2. Landscape, Street Trees, Fences and Walls of this Code;
- Traffic Impact Analysis** when required, shall be prepared in accordance with the road authority's requirements. See Section 4.1.090, and Section 3.4.010 for relevant standards; and
- Other information** determined by the City Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with the Dallas Development Code.

Section 5 – Signatures Required

I hereby certify the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge:

PROPERTY OWNER(S):

Matt & Carol's Date: 10/20/23

Date: _____

APPLICANT(S)

Malgin's Date: 10.27.23

Date: _____

Section 6 – Application Review Criteria

Approval Criteria. An application for a Conditional Use Permit shall be approved if the proposal meets all of the following criteria. The City decision making body may, in approving the application may impose reasonable conditions of approval, consistent with the applicable criteria.

1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval; and
3. All required public facilities have adequate capacity to serve the proposal.

The Site Design Review approval criteria (DDC Section 4.2.060) shall also be met. The Planning Official may waive the application requirements for Site Design Review upon determining that the Conditional Use Permit application provides sufficient information to evaluate the proposal.

Additional criteria and requirements apply for Wireless Communication Facilities (see DDC Chapter 3.5) and Drive-up/Drive-through uses (See DDC Section 2.3.100).

Section 7 – Review and Approval

Official Use Only:

Approved Denied Reason for Denial: _____

Address Modification Required: Yes No

If yes, Add Remove _____
(Address)

Staff Signature: _____

Date: _____

2)

**CITY OF DALLAS
DEVELOPMENT CODE
FINDINGS OF FACT**

***DALLAS COMMUNITY SCHOOL
CONDITIONAL USE PERMIT APPLICATION
LOCATION OF SUBJECT SITE
636 MAIN STREET, DALLAS, OREGON 97338
07533-BC-02202***

DALLAS COMMUNITY HIGH SCHOOL RENOVATION
636 MAIN STREET, DALLAS, OR
PROJECT OVERVIEW & DESCRIPTION

Dallas Community School is proposing a change of use for the existing vacant building located at 636 Main Street, Dallas, Oregon. The prior use of the building was Wells Fargo Bank, this proposal is to convert the interior of the existing building into a Public Charter High School. The property's location is Tax lot R-07533-BC-02202 and is zoned CBD (Central Business District). The proposed Charter School will be designed to accommodate grades 9-12. Conversion of the building will follow the development standards required by the City of Dallas and will comply with the Conditional Use Permit requirements.

The property is located within the City of Dallas, Oregon. The site is bounded on all sides by Central Business District zoning. The site enjoys direct access to Main Street (OR 223) with secondary access from SE Academy Street and SE Jefferson Street.

Improvements on site consist of a 6,816 square foot building (formerly Wells Fargo Bank) with a drive-thru, landscaping and parking. The existing building is outside of the 100-year flood plain and no wetlands were identified on the site. Fire protection is provided by the Dallas Fire and EMS, police services are provided by Dallas Police Department, utilities are provided by Pacific Power and Light, and water is provided by Dallas Water Division.

The proposed project will redesign the interior of the building to accommodate classrooms, media center, office, counseling + career center, and other supporting services for the school. The school is proposing to accommodate 150-200 students and staff.

Proposed exterior changes to the existing building include the replacement of +/- two doors, the installation of an overhead door, and a possible change of exterior color. The drive-thru will be eliminated from the building as it is no longer necessary for the newly proposed use, but the canopy will remain. No landscaping is proposed to be removed and the building footprint is to remain the same.

The proposed conversion of the existing building will decrease average daily traffic based on the Institute of Transportation Engineers (ITE) 7th Edition. The change of use from a Drive-in Bank per (912) in the ITE Average Daily Traffic for 6, 816 sf results in 1,679 ADT. Calculating ADT for High School in the ITE (530) for square footage results in a decrease of ADT to 88. The change of use will significantly reduce the traffic entering and exiting the site.

Transportation for the students is broken down into thirds. A third of the students will walk or ride bicycles, a third of the students are dropped off, and a third of the students will drive. The school will not offer bus transport. The applicant is proposing drop-off students entering from Academy Street with parents dropping off students on the sidewalk in front of the school on the north side and exit onto Main Street. Bicyclists will have a designated bike area to park and lock their bikes. Student drivers can utilize parking spaces both on and off site.

Thank you for the opportunity to submit this application and we appreciate your time and effort.

**CITY OF DALLAS DEVELOPMENT CODE
 CONDITIONAL USE PERMIT
 POLK COUNTY**

**DALLAS COMMUNITY PUBLIC CHARTER SCHOOL
 9-12 CHARTER SCHOOL**

ARTICLE 2 LAND USE DISTRICTS

2.3.010 Purpose and Applicability

1. Purpose of Individual Districts.

1. The Central Business District (CBD) serves as the commercial and civic core of the community. It is the location of city and county offices, downtown commercial uses, and tourism-oriented uses. The CBD provides opportunities for mixed-use development, with a variety of commercial retail and services, office uses, high-density housing, and civic facilities.
2. The Commercial General (CG) District applies to commercial areas outside or adjacent to the central business area. It provides opportunities for a mix of community-oriented businesses such as grocery stores, and restaurants, highway oriented commercial uses, and other services adjacent to medium- and high-density housing areas.
3. The Commercial Neighborhood (CN) District applies to limited commercial areas that primarily serve the immediate, surrounding neighborhood. It provides neighborhood goods and services at a smaller scale than the Commercial General District and is focused at designated arterial crossroads locations.

FINDINGS OF FACT: The project location is within the Central Business District and will comply with code requirements associated with this zoning for the conversion of the existing building into a 9-12 Charter School.

2. **Applicability.** The land use districts (zones) are designated on the City of Dallas Zoning Map. Changes to the Zoning Map are applied in accordance with the policies and Land Use Map contained in the City of Dallas Comprehensive Plan. See Table 2.3.020A Allowed Land Uses and Building Types. The specific land use categories are described and uses are defined in Chapter 1.3

2.3.020 Allowed Land Uses and Building Types

2.3.020 Allowed Land Uses And Building Types

Table 2.3.020A – Building Types Allowed in Commercial Districts					
Building Types	Status of Building Type in District				
(Uses and building types in Chapter 1.3; definitions in Chapter 6.1)	<table border="1" style="display: inline-table; vertical-align: middle;"> <tr> <td style="text-align: center;">CB D</td> <td style="text-align: center;">CG</td> <td style="text-align: center;">CN</td> <td style="text-align: center;">Special Standards</td> </tr> </table>	CB D	CG	CN	Special Standards
CB D	CG	CN	Special Standards		

<i>Institutional Categories</i>				
Basic Utilities when not accessory to a primary permitted use	CU	CU	CU	Wireless Communication Facilities Subject to CU and Chapter 3.5.
Community Service; Government, except drive-up facilities or uses				
Clubs and lodges	CU	CU	CU	
Public and quasi-public buildings where public is received	P	P	P	
Other Community Services	CU	CU	CU	
Daycare, adult or child day care; not Family Daycare under ORS 329A.250	CU	CU	CU	
Parks, Open Space, and Common Areas: pedestrian amenities (e.g., plaza or outdoor seating, parks and recreation facilities, and other open space uses	P	P	P	
Religious Institutions and Houses of Worship	CU	CU	CU	
Schools, primary or secondary	CU	CU	CU	

CU = CU permit required (Chapter 4.4)

FINDINGS OF FACT: Under Table 2.3.020 Schools, primary and secondary, are permitted within the Central Business District (CBD) with the submission of a Conditional Use Permit. The applicant is submitting a Conditional Use Permit Application and will address code criteria associated with this submittal.

2.3.030 Development Standards

2.3.030 Development Standards

The development standards in Table 2.3.030 apply to all new structures, buildings, and development, and major remodels, in the Commercial Districts.

Table 2.3.030 – Development Standards for Commercial Districts				
Standard	CBD	CG	CN	[Reserved J]
Minimum Lot Area* (square feet) *Development must conform to lot width, depth, yard setback, landscaping, and coverage standards.	5,000 sf minimum			
Minimum Lot Width/Depth	20 ft			
Building/Structure Height				
Minimum Building Height for new buildings located within the Downtown Pedestrian Core Area (see Section 6.1.030 – Definitions for a map of the Downtown Pedestrian Core Area)	2 Stories 22 ft	NA	NA	
Maximum Building Height	5 Stories 64 ft	3 Stories 40 ft	3 Stories 40 ft	
Maximum Building Height for mixed-use projects (residential above commercial) See Section 2.3.070	8 Stories 100 ft	5 Stories 64 ft	NA	
Fences and Screening Walls See also, Sections 3.1.020N, Vision Clearance; and 3.2.050, Fences and Walls	Allowed for screening and security only. Some fences and walls may be subject to Site Design Review when they exceed the height standards that are prescribed in Section 3.2.050.			
Lot Coverage/Impervious Surface: Max. Lot Coverage by All Impervious Surfaces (Building Foundation, Pavement, etc.) subject to civic space, landscaping, parking, and other code requirements, as applicable	90%	80%	80%	
Min. Landscape Area Requirement (% site area) , may include portion of required Civic Space, per Section 2.3.090. See also, Section 3.2.030C.	5%	10%	10%	
Minimum Setbacks (feet):				
Front, Street, Side, and Rear property lines	0 ft except as otherwise required for Civic Space, for future street improvement (per Transportation System Plan), for utilities or clear vision at street intersection, or as required by other applicable codes; and a minimum setback of 10 ft is required abutting a Residential District			
Garage Opening, setback from public right of way	10 ft (no parking/backing movement by vehicles)			
Alley Setback	7 ft			
Build-To Line (feet): New Buildings Only: At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a Planned Street Improvement, then the build-to line increases proportionately. The build-to line may also be increased through Site Design Review when pedestrian amenities are provided between a primary building entrance and the street right-of-way. (See also, Section 2.3.090.)	0 ft; may be increased when civic space is provided between a primary building entrance and street	10 ft; may be increased in the following situations: Increase setback to provide Civic Space and pedestrian amenities between primary building entrance and street. Project abuts a Residential District and the increase is to provide a transition to abutting residential yards Commercial center has multiple buildings oriented to a shopping street, per Section 2.2.060.D		

FINDINGS OF FACT: The subject property complies with the above development standards. The lot area is +/-15,014 sf exceeding the 5,000-sf minimum. Minimum lot

depth exceeds the minimum at +/-143 feet. The building is existing; therefore, the building height standard does not apply. All other standards in the above Table are consistent with the existing building and surrounding area within the project area.

2.3.080 Building Design Standards

A. Purpose. Section 2.3.080 is intended to support the development of traditional downtown, village commercial, and mixed use commercial areas with architecture that responds to and reconciles Dallas's historical context and its existing built environment. Because much of Dallas's historic downtown is intact, the following standards draw on the available architectural vocabulary while allowing a contemporary interpretation of rural building forms and styles scaled to each land use district. It is not the City's intent to create an architectural theme, but rather to ensure that new buildings and remodels fit within the context of their surroundings and contribute toward the development of compact, walkable districts. The key elements of mixed use district building design are summarized as follows:

1. Draw upon the local vocabulary of building styles and elements, including compatibility with locally significant historic structures where applicable
2. Create a sense of street enclosure with appropriate building heights and detailing that express a pedestrian-scale
3. Address differences in scale between the Central Business District, Commercial General, and Commercial Neighborhood districts
4. Transition building height between Commercial districts and adjacent residential neighborhoods
5. Require the use of contextually appropriate materials, textures and colors
6. Promote a storefront character (windows, pedestrian shelter, furnishings, etc.)
7. Encourage a diversity of building facades and rooflines that fall into a consistent rhythm
8. Promote corner lots as focal points
9. Improve the streetscape with adequate civic space, street furnishings and public art
10. Encourage advances in building design technology that make Dallas more sustainable

FINDINGS OF FACT: The project is proposing to use the existing building with no significant changes to the outside of the building. It will retain the architectural theme that it currently has. The applicant does propose to replace +/-2 doors and add a rollup door in place of the drive-thru window that served the bank. The applicant may also propose a change of color to the exterior and will confer with planning to ensure it meets the requirements of the downtown theme.

B. Applicability. These standards apply to all new structures and exterior remodels of structures in the CBD, CG, and CN districts and where commercial and mixed-use structures are permitted in other districts. The standards of this Section may be adjusted through a Type II review, provided the adjustment is consistent with the above purpose and the applicant demonstrates that an alternative proposal meets the intent of the standard.

C. Building Design Standards.

1. **Height.** Minimum and maximum building height shall conform to the standards of the applicable zone district. Project proposals involving a building height increase under Section 2.3.070 are subject to Type III Site Design Review. See Section 4.2.040.

FINDINGS OF FACT: The building is existing with no alterations to footprint or height.

2. **Build-to Line.** Commercial buildings, including mixed-use buildings containing residential and commercial uses, shall conform to the Build-to Line standards in Section 2.3.030. The standard is met in the CG and CN districts when at least fifty (50) percent of the abutting street frontage has a building placed no farther from at least one street property line than the required Build-to Line in Table 2.3.030. In the CBD, at least eighty (80) percent of the abutting street frontage shall have a building placed no farther from at least one street property line than the required Build-to-Line. An exception to the Build-to Line may be approved or required in the following situations:
 1. Where a proposed building is adjacent to a single-family dwelling, and an increased setback promotes compatibility with the adjacent dwelling.
 2. Where access limitations or other applicable transportation requirements preclude development at the build-to line, the building shall orient to an internal shopping street, as described under subsection 2.3.060D, where the build-to line shall apply.
 3. Where the sidewalk width is extended for public use, or a public plaza is proposed to be placed between the building and public right-of-way, subject to Site Design Review. Exceptions to the build-to line may also be made through Site Design Review for planter boxes and other non-permanent structures incorporated into the building wall, provided the planter box does not exceed a height of thirty (30) inches above sidewalk grade.
 4. Where a significant tree or other environmental feature precludes strict adherence to the standard and will be retained and incorporated in the design of the project.
 5. Where a public utility easement or similar restricting legal conditions make conformance with the Build-to Line impracticable, the building shall instead be placed as close to the street as possible given the legal constraint, and pedestrian amenities (e.g., plaza, courtyard, landscaping, outdoor seating area, etc.) shall be provided within the street setback in said location.
 6. Where an existing building was lawfully created but does not conform to the above standard, it shall be allowed to continue under the non-conforming use provisions of this Title.

FINDINGS OF FACT: The building is existing, and no significant changes are proposed, therefore #6 above is applicable to this application. The building was lawfully created and does conform to the above criteria.

D. All Facades. Architectural designs shall address all four sides of a building; building forms, detailing, materials, textures, and color shall contribute to a unified design with architectural integrity. Materials used on the front façade must turn the building corners and include at least a portion of the side elevations, consistent with the building’s overall composition and design integrity.

FINDINGS OF FACT: The existing building meets the criteria above.

E. Storefront Character. Buildings shall conform to the following standards which are intended to draw on the building forms, scale, and proportions, found in Downtown Dallas, while allowing contemporary interpretations of downtown building styles.

1. **Transparency along Ground Level.** Except as approved for parking structures or accessory structures, buildings shall provide display windows, windowed doors and transom windows to

express a storefront character. The ground floor, street-facing elevation(s) of all buildings shall comprise at least sixty percent (60%) transparent windows, measured as a section extending the width of the street-facing elevation between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane seventy-two (72) inches above the sidewalk grade. Upper floors may have less window area but shall follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices. Buildings without a street-facing elevation, such as those that are setback behind another building and those that are oriented to a civic space (e.g., internal plaza or court), shall meet the sixty percent (60%) transparency standard on all elevations abutting civic spaces(s) and on elevations containing a primary entrance. All side and rear elevations, except for zero-lot line/common wall elevations (where windows are not required), shall provide no less than thirty percent (30%) transparency. Exceptions to the elevations described above (30" – 72" above sidewalk) may be approved where existing topography makes compliance impractical. Where an exception to the window transparency requirement is made for parking garages or similar structures, the building design must incorporate openings or other detailing that resembles the window patterns (rhythm and scale).

2. **Ground Floor Windows.** Ground floor elevations must contain windows that are framed, for example, by piers or pilasters (sides); awnings, canopies or trim/hoods (tops); and kick plates or bulkheads (base).
3. **Upper Floor Windows.** Upper floor window orientation shall primarily be vertical, or have a width that is no greater than height. Paired or grouped windows that, together, are wider than they are tall, shall be visually divided to express the vertical orientation of individual windows.
4. **Window Trim.** At a minimum, windows shall contain trim, reveals or recesses of not less than four (4) inches in width or depth as applicable. The use of decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features) is encouraged.
5. **Projecting Windows, Display Cases.** Windows and display cases shall not break the front plane of the building (e.g., projecting display boxes are discouraged). For durability and aesthetic reasons, display cases, when provided, shall be flush with the building façade (not affixed to the exterior) and integrated into the building design with trim or other detailing. Window flower boxes are allowed provided they do not encroach into the pedestrian through-zone.
6. **Pedestrian Entrances.** Ground level entrances shall be at least partly transparent to encourage an inviting and successful business environment. This standard may be met by providing a door with a window(s), a transom window above the door, or sidelights beside the door. Where ATMs or other kiosks are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.
7. **Corner Entrances.** Buildings on corner lots shall have corner entrances that open onto a concrete or paver landing (widened sidewalk or plaza) that extends from the adjacent sidewalk; the landing shall be at least 3 feet in width and depth. Such building entrances are not required to be recessed, but shall have an awning, recess or canopy for weather protection. Where a corner entrance is not provided, the building plan shall provide for a corner plaza consistent with Section 2.3.090, below, and the building shall provide architectural features (e.g., alcove with seating or artwork) at the corner that emphasizes the corner as a civic space.
8. **Remodels.** The scale and proportion of altered or added building elements, such as the size and relationship of new windows, doors, entrances, columns and other features shall be visually compatible with the original architecture.
9. **Street Level Entrances.** All primary building entrances shall open to the sidewalk and be ADA accessible. Primary entrances above or below grade may be allowed where ADA accessibility is provided.

10. **Street Level/Upper Floors.** Building elevations shall contain detailing that visually defines street level building spaces (storefronts). The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt course, or similar detailing, materials and/or fenestration.

FINDINGS OF FACT: The applicant is not proposing any change to the exterior of the existing building except for the replacement of doors retaining the storefront character. The existing sidewalk extends to the entrance of the building with direct access to the Main Street sidewalk. Other items identified in 1-10 above are not applicable to this application due to the current design of the building and no outside alterations are proposed.

G. Horizontal Building Line and Rhythm.

1. **Horizontal Rhythm.** All building elevations facing a street or civic space must incorporate rhythmic divisions. Front elevations should be articulated not less than once every twenty-five (25) feet. Articulation should be subtle. For example, slight offsets in a building elevation, roofline and/or the rhythmic placement of windows, pilasters, awnings, trim, art/medallions, or other detailing and ornamentation are preferred. Changes in paint color do not satisfy this standard. Side and rear elevations may be articulated less frequently but should complement the overall building design. The City may require architectural detailing on a zero-lot line elevation to reduce the apparent scale and avoid blank walls (i.e., until an abutting property develops).
2. **Horizontal Lines.** New buildings and exterior remodels shall follow prominent horizontal lines existing on adjacent buildings at similar levels along the street frontage. Examples of such horizontal lines include: the base below a series of storefront windows; an existing awning or canopy line, or belt course between building stories; and/or an existing cornice or parapet line.

Exceptions: Where existing buildings do not meet the City's current architectural standards, a new building may establish new horizontal lines.

3. **Ground Floor/Upper Floor Division.** A clear visual division shall be maintained between the ground level floor and upper floors, for example, through the use of a belt course, transom, awnings or canopies.
4. **Building Base.** Buildings shall have a foundation or base, typically from ground to the bottom of the lower window sills, with changes in volume or material, to give a sense of strength.

FINDINGS OF FACT: Building is existing with no alterations proposed to exterior of the structure except for doors and old drive-thru on the back side of the building.

H. Vertical Rhythms. New construction or front elevation remodels shall reflect a vertical orientation, either through breaks in volume or the use of surface details.

Materials and Color. Building designs shall conform to the following standards:

1. **Primary Materials.** Exterior building materials shall predominately consist of brick, wood or fiber cement (lap, panel, board and batten, shingle or similar siding), stucco, stone and/or similar masonry. Pitched roof materials shall be wood or asphalt shingles, or standing rib seam sheet metal-matte finish. Roof colors must be non-reflective and light in color to reduce the heat island

effect (e.g., light gray or ash, not black or charcoal). All windows and doors must have wood or vinyl trim that is at least four (4) inches deep, or masonry trim and sills with a similar depth. Rough-hewn wood, timbers and metals may be used as accents but not as the primary exterior cladding. Metal may be used as an accent but not as a predominant siding material on any street-facing elevation. See also, Secondary Materials and Substitute Materials, below.

Exception: Rear and side elevations that are not visible from any public way or parking area are exempt. Textured concrete or split-face masonry block may be used.

FINDINGS OF FACT: The existing building complies with the allowable materials as noted above. The building is mainly brick and has a metal overhang.

2. **Change in Materials.** Elevations should incorporate changes in material that define a building's base, middle and top and create visual interest and relief. Side and rear elevations that do not face a street, public parking area, pedestrian access way or plaza may utilize changes in texture and/or color of materials in the interest of affordability, provided that the design is consistent with the overall composition of the building.

Exception: Rear and side elevations that are not visible from any public way or parking area are exempt. A change in materials is not required.

FINDINGS OF FACT: The project is not proposing any change in materials.

3. **Secondary Materials.** Any of the materials listed above may also be used as secondary materials or accents. Metals such as copper, steel, iron, bronze and similar appearance metals may be used as trims or accents (e.g., flashing, wainscoting, weather protection features, ornamentation, etc.) when non-reflective and compatible with the overall building design, subject to approval through Site Design Review.
4. **Substitute Materials.** Substitute materials that are equal in appearance and durability to those in subsection '1' may be approved through Site Design Review. The applicant will be required to provide specifications from the manufacturer.
5. **Color.** Color schemes should be simple and coordinated over the entire building to establish a sense of overall composition. Color schemes should tie together signs, ornamentation, awnings, canopies and entrances. There shall be no more than one base color for each twenty-five (25) foot horizontal dimension of the front elevation; on small buildings, one base color for the entire front elevation is preferred. Using only one or two accent colors is also preferred, except where precedent exists for using more than two colors with some architectural styles. Natural wood finishes are appropriate for doors, window sashes and trim, signs, canopies and other architectural accents. Reflective, luminescent, sparkling, and "day-glow" colors and finishes, and clashing paint colors or patterns are prohibited. Metals shall be finished in mute, earth-tones or otherwise burnished to minimize glare.

FINDINGS OF FACT: The applicant may propose a change in exterior color, if this is considered the applicant will coordinate with the City to ensure that it meets the requirements of color schemes for storefront buildings.

6. **Restoration and Rehabilitation.** Historic restoration and rehabilitation projects shall incorporate original materials and design elements (e.g., previously covered over), to the extent practicable.
7. **Signs.** All signs, including building-mounted signs, shall comply with Chapter 3.6.

FINDINGS OF FACT: The applicant shall comply with Chapter 3.6 for any signs proposed for the new use.

J. Pedestrian Shelters. Awnings, canopies, recesses or similar pedestrian shelters shall be provided along at least seventy-five percent (75%) of a building's ground floor elevation(s) where the building abuts a sidewalk, civic space (e.g., plaza), pedestrian access way, or outdoor seating area. Pedestrian shelters used to meet the above standard shall extend at least five (5) feet over the pedestrian area, be proportionate to the building in its dimensions, and not obscure the building's architectural details. If mezzanine or transom windows exist, the shelter shall be below such windows where practical. Pedestrian shelters shall align with one another to the extent practical. Use of colored canvas (not plastic) awnings and wood canopies, consistent with historical styles, is encouraged, though metal and plexi-glass canopies may be approved when consistent with a building's overall composition.

Exception: The City may reduce the minimum shelter depth upon finding that existing right-of-way dimensions, easements, or building code requirements preclude a larger shelter.

FINDINGS OF FACT: The exterior of the existing building is not proposed to be changed from its current design.

K. Mechanical Equipment.

1. **Building Walls.** When mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, must be installed on a building wall, it shall be screened from view from all public ways. Where such equipment is installed on a side or rear building elevation and is adjacent to a public access way or civic space, its appearance shall be screened. Standpipes, meters, vaults and similar equipment need not be screened but shall not be placed on a front elevation when other practical alternatives exist; such equipment shall be placed low on a side or rear elevation to the extent practical. Equipment for small-scale renewable energy (e.g., mini-wind turbines, solar panels, and similar features) is allowed subject to Site Design Review.
2. **Rooftops.** Rooftop mechanical units shall not be visible from the street or any alley, pedestrian access way or civic space. Such units should be screened behind a parapet wall or painted with muted, earth-tone colors that make them visually subordinate to their backgrounds.
3. **Ground-Mounted Mechanical Equipment.** Ground-mounted equipment (e.g., generators and air compressors) shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges may also be used as screens where there is adequate sunlight and irrigation to ensure their successful growth. The City may require additional setbacks and/or noise attenuating equipment to promote compatibility with adjacent residential uses.
4. **Civic Spaces.** Mechanical equipment and garbage storage areas are not permitted within the civic space(s) required under subsection 2.2.090. The City may require that such facilities be screened completely from view and set back from a civic space for aesthetic reasons and to minimize odors or noise.

FINDINGS OF FACT: Applicant acknowledges 1-4 above and will comply with the above requirements for mechanical equipment and garbage storage areas.

2.3.090 Civic Space and Pedestrian Amenities

1. **Purpose.** The increased development intensity, pedestrian activity, close building orientation and minimal private open space in Commercial Districts requires that civic space be provided along street frontages and in courtyards or plazas between buildings. Civic space, such as plazas, extra-wide sidewalks, outdoor seating areas, pedestrian access ways between buildings, alcoves and pocket parks, provide visual relief, pedestrian resting areas and opportunities for socialization. The provision of attractive and functional civic spaces is as important as building design and centralized parking areas to the success of commercial areas. Therefore, the City requires that all new commercial developments and redevelopment projects in these districts contribute their proportionate share of civic space.
2. **Applicability.** These standards apply to all new structures and exterior remodels of structures in the CBD, CG, and CN districts and where commercial and mixed-use structures are permitted in other districts. The standards of this Section may be adjusted through a Type II review, provided the adjustment is consistent with the above purpose and the applicant demonstrates that an alternative proposal meets the intent of the standard.
3. **Standards.**
 1. **Civic Space Standard.** At least three percent (3%) of every development site shall be designated and improved as civic space (plaza, landscaped courtyard, or similar space) that is accessible to the general public, with the highest priority locations being those areas with the highest pedestrian activity (e.g., street corners and pedestrian access ways), as generally illustrated in the examples accompanying this subsection. Such areas shall abut a public right-of-way or otherwise be connected to and visible from a public right-of-way by a sidewalk or pedestrian access way; access ways shall be identifiable with a change in paving materials (e.g., pavers inlaid in concrete or a change in pavement scoring patterns and/or texture). Where public access is not practical due to existing development patterns, physical site constraints, or other hardship presented by the applicant, the City may allow a private area such as an outdoor eating area attached to a restaurant in finding the project complies with the standard. All civic spaces shall have dimensions that allow for reasonable pedestrian access and civic use. For example, a small site may provide a 4-foot wide strip adjoining the sidewalk for an outdoor eating area; where as a larger site at a street corner may provide a plaza adjacent to a building entrance. Improvements shall conform to subsection B, below. See also, Chapter 3.2 Landscaping.

Exception for Minor Projects: Building additions and remodels are not required to provide civic space when proposed building costs are estimated to be less than fifty percent (50%) of the existing assessed value of improvements on the subject site. Assessed values shall be the value of record at the Polk County Assessor's Office.

FINDINGS OF FACT: The proposed project is an interior remodel and will be less than 50% of the existing assessed value of improvements on the subject site excepting it from the Civic Space and Pedestrian Amenities as noted above.

Exception for In Lieu Fee: Where the City finds that the creation of civic space is not practicable based on the project location or other relevant factors, it may accept an in lieu fee which shall be proportionate to the estimated cost of land and improvements (on-site) that otherwise would have been required. In such case, a licensed architect, landscape architect, or other qualified professional, shall prepare cost estimates for civic space improvements, which shall be subject to review and approval by the Community Development Director.

2. **Pedestrian Amenities.** Where civic space is required, it shall contain pedestrian amenities such as plaza space, extra-wide sidewalks (i.e., outdoor café space), benches, public art, pedestrian-scale lighting, shade structures, way finding signs, or similar pedestrian areas in an amount equal to or greater than one-half of one percent (0.5%) of the estimated construction cost of the proposed building(s), subject to review and approval by the Community Development Director. Where a civic space adjoins a building entrance it should incorporate a weather protection canopy, awning, pergola, or similar feature, consistent with Section 2.3.080. Pedestrian amenities such as seating, planters, public art and pedestrian lighting (e.g., street lamps or pathway bollard lights) at street corners or mid-block pedestrian access ways may be counted in fulfilling the 0.5% requirement. The cost of a proposed public parking facility may be subtracted from building costs used in the assessment of civic space improvements. A licensed architect, landscape architect, or other qualified professional, shall prepare cost estimates for civic space improvements, which shall be subject to review and approval by the Community Development Director.

Exception: Building additions and remodels are not required to provide pedestrian amenities, though they are encouraged to do so. In such cases, the City may consider the voluntary provision of pedestrian amenities in approving adjustments to other applicable standards of under this Section.

FINDINGS OF FACT: The proposed project is a remodel and falls under the exception above which is not required to provide pedestrian amenities.

ARTICLE 3 COMMUNITY DESIGN STANDARDS

3.1 Access And Circulation

3.1.020 Vehicular Access And Circulation

1. **Intent and Purpose.** The intent of this Section is to manage access to land uses and on-site circulation, and to preserve the transportation system in terms of safety, capacity, and function. This Section applies to all public streets within the City of Dallas, and to all properties that abut these roadways. This Section implements the transportation policies of the City of Dallas Transportation System Plan.

FINDINGS OF FACT: The applicant proposes on-site circulation to preserve the transportation system in terms of safety, capacity, and function.

2. **Applicability.** This Chapter applies to all public streets within the City and to all properties that abut these streets. The standards apply when lots are created, consolidated, or modified through

a land division, partition, lot line adjustment, lot consolidation, or street vacation; and when properties are subject to Land Use Review or Site Design Review.

FINDINGS OF FACT: This project is subject to a Land Use Review and abuts Main Street.

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

FINDINGS OF FACT: Applicant acknowledges the requirement for an Access Permit in the event of a new curb cut or driveway approach. The applicant is not proposing any new access points to a public street.

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

FINDINGS OF FACT: The proposed conversion of the existing building will decrease average daily traffic based on the Institute of Transportation Engineers (ITE) 7th Edition. The change of use from a Drive-in Bank per (912) in the ITE Average Daily Traffic for 6, 816 sf results in 1,679 ADT. Calculating ADT for High School in the ITE (530) for square footage results in a decrease of ADT to 88. The change of use will significantly reduce the traffic entering and exiting the site.

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

FINDINGS OF FACT: Applicant acknowledges (5) above and will comply with City or other roadway authorities as applicable.

6. **Access Spacing.** Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards:
 1. State Highways. The following access spacing standards apply with regard to redevelopment or change in land use, roadway improvements, or new access points along Kings Valley Highway and Dallas Rickreall Highway within Dallas. Access to Kings Valley Highway and Dallas Rickreall Highway shall be subject to the applicable standards and policies contained in the Oregon Highway Plan and OAR 734-051 (Division 51).

Table 3.1.020F(1) Access Spacing Standards for State Highways within Dallas

Speed	Urban Non- Expressway (feet)	Urban Business Area (UBA), Urban (feet)	Special Transportation Area (STA), Urban (feet)
55+ MPH	700		
40 & 45 MPH	500		
35 MPH or less	400	350	175*

* Urban STA Spacing is 175 feet or mid-block if the current block spacing is less than 350 feet. Note: From OAR 734-051, Table 4, Access Management Spacing Standards for Private and Public Approaches on District Highways.

FINDINGS OF FACT: Access for ingress and egress are not proposed to be changed with this application and project.

2. Arterial, Collector and Local Streets. The following access spacing standards apply with regard to redevelopment or change in land use, roadway improvements, or new access points along arterial, collector and local streets within Dallas. Access spacing on collector and arterial streets (other than state highways) and at controlled intersections (four-way stop sign or traffic signal) shall be determined based on the policies and standards contained in the Dallas Transportation System Plan. A minimum of 50 feet separation (as measured from centerlines of the driveway/street) is required on local streets (i.e. streets not designated as collectors or arterials), except that driveways can adjoin each other for single family dwellings and meet this standard. See also, subsection 3.1.020(F)(3) below.

Table 3.1.020F(2) Access Spacing Standards for City Roadways within Dallas

Functional Classification	Minimum Posted Speed (MPH)	Minimum Access Spacing (feet)
Arterial	35	200
Collector	25	50
Local	25	50

FINDINGS OF FACT: Access to the project site is proposed to remain as currently exists. No changes are proposed with this change of use.

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

FINDINGS OF FACT: Applicant acknowledges (3) above and shall comply with the City, Polk County, or ODOT for the purpose of protecting the function, safety, and operation of the street for all users.

4. Corner Clearance. The distance from a street intersection to a driveway or other street access shall meet or exceed the minimum spacing requirements for the street classification in the Dallas Transportation System Plan.

FINDINGS OF FACT: Applicant is not proposing any change to existing access points.

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

FINDINGS OF FACT: The applicant shall comply with the City of Dallas and ODOT should there be any requested change to existing access points to the subject property.

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

FINDINGS OF FACT: Applicant acknowledges (8) above.

9. **Joint and Cross Access – Requirement**. When necessary for traffic safety and access management purposes, or to access flag lots, the City may require joint access and/or shared driveways in the following situations as follows:
 1. For shared parking areas;
 2. For adjacent developments, where access onto an arterial is limited;
 3. For multi-tenant developments, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:

1. A continuous service drive or cross-access corridor that provides for driveway separation consistent with the applicable transportation authority's access management classification system and standards;
2. A design speed of 10 miles per hour and a maximum width of 22 feet, in addition to any parking alongside the driveway; additional driveway width or fire lanes may be approved when necessary to accommodate specific types of service vehicles, loading vehicles, or emergency service provider vehicles;
3. Driveway stubs to property lines (for future extension) and other design features to make it easy to see that the abutting properties may be required with future development to connect to the cross-access driveway;

FINDINGS OF FACT: Applicant acknowledges (9) above and shall comply with City of Dallas conditions of approval if required for joint and cross access.

10. **Joint and Cross Access – Easement and Use and Maintenance Agreement.** Pursuant to this Section, property owners shall:

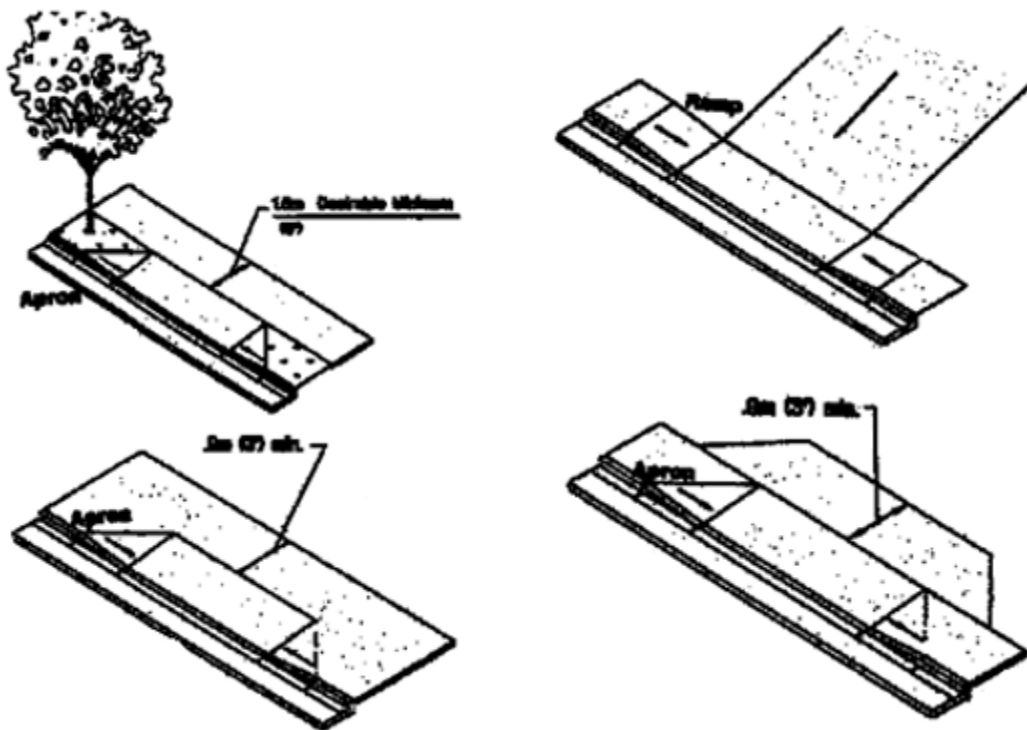
1. Record an easement with the deed allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;
2. Record an agreement with the deed that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

FINDINGS OF FACT: Applicant acknowledges (10) above.

11. **Access Connections and Driveway Design.** All driveway connections to a public right-of-way (access) and driveways shall conform to all of the following design standards:

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

Figure 3.1.020K Examples of Acceptable Driveway Openings Next to Sidewalks/Walkways



Note: Configurations on the left are preferable. Use configurations on the right only where space or topographic limitations apply.

FINDINGS OF FACT: The subject property has existing ingress and egress access points. If required as a condition of approval these access points shall incorporate City of Dallas and/or ODOT requirements.

12. **Fire Access and Turnarounds.** When required by applicable Fire Codes, fire access lanes with turnarounds shall be provided. Except as waived in writing by the Fire Marshal, a fire equipment access drive shall be provided within 150 of all exterior walls of the first story of a building that is located more than 150 feet from an existing public street. The drive shall contain unobstructed adequate aisle width (14-20 feet) and turn-around area for emergency vehicles. The Fire Marshal may require that fire lanes be marked as “No Stopping/No Parking.” For requirements related to cul-de-sacs or dead-end streets, please refer to Section 3.4.015.N.

FINDINGS OF FACT: Fire access is currently available at the site and shall be unobstructed with a drive aisle that meets the 14-20 feet criteria.

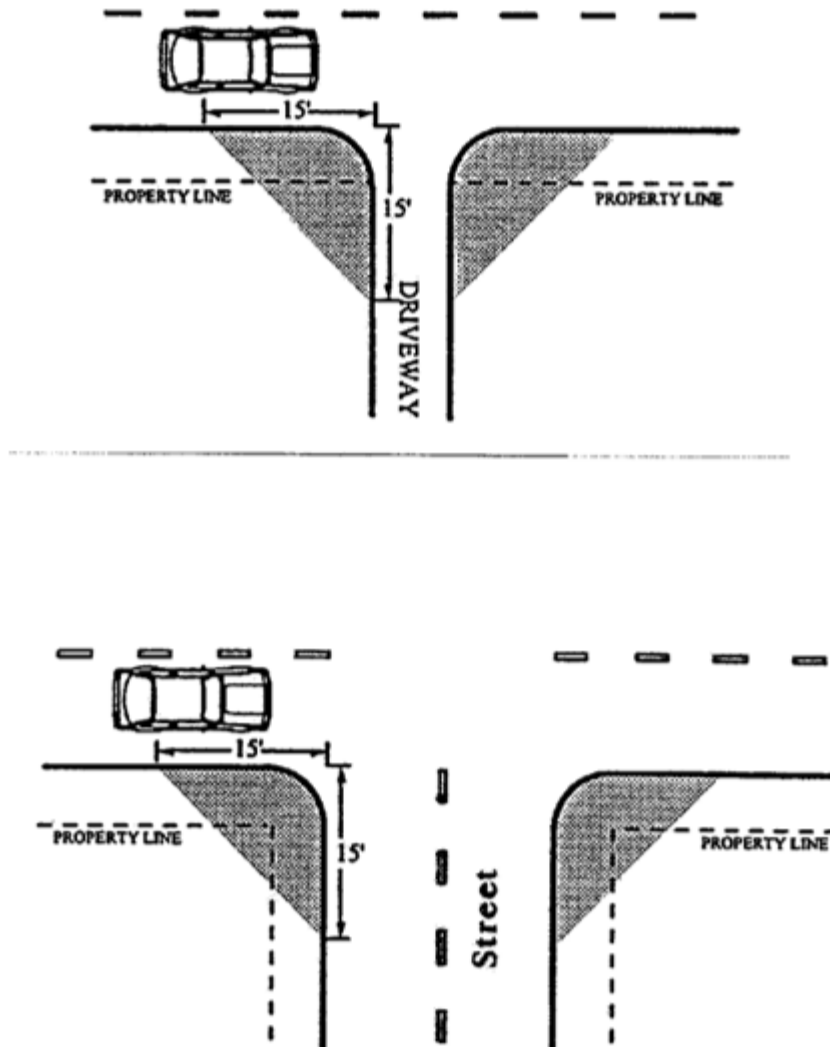
13. **Vertical Clearances.** Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6” for their entire length and width.

FINDINGS OF FACT: The drive aisle has a vertical clearance of 13'6”.

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

FINDINGS OF FACT: Applicant shall ensure that no visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) shall be placed in “vision clearance areas” on streets, driveways, alleys. If any such obstruction is blocking visual site distance, the applicant shall remedy the obstruction by removal.

Figure 3.1.020N Vision Clearance Areas



15. **Conditions and Exceptions.**

1. The City may impose turning restrictions (i.e., right in/out, right in only, or right out only) for safety and to maintain adequate traffic operations where a driveway opens onto a collector or arterial street.
2. Access to and from off-street parking areas shall not permit backing onto a public street, except for one and two-family dwellings.
3. The City may reduce required separation distance of access points where they prove impractical due to lot dimensions, existing development, other physical features, or conflicting code requirements, provided all of the following requirements are met:
 1. Joint-use driveways and cross-access easements are provided;
 2. The site plan incorporates a unified access and circulation system in accordance with this Section; and
 3. The property owner(s) enter in a written agreement with the City, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint-use driveway.

FINDINGS OF FACT: The applicant acknowledges 1-3 above and no new access is proposed with this project. The applicant acknowledges that the City may impose turning restrictions for safety and to maintain adequate traffic operations where a driveway opens onto a collector or arterial street or ODOT maintained District Highway.

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

FINDINGS OF FACT: The proposed project is not a new development; however, the applicant is providing a circulation system that accommodates expected traffic on the site.

17. **Construction.** The following development and maintenance standards shall apply to all driveways and private streets, except that the standards do not apply to driveways serving one single-family detached dwelling:
 1. Surface Options. Driveways, parking areas, aisles, and turnarounds may be paved with asphalt, concrete, or comparable surfacing, including interlocking pavers or other durable paving material. When approved by the City Engineer, porous paving systems may be used to manage surface water runoff. All paving materials shall be subject to review and approval by the City Engineer.

FINDINGS OF FACT: The applicant is not proposing any new driveways, parking areas, aisles, or turnarounds. The subject property is currently paved with asphalt.

2. Surface Water Management. All driveways, parking areas, aisles, and turnarounds shall have on-site collection of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with Chapter 3.7 and applicable engineering standards.

FINDINGS OF FACT: Applicant acknowledges the above, however no changes are proposed for the existing parking area with no changes expected to existing conditions.

3. Driveway Aprons. When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing and conform to the City’s engineering design criteria and standard specifications. (See general illustrations in Section 3.1.020K, above.)

FINDINGS OF FACT: No change is proposed to the driveway apron.

3.3 Parking and Loading

3.3.010 Purpose

The purpose of this Chapter is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the economic viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle parking facilities occupy large amounts of land, they must be planned and designed carefully to use the land efficiently, minimize stormwater runoff, and maintain the visual character of the community. This Chapter recognizes that each development has unique parking needs and provides a flexible approach for determining parking space requirements (i.e., “minimum” and “performance-based” standards). This Chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

3.3.030 Automobile Parking Standards

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

There is no minimum number of off-street parking required in the CBD district; however, new development and changes in use in the CBD shall be subject to a Downtown Parking District fee upon City adoption of a Downtown Parking District (or similar) ordinance. Where such Parking District applies, parking fees shall be calculated using the minimum parking ratios in Table 3.3.030A, below, or as established by City Ordinance.

Table 3.3.030A – Minimum Required Parking by Use

Use Categories (Examples of uses are in Chapter 1.3; definitions are in Chapter 6.1.)	Minimum Parking per Land Use (Additional Parking May be Provided, up to 150% of the minimum, without a separate parking needs analysis)
Institutional Categories	
Basic Utilities	Parking based on applicant's projected parking demand, subject to City approval
Community Service	Parking based on applicant's projected parking demand, subject to City approval
Daycare, adult or child day care; does not include Family Daycare (16 or fewer children) under ORS 657A.250	1 space per 500 sq. ft. of floor area; or as required by CU (Chapter 4.4)
Parks and Open Space	Parking based on applicant's projected parking demand, subject to City approval
Religious Institutions and Houses of Worship	1 space per 75 sq. ft. of main assembly area; or as required by CU (Chapter 4.4)
School	Parking based on applicant's projected parking demand, subject to City approval

FINDINGS OF FACT: Applicant acknowledges there is no minimum number of off-street parking required in the CBD district; however, new development and changes in use in the CBD shall be subject to a Downtown Parking District fee upon City adoption of a Downtown Parking District (or similar) ordinance. Where such Parking District applies, parking fees shall be calculated using the minimum parking ratios in Table 3.3.030A, above, or as established by City Ordinance.

ARTICLE 4 Administration of Land Use and Development

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.

FINDINGS OF FACT: Pre-application Conference was held November 9, 2023 meeting this criteria.

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.
2. Submittal Information. When a Type III application is required, it shall:
 1. Include the information requested on the application form;
 2. 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
 3. Be accompanied by the required fee.

4. 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.

FINDINGS OF FACT: Applicant is providing application form provided by the City with all supporting documents and understands this will be a Type III procedure.

C. Notice of Hearing.

1. Mailed notice. The City shall mail the notice of the Type III action. The records of the Polk County Assessor's Office are the official records for determining ownership. Notice of a Type III application hearing or Type II appeal hearing shall be given by the City Planning Official in the following manner:
 1. At least 20 days before the hearing date, notice shall be mailed to:
 1. The applicant and all owners or contract purchasers of record of the property that is the subject of the application;
 2. All property owners of record within 100 feet of the site;
 3. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.
 4. Any neighborhood or community organization recognized by the City Council and whose boundaries include the subject property;
 5. Any person who submits a written request to receive notice;
 6. For appeals, the appellant and all persons who provided testimony in the original decision; and
 7. For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
 2. The City Planning Official shall have an affidavit of notice prepared and made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who must receive notice.
 3. At least fourteen (14) business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

Content of Notice. Notice of appeal of a Type II Administrative decision and notice of a Type III hearing to be mailed and published per Subsection 1 above shall contain the following information:

1. The nature of the application and the proposed land use or uses that could be authorized for the property;
2. The applicable criteria and standards from the development code(s) that apply to the application;
3. The street address or other easily understood geographical reference to the subject property;
4. The date, time, and location of the public hearing;
5. A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond

to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals;

6. The name of a City representative to contact and the telephone number where additional information on the application may be obtained;
7. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at Dallas City Hall at no cost and that copies shall be provided at a reasonable cost;
8. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
9. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and
10. The following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of Dallas Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser or person in fee title to the property."

FINDINGS OF FACT: Applicant acknowledges all the above.

D. Conduct of the Public Hearing.

1. At the commencement of the hearing, the chair or convener of the Planning Commission, or his or her designee, shall state to those in attendance:
 1. The applicable approval criteria and standards that apply to the application or appeal;
 2. A statement that testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
 3. A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals on that issue;
 4. A statement that, at the conclusion of the initial evidentiary hearing, any participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing, and that, if the Planning Commission grants the request, it will schedule a date to continue the hearing as provided in paragraph 2 of this subsection, or leave the record open for additional written evidence or testimony as provided paragraph 3 of this subsection.
2. If the Planning Commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;
3. If the Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period that the record was left open. If such a request is filed, the Planning Commission shall reopen the record.

1. When the Planning Commission reopens the record to admit new evidence or testimony, any person may raise new issues that relate to that new evidence or testimony;
2. An extension of the hearing or record granted pursuant to Section 4.1.040.D is subject to the limitations of ORS 227.178 (“120-day rule”), unless the continuance or extension is requested or agreed to by the applicant;
3. If requested by the applicant, the City shall allow the applicant at least seven (7) days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant’s final submittal shall be part of the record but shall not include any new evidence;
4. The record shall contain all testimony and evidence that is submitted to the City and that the hearings body has not rejected;
5. In making its decision, the hearings body may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports). The review authority must announce its intention to take notice of such facts in its deliberations, and allow persons who previously participated in the hearing to request the hearing record be reopened, if necessary, to present evidence concerning the noticed facts;
6. The review authority shall retain custody of the record until the City issues a final decision.
7. Participants in the appeal of a Type II Administrative decision or participants in a Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing *ex parte* contacts as reasonably possible. Where questions related to conflict of interest or *ex parte* contact are concerned, public hearings shall be conducted pursuant to State law.
8. Presenting and receiving evidence.
 1. The Planning Commission may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;
 2. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in Section 4.1.040.D;
 3. Members of the Planning Commission may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

FINDINGS OF FACT: Applicant acknowledges the planning process as set forth above.

E. The Decision Process.

1. Basis for decision. Decisions on Type III applications, and any action taken on an appeal of a Type II Administrative decision, shall be based on standards and criteria in this Code. The decision on such application or appeal shall relate to the applicable Code standards and criteria.
2. Findings and conclusions. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.
3. Form of decision. The Planning Commission shall issue a final written order containing the findings and conclusions required in subsection 2, which approves, denies, or approves with specific conditions. The Planning Commission may also issue appropriate intermediate rulings when more than one permit or decision is required.

4. Decision-making time limits. A final order for any Type III decision or action on a Type II Administrative Appeal shall be signed by the chair of the Planning Commission and filed by the City Planning Official within ten (10) business days after the decision or action is made.
5. Notice of Decision. Written notice of a Type III decision, or action on an appeal of Type II Administrative Appeal, shall be mailed to the applicant and to all participants of record within ten (10) business days after the decision is made. Failure of any person to receive mailed notice shall not invalidate the decision or action, provided that a good faith attempt was made to mail the notice.
6. Final Decision and Effective Date. A Type III decision, or action on a Type II Administrative Appeal, is final for purposes of appeal to the City Council on the date it is mailed by the City. The decision is effective on the day after the appeal period for the decision expires.

FINDINGS OF FACT: Applicant acknowledges the decision process as noted in 1-5 above.

F. Appeal to City Council. Appeals from the Planning Commission on Type II Administrative Appeals and Type III decisions are heard by City Council as follows:

1. Who may appeal. The following people have legal standing to appeal a Type II Administrative Decision or Type III Decision from the Planning Commission to the City Council:
 1. The applicant or owner of the subject property;
 2. Any other person who participated in the proceeding by submitting oral or written comments.
2. Appeal filing procedure.
 1. *Notice of appeal.* Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type II Administrative Appeal or Type III Decision by filing a Notice of Appeal according to the following procedures.
 2. *Time for filing.* A Notice of Appeal of a Type II Administrative Appeal or Type III Decision shall be filed with the City Planning Official within ten (10) business days after the notice of decision is mailed.
 3. *Content of notice of appeal.* The Notice of Appeal shall be accompanied by the required filing fee, and shall contain:
 1. An identification of the decision being appealed, including the date of the decision;
 2. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 3. A statement explaining the specific issues being raised on appeal;
 4. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.
3. Scope of review. An appeal of a Type II Administrative Appeal or a Type III Decision shall be limited to *de novo* review on the record of the decision being appealed.
4. Review on the Record.
 1. For the purpose of *de novo* review on the record under section 3., above, the record shall include the following:
 1. A factual report prepared by the Planning Official;
 2. All exhibits, materials, pleadings, memoranda, stipulations, oral and written testimony and motions submitted to and received or considered by the Planning Commission in reaching the decision under review;
 3. The final order and findings of fact adopted by the Planning Commission;

4. The Notice of Appeal filed by the appellant; and
 5. The minutes of the Planning Commission’s public hearings on the matter, including a transcript of the hearings if requested by or presented to the City Council.
2. All parties to the hearing before the Planning Commission shall receive notice of the proposed hearing on *de novo* review on the record, indicating the date, time and place of the review, and of the right to present argument to the City Council as provided in subsection c., below.
 3. The City Council shall make its decision based upon the record after first granting the right to present argument, but not to introduce additional evidence, to the parties to the hearing before the Planning Commission.
 4. In considering the appeal, the City Council need only consider those matters specifically raised by the appellant. The City Council may consider other matters if it so desires.
 5. The appellant shall have the burden of proof and persuasion on appeal.

FINDINGS OF FACT: Applicant acknowledges the process for appeal as noted in 1-4 above.

Chapter 4.4 Conditional Use Permits

4.4.010 Conditional Use Permits - Purpose

There are certain uses, which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as “Conditional Uses” in Article 2 - Land Use Districts. The purpose of Chapter 4.4 is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met.

FINDINGS OF FACT: The application for a Charter School located in the “Old Wells Fargo Bank” is an ideal location for 9-12 grade students. The site is centrally located to provide easy access to the surrounding residentially zoned properties. The site is appropriate in size for the number of students who will be attending classes and will also provide an alternative to conventional public schools.

Based on the student square footage needs the size of the building can easily accommodate the projected 150-200 students and staff.

4.4.020 Conditional Use Permits - Approvals Process

1. **Initial Application.** An application for a new conditional use shall be processed as a Type III procedure (Section 4.1.040). The application shall meet submission requirements in Section 4.4.030, and the approval criteria contained in Section 4.4.040.

FINDINGS OF FACT: This proposal is for a new conditional use and shall be processed as Type III. The submission requirements are addressed within this document.

2. **Modification of Approved or Existing Conditional Use.** Modifications to approved or existing conditional uses shall be processed in accordance with Chapter 4.6 - Modifications.

FINDINGS OF FACT: Not applicable to this application, this is being submitted as a new Conditional Use.

4.4.030 Conditional Use Permits - Application Submission Requirements

In addition to the submission requirements required in Chapter 4.1, an application for conditional use approval must include the following information (1-8), as applicable. For a description of each item, please refer to Section 4.2.050 - Site Design Review Application Submission Requirements:

1. Existing site conditions;
2. Site plan;
3. Preliminary grading plan;
4. A landscape plan;
5. Architectural drawings of all structures;
6. Drawings of all proposed signs;
7. A copy of all existing and proposed restrictions or covenants;
8. Narrative report or letter documenting compliance with all applicable approval criteria in Section 4.4.040.

FINDINGS OF FACT: Applicant is submitting for a Conditional Use to change the “Old Wells Fargo Bank” into a 9-12 Charter School. This is allowed within the Central Business District with the submission of this Conditional Use Permit Application and upon approval of the Planning Commission through a Type III application procedure.

4.4.040 Conditional Use Permits - Criteria, Standards And Conditions Of Approval

The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the standards and criteria in A-C.

1. **Use Criteria.**
 1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations.

FINDINGS OF FACT: The proposed change of use meets the criteria above for size, dimensions, location, topography, and access, which are adequate for the needs of the proposed use as described within this document.

2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval; and

FINDINGS OF FACT: The proposed change of use to a 9-12 school will not create negative impacts on adjacent properties. With the submittal of this CUP the applicant is complying with Code standards.

3. All required public facilities have adequate capacity to serve the proposal.

FINDINGS OF FACT: The change of use should not create a significant change to the existing public facilities.

2. **Site Design Standards.** The Site Design Review approval criteria (Section 4.2.060) shall be met. The Planning Official may waive the application requirements for Site Design Review upon determining that the Conditional Use Permit application provides sufficient information to evaluate the proposal.

FINDINGS OF FACT: The applicant is submitting a site plan showing access and existing conditions with this application.

3. **Conditions of Approval.** The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:
 1. Limiting the hours, days, place and/or manner of operation;
 2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
 3. Requiring larger setback areas, lot area, and/or lot depth or width;
 4. Limiting the building or structure height, size or lot coverage, and/or location on the site;
 5. Designating the size, number, location and/or design of vehicle access points or parking areas;
 6. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
 7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
 8. Limiting the number, size, location, height and/or lighting of signs;
 9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
 10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
 11. Requiring and designating the size, height, location and/or materials for fences;
 12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;
 13. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans, or requiring the recording of a local improvement district non-remonstrance agreement for the same. Dedication of land and construction shall conform to the provisions of Chapter 3.1, and Section 3.1.030 in particular;
 14. Establish a time table for periodic review and renewal, or expiration, of the conditional use to ensure compliance with conditions of approval; such review may be subject to

approval by the Planning Official or Planning Commission through a Type II Administrative Review or Type III Quasi-Judicial process at the discretion of the decision making body.

FINDINGS OF FACT: Applicant acknowledges 1-14 above.

4.4.050 Conditional Use Permits - Additional Development Standards

1. **Concurrent Variance Application(s).** A conditional use permit shall not grant variances to regulations otherwise prescribed by the Development Code. Variance application(s) may be filed in conjunction with the conditional use application, and both applications may be reviewed concurrently and heard at the same public hearing.

FINDINGS OF FACT: The applicant is not seeking any variances. N/A

2. **Additional Development Standards.** Development standards for specific uses are contained in Article 2 - Land Use Districts.

FINDINGS OF FACT: The applicant acknowledges Development standards for specific uses contained in Article 2 – Land Use Districts and has addressed applicable standards within this document.

3)

**PROPERTY OWNERS
150 FEET**

***DALLAS COMMUNITY SCHOOL
CONDITIONAL USE PERMIT APPLICATION
LOCATION OF SUBJECT SITE
636 MAIN STREET, DALLAS, OREGON 97338
07533-BC-02202***

MapNum	TAXLOT	MapTaxlot	ACCOUNT_ID	OwnerLine1	AgentName	MailAdd1	MailCity	MailState	MailZip
7.5.32AD	100	7532AD 100	135441	BOLLMAN BETH A, REVOCABLE LIVING TRUST	FREEDOM FEDERAL SAVINGS/LN ASSN,AGT	425 PIKE ST BR 53	SEATTLE	WA	98101
7.5.33BC	2201	7533BC 2201	145248	AHN YOUNG HO		22025 NW IMBRIE DR	HILLSBORO	OR	97124
7.5.33BC	3201	7533BC 3201	145376	INNER FUEL SERVICES LLC		19535 FIR GROVE RD	MONMOUTH	OR	97361
7.5.33BC	2204	7533BC 2204	488714	POLK COUNTY		850 MAIN ST	DALLAS	OR	97338
7.5.33BC	3100	7533BC 3100	145350	POLK COUNTY		850 MAIN ST	DALLAS	OR	97338
7.5.33BC	2700	7533BC 2700	145318	YSEN INC		680 MAIN ST	DALLAS	OR	97338
7.5.32AD	400	7532AD 400	135467	JEFFERSON EMILY		645 MAIN ST	DALLAS	OR	97338
7.5.33BC	2401	7533BC 2401	489935	SOS INVESTMENTS LLC		392 SE IRONWOOD AVE	DALLAS	OR	97338
7.5.33BC	2300	7533BC 2300	145277	FAXON LOREN N & FAXON DONNA R, TRUST	FAXON LOREN N & FAXON DONNA R, TR	15910 ELLENDALE RD	DALLAS	OR	97338
7.5.32AD	800	7532AD 800	135508	SCHWAB DALLAS LLC		PO BOX 1727	LAKE OSWEGO	OR	97035
7.5.33BC	2500	7533BC 2500	145293	SOS INVESTMENTS LLC		392 SE IRONWOOD AVE	DALLAS	OR	97338
7.5.33BC	2202	7533BC 2202	145251	POLK COUNTY		850 MAIN ST	DALLAS	OR	97338
7.5.32AD	700	7532AD 700	135496	POLK COMMUNITY DEVELOPMENT CORP		P O BOX 33	DALLAS	OR	97338
7.5.33BC	2203	7533BC 2203	145264	IDZ LLC		607 SE JEFFERSON ST	DALLAS	OR	97338
7.5.33BC	3101	7533BC 3101	421955	INNER FUEL SERVICES LLC		19535 FIR GROVE RD	MONMOUTH	OR	97361
7.5.33BC	2400	7533BC 2400	145280	POLK COUNTY		850 MAIN ST	DALLAS	OR	97338
7.5.33BC	2600	7533BC 2600	145305	FAST LYN & BONNIE		1650 NORTH KINGS VALLEY HW	DALLAS	OR	97338

BETH A BOLLMAN, REVOCABLE
LIVING TRUST
425 PIKE STREET BR 53
SEATTLE, WA 98101

AN YOUNG HO
22025 NW IMBRIE DRIVE
HILLSBORO, OREGON 97124

INNER FUEL SERVICES LLC
19535 FIR GROVE ROAD
MONMOUTH, OREGON 97361

POLK COUNTY
850 MAIN STREET
DALLAS, OREGON 97338

YSEN INC
680 MAIN STREET
DALLAS, OREGON 97338

EMILY JEFFERSON
645 MAIN STREET
DALLAS, OREGON 97338

SOS INVESTMENTS LLC
392 SE IRONWOOD AVENUE
DALLAS, OREGON 97338

LOREN FAXON & DONNA FAXON
TRUST
15910 ELLENDALE ROAD
DALLAS, OREGON 97338

SCHWAB DALLAS LLC
PO BOX 1727
LAKE OSWEGO, OREGON 97035

POLK COMMUNITY DEVELOPMENT
CORP
PO BOX 33
DALLAS, OREGON 97338

IZD LLC
607 SE JEFFERSON STREET
DALLAS, OREGON 97338

LYN & BONNIE FAST
1650 NORTH KINGS VALLEY HWY
DALLAS, OREGON 97338

4)

**DEED AND
ASSESSOR SUMMARY
REPORT**

***DALLAS COMMUNITY SCHOOL
CONDITIONAL USE PERMIT APPLICATION
LOCATION OF SUBJECT SITE
636 MAIN STREET, DALLAS, OREGON 97338
07533-BC-02202***

RECORDING REQUESTED BY,
AND WHEN RECORDED, MAIL TO:
Polk County
850 Main Street
Dallas, OR 97338

RECORDED IN POLK COUNTY Valerie Unger, County Clerk	2022-008637 07/22/2022 11:46:01 AM
REC-WD Cnt=1 Stn=5 K. WILLIAMS \$35.00 \$11.00 \$10.00 \$60.00 \$20.00 \$5.00	\$141.00

472522001401-CT
471922110740-TT

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SPECIAL WARRANTY DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Wells Fargo Bank, National Association, successor by merger with First Security Bank of Oregon, an Oregon Banking Corporation ("Grantor"), conveys and specially warrants to POLK COUNTY, a Political Subdivision of the State of Oregon ("Grantee"), the following described real property located in the City of Dallas, County of Polk, State of Oregon, which is more particularly described in Exhibit A, attached hereto and incorporated herein by this reference (the "Property") free and clear of encumbrances created or suffered by the grantor except as specifically set forth below.

NOTWITHSTANDING THE FOREGOING, THIS DEED IS MADE, AND THE PROPERTY IS CONVEYED, BY GRANTOR TO GRANTEE SUBJECT TO THE FOLLOWING:

1. A LIEN TO SECURE PAYMENT OF CURRENT REAL PROPERTY TAXES NOT YET DUE AND PAYABLE;
2. ALL MATTERS WHICH WOULD HAVE BEEN DISCLOSED BY AN INSPECTION OR SURVEY OF THE PROPERTY;
3. THOSE EXCEPTIONS MADE, SUFFERED OR DONE BY THE GRANTEE;
4. ALL OTHER MATTERS OF PUBLIC RECORD RECORDED AGAINST THE PROPERTY AS OF THE DATE HEREOF; AND
5. THIS CONVEYANCE IS ALSO MADE SUBJECT TO THE FOLLOWING RESTRICTIVE COVENANT, WHICH IS AND SHALL REMAIN A COVENANT THAT TOUCHES AND CONCERNS THE LAND AND RUNS WITH THE LAND, AND BINDING ON GRANTEE AND ALL SUCCESSORS AND ASSIGNS OF GRANTEE AND ANY PERSON OR ENTITY HOLDING OR CLAIMING A RIGHT, TITLE OR INTEREST TO USE OR OCCUPANCY THROUGH ANY SUCH PARTY, BY LEASE, SUBLEASE, LICENSE, CONCESSION OR OTHER SIMILAR AGREEMENT, AND SHALL BE FOR THE BENEFIT OF THE GRANTOR AND ITS SUCCESSORS AND ASSIGNS, FOR A PERIOD OF TWO (2) YEARS COMMENCING AS OF THE DATE THAT THIS GRANT DEED IS RECORDED IN THE OFFICIAL RECORDS OF POLK COUNTY, STATE OF OREGON:

No entity or person other than Grantor or an Affiliated Entity (as defined below) may conduct a Financial Services Business (as defined below) from the Property (the "Financial Use Restriction"). In addition, Grantee shall not permit, allow, or install at the Property any type of signage, whether pylon, monument, plaque, or otherwise, and whether or not interior or exterior, that includes the name or logo of any Financial Services Business other than Grantor (the "Signage Restriction").

“Affiliated Entity” means any entity that controls, is controlled by, or is under common control with Grantor, including successors by merger, acquisition, or otherwise. “Financial Services Business” means a state or national bank; a savings bank; a credit union; a savings and loan institution; a finance company; an industrial bank; a mortgage company; a securities broker or dealer; a trust company; an investment advisor; a wealth manager; and any other business in the financial services industry that accepts deposits; originates loans; cashes checks; provides automated teller machine services; offers trust services; sells stocks, bonds, or mutual funds; provides investment advice; or offers wealth management services. The Financial Use Restriction and the Signage Restriction are binding upon Grantee and Grantee’s successors and assigns; are deemed to be covenants that touch and concern the land and run with the land; are for the benefit of Grantor and its successors and assigns and its properties located within the same county and state in which the property is located (as well as the counties adjacent thereto); and expire two (2) years after the recording date of this Deed. Grantee acknowledges that a breach of the Financial Use Restriction or the Signage Restriction will cause irreparable damage to Grantor, the exact amount of which will be difficult or impossible to ascertain, and that remedies at law for such breach will be inadequate. Therefore, if Grantee breaches the Financial Use Restriction or the Signage Restriction, then in addition to any other remedy that might be available at law or in equity, (i) Grantor shall be entitled to specific performance and injunctive relief without the necessity of proving that actual damages are not an adequate remedy and (ii) Grantee shall not raise the defense that there is an adequate remedy at law.

The true consideration for this conveyance is \$750,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON’S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, this Special Warranty Deed has been executed this _____ day of July, 2022.

WELLS FARGO BANK, N.A.,
a national banking association

By: _____
Name: _____
Its: _____

Accepted on behalf of the County of Polk County:



By: Greg Hansen, Administrative Officer

California Notary Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of placer

On 07/13/2022 before me, Mohammed M. Mohan,
Notary Public, personally appeared
Amanda Rose Cook who proved to me on the basis
of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 



Exhibit A

LEGAL DESCRIPTION

PARCEL I:

Lot 2, Block 7, ORIGINAL TOWN OF DALLAS, in the City of Dallas, Polk County, Oregon. TOGETHER WITH that portion of vacated alley that inured thereto by vacation order recorded September 20, 1979, in Book 143, Page 344, Book of Records for Polk County, Oregon.

PARCEL II:

Beginning at the Northwest corner of Lot 3, Block 7, ORIGINAL TOWN OF DALLAS, in the City of Dallas, Polk County, Oregon, as laid out and platted of record by the LaCreole Academic Institute, a corporation, and running thence East 128 feet; thence South 36 feet; thence West 128 feet; thence North 36 feet to the place of beginning. TOGETHER WITH that portion of vacated alley that inured thereto by vacation order recorded September 20, 1979, in Book 143, Page 344, Book of Records for Polk County, Oregon.

SAVE AND EXCEPT: Beginning at a point 36 feet South from the Northwest corner of Lot 3, Block 7 of the Original Town of Dallas in Polk County, Oregon, as laid out and platted by the LaCreole Academic Institute, a corporation, and running thence North 1.25 feet; thence East 100.00 feet; thence South 1.25 feet; thence West 100.00 feet to the point of beginning.

PARCEL III:

Lots 7 and 8, Block 7, ORIGINAL TOWN OF DALLAS, in the City of Dallas, Polk County, Oregon.

SAVE AND EXCEPT the following: Beginning at an iron bar at the Southeast corner of Lot 7, Block 7 aforesaid, and running thence West along the North line of the alley 120 feet to an iron bar; thence North 52 feet to an iron bar; thence East 120 feet to an iron bar; thence South 52 feet to the place of beginning.

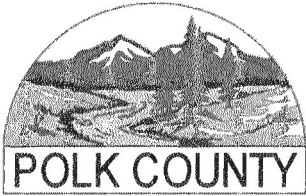
ALSO SAVE AND EXCEPT: Beginning at the Northeast corner of Lot 8, Block 7, Original Town (now City) of Dallas Polk County; Oregon; thence South 74 feet; thence West 120 feet; thence North 74 feet; thence East 120 feet to the place of beginning.

ALSO SAVE AND EXCEPT: The East 100 feet of the South 26 feet of Lot 8, Block 7, and the East 100 feet of the North 48 feet of Lot 7, Block 7, Original Town of Dallas, Polk County, Oregon.

PARCEL IV:

Beginning at the Northeast corner of Lot 6, Block 7, ORIGINAL TOWN OF DALLAS, in the City of Dallas, Polk County, Oregon; running thence West 105.0 feet; thence South 60.0 feet; thence East 105.0 feet; thence North 60.0 feet to the point of beginning.

ALSO: Beginning at the Southeast corner of Lot 6, Block 7, ORIGINAL TOWN OF DALLAS, in the City of Dallas, Polk County, Oregon; running thence West 145 feet; thence North 40 feet; thence East 145 feet; thence South 40 feet to the place of beginning.



POLK COUNTY

POLK COUNTY COURTHOUSE ★ OFFICE: 503-623-8391 ★ FAX: 503-831-3015
DALLAS, OREGON 97338-3180

ASSESSOR'S OFFICE

VALERIE PATOINE
Assessor

Polk County Assessor Certification of Charges Paid

(2015 Oregon Laws Chapter 96)

All charges against the real property have been paid for the property that is the subject of the deed between the following Grantor and Grantee and identified in the Polk County Assessment records by the listed account numbers if account numbers are shown:

Grantor:	First Security Bank of Oregon	Grantee:	Polk County
Account No(s):	145251, 145280, 488714, 145350	Certification No.:	N/A
Date Signed:	July 13, 2022	Consideration Amount:	\$750,000
Assessor's or Designee's Signature:	<i>Valerie Patoine</i>	Date Signed:	7/22/22

The deed must be recorded on the same day that the Certification of Charges Paid is signed by the Assessor or their designee.

If not recorded on that date, the Certification will be invalid.

Refer to ORS 311.411

Complies with Oregon Department of Revenue form 150-310-411 (Rev. 10-15)

Polk County
2023 Real Property Assessment Report
 Account 145251

Map 07533-BC-02202
Code - Tax ID 0238 - 145251

Tax Status Non-Assessable
Account Status Active
Subtype NORMAL

Legal Descr See Record

Mailing POLK COUNTY
 850 MAIN ST
 DALLAS OR 97338

Deed Reference # 2022-8637
Sales Date/Price 07-13-2022 / \$750,000
Appraiser GOTTING, ERIC

Property Class 951 **MA SA NH**
RMV Class 201 03 02 002

Site	Situs Address	City
1	636 MAIN ST	DALLAS

Value Summary						
Code Area		RMV	MAV	AV	RMV Exception	CPR %
0238	Land	161,340		Land	0	
	Impr	551,980		Impr	0	
Code Area Total		713,320	895,470	713,320	0	
Grand Total		713,320	895,470	713,320	0	

Land Breakdown										
Code Area	ID #	RFPD	Ex	Plan Zone	Value Source	Trend %	Size	Land Class	LUC	Trended RMV
0238	1	<input checked="" type="checkbox"/>		CBD	Commercial Site	109	15,014 SF		008	161,340
Code Area Total							15,014 SF			161,340

Improvement Breakdown										
Code Area	ID #	Year Built	Stat Class	Description	Trend %	Total Sqft	Ex%	MS Acct		Trended RMV
0238	1	1968	531	Financial - branch bank	109	6,816				551,980
Code Area Total						6,816				551,980

Contig Accts 145280, 488714

PP Accounts 0238 - 1334

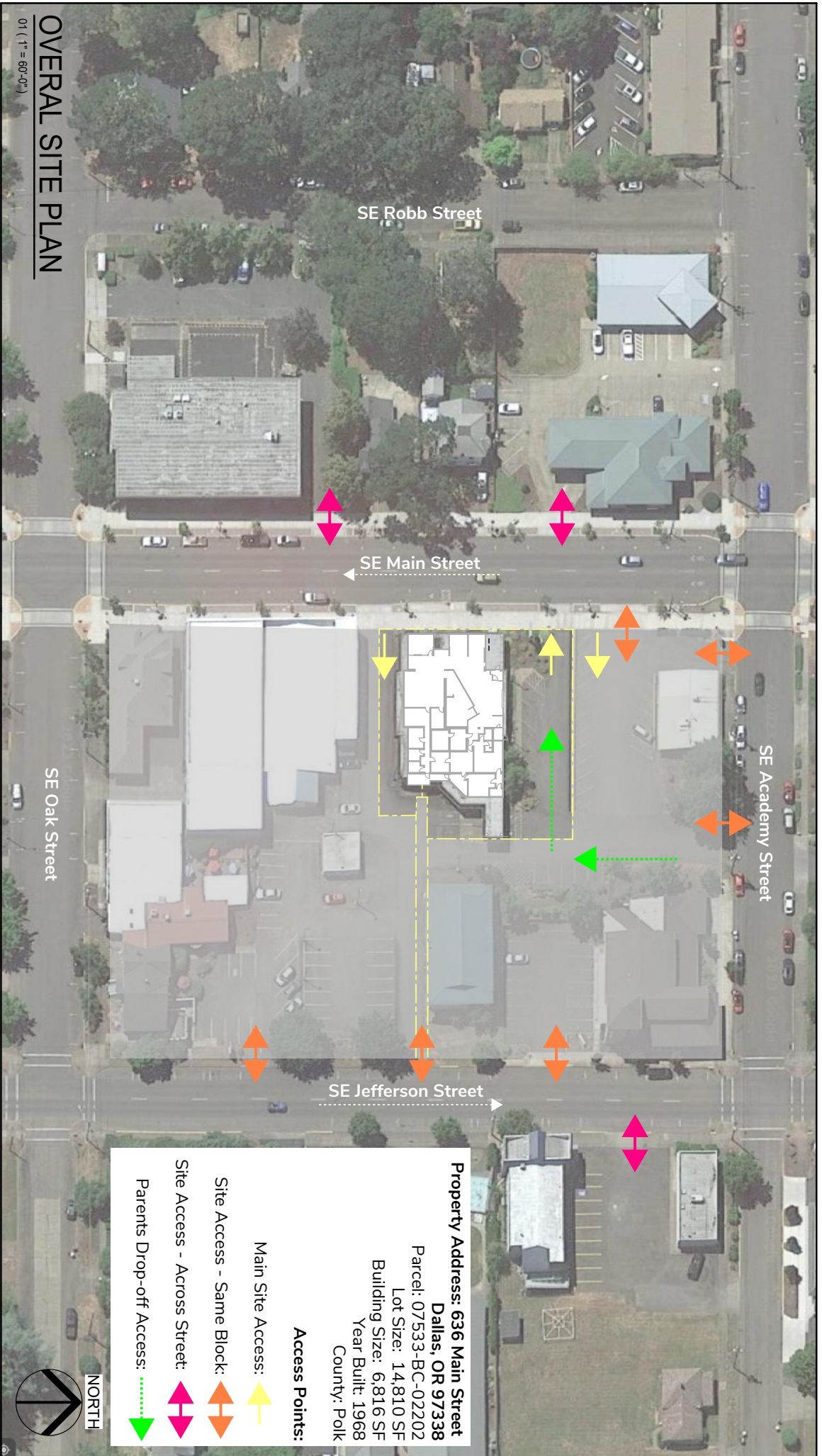
Appraisal Maint 2023-TAX STATUS CHANGE TO NON-ASSESSABLE

Comments new roof for 2016 redtag. JM

5)

SITE PLANS

***DALLAS COMMUNITY SCHOOL
CONDITIONAL USE PERMIT APPLICATION
LOCATION OF SUBJECT SITE
636 MAIN STREET, DALLAS, OREGON 97338
07533-BC-02202***



01 (1" = 80'-0")



OVERALL SITE PLAN



Dallas Community High School Renovation
 Dallas Community School
 Conditional Use Application
 October 30, 2023

Property Address: 636 Main Street
 Dallas, OR 97338
 Parcel: 07533-BC-02202
 Lot Size: 14,810 SF
 Building Size: 6,816 SF
 Year Built: 1968
 County: Polk

Access Points:

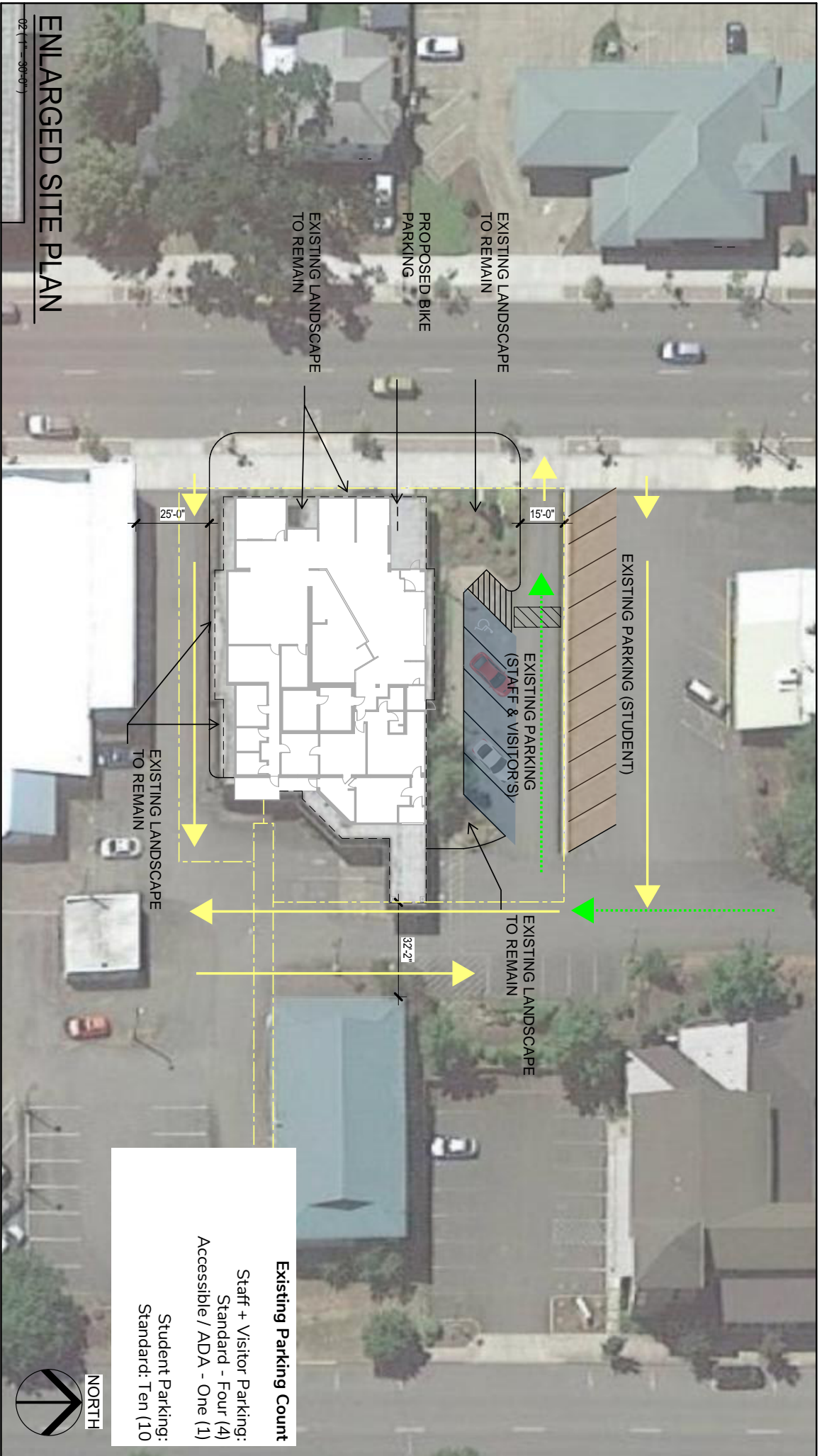
- Main Site Access: 
- Site Access - Same Block: 
- Site Access - Across Street: 
- Parents Drop-off Access: 

OVERALL SITE PLAN | 01

Soderstrom Architects



Dallas Community High School Renovation
 Dallas Community School
 Conditional Use Application
 October 30, 2023



ENLARGED SITE PLAN

02 (1" = 30'-0")

Existing Parking Count
 Staff + Visitor Parking:
 Standard - Four (4)
 Accessible / ADA - One (1)
 Student Parking:
 Standard: Ten (10)



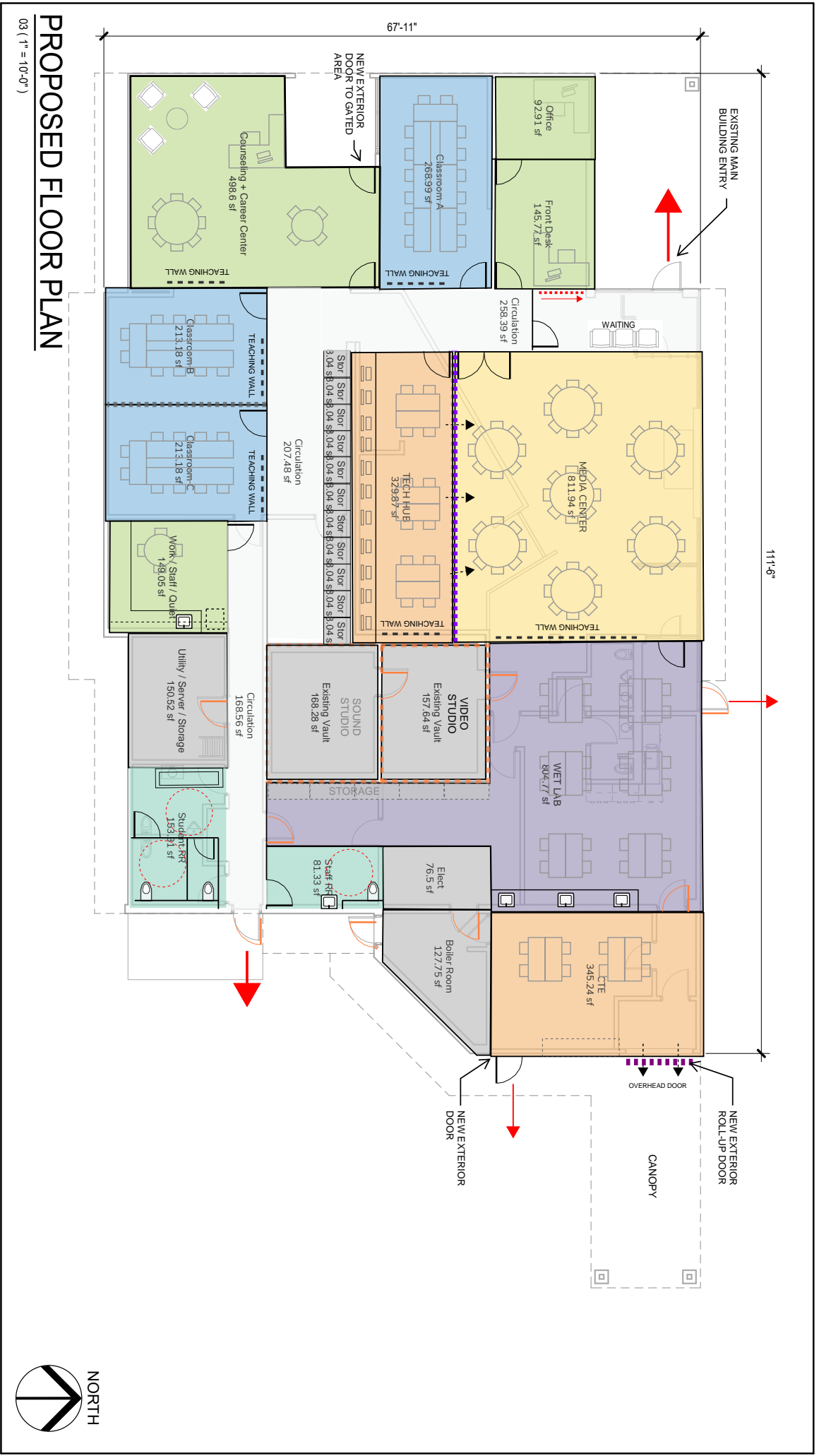
ENLARGED SITE PLAN | 02

Soderstrom Architects



Dallas Community High School Renovation
 Dallas Community School
 Conditional Use Application
 October 30, 2023

PROPOSED FLOOR PLAN | 03
Soderstrom Architects



November 28, 2023

Good afternoon,

I don't understand another school on Main Street representing 3 schools in the Central Business District. Please help me understand. Is this a good idea? What do you all think? Can't we attract a business? Several years ago we were negotiating with a Brewery. Do we have a marketing team for Dallas to attract businesses? I know I represent a non-profit but we do pay taxes and will continue to do so as long as we can.

I understand it is an allowable use at this time. However, I have always wondered why schools particularly on Main Street, the entrance to the historic downtown, would be an allowable use in a community with so many public buildings off the tax rolls and such a small central business district. Why would the City not consider prohibiting schools from expanding in the core Central Business District taking property off the tax rolls when businesses are so badly needed and tax revenue to assist our budget shortfall. It does not make sense to me.

How much of a request would be needed to take such action as to prevent further schools and governmental service building expansion from locating in the small Central Business District? Does it take just one person, multiple people, or what to submit a request?

My background is in education and I am a big proponent of making education available to all, but not at the expense of a vibrant tax paying central community that in fact supports education and the community. I say that as an ED of a non-profit who is trying our hardest pay our fair share of taxes.

I do respect the City leaders but wonder why the location of certain organizations can't be denied. We deny factories, cannabis dispensaries, etc. To me it's all about directing our growth as a vibrant community.

If you need to consider this email a request to change the allowed businesses through a conditional use in the Central Business District by restricting automobile shops, schools, manufacturing plants, storage units, etc. please do so. Something needs to change, in my opinion, to attract new business and increase the tax base.

Respectfully,
Rita Grady

CITY OF DALLAS
NOTICE OF PUBLIC HEARING

Dallas Community School - Conditional Use Permit #CUP-23-11

PROPERTY LOCATION: 636 Main Street (formerly Wells Fargo)

APPLICANT: Soderstrom Architects.

NATURE OF REQUEST: Conversion of vacant bank building into a charter school for grades 9-12.

APPLICABLE CRITERIA: DDC Chapter 4.4.040.A – Conditional Uses

HEARING DATE / TIME: 7:00 p.m. Tuesday, December 11, 2023

HEARING LOCATION: **In Person:** Dallas City Hall, 187 SE Court Street, Dallas, Oregon
Telephone: +1 253 215 8782 Passcode: **213 855 0622**
Watch Online: www.dallasor.gov/community/page/dallasyoutube

CITY STAFF CONTACT: Chase Ballew, City Planner Phone: 503-831-3570
chase.ballew@dallasor.gov TDD: 503-623-7355

At the above day and time the Dallas Planning Commission will hold a public hearing on this request. You may attend this meeting in-person at Dallas City Hall. You may also participate by telephone by dialing the number above and entering the passcode when prompted. Video of the proceedings will be broadcast live at the website above, but oral testimony must be in-person or by phone.

The decision makers will consider testimony which addresses the applicable criteria listed above. Testimony may be submitted in advance by writing to the Dallas Planning Department, 187 SE Court Street, Dallas, Oregon 97338, or given orally during the public hearing. The public hearing will be conducted in a manner that permits testimony from all interested parties.

At least seven days prior to the hearing the staff report, the application and documents and evidence submitted by or on behalf of the applicant, and the applicable approval criteria will be available for review online at www.dallasor.gov/meetings or in person at City Hall. Upon request, copies will be made at reasonable cost.

Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.

Dated: November 22, 2023

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER, ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.
The recipient of this notice is hereby responsible to promptly forward a copy of this notice to every person with a documented interest, including a renter or lessee.

CITY OF DALLAS PLANNING COMMISSION STAFF REPORT

Meeting Date: December 12, 2023
Report Date: December 5, 2023
Topic: CPA-23-01 & ZC-23-02

Application Type: Comprehensive Plan Amendment & Zone Change
Applicant: Ken Perkins
Location: Clow Corner Road – Taxmap #8.5.3 Taxlot #801 – Parcel 3

APPROVAL CRITERIA:

DDC Chapter 4.7 – Land Use District Map Amendments

RECOMMENDED ACTION

That the Planning Commission recommend that the City Council approve the request

SITE INFORMATION

Current Zoning: Industrial
Comprehensive Plan Map: Industrial
Floodplain: Yes
Riparian Corridor: Yes
Wetlands: No
Lot Size: 5.36 Acres
Prior Land Use Approvals: Urban Growth Boundary Expansion (2004)
Annexation & Zone Change (2022)
Partition (2023)

PROJECT OVERVIEW

- Amend comprehensive plan from Industrial to Residential.
- Change zoning from Industrial (I) to Medium-Density Residential (RM).

BACKGROUND INFORMATION

The property was annexed in 2022, and at that time the applicant requested a comprehensive plan change to residential for part of the site, which the city council denied, finding that because the property was larger than 10 acres the land qualified as ‘prime industrial’ under comprehensive plan policy 2.3.1.

Subsequently the property has been divided into three smaller parcels. Parcel 1 is undergoing wetland development permitting, Parcel 2 has received development approval for mini-storage, and Parcel 3, the subject of this application, is proposed for conversion to residential use.

COMPREHENSIVE PLAN AMENDMENT / ZONE CHANGE APPROVAL CRITERIA

The applicant proposes to amend the comprehensive plan and rezone the property. The applicable criteria are contained in the DDC 4.7.030.B, “*Criteria for Quasi-Judicial Amendments.*”

CRITERION:

DDC 4.7.030.B.1 – Approval of the request is consistent with the Statewide Planning Goals.

FINDING:

Oregon has 19 Statewide Planning Goals, of which six (6) are directly applicable to the approval criteria of this request and are discussed individually below.

Goal 5 – Natural Resources: This goal requires cities to protect natural resources and conserve scenic and historic areas and open spaces, with fifteen (15) resources specified. The subject property has a mapped riparian corridor and floodplain (North Fork Ash Creek on the north edge of the property) which are Goal 5 resources; to protect this resource the City of Dallas has standards for setbacks and storm water management that must be met at the time of development.

Goal 7 – Natural Hazards: This goal requires cities to adopt comprehensive plan measures that reduce risk to people and property from natural hazards, with six (6) hazards specified. As identified by the Oregon Department of Geology and Mineral Industries and incorporated into the Polk County Multi-Jurisdictional Hazard Mitigation Plan, the subject property is located in an area of the city with moderate risk of expansive soils. In accordance with Goal 7, the City of Dallas requires geotechnical evaluation of all new development, which can mitigate some of the expansive soil risk through site-specific design and engineering, such as structural foundation systems, as well as storm water management to reduce risk of rain-induced expansion and landslides.

Goal 9 – Economy: Goal 9 requires cities in develop Comprehensive Plans that inventory areas suitable for increased economic growth and activity. The 2020 Economic Opportunities Analysis identified a surplus of 168 acres of industrial land, so rezoning of the property to a non-industrial use would not reduce the 20-year supply of industrial land below the expected demand.

Goal 10 – Housing: This goal requires cities to encourage availability of adequate numbers of needed housing units at prices commensurate with the financial capabilities of Oregon households and allow flexibility of location, type, and density. The zone change would re-designate the subject property from industrial to medium-density residential, thereby allowing dwellings to be constructed, increasing the supply of needed housing units.

The 2019 Housing Needs Analysis found that over the next 20 years the city would have a 21 acre shortage of medium-density residential land. Since then only 9 acres have been rezoned, leaving a shortage of 12 acres of needed medium density residential land, which and the proposed comprehensive plan amendment and zone change would contribute to fulfilling.

Goal 11 – Public Facilities: This goal requires cities to plan and develop a timely, orderly and efficient arrangement of public facilities and services. Water, sanitary sewer, and storm drainage of adequate capacity are adjacent to the subject property. City services, including fire and police protection and health and recreation services, have adequate capacity to serve a development of the subject property.

Goal 12 – Transportation: This goal requires cities to provide and encourage a safe, convenient, and economic transportation system and to coordinate land use and transportation planning. Goal 12 is implemented by the Transportation Planning Rule (TPR) which requires cities to evaluate whether proposed

plan amendments and zone changes are consistent with adopted land use and transportation plans, to ensure the system can accommodate the development.

The applicant's narrative concludes that the reasonable worst case development of the property would not have a significant impact on the functional classification of the roadways or reduce the performance of the roadways. Staff concurs that the amendment conforms with the provisions of the Transportation Planning Rule, so this criterion is met.

Conclusion: Given the application materials and the above information, the proposed amendment is consistent with the statewide planning goals, and this criterion is satisfied.

CRITERION:

DDC 4.7.030.B.2 – Approval of the request is consistent with the Comprehensive Plan.

FINDING:

Staff observe the Comprehensive Plan to contain several policies applicable to the subject request. Below are the policies found in Chapter 2, 3, and 7 that staff find relevant to the request and with staff's findings.

Comprehensive Plan Chapter 2 – A Sustainable Dallas Economy

Policy 2.1.5 – Provide for a choice among suitable industrial and business park sites.

The change to residential would reduce the amount of choice of properties for employment use, however the Economic Opportunities Analysis found a surplus of 168 acres of industrial land over the next 20 years, which still allows for choice.

Policy 2.3.1 – Preserve prime industrial sites and reserve suitable land to provide a choice among sites for new industrial development prior to actual demand. Prime industrial sites include site characteristics that are difficult or impossible to replicate in the Dallas Urban Growth Boundary. These characteristics may also include (1) sites / properties larger than 10 acres, (2) sites with direct access to a highway or major arterial road, (3) sites with existing investments in infrastructure needed by industrial uses, and (4) sites / properties surrounded by properties that are planned Industrial.

Prior to the partitioning of the parent property, the City Council determined this property, along with parcels 1 and 2 together, to be considered a prime industrial site.

Staff note that after the partition, parcel 3 is smaller than 10 acres, does not have any previous investment in industrial-serving infrastructure, and currently does not have direct access to a highway or major arterial. While the site is surrounded on three sides by other properties that are planned Industrial, this alone is not difficult or impossible to replicate in the Dallas UGB. Therefore, staff conclude that the site is not likely to be considered prime industrial.

Policy 2.6.4 – Where appropriately buffered, designate multi-family residential land near industrial sites to minimize travel distance from employment centers to housing.

Appropriately buffered is not defined in the development code. However, the subject site is in close proximity to other planned industrial land, consistent with this policy.

Comprehensive Plan Chapter 3 – Livable Residential Neighborhoods:

Policy 3.1.3 – Each residential neighborhood shall provide its fair share of multi-family housing, consistent with Residential Policy 3.2.

The applicant is requesting RM zoning for the property, which allows multi-family housing at 6-16 dwellings per net acre.

Policy 3.1.4 – Land planned for multi-family housing shall be located adjacent to planned commercial areas or along arterial and collector streets, and shall be reserved exclusively for that purpose...

The site is adjacent to the future extension of Fir Villa Road, a collector street.

Policy 3.1.7 – Identified river and stream corridors, wetlands, flood hazard, steep hillsides and slide hazard areas where building would be hazardous shall be considered unbuildable, and shall be used to define neighborhood boundaries.

The property contains a riparian corridor and flood hazard areas. Ash Creek is along the northern edge of the property, and thereby form the boundary of the neighborhood. The Dallas Development Code has provisions for resource protection (e.g. top of creek setbacks) that help implement this policy during development.

Comprehensive Plan Chapter 7 – Public Facilities Plan:

Policy 7.2.3 – Prior to annexation, zone change or development approval, the City must make an affirmative determination that adequate sanitary sewer, water, storm drainage, transportation and park services are available to service the area to be annexed or rezoned, or the site to be developed.

This policy is implemented by DDC 4.7.030.B.3 which requires such a determination, and is provided herein consistent with this policy.

Conclusion: Given the application materials and the above information, the proposed zone change is consistent with the Comprehensive Plan, and has satisfied this criterion.

CRITERION:

DDC 4.7.030.B.3 – The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period.

FINDING:

Public Facilities – Sewer, water, and storm drainage main lines of adequate capacity to support development are located at the eastern terminus of SE Ana Avenue.

Public Services – Existing city services, including fire and police protection and health and recreation services, have adequate capacity to serve a development of the subject property. Water mains will need to be extended and fire hydrants installed to serve the development.

Transportation Networks – The applicant’s property is located at the terminus of a neighborhood street with adequate capacity to accommodate residential development. The property is also adjacent to the future extension of Fir Villa Road, a major collector which the Transportation System Plan envisions within the 20-year planning period, and which would provide additional capacity once completed.

Conclusion: Staff finds that the property and affected area are or can be served with adequate public facilities and services, and that this criterion is satisfied.

CRITERION:

DDC 4.7.030.B.4 – The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application.

FINDING:

The proposed change to medium-density residential (RM) may be found to be in the public interest, as the Housing Needs Analysis found a shortage of medium-density land, so this change will help reduce the RM land deficit without meaningfully impacting the surplus of industrial land.

CRITERION:

DDC 4.7.030.B.5 – The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.060.

FINDING:

The applicant’s narrative concludes that the reasonable worst case development of the property would not have a significant impact on the functional classification of the roadways or reduce the performance of the roadways. Staff concurs that the amendment conforms with the provisions of the Transportation Planning Rule, so this criterion is met.

RECOMMENDED ACTION

Staff recommends that the Comprehensive Plan Amendment, and Zone Change applications be approved.

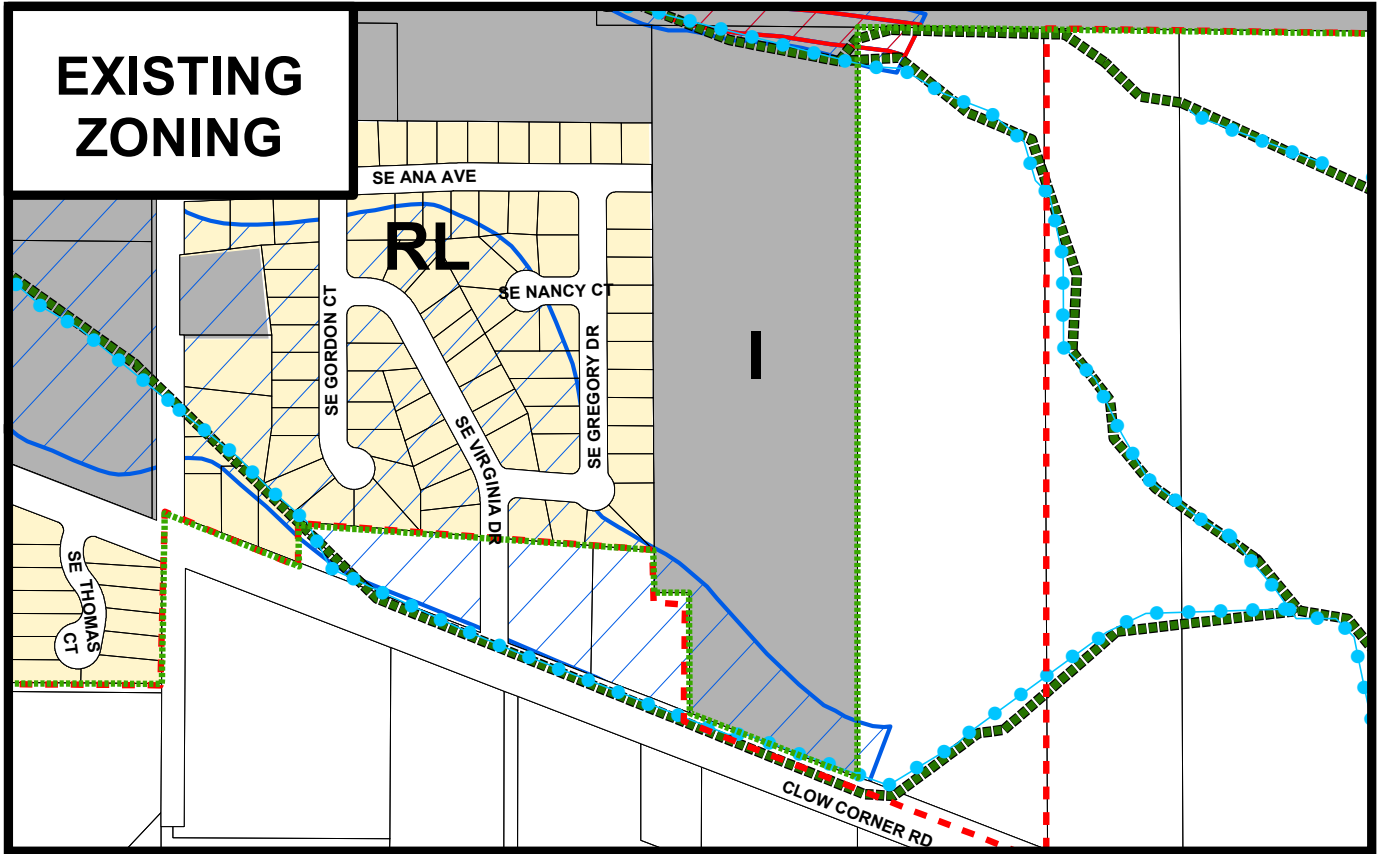
RECOMMENDED MOTION:

I move to recommend that the City Council approve the comprehensive plan amendment and zone change of the subject property.

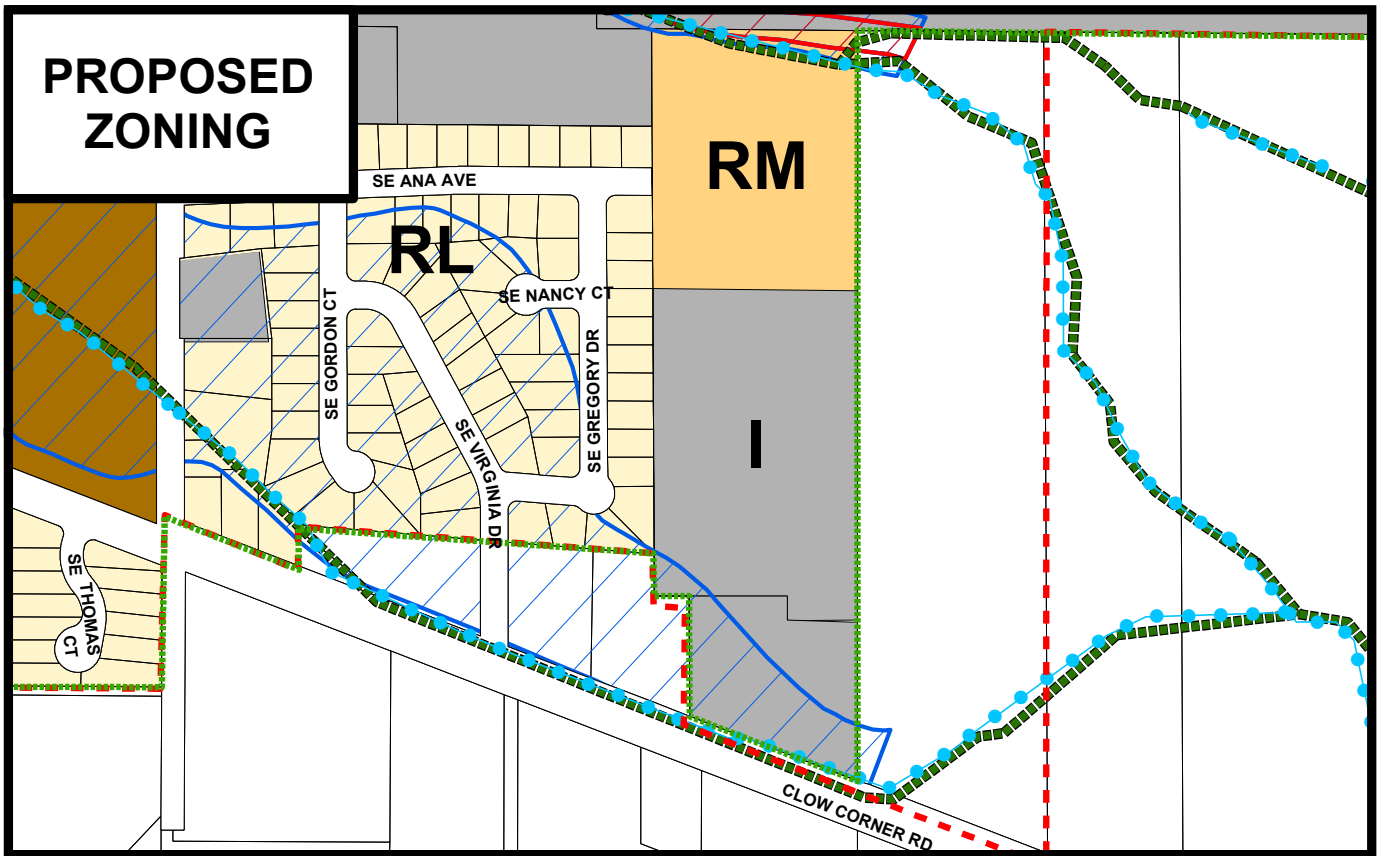
EXHIBITS:

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

EXISTING ZONING



PROPOSED ZONING





Land Use District Map Change

Dallas Planning Department

Development Code Type III/IV Review

Official Use Only:
File No.: _____
Date: _____
Fee: _____ PAID

A change in land use district designations may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law. A change in land use district map designation that involves a Comprehensive Plan map amendment is reviewed and approved by the City Council, upon receiving a recommendation from the Planning Commission. The Planning Commission reviews and makes the final decision on land use district map changes that do not involve Comprehensive Plan map amendments. NOTE: A Pre-application conference is required before a Land Use District Map Change application is submitted. Please return a completed application form with attachments, and the required fee to the City of Dallas Planning Department, City Hall, Second Floor, 187 SE Court Street, Dallas, OR 97338.

Section 1 – Applicant Information

Name(s): _____
Mailing Address: _____
Email: _____
Phone Number: _____ Cell Number: _____

Section 2 – Property Owner Information (If not applicant)

Property Owner(s): _____
Mailing Address: _____
Email: _____
Phone Number: _____ Cell Number: _____

Section 3 – Project Description

Site Address: _____ Total Land Area: _____
Assessor Map/Taxlot No. _____
Current Zoning: _____ Proposed Designation: _____
Comprehensive Plan Amendment Requested?: Yes No
Current Plan Designation: _____ Proposed Plan Designation: _____
Present Use of Property: _____

Section 4 – Application Submittal Information

Please submit one electronic copy (PDF format preferred) and one paper copy of the information listed below:

- Completed application form;**
- Required fee;**

- Property deed and deed restrictions.** Copy of the deed and all existing and proposed restrictions or covenants, including those for access control.
- If Map Amendment, include a map showing the extent of the proposed change.**
- Written narrative that addresses the relevant criteria contained below:**
 - Approval of the request is consistent with the **Statewide Planning Goals**;
 - Approval of the request is consistent with the **Comprehensive Plan**;
 - The property and affected area is presently provided with **adequate public facilities**, services and transportation networks to support the use, or such facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and
 - The change is in the **public interest** with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application; and
 - The amendment conforms to the **Transportation Planning Rule** provisions under Section 4.7.060.
- Other Information** determined by the City Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, environmental features, natural hazards, etc.), in conformance with this Code.

Section 5 – Signatures Required

I hereby certify the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge:

PROPERTY OWNER(S):

_____ Date: _____
 _____ Date: _____

APPLICANT(S)

_____ Date: _____
 _____ Date: _____

Section 6 – Transportation Planning Review (TPR)

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

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

2. Change the standards implementing a functional classification system; or
3. As measured at the end of the planning period identified in the Dallas Transportation System Plan or the adopted plan of any other applicable roadway authority, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or
4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in road authority's adopted plan; or
5. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the road authority's adopted plan.
6. Where the City lacks specific transportation policies or standards, the City Council shall be consulted, as provided under Section 4.1.050 (Type IV Legislative Review).

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

1. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or
2. Amending the Comprehensive Plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or
4. Amending the planned function, capacity or performance standards of the transportation facility; or
5. Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.

Section 6 – Review and Approval

Official Use Only:

Approved Denied Reason for Denial: _____

Staff Signature: _____

Date: _____

DATE: October 28, 2023

TO: Dallas Planning Commission and City Council

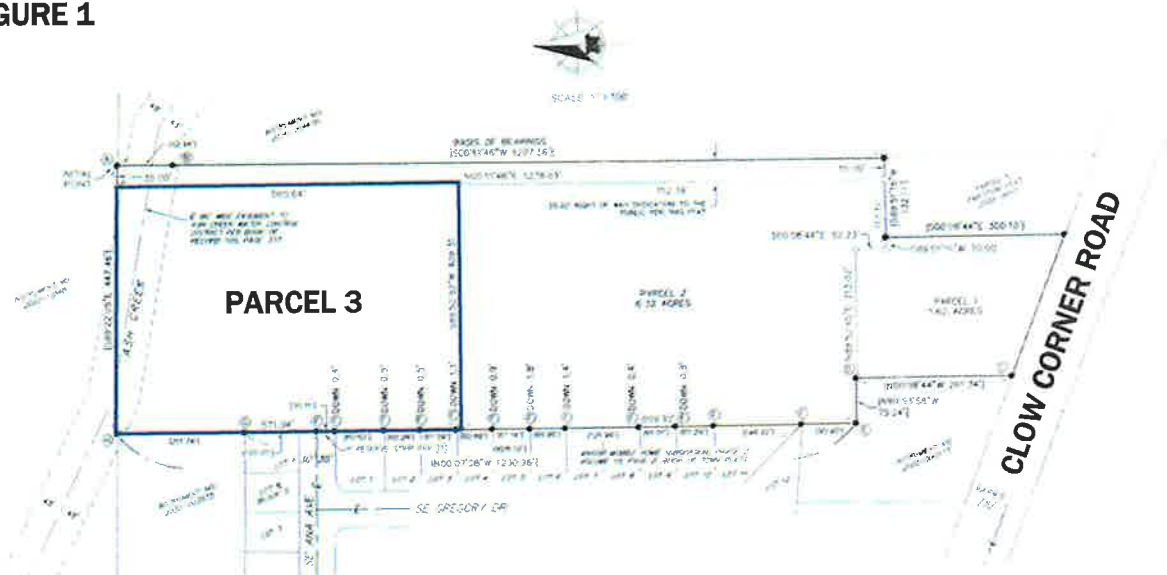
FROM: Ken Perkins

RE: Comprehensive Plan Redesignation and Zoning Map Change
Of Property Near Clow Corner Road

This application seeks to change the Comprehensive Plan designation and zoning map classification for Parcel 3 of Partition Plat 2023-0010, 5.36 acres off Clow Corner Road.

The property was annexed into the City in 2022 as part of a larger parcel and was designated Industrial at that time. The originally annexed land has since been divided into three separate parcels (see Figure 1).

FIGURE 1



This request seeks to redesignate/rezone:

- Parcel 3 of Partition Plat 2023-0010 – 5.36 acres near Clow Corner Road as Residential (on the Comprehensive Plan Future Land Use Map) and Residential Medium Density (RM) (on the Dallas Zoning Map).

To consider this application, the Dallas Planning Commission and City Council must consider a variety of factors. These factors are laid out below.

CRITERIA FOR QUASI-JUDICIAL AMENDMENTS

Under the Dallas Development Code, the Planning Commission and City Council are required to consider the follow criteria before adopting a quasi-judicial amendment.

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;

Analysis: The proposed redesignation/rezone is consistent with the Statewide Planning Goals (as demonstrated in Attachment A).

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

Analysis: The applicant seeks:

- A change in the Comprehensive Plan Designation of the parcel from “Industrial” to “Residential.”
- A change to the zoning from “Industrial to “Residential Medium Density (RM).”

As outlined in Attachment B, the proposal complies with the “Residential Neighborhood” goals and policies of the Dallas Comprehensive Plan.

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

Analysis: The property proposed for redesignation/rezone is located in an area where future extensions of services can be provided in a feasible, efficient and economical manner. All public services and facilities needed for future development will be provided at levels that are adequate to serve the proposed uses and will be consistent with adopted City plans.

The City of Dallas maintains public services including sewer, water, and storm drainage facilities and will specify any needed changes to the existing service levels at the time a future subdivision is requested.

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

Analysis: The proposed Comprehensive Plan/zoning change is in the public interest.

Parcel 3 of Partition Plat 2023-0010 is directly east of the Angor Mobile Home (Phases 1 and 2) and English Addition subdivisions, and SE Ana Avenue provides access to the site. Using the existing residential street (SE Ana Avenue) to provide access to a future industrial use on the property would not respect the surrounding neighborhoods, and therefore would not be in the public interest. A change of the zoning from industrial to residential would be more compatible given the surrounding development.

The merits of the proposed change are further supported by City policy documents. According to the 2021 City Economic Opportunities Analysis, the City has too much land zoned for Industrial use, and according to the 2019 Housing Needs Analysis, the City has too little land zoned for Residential Medium Density Use. Rezoning the land in the area, would correct this imbalance while also helping to maintain the quality of life of the residential neighborhood on SE Ana Avenue.

These factors help demonstrate that the proposal satisfies a public interest.

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

Analysis: A Transportation Planning Rule (TPR) Analysis has been submitted along with this application (see Attachment C). Given the findings of that analysis, this standard is met.

ATTACHMENT A

STATEWIDE PLANNING GOALS RELATED TO THE PROPOSAL

The following Statewide Planning Goals apply to the proposed redesignation/rezone:

Goal 1 – Citizen Involvement

The City's adopted Comprehensive Plan and development code implement the Statewide Citizen Involvement Goal, and the City will review the proposed application in accordance with the adopted public review process. Notice of the proposal will be mailed to nearby property owners and affected public agencies and be published in a newspaper of general circulation. The published notice will also identify applicable approval criteria.

Through the notification and public hearing process all interested parties will be afforded the opportunity to review the application, comment on the proposal, attend the public hearings, and participate in the decision. These procedures will satisfy the requirements of the Citizen Involvement Goal of the Oregon land use planning process.

Goal 2 – Land Use Planning:

The City's adopted Comprehensive Plan implements and is acknowledged to be in compliance with the Statewide Land Use Planning Goal.

The proposed application is made in accordance with the Comprehensive Plan goals, policies and procedures, as well as the ordinances that implement the plan. A description of the proposal in relation to the intent of the plan, its applicable goals and policies, and the zone change criteria is included as part of this submittal. Facts and evidence have been provided to support and justify the proposed zone change, along with findings and evidence to support the application. For these reasons, the proposal conforms to the land use planning process established by this goal.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address this statewide goal.

The site has a stream (a branch of the North Fork of Ash Creek) that crosses the property, and future development of the site will occur in accordance with City requirements. A wetland delineation prepared by Zion Natural Resources Consulting located the ordinary high-water mark of the stream but did not note any other wetland on the property.

Given these facts, this change will be consistent with Goal 5 of the statewide planning goals.

Goal 6 – Air, Water and Land Resources Quality:

The City's adopted Comprehensive Plan Goals and Policies related to Growth Management, Scenic and Historic Areas, Natural Resources and Hazards, Land Use and Transportation, along with adopted facilities plans, implement this goal.

Proposed development will be reviewed by the City and any applicable outside agencies for impacts on the environment and compliance with standards and regulations. Development will also be required to meet applicable water, sewer, and storm drainage system master plan requirements. Given these factors, this goal will be achieved.

Goal 8 – Recreational Needs:

The City's adopted Comprehensive Plan Open Space, Parks and Recreation Element implements the Statewide Recreation Needs Goal by encouraging conservation and the identification of existing and needed park resources and identifying funding mechanisms. To help ensure that these goals and policies are met, the applicant will be required to dedicate land or pay a fee-in-lieu of dedication (during a future subdivision of the property) and pay system development charges (during the development of homes). With these mechanisms in place Goal 8 of the statewide planning goals will be achieved.

Goal 9 – Economic Development:

The proposed redesignation/rezone will not have a negative impact on the economy of the City of Dallas.

According to the 2021 Economic Opportunities Analysis, the City of Dallas had 163 acres of surplus industrial land, and the redesignation/rezoning of the 5.36 acres to residential will help address a known need in the City. According to the 2019 Housing Needs Analysis, the City of Dallas had a deficit of 21.8 acres of Residential Medium Density land. Redesignating/rezoning this land will help to address this gap.

Further, the area proposed to be removed from the Industrial designation is not well suited for Industrial development. The westernmost portion of the site is bordered by a mix of industrial and residential uses, and is accessed by SE Ana Avenue, a local street. Vehicular trips to the site will have to occur via that road. Given the access to the property, the site is not well suited for industrial development. Removal of the 5.36 acres from the industrial surplus is therefore warranted.

Goal 10 - Housing

The City of Dallas adopted a Housing Needs Analysis in 2019 to address Statewide Planning Goal 10 (Housing). Among the findings within that plan included the facts that:

- Dallas has an existing deficit for market-rate rental housing.
- Dallas has an existing deficit for affordable housing.

The applicant seeks to rezone 5.36 acres from Industrial (I) to Residential Medium Density (RM) to help address these needs. The zoning would allow the opportunity for the applicant to construct market-rate owner and renter housing, including some options with attached or common-wall construction, which at least theoretically would make the units more affordable than other new homes on the market. The housing would also help address a key factor that has driven up the costs of housing in the region – a lack in the supply of units.

The zoning would additionally allow the development to better tie into the adjacent residential neighborhood on SE Ana Avenue and SE Gregory Drive, and limit the potential negative impacts associated with having future industrial development accessed through the existing residential neighborhood. Currently, the neighborhood includes several single-family lots with a mixture of manufactured and stick-built homes and offers the opportunity for individuals to own a lower-cost affordable home in a pleasant rural setting. These features could be significantly impacted by the addition of new industrial truck traffic on the local residential streets. The Comprehensive Plan and zoning map change, as proposed, would significantly reduce the likelihood that industrial cut-through traffic would use the neighborhood and help ensure that all traffic along SE Ana Avenue would be residential in nature.

Further, the redesignation/rezoning of the land is appropriate in this instance because the City of Dallas 2021 Economic Opportunities Analysis identified that "Dallas has about 163 acres more of unconstrained vacant industrial land than the forecast shows will be needed over the 20-year planning

period” (see page 43). Targeting the redesignation/rezoning of industrial land to ensure the protection of an existing residential neighborhood is an appropriate method to deal with this surplus.

Goal 11 - Public Facilities and Services:

The City’s adopted Comprehensive Plan, development code and facilities plans implement this goal by requiring development to be served by public services. The property proposed to be redesignated/rezoned is located in an area where future extensions of services can be provided in a feasible, efficient and economical manner, and the services and facilities necessary for the property can be provided at levels that are adequate to serve the proposed uses.

The City maintains public services including sewer, water, and storm drainage facilities. The City will specify needed changes to existing service levels at the time a subdivision is requested.

Vehicle, bicycle, and pedestrian circulation systems will additionally be provided at the time of development and be designed to connect to activity centers in the Dallas urban area, as well as provide access to area residential, shopping, and schools.

The Dallas School District provides public education facilities. The education district’s master plan provides for growth in the district and has options to address demand. The education district reviews population growth factors to guide their planning, funding and location of new schools or provision of additional facilities at existing schools.

Other public/private service providers supply garbage, telephone, television, postal and internet services as needed by developments. Required public services and facilities to serve the developments will be determined by the City at the time development permits are requested. Given this variety of factors, the requirements of this goal will be met.

Goal 12 – Transportation:

The City’s adopted Comprehensive Plan Transportation Goal and Policies implement the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. Major streets surrounding the site are largely in place due to previous developments. A separate Traffic Planning Rule Analysis (TPR) analyzing conformance with the transportation goal has been submitted along with the application.

ATTACHMENT B COMPREHENSIVE PLAN GOALS AND POLICIES RELATED TO THE PROPOSAL

The City of Dallas “Residential Neighborhood” Goals are as follows:

- A. 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.*
- B. 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.*

These goals are implemented through a variety of policies related to items such as:

- The siting of residential neighborhoods
- Innovative techniques
- Incentivizing construction of affordable housing
- Incentivizing construction of market-rate rental housing
- Optimizing available land within the UGB for Medium Density

The redesignation/rezoning of the Parcel 3 of Partition Plat 2023-0010 would offer the City the opportunity to optimize the land for RM and allow the applicant to develop a variety of housing types and densities (see Policy 3.10). Further, the designation would better compliment the character of the surrounding neighborhood, especially when compared with the Industrial uses that are presently allowed on the site. Compatibility between the future development of the site and the neighboring residential uses would be further assured through the future Planning Commission review of any subdivision that occurs on the site.

The City of Dallas adopted a Housing Needs Analysis in 2019 to meet Statewide Planning Goal 10 (Housing). According to the analysis, the City had a need for nearly 1,389 single-family detached homes, 554 multi-family dwelling units and 661 townhomes/duplexes. With the RM designation applied to the proposed site, the subject property could be developed with a variety of middle housing options such as cottage housing, duplexes, and townhomes as well as detached single-family dwelling. This Comprehensive Plan map change/rezone would help to maximize the options available and density of the site, while helping to meet housing needs in the City of Dallas.

At the time a subdivision application is submitted for the northern property, the development will be reviewed for compliance with the Dallas Development Code and applicable facilities plans. All public services and facilities needed will be provided at levels that are adequate to serve the proposed use. Roadways and sidewalks will additionally be provided onsite at the time of development and will connect to SE Ana Avenue. These facilities will connect to major population and employment centers in the Dallas urban area, and provide access to local neighborhood residential, shopping, and schools in the area (see Policy 3.1).

The additional policies below guide the location and design of residential neighborhoods in Dallas.

3.1 Locational & Design Policies

Residential neighborhood areas shall be planned and developed consistent with the following design requirements:

- 1. Each residential neighborhood shall be located within 1.5 miles of the Central Business District or land that is zoned or planned for general commercial or neighborhood commercial***

development.

Analysis: The development will be located with 1.5 miles from downtown Dallas. This standard will be achieved.

2. *Each residential neighborhood shall be served by a grid street system, which minimizes the use of cul-de-sacs, double-frontage lots and walled subdivisions.*

Analysis: No development application, other than the Comprehensive Plan and Zoning map change, is included as part of this application. As such, the exact road arrangement for the property has not been determined and will not be finalized until a subsequent subdivision is submitted.

Given this acknowledgment, some facts about the future road system through the property are clear:

- The property will connect to SE Ana Avenue to the west.
- The applicant dedicated the City a north/south connection as part of Partition Plat 2023-0010. This 35-foot-wide right-of-way will be able to connect to a similar 35-foot-wide strip on the parcel to the east, when it is developed, to allow connections north to properties across the North Fork of Ash Creek, as well as south to Clow Corner Road.

These connections should allow the City of Dallas to achieve a gridded street system in the area as future development occurs. This standard will be achieved.

3. *Each residential neighborhood within a Mixed-Use Node shall provide multi-family housing.*

Analysis: The subject property is not located within a Mixed-Use Node. This standard does not apply.

4. *Land planned or zoned to allow for multi-family housing shall be located adjacent to planned commercial areas or along arterial and collector streets, and shall be reserved exclusively for that purpose. Land planned or zoned to allow less dense attached middle family dwellings (like tri-plexes, four-plexes and townhomes) shall be located, in whole or in part, within a quarter mile of employment, retail and service centers but does not need to be located adjacent to planned commercial areas, or along arterials and collector streets. Land planned or zoned for medium density residential is an appropriate transition between land planned or zoned for high density residential and land planned or zoned for low density residential.*

Analysis: The subject property is intended for middle housing development and is not intended for larger multifamily options. As such, the proposal is required to be “located, in whole or in part, within a quarter mile of employment, retail and service centers.” The application meets this requirement. The proposed Comprehensive Plan and zoning map change for the northern property would be within 1,320 of land zoned for industrial use and roughly 1,600 feet from Ascentec Engineering. This standard will be achieved.

5. *Pedestrian and bicycle access shall be provided between commercial, open space and residential uses in all new development.*

Analysis: At the time of future development of the property, the applicant will construct improvements within the development and provide pedestrian and bicycle access to the rest of Dallas via the City facility on SE Ana Avenue. All improvements in the development will be designed in accordance with City standards.

Further, the applicant will pay System Development Charges at the time of building permit issuance, which will contribute to needed road improvements outside of the development site. While none of the projects included within the Transportation SDC methodology specifically address bike and pedestrian improvements, the plan notes that “aspects of ped and bike (are) included in all roadway improvement projects” (see the 2018

Transportation System Development Charge Update, p. 15). Given these factors, this standard will be achieved.

6. *Public or private park land shall be provided in proportion to residential development and in accordance with Chapter 4.5 (Level-of-Service).*

Analysis: The applicant will be required to dedicate land or pay a fee-in-lieu of dedication for park purposes during the future subdivision of the property and pay system development charges during the development of the area. Given these requirements, public or private park land will be provided as part of future development.

7. *Identified river and stream corridors, wetlands, flood hazard, steep hillsides and slide hazard areas where building would be hazardous shall be considered unbuildable, and shall be used to define neighborhood boundaries.*

Analysis: The North Fork of Ash Creek travels across the property. This stream will act as a barrier and provide a clear transition to whatever type of development occurs on the parcel to the north (currently owned by Salem Health). A small floodplain, with established floodplain elevations is present around the stream and future residential development of the property will be designed to be consistent with the floodplain regulations.

A delineation of the northern parcel conducted by Zion Natural Resources Consulting did not reveal any wetlands on the site but did help define the Ordinary High-Water Mark of the stream.

8. *Outside of the Mixed Use Node, high density residential zoning shall be limited to the area immediately adjacent to the Central Business District and to the General and neighborhood commercial zones.*

Analysis: The applicant seeks to build Residential Medium Density (RM) on the subject property. No RH zoning is proposed. As such, this standard does not apply.

9. *Redevelopment of the second and third stories of buildings in the Central Business District for residential and commercial uses shall be encouraged.*

Analysis: The subject property is not located within the Central Business District. This policy does not apply.

ATTACHMENT C

TRANSPORTATION PLANNING RULE ANALYSIS RELATED TO THE PROPOSAL

To evaluate the potential traffic impact of the proposed comprehensive plan and zoning change associated with this application, it is important to consider how the potential traffic impacts of the new permitted uses relate to the traffic impacts of the existing permitted uses.

Given this acknowledgement, some of the highest potential traffic generators (according to Institute of Transportation Engineers data¹) are already allowed within the Dallas Industrial Zone. Uses such as convenience stores, grocery stores, and tasting rooms are currently allowed within the zone as accessory uses. That is, if a primary use was built within the zone, an accessory convenience store, grocery store, or tasting room could also be allowed.² Assuming that these activities could be developed, the potential uses could generate anywhere between 109.27 PM Peak Hour trips per 1000 square feet gross floor area (GFA) for a “Gasoline/Service Station” (the highest number of trips for ITE data) and 11.36 PM Peak Hour trips per 1000 square feet GFA for a “Drinking Place.”

Beyond these potential accessory uses, the following uses are also allowed as primary uses by right within the Dallas Industrial Zone:

- Offices
- Quick Vehicle Servicing and Repair
- Industrial Service
- Manufacturing and Production
- Warehouse and Freight Movement
- Wholesale Sales
- Utilities

These activities range widely in trip generation rates: from 14.20 PM Peak Hour trips per 1000 square feet GFA for an “Automated Car Wash,” to 2.27 trips for “Utilities;” 1.97 for “Specialty Trade Contractors” and 0.19 trips for “Warehousing.” Rates for items such as offices range from 3.46 trips for a “Medical-Dental Office building to 1.74 trips per 1000 square foot GFA for a “Single-Tenant Office” building. Given these rates, the potential traffic impacts of the uses within the industrial zone vary substantially based the type of use proposed.³

THE CHANGE TO RESIDENTIAL MEDIUM DENSITY

Given the large array of trip generation rates allowed within the Industrial Zone and assuming that a relatively conservative 50,000 square feet of the property were built (or slightly under 10,000 square feet of industrial building per acre), a large range of PM Peak Hour trips may occur. Assuming activities typical of an industrial zone (such as “Utilities” and “Specialty Trade Contractors”), between 98.5 trips and 113.5 trips could be generated.

The proposed change to residential would generate less trips, even if built out at the highest possible density. If the applicant were somehow able to achieve a single-family residential density of 16 units per acre, the maximum number of trips to be generated would be roughly 85.1 trips. This density of single-family homes however is not achievable given the minimum lot size of 5,000 square feet.

¹ This attachment relied on the 10th Edition of the Institute of Transportation Engineers Trip Generation Manual for its data.

² While this might seem somewhat unlikely, several activities could achieve these ends. Potential methods for this to occur include the development of a food distribution center with a smaller retail outlet in front, an auto-oriented business, such as a large car wash with a secondary convenience store/ gas station, or a large brewery with a tasting room/brewpub.

³ Rates also vary substantially based on the quality of the business, though this is not easily accounted using ITE data.

The applicant envisions establishing approximately 20 lots to be built out with duplexes in the development of the property. If this development were built, the applicant would generate between:

- 22.4 PM Peak Hour Trips (when using ITE Code “Multifamily Housing (Low-Rise)” with the PM Peak Rate of .56) and
- 27.6 PM Peak Hour Trips (when using ITE Code “Residential Planned Unit Development” with the PM Peak Rate of .69).

If the lot were zoned for residential development and built-out at maximum density (with 86 units), the property would accommodate between 48.2 and 59.3 PM Peak Hour trips using the “Multifamily Housing (Low-Rise)” and “Residential Planned Unit Development” rates. This potential number of trips is significantly less than allowed under the current zoning.

ANALYSIS OF TRANSPORTATION PLANNING RULE CRITERIA

Given these considerations, an analysis of the proposed change with regard to OAR 660-012-0060, the Transportation Planning Rule, is offered below:

660-012-0060 Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

Analysis: The proposed redesignation/rezone will not change the functional classification of existing or planned transportation facilities. Clow Corner Road is considered a Minor Arterial within the Dallas Transportation System Plan (TSP) and the site has future minor arterial designated on the east end of the property. Neither classification will be impacted by the Comprehensive Plan/zoning changes.

(b) Change standards implementing a functional classification system; or

Analysis: The proposed redesignation/rezone will not alter the standards implementing a functional classification system. While the merits of the future minor arterial (given the environmental constraints associated with its future construction and the classification of the facility as an arterial that is intended to provide a connection to a collector) will be further explored as part of the upcoming Dallas TSP, the applicant has effectively provided for the roadway through the dedication of 35 feet to the road.

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection. If a local government is evaluating a performance standard based on projected levels of motor vehicle traffic, then the results must be based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

Analysis: The proposed redesignation/rezone will not promote types of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility. Residential traffic will be guided to existing local streets, and access spacing standards will continue to apply to the future arterial and Clow Corner Road.

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

Analysis: The proposed redesignation/rezone will likely encourage a smaller amount of PM Peak Hour trips than the existing allowed Industrial Development. As such, the changes will not degrade the performance of an existing or planned transportation facility.

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Analysis: The proposed redesignation/rezone will likely promote a smaller number of PM Peak Hour trips than allowed in the existing Industrial zone. As such, the proposed redesignation/rezone will not degrade the performance of an existing or planned transportation facility.

CONCLUSIONS

Based on these items, it is clear that a significant number of trips are currently allowed by right as a primary or accessory use within the Dallas Industrial Zone, and the proposed redesignation/rezone will generate a smaller amount of traffic than currently allowed. As such the proposed changes will not have a significant effect on a transportation facility.

ATTACHMENT D
ANALYSIS RELATED TO REMOVING NORTHERN PARCEL FROM INDUSTRIAL ZONE

To remove larger pieces of land from an industrial designation, the City is required to evaluate the proposal with regard to OAR 660-009 0010(4). This analysis is offered below.

OAR660-009-0010(4)

For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other 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.*

Analysis: The proposed redesignation/rezone of Parcel 3 of Partition Plat 2023-0010 is consistent with the City of Dallas' most recent economic opportunities analysis and will not have a negative impact on the economy of the City.

According to the 2021 Economic Opportunities Analysis, the City of Dallas had 163 acres of surplus industrial land. Removing the 5.36 acres associated with this proposal:

- Would help address a known need known in the City of Dallas. According to the 2019 Housing Needs Analysis, the City of Dallas had a deficit of 21.8 acres of Residential Medium Density (RM) land and redesignating/rezoning this land will help fill this gap.
- Would complement the neighboring residential properties in a better way than industrial development. The area proposed to be removed from the Industrial designation is not well suited for industrial development; the westernmost portion of the site is bordered by a mix of industrial and residential uses, and the property is accessed by SE Ana Avenue, a local residential street. Vehicular trips to the site will have to occur via that road.

Given the need for Residential Medium Density in the City, the relatively small size of the industrial property, and the neighboring residential development, the site is not well suited for industrial development. Removal of the 5.36 acres from the industrial surplus is therefore warranted.

CITY OF DALLAS
NOTICE OF PUBLIC HEARING

Comp. Plan Amendment #CPA-23-01
Zone Change #ZC-23-02

PROPERTY LOCATION: Clow Corner Road – Taxmap #8.5.3 Taxlot #801

APPLICANT/OWNER: Ken Perkins

NATURE OF REQUEST: Change comprehensive plan designation and zoning on 5.31 acres from Industrial to Medium-Density Residential.

APPLICABLE CRITERIA: DDC Chapter 4.7 – Land Use District Map Amendments

HEARING DATE / TIME: 7:00 p.m. Tuesday, December 12, 2023

HEARING LOCATION: **In Person:** Dallas City Hall, 187 SE Court Street, Dallas, Oregon
Telephone: +1 253 215 8782 Passcode: **213 855 0622**
Watch Online: www.dallasor.gov/community/page/dallasyoutube

CITY STAFF CONTACT: Chase Ballew, City Planner Phone: 503-831-3570
chase.ballew@dallasor.gov TDD: 503-623-7355

At the above day and time the Dallas Planning Commission will hold a public hearing on the request to change comprehensive plan designations and zoning.

You may attend this meeting in-person at Dallas City Hall. You may also participate by telephone by dialing the number above and entering the passcode when prompted. Video of the proceedings will be broadcast live at the website above, but oral testimony must be in-person or by phone.

The Planning Commission will consider testimony which addresses the applicable criteria listed above. Testimony may be submitted in advance by writing to the Dallas Planning Department, 187 SE Court Street, Dallas, Oregon 97338, or given orally during the public hearing. The public hearing will be conducted in a manner that permits testimony from all interested parties.

At least seven days prior to the hearing the staff report, the application and documents and evidence submitted by or on behalf of the applicant, and the applicable approval criteria will be available for review online at www.dallasor.gov/meetings or in person at Dallas City Hall. Upon request, copies will be made at reasonable cost.

Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.



Dated: November 6, 2023

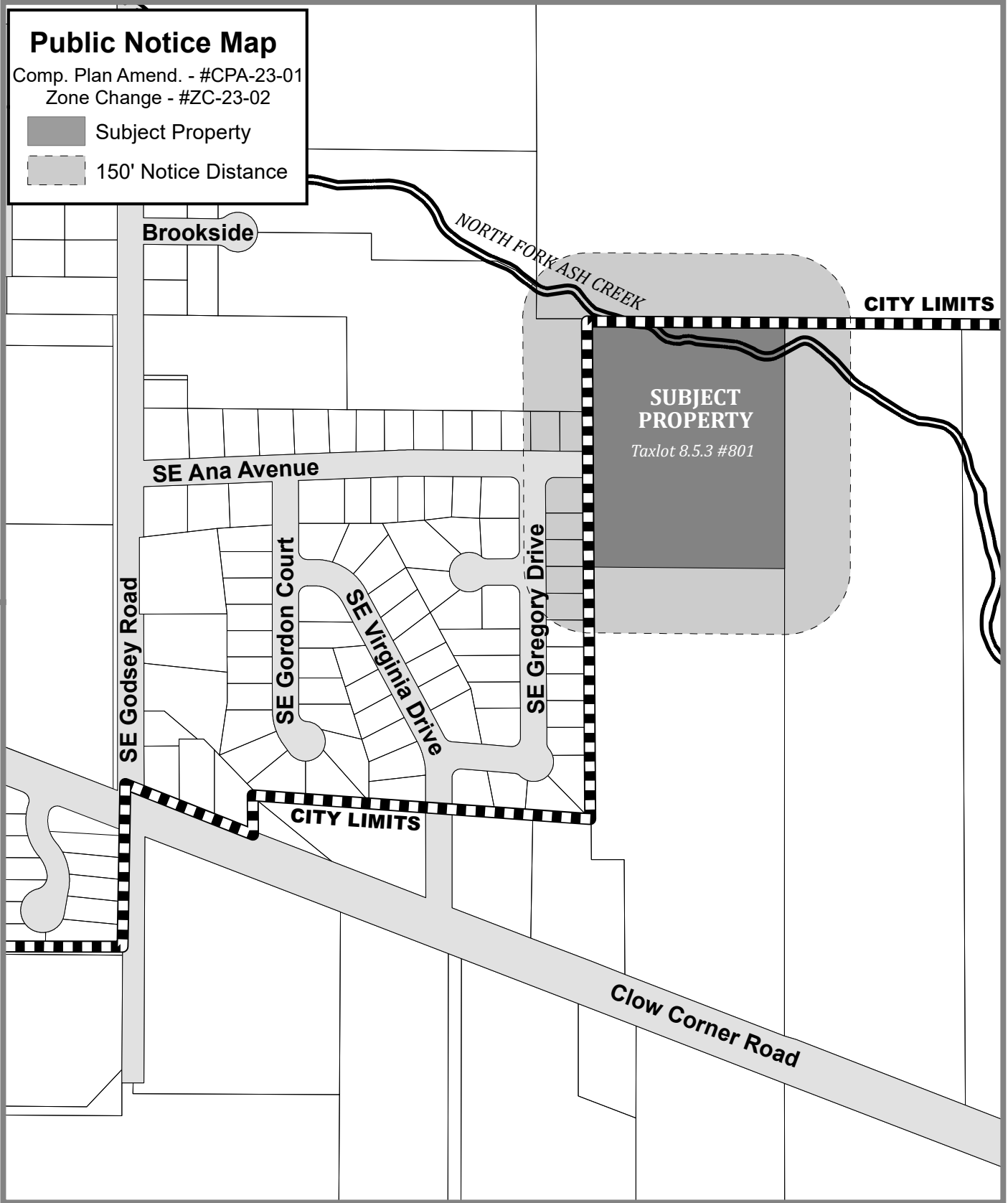
NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER, ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

The recipient of this notice is hereby responsible to promptly forward a copy of this notice to every person with a documented interest, including a renter or lessee.

Public Notice Map

Comp. Plan Amend. - #CPA-23-01
Zone Change - #ZC-23-02

-  Subject Property
-  150' Notice Distance



CITY OF DALLAS PLANNING COMMISSION STAFF REPORT

MEETING DATE: DECEMBER 12, 2023
REPORT DATE: DECEMBER 5, 2023
TOPIC: MODIFICATION OF CREEKSIDE 3 - #SUB-21-07 & #FLP-21-07

Application Type: Modification of Prior Approval - Subdivision
Applicant: D&L Creekside Investments (David Radke)

APPROVAL CRITERIA:

4.6.030.B – Major Modification Approval Criteria

RECOMMENDED ACTION

Approval with Conditions

SITE INFORMATION

Zoning: RL – Residential Low-Density
Comprehensive Plan Map: Residential, Creek Trail
Floodplain: Subdivision site includes Floodplain and Floodway
Lot Size: 13.94 Acres (combined)
Adjacent Land Uses: Single-Family Residential; Rural Residential; Creek Trail
Prior Land Use Approvals: Partition #PTN-94-02 (Approved), 1994
Partition #PTN-18-05 (Approved), 2018
Subdivision #SUB-21-07 (Approved), 2021

PROJECT OVERVIEW

Applicant has developed Creekside Phase 3, an 11 lot residential subdivision which was approved by the Planning Commission in 2021 and included a floodplain development permit. One of the conditions of approval for this project specifies that:

“A final draft of the CC&Rs or deed restrictions shall be submitted for review and approval by the city, and shall include description of the regulatory floodplain and prohibit within the flood area any ‘development’ as defined in DDC 2.7, except for public utilities and transportation facilities.”

Subsequently, DDC 2.7 was amended to include a more expansive definition of ‘Development’ now being:

“Any human-made change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, fencing, landscaping, excavation or drilling operations or storage of equipment or materials.” [expanded text underlined]

As the expanded definition restricts activities not previously encumbered in the initial condition of approval, and the city has a permitting process to allow such development within the floodplain elsewhere

in the city, the applicant is requesting that the condition of approval be modified or deleted to allow development within the floodplain, subject to the ordinary floodplain development permit restrictions.

MODIFICATION OF PRIOR APPROVAL

CRITERION:

DDC 4.6.030.B.1. - Upon the City Planning Official determining that the proposed modification is a major modification, the applicant shall submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The Planning Official may require other relevant information, as necessary, to evaluate the request.

FINDING:

The modification was determined to be a major modification under DDC 4.6.030.A.7, which defines a major modification to include a “*Change to a condition of approval... that could have a detrimental impact on adjoining properties. The City Planning Official shall have discretion in determining detrimental impacts warranting a major modification.*” In light of testimony presented during the initial approval process, floodplain development could have a detrimental impact on adjoining properties.

CRITERION:

DDC 4.6.030.B.2. - The application shall be subject to the same review procedure (Type II or III), decision making body, and approval criteria used for the initial project approval, except that adding a conditional use to an approved project shall be reviewed using a Type III procedure.

FINDING:

The subdivision was approved by the Planning Commission through a Type III process, so the modification request is subject to the same body and process.

The approval criteria for the initial project were contained in DDC 4.3 – Land Divisions, and DDC 2.7 – Floodplain Development. The land division criteria are outside the scope of the modification and are therefore not considered.

Code standards for floodplain development have changed since the initial approval, and DDC 2.7.060 no longer exists as approval criteria, having been replaced by new and/or substantially similar standards in DDC 2.7.190 and DDC 2.7.200.

CRITERION:

DDC 4.6.030.B.3. - The scope of review shall be limited to the modification request. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping. Notice shall be provided in accordance with Chapter 4.1.

FINDING:

The request is for modification of the condition of approval prohibiting development in the flood area, so the review is limited to that request and the impacts that may result from that change.

CRITERION:

DDC 4.6.030.B.4. - The decision making body shall approve, deny, or approve with conditions an application for major modification based on written findings on the criteria.

FINDING:

Dallas Development Code 2.7.160.A requires that:

“A floodplain development permit must be obtained before construction or development begins within any area horizontally within the special flood hazard area established in section 2.7.070. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in section 2.7.040, including fill and other development activities.”

It is the purpose of Chapter 2.7 to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas, and this is accomplished through the construction standards of DDC 2.7.190 and DDC 2.7.200.

These sections impose standards for construction materials and methods, flood venting and structural anchoring to prevent flotation or collapse, height of dwelling floors above the flood elevation to minimize damage, and other standards of construction.

Critically, these standards do not outright prohibit development within the floodplain, but instead require a floodplain development permit and impose standards of construction which must be met for such a permit to be issued. Accordingly, modification of the condition of approval to require a floodplain development permit for any development is consistent with these standards.

RECOMMENDED ACTION

Staff recommends that the condition of approval for the subdivision and floodplain development permit be modified to state as follows:

- 4.F) A final draft of the CC&Rs or deed restrictions shall be submitted for review and approval by the city, and shall include description of the regulatory floodplain and a requirement that a floodplain development permit shall be obtained from the city prior to any human-made change to improved or unimproved real property within the flood area, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, fencing, landscaping, excavation or drilling operations or storage of equipment or materials.

RECOMMENDED MOTION:

I move to approve the modification as stated in the staff report.

EXHIBITS:

A – Notice of Public Hearing

B – Applicant’s Materials and Application Form



Modification of a Prior Approval

Dallas Planning Department

Official Use Only:

File Number: _____

Submittal Date: _____

Fee: \$ _____ Paid

Modification of a prior approval is governed by Section Chapter 4.6 of the Dallas Development Code.

Check 1 **Major Modification** _____ (Type II or III) **Minor Modification** _____ (Type I or II)

Fee: One-half of the fee for the original approval

Fee: \$500

Section 1 – Applicant Information

Property Owner: D&L Creekside Investments

Address of Subject Property: 4 Oregon Falls Dr. SW

Applicant: David & Lorrie Radke

Mailing Address: 206 SW Newton Dr. Dallas, Or 97338

Contact Person: Lorrie David Radke Email Address: lorriebirdsong@gmail.com

Phone Number: 503-881-0698 ⁵⁰³⁻⁵³⁹⁻⁷⁵⁵⁸ DR/UC Cell Number: Same

Application # of decision proposed to be Modified: #sub-21-07 creekside 3

Section 2 – Modification Description

Please describe the proposed Modification: I'm not after a modification I just want what ever other Developer has been allowed in a flood plain. + 5' Fence Outbuildings.

Section 3 – Attachments

Please provide a written description of the proposed modification, a site plan and/or building elevations illustrating the changes (if applicable), and any other information deemed necessary by the Planning Official.

Section 4 - Signatures

Applicant Signature: David Radke Date: 10/16/23

Property Owner's Signature (if not the applicant): David Radke Date: 10/16/23

Section 5 – Review and Approval

Official Use Only:

Approved Denied Reason for Denial: _____

Permit Required : Yes No Type: _____ Department: _____

Planning Action Required: Yes No Type: _____

Staff Signature: _____ Date: _____

BILL TO: *Radtke*
SHIP TO:
Hemmens - Corrected Quote
10/10/2023

QUOTE #	QUOTE DATE	LOAD DATE	SHIP DATE	QUOTED BY
7750000	9/18/2023	Load Date Not Set	Quote Not Ordered	Donna Coffman
JOB NAME		CUSTOMER PO#	BUILDING/LOT #	CONTACT

LineItem #	Description	Net Price	Extended
1-1	Pro Series 200 Single Slider	\$175.00	\$175.00

Qty: 1
Room Location: mstr toilet
Note:

Overall Dimensions - Frame: 47 1/2 X 17 1/2, Rough Opening: 48 X 18
Frame Size 47.5 X 17.5. Even Split
HS-LC40 (DP +40/-40), U-Factor = 0.23, Solar Heat Gain Coefficient = 0.26. Visible Light Transmittance = 0.42, CPD = PWG-M-121-17113-00001
Exterior = White, Interior = White
XO
Unit 1: Glass Package = HP Max, Triple Glazed, Argon, WE
Unit 1 Left, 1 Right: Annealed, Low-E, Low-E/Clear/Low-E, Exterior 3/32, Glass Thickness - Center = 2.5mm \ 3/32in (Single Strength), Interior 3/32
CamLock, 1 Lock per Unit. Secondary Sash Stop. Weep Hole Baffle
Standard Screen -, Charcoal Fiberglass, White, Installed
WARNING California Residents = Proposition 65
Nail Fin. 1 3/8" Setback
HS-LC40 (DP +40/-40), No Thermal Requirement, U-Factor = 0.23, SHGC = 0.26, VLT = 0.42, CPD = PWG-M-121-17113-00001



Net Clear Opening Area: 2.08 sq. ft. Net Clear Opening Width: 21" Net Clear Opening Height: 14.25"
Clear Opening Width = 21, Clear Opening Height = 14.25, Clear Opening Square Foot = 2.08

*2004 Oregon
Ballot Measure
37 and 2007
Oregon Ballot
Measure 49*

Oregon Ballot Measure 37 was
a controversial land-use ballot
initiative that passed in the U.S.

state of Oregon in 2004 and is now codified as Oregon Revised Statutes (ORS) 195.305.

Measure 37 has figured prominently in debates about the rights of property owners versus the public's right to enforce environmental and other land use regulations. Voters passed Measure 49 in 2007, substantially reducing the impact of Measure 37.^[2]

Ballot Measure 37



From: David Radke davidradke@hotmail.com
Subject: Fwd: Measure 37 in 2004
Date: Oct 15, 2023 at 8:26:14 PM
To: Lorrie Birdsong (lorriebirdsong@gmail.com)
lorriebirdsong@gmail.com

Get Outlook for iOS

From: Steve Ward <sward@westech-eng.com>
Sent: Friday, October 13, 2023 11:37:40 AM
To: Dave Radke (Davidradke@hotmail.com) <Davidradke@hotmail.com>
Subject: Measure 37 in 2004

Dave,
Here is the link to Measure 37.

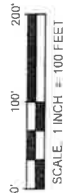
https://en.wikipedia.org/wiki/2004_Oregon_Ballot_Measure_37_and_2007_Oregon_Ballot_Measure_49#:~:text=Advocates%20for%20Measure%2037%20have,public%20use%2C%20without%20just%20compensation.

Steven A. Ward PE
Westech Engineering Inc.
3841 Fairview Industrial Drive SE
Suite 100
Salem, OR 97302
Office [503-585-2474](tel:503-585-2474)
Mobile [503-931-3460](tel:503-931-3460)

CREEKSIDE 3

A REPLAT OF THE REMAINDER OF PARCEL 1, P.P., 2018-0017
 IN THE NE 1/4 OF SECTION 31, T.7S., R.5W., W.M.
 CITY OF DALLAS, POLK COUNTY, OREGON

DATE: OCTOBER 21, 2022



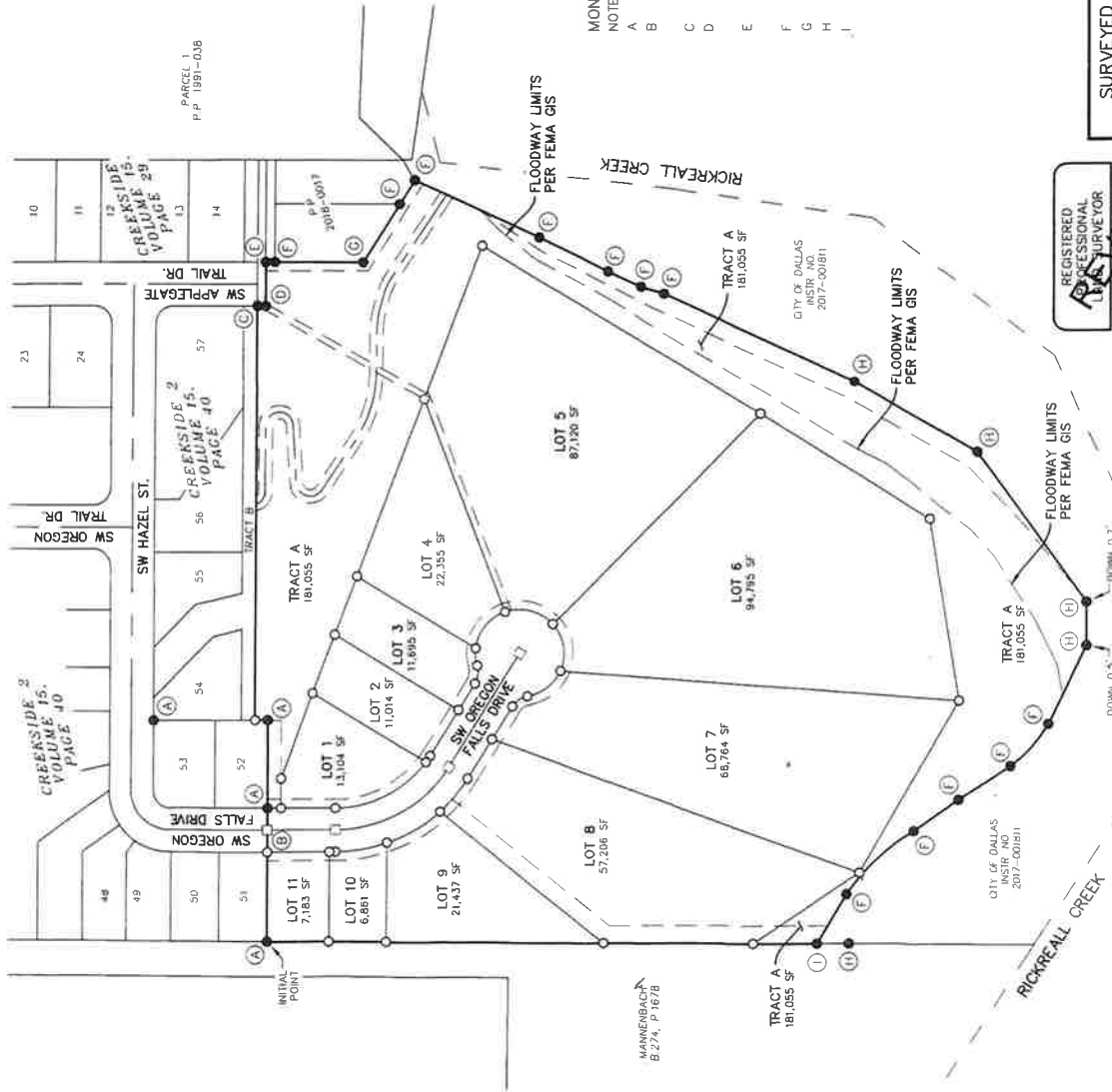
SHEET INDEX

SHEET 1 - OVERALL PLAT LAYOUT,
 MONUMENT DESCRIPTIONS,
 SURVEY REFERENCES, LEGEND

SHEET 2 - NORTHERLY PLAT AREA

SHEET 3 - SOUTHERLY PLAT AREA

SHEET 4 - APPROVALS, DECLARATION,
 ACKNOWLEDGEMENT, NOTES,
 NARRATIVE, SURVEYOR'S
 CERTIFICATE, CURVE & LINE TABLE



LEGEND

- FOUND MONUMENT AS NOTED
 HELD UNLESS NOTED OTHERWISE
- SET 5/8" x 30" IR WYPC MARKED
 "HOWELL LS 91569"
- SET 5/8" x 30" IR W/AL MARKED
 "HOWELL LS 91569"
- [DATA(#)] RECORD DATA & REFERENCE
 [DATA] RECORD AND MEASURED PER (2)
- IR IRON ROD
- INSTR. NO. INSTRUMENT NUMBER
- WYPC WITH YELLOW PLASTIC CAP
- WAL WITH ALUMINUM CAP
- SF SQUARE FEET
- P.P. PARTITION PLAT
- P.U.E. PUBLIC UTILITY EASEMENT
- B, P BOOK, PAGE
- B.O.T.P. BOOK OF TOWN PLATS

SURVEY REFERENCES

- NOTE: ALL REFERENCES ARE FROM
 POLK COUNTY RECORDS
- (1) P.P., 1994-016
 - (2) P.P., 2018-0017
 - (3) CREEKSIDE
 VOLUME 15, PAGE 29, B.O.T.P
 - (4) CREEKSIDE 2, PAGE 40, B.O.T.P

MONUMENT DESCRIPTIONS

- NOTE: WITHIN 0.2' OF SURFACE UNLESS NOTED OTHERWISE
- A IR 5/8" WYPC MARKED "MULTI/TECH ENG" (4)
 - B IR 5/8" WAL MARKED "MULTI/TECH ENG" (4)
 - C DESTROYED BY CONSTRUCTION, RE-SET
 - D IR 5/8" WYPC MARKED "MULTI/TECH ENG" (3)
 - E IR 5/8" WYPC MARKED "HOWELL LS 91569" (2)
 - F BEARS N82°25'38" W, 0.15' FROM CORNER
 - G IR 5/8" WYPC MARKED "HOWELL LS 91569" (2)
 - H BEARS N25°55'17" W, 0.28' FROM CORNER
 - I IR 5/8" WYPC MARKED "HOWELL LS 91569" (2)
 - J IR 5/8" BENT, TIED SPIN HOLE, DOWN 0.4" (2)
 - K IR 5/8" WYPC MARKED "BARKER PLS 636" (1)
 - L IR 5/8" WYPC MARKED "HOWELL LS 91569" (2)
 - M BENT, TIED SPIN HOLE, UP 0.5'
 - N BEARS N37°01'22" W, 0.11' FROM CORNER

REGISTERED
 PROFESSIONAL
 SURVEYOR
REVIEW
DRAWING
 SEPTEMBER 2017
 STEVEN LEE HOWELL
 91569

RENEWS: 6-30-2023

SURVEYED FOR: D&D CREEKSIDE INVESTMENTS, LLC

**FORTY FIVE NORTH
 SURVEYING, LLC**

JOB NO. 21-287

SHEET 1/4

7230 3rd Street, SE #145, Turner, OR 97132
 P: (503) 558-3330 E: info@fmsurveying.com

Dale Van Lydegraf

From: Dale Van Lydegraf
Sent: Friday, December 01, 2023 4:07 PM
To: Dale Van Lydegraf
Subject: FW: Creekside phase 3

From: Dale Van Lydegraf
Sent: Friday, December 01, 2023 2:35 PM
To: Dale Van Lydegraf <DaleVan@DalesRemodeling.com>
Subject: Creekside phase 3

Nature of request, modify condition of subdivision approval, prohibiting development within the floodplain

We are against any modification to the Original decision. We request the modification be denied. Evidence shows widespread flooding from the past and this area will flood again. It is highly likely that any structure or structures or parts there of would drift into the river system with toxins. Products and debris items that are in opposition to the nature of the stream habitat are un- wanted and we must protect our fragile rivers. Stick with the original planning decisions, that why we were present in the last meetings.

No modification



Dale Van Lydegraf 401 SW Oregon Falls Drive Dallas Or

Patty Boldstad

Dale's Remodeling
Cell: 503-932-2298

CITY OF DALLAS
NOTICE OF PUBLIC HEARING

Modification of Subdivision #SUB-21-07 - "Creeside Phase 3"

*You are receiving this notice because you own property near the proposed development.
If you wish to provide public comment then instructions are provided below.*

PROPERTY LOCATION: Creekside Phase 3 (See map on reverse)

APPLICANT: D&L Creekside Investments

NATURE OF REQUEST: Modify condition of subdivision approval prohibiting development within the floodplain.

APPLICABLE CRITERIA: Dallas Development Code 4.6.030.B – Modification of Prior Approvals

HEARING DATE / TIME: **7:00 p.m. Tuesday, December 12, 2023**

HEARING LOCATION:* **Online: zoom.us/join Meeting ID: 840 3672 2954**
Telephone: +1 253 215 8782 Passcode: 785444

CITY STAFF CONTACT: Chase Ballew, City Planner Phone: 503-831-3570
chase.ballew@dallasor.gov TDD: 503-623-7355

At the above day and time the Dallas Planning Commission will hold a public hearing on the above request.

You may attend this meeting digitally by visiting the website listed above, calling the phone number above, or downloading the smartphone app. You will need to enter the meeting ID and password when prompted. If you require a special accommodation to attend the public hearing, please contact the Planning Department at least 48 hours in advance to request a reasonable accommodation.

The Planning Commission will consider testimony which addresses the applicable criteria listed above. Testimony may be submitted in writing to the Dallas Planning Department, 187 SE Court Street, Dallas, Oregon 97338, or orally at the public hearing. Written comments received by the Planning Department by February 1, 2021 will be forwarded to the Planning Commission as part of the staff report. The public hearing will be conducted in a manner that permits testimony from all interested parties.

At least seven days prior to the hearing the staff report, the application and documents and evidence submitted by or on behalf of the applicant, and the applicable approval criteria will be available for review at Dallas City Hall or online at www.dallasor.gov/66/. Upon request, copies will be made at reasonable cost.



Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.

Dated: November 22, 2023

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER, ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.
The recipient of this notice is hereby responsible to promptly forward a copy of this notice to every person with a documented interest, including a renter or lessee.

Public Notice Map

"Creekside Phase 3"
Subdivision Modification

-  Subject Property
-  150' Notice Distance

