



**AGENDA**  
**City of Dallas**  
**Planning Commission**  
**Tuesday, February 13, 2024 - 7:00 p.m.**  
**City Hall Council Chambers**  
**187 SE Court Street**

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**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 January 9, 2024
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
  - VAR 24-03 / SUB 23-03 – River Wild Subdivision – *Noble Built Homes, LLC*  
*Application for 12-lot subdivision at 1390 SE Miller Avenue*
  - CPA 23-01 – Clow Corner Comprehensive Plan Amendment – *Ken Perkins*  
*Rezoning portion of Clow Corner from Industrial to Residential Medium*
7. COMMISSIONER COMMENTS
8. STAFF COMMENTS
9. ADJOURN

**Next meeting will be 03/12/2024**

To Join In Person: 187 SE Court Street, Dallas, OR 97338

To Watch Online: [www.dallasor.gov/community/page/dallasyoutube](http://www.dallasor.gov/community/page/dallasyoutube)

To Participate Virtually: Call +1 253 215 8782 - Meeting ID: 213 855 0622

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.

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

MINUTES

1 **1. CALL TO ORDER**

2 President John Swanson presiding, called the meeting to order at 7:03 p.m.  
3

4 **2. ROLL CALL**

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

7 **Not in Attendance:** Carol Kowash

8 **Staff Present:** Chase Ballew, City Planner; Tom Gilson, Public Works Supervisor; Troy Skinner,  
9 Building Official; Benjamin Curry, Recorder  
10

11 **3. ELECTION OF OFFICERS**

12 Mr. Swanson opened the floor to nominations.

13 Mr. Banford made a motion to retain President John Swanson, and Vice President Andy Groh for  
14 the 2024 calendar year. Mr. Spofford seconded the motion. The motion passed unanimously.  
15

16 **4. APPROVAL OF MINUTES**

17 Mr. Swanson presented the minutes of the regular meeting of December 12<sup>th</sup>, 2023.

18 Ms. Newell made a motion to amend the minutes to reflect Troy Skinner as present for the December  
19 12<sup>th</sup>, 2023 meeting under 2. Roll Call. Mr. Schulte seconded the motion. The motion passed  
20 unanimously.

21 Mr. Swanson made a motion to approve the minutes as amended. Mr. Banford seconded the motion.  
22 The motion passed unanimously.  
23

24 **5. PUBLIC COMMENT (3 minutes per person)**

25 There were none.  
26

27 **6. PUBLIC HEARING – A**

28 **Conditional Use Permit #CUP-23-12 Short-term Rental – 1110 Levens Street**

29 Mr. Swanson opened the public hearing at 7:13 p.m. He introduced the agenda item, the rules for  
30 public testimony, and the quasi-judicial proceedings to follow. No other ex-parte contact or  
31 conflicts of interest were declared.  
32

33 **STAFF REPORT**

34 Mr. Ballew read from the staff report and summarized the application and the criteria for approval.  
35 Staff recommendation is that Conditional Use Permit #CUP-23-12 be granted with criteria of  
36 approval, noting that the site does not have adequate on-site parking for the required use, and if  
37 approved, an additional public hearing and approval of a Variance would be required.  
38

39 **APPLICANT PRESENTATION**

40 Naomi Smith – 4315 Smith Lane, Falls City, OR 97344

41 Ms. Smith addressed what precipitated the need for a variance and said she was ready to submit as  
42 soon as possible. She addressed the other listed criteria of approval and thanked city staff for their  
43 helpfulness.  
44

45 **PUBLIC TESTIMONY**

46 There was none.  
47

48 **REBUTTAL**

49 No rebuttal was provided due to lack of opposing testimony.  
50 Mr. Swanson closed the Public Hearing at 7:29 p.m.

51  
52 **DELIBERATIONS**

53 Ms. Newell made a motion to approve Conditional Use Permit #CUP-23-12 with conditions of  
54 approval as written in the staff report, Mr. Groh seconded the motion. The motion was passed  
55 unanimously with Mr. Swanson, Mr. Spofford, Mr. Schulte, Ms. Newell, Mr. Groh, and Mr.  
56 Banford voting in favor.

57  
58 **PUBLIC HEARING – B**

59 **SUB#23-03 Miller Avenue Subdivision – Noble Built Homes, LLC**

60 Mr. Swanson opened the public hearing at 7:33p.m. He introduced the agenda item, the rules for  
61 public testimony, and the Type III quasi-judicial proceedings to follow. Ms. Newell declared that  
62 she owns property adjacent to the proposed subdivision but has no bias for or against the proposal.

63  
64 **STAFF REPORT**

65 Mr. Ballew read from the staff report summarizing the application and the criteria for approval  
66 utilizing a PowerPoint slide deck. Staff recommendation is that SUB#23-03 be approved as written  
67 with conditions of approval.

68 The commission asked questions of staff and discussed the following topics:

- 69 • Private common areas
- 70 • Sidewalk reimbursement and requirements
- 71 • Shared driveway restrictions
- 72 • Fire apparatus access
- 73 • Driveway length and garage placement

74  
75 **APPLICANT PRESENTATION**

76 **Kim Johnson & Owen Von Flue – 7 Oaks Engineering**

77 Ms. Johnson and Mr. Von Flue, referencing the submitted plans and prior meetings with city staff,  
78 addressed the topics discussed in detail and reiterated their willingness to modify the plan to meet  
79 the city and community’s highest priorities for the area given the irregularities of the lot and  
80 inherent difficulty in accommodating the riparian zone, hillside, and creek.

81  
82 **PUBLIC TESTIMONY**

83 **Kevin Minahan – 1389 SE Miller Ave, Dallas, OR 97338**

84 Mr. Minahan has occupied the home across the street for 12 years. He is concerned the  
85 development would increase traffic flow through an already bad intersection and about the lack of  
86 parking.

87  
88 **REBUTTAL**

89 Mr. Von Flue highlighted that the compromises presented in the plan were arrived at after a lengthy  
90 discussion and design process and that this option seemed to be the best approach to meeting the  
91 most criteria. Ms. Johnson added that staff had communicated that the intersection would meet the  
92 minimum required spacing. Mr. Ballew confirmed and added that a traffic impact analysis would  
93 also not be required due to not meeting the threshold of 300 daily trips. He also discussed the fire  
94 code, safety requirements, and comments from the Fire Marshall on fire apparatus access.  
95 Mr. Swanson closed the Public Hearing at 8:34 p.m.

96  
97 **DELIBERATIONS**

98 Mr. Groh made a motion for a continuance with further deliberations at a future Planning  
99 Commission meeting in tandem with the application for a Variance. Mr. Banford seconded the  
100 motion. The motion was passed unanimously with Mr. Swanson, Mr. Spofford, Mr. Schulte, Ms.

101 Newell, Mr. Groh, and Mr. Banford voting in favor.  
102

103 **PUBLIC HEARING – C**

104 **SUB#21-07 Creekside 3 Subdivision Modification, David Radke**

105 Mr. Swanson opened the public hearing at 8:37 p.m. He introduced the agenda item, the rules for  
106 public testimony, and the Type III quasi-judicial proceedings to follow. No ex-parte contact or  
107 conflicts of interest were declared.  
108

109 **STAFF REPORT**

110 Mr. Ballew read from the staff report summarizing the application and the criteria for approval  
111 utilizing a PowerPoint slide deck. Staff recommendation is that SUB#21-07 be recommended to  
112 City Council for approval. He identified the key change in definition of the word “development”  
113 since the time the initial application was processed which has since become more restrictive,  
114 disallowing the development of minor structures like fences and outbuildings.  
115

116 **APPLICANT PRESENTATION**

117 **David Radke – 471 Oregon Falls Drive, Dallas, OR 97338**

118 Mr. Radke discussed the initial plan and vision for the lots and how the change in definition  
119 dramatically impacts the usability and marketability of the properties by prohibiting the  
120 construction of pole barns, agricultural structures, and basic fencing to delineate lots. He discussed  
121 the efforts to get the houses out of the flood plain and how the wording of the definition eliminates  
122 the possibility for any additional developments on the remainder of the lots.  
123

124 **PUBLIC TESTIMONY**

125 **Jim Edward Pike – 1647 SW Hazel Street, Dallas, OR 97338**

126 Mr. Pike noted in his testimony that the term “outbuilding” is not defined and asked for  
127 clarification. He asked about accessibility and shared a video of flooding from the site. He asked  
128 how we can approve developments in this area when this type of flooding is a common occurrence.  
129

130 **Stephen Mannenbach – 15380 Ellendale Road W, Dallas, OR 97338**

131 Mr. Mannenbach shared his concern about structures built in the path of flood generating velocity  
132 as the flood waters usually flow from Mr. Radke’s property onto his. He asked that there be  
133 guidelines on the type of fencing allowed to be built in those areas such that they allow water pass  
134 through. Mr. Mannenbach provided a sheet of potential fencing options.  
135

136 **Cliff Merritt – 398 SW Applegate Trail Drive, Dallas, OR 97338**

137 Mr. Merith shared his concern with potential buyers seeing the floodplain area as buildable, but  
138 without knowledge of the potential for flooding in those low areas. He also raised the concern of  
139 chemicals or other substances being stored in outbuildings that could potentially be released during  
140 a flood event and washing into Rickreall Creek.  
141

142 **Elizabeth Miller – 411 SW Oregon Falls Drive, Dallas, OR 97338**

143 Ms. Miller asked that if approved, future developments would need to go through the floodplain  
144 approvals process. The commission confirmed that they would. She asked the commission to  
145 strongly consider the issue of flooding in their final decision.  
146

147 **George Boyce – 1515 SW Hazel Street, Dallas, OR 97338**

148 Mr. Boice shared his concern with having livestock in the floodplain area due to wet conditions  
149 causing mud and potential animal waste flowing into Rickreall Creek.  
150

151 **REBUTTAL**

152 Mr. Radke noted that the bowl and the pipe that goes under the walkway has been in there since  
153 2000 and that the bowl is a working design and not the issue at question. Mr. Radke referenced

154 prior conversations with City staff and clarified the shared understanding of how the rules should be  
155 interpreted. Mr. Ballew confirmed that this proposal is to change the CC&Rs to allow  
156 developments that would need to follow the floodplain approvals permit process.  
157 Mr. Swanson closed the Public Hearing at 9:29 p.m.  
158

159 **DELIBERATIONS**

160 The commission found that if approved, the application would constitute permitting all future  
161 proposed developments on the lots in question to follow the same approvals process as other  
162 developments within a floodplain area, subject to floodplain development permits.

163 Mr. Schulte made a motion to approve SUB#21-07 as written. Mr. Groh seconded the motion. The  
164 motion passed unanimously with Mr. Groh, Mr. Spofford, Ms. Newell, Mr. Swanson, Mr. Banford,  
165 and Mr. Schulte voting in favor.  
166

167 **7. COMMISSIONER COMMENTS**

168 There were none.  
169

170 **8. STAFF COMMENTS**

171 There were none.  
172

173 **9. ADJOURN**

174 Mr. Swanson adjourned the meeting at 9:43 p.m. Next meeting: February 13th, 2024, 7:00 p.m.  
175

176 **APPROVED**

177 \_\_\_\_\_  
178 John Swanson, Planning Commission President

\_\_\_\_\_ Date

**CITY OF DALLAS  
PLANNING COMMISSION  
STAFF REPORT**

**MEETING DATE:** February 13, 2024  
**REPORT DATE:** February 6, 2024  
**TOPIC:** River Wild Subdivision - #SUB-23-03  
Shared Driveway Variance - #VAR-24-03

**Application Type:** Subdivision and Variance  
**Owner:** Noble-Built Homes  
**Location:** 1390 SE Miller Avenue

**RECOMMENDED ACTION**  
Approval with Conditions

**BACKGROUND INFORMATION**

**Zoning:** RL – Residential Low-Density  
**Comprehensive Plan Map:** Residential  
**Floodplain:** Property includes Floodplain and Floodway  
**Lot Size:** 5.76 Acres  
**Adjacent Land Uses:** Single-Family Residential; School; Creek Trail  
**Prior Land Use Approvals:** None Found

**PROJECT OVERVIEW**

The owner has applied for approval to construct a 12 lot subdivision. In addition is a request to approve a variance to allow more than 4 dwellings to be constructed with access from a shared driveway.

**APPROVAL CRITERIA:**

4.3.070 - Land Division Preliminary Plat Criteria.  
5.1.040 - Class B Variance Approval Criteria  
2.7.190/200 – Floodplain Development Permit

Staff refer to and incorporate the applicant’s written narrative for supportive findings in response to the above mentioned criteria. These criteria are further identified in this report with specific findings, as follows:

## **LAND DIVISION PRELIMINARY PLAT**

Land divisions are subject to the approval criteria of Dallas Development Code section 4.3.070.

### ***CRITERION:***

*DDC.4.3.070.A.1. - The proposed preliminary plat complies with the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Article, and the applicable chapters and sections of Article 2 (Land Use Districts) and Article 3 (Design Standards) shall apply.*

### ***FINDING:***

#### **Article 2 (Land Use District) Findings:**

*DDC.2.2.030.B. - Minimum Lot Size:* In the RL zone the minimum average lot size is 5,000 square feet. The smallest lot proposed is 5,650 square feet. This standard is satisfied.

*DDC.2.2.030.C. - Minimum Lot Dimensions:* In the RL zone the minimum lot width is 50 feet and the minimum depth is 75 feet. All lots are equal to or greater than those dimensions. This standard is satisfied.

*2.2.050A - Density:* The allowable residential density range for the RL Zoning District is 4 – 9 dwelling units per net acre. The development site as proposed has 5.76 net acres, resulting in a net density of 2.8 dwellings per net acre, which is below the minimum allowable. However, there is a significant flood hazard area associated with the project site, and while not explicitly stated in code, past precedent has been to allow flood areas to be deducted from the net area for the calculation of minimum density. Specifically, DDC.2.2.050, describes the density calculation as “...the allowable number of dwelling units, subject to compliance with applicable development standards” and such standards includes DDC.2.7.060, which states that “...construction...within the 100-year floodplain shall be avoided...” If the calculation is limited to the 3.16 acres of buildable upland area as stated in the applicant’s narrative, the resulting density is approximately 4.1 dwellings per net acre, which is within the allowable range. This standard is satisfied.

*2.2.030.F - Minimum Open Space Area:* The applicant is required to reserve 6% of the gross area of the subdivision as open space. No common open space is identified, however the applicant’s plans include unbuildable floodway and an unbuildable remainder tract. With appropriate conditions of approval this standard is satisfied.

*2.2.080 - Housing Variety Standards:* Does not apply to subdivisions is less than 20 lots. This standard does not apply.

*2.7.060 – Floodplain Review Criteria:* Refer to page 7 for specific findings for this section. This standard is satisfied.

*2.8 - Riparian Corridors & Wetlands Regulations:* This chapter requires the applicant to provide a map of wetlands and riparian corridors and to coordinate with the Oregon Department of State Lands. The applicant’s site plan has been modified to remove the inaccurate top-of-bank reference, and a condition of approval is to submit a stream corridor map to the Department of State Lands for concurrence.

Under DDC.2.8.050, no development is allowed within ten feet of the top of stream bank or associated wetland. The applicant’s narrative states they are requesting a ‘variance’ to this standard for lots 7 and

8, which are predominantly or entirely below the indicated top-of-bank, however no Class-B Variance application for this purpose has been received and the Variance approval criteria of DDC.5.1 have not been addressed in regards to this matter.

Regardless, it is not clear that a Variance is in fact required; DDC.2.8.050.B specifies that if the Department of State Lands determines there is no slough, stream, or wetland at that location, the buffer zone shall not apply at that location, therefore a ‘variance’ would not be necessary. Consequently, a proposed condition of approval is for lots 7 and 8 to be approved provisionally, subject to concurrence by the Department of State Lands. With appropriate conditions of approval this standard is satisfied.

**Article 3 (Design Standards) Findings:** Chapter 3.1 and 3.2 and 3.4 are applicable to residential subdivisions.

**Chapter 3.1** provides standards regarding **access and circulation**. The proposal includes shared driveways satisfying the 50’ access spacing standard; provisions for joint maintenance will need to be recorded along with the plat, either in covenants/conditions/restrictions for the subdivision, or in a separate agreement. With appropriate conditions of approval this standard is satisfied.

**Chapter 3.2** provides standards regarding **landscaping, street trees and fences and walls**.

- “Significant vegetation” is defined in DDC.3.2.020.B, and all as such vegetation on the site is located below the top-of-bank; therefore, a canopy-level inventory is sufficient and a tree plan mapping the locations of individual trees is not necessary to evaluate the application, per DDC.3.2.020.C. This standard is satisfied.
- Planting of street trees is required, but may be deferred until inspection of completed dwellings to avoid construction damage, as allowed under DDC.3.2.040. A recommended condition of approval is for the street tree locations to be shown on the infrastructure plans, to minimize utility conflicts. With appropriate conditions of approval this standard is satisfied.
- The applicant has not proposed any fences or walls as part of the development; places where the code allows the Planning Commission discretion to determine fences should be required are specified in DDC.2.2.120.A.6 and in DDC.3.2.030.E.3.d, which includes flag lots as needed for privacy. This standard is satisfied.

**Chapter 3.4** provides design standards that apply to **public facilities**, including transportation, sanitary sewer, water service, and storm drainage improvements. Engineering plans must be submitted to the City for review and approval before construction.

**Regarding Streets and Transportation Facilities:**

- The Applicant proposes to construct a 5 foot wide sidewalk within a sidewalk easement along SE Miller Avenue fronting lots 1, 2, 3, 4, 5, and 12. No sidewalk is proposed along SE Miller Avenue fronting Tract A.
  - The Dallas Transportation System Plan classifies SE Miller Avenue as a major collector, for which DDC.3.4.015.F specifies a 6 foot wide sidewalk and 5 foot wide landscape strip, and this is a recommended condition of approval. With appropriate conditions of approval this standard is satisfied.
  - SE Miller Avenue is currently a 60 foot wide right-of-way, and DDC.3.4.015.F specifies a preferred width of 74 feet (criteria width 70-80’) with sidewalks and landscaping strips on both



sides. Although DDC.3.4.014.A.3 specifies that “streets within and adjacent to a development shall be improved... including sidewalks, curbs, gutters, bicycle lanes, vehicle travel lanes, traffic control devices, and park strips, and additional right-of-way or street width or improvements planned as a portion of an existing street...; the provided plans instead show a sidewalk easement on private property, and no additional right-of-way dedication is proposed. With appropriate conditions of approval this standard is satisfied.

- No sidewalk is proposed fronting Tract A. Deferring frontage improvements to a future development phase is not appropriate, as Tract A appears to have no further development potential, therefore sidewalks should be required now as a condition of approval. Exactions as a condition of development approval are required to be roughly proportionate to the impact of the development, and in Dallas, proportionality of sidewalks is generally 70 feet of sidewalk per single-family dwelling. For a 12 lot subdivision this would be 840 linear feet of sidewalk, which is less than the applicant’s 1,122 linear feet of street frontage. Therefore, a recommended condition of approval is for sidewalks to be installed, with reimbursement from the city for sidewalks in excess of the proportionate share. With appropriate conditions of approval this standard is satisfied.
- In the RL zone the maximum allowable block length is 600 feet per DDC.3.4.015.G.4, and the property exceeds this length, however no additional street connectivity is proposed. In this instance, the Planning Commission may reasonably determine the creek precludes further extension of streets to the north, in conformance with the standards of DDC.3.4.015.J.3. This standard is satisfied.
- A Traffic Impact Analysis was not provided or required, as the proposed 12 lots will generate less than the 300 Average Daily Trips threshold for requiring a traffic impact analysis under DDC.4.1.090.A.3. This standard is satisfied.

Regarding **Storm Drainage, Sanitary Sewer and Water Service**, the Dallas Public Works Department has indicated that there are existing public utilities adjacent to the site with adequate capacity to serve the development. The applicant has provided a preliminary utility plan, however detailed infrastructure construction plans meeting applicable City of Dallas engineering standards must be submitted to the Engineering Services Division for review and approval prior to construction. With appropriate conditions of approval this standard is satisfied.

**CRITERION:**

*DDC.4.3.070.A.2. - The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;*

**FINDING:**

The proposed name for this subdivision is “Miller Subdivision”. Subdivision naming is subject to review and approval by the County Surveyor. This standard does not apply.

**CRITERION:**

*DDC.4.3.070.A.3. - The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;*

**FINDING:**

Refer to page 3 for discussion of street connectivity standards and street improvement standards.

**CRITERION:**

*DDC.4.3.070.A.4. - All proposed private common areas and improvements (e.g. homeowner association property) are identified on the preliminary plat;*

**FINDING:**

There are no private open space proposed to be owned and maintained by a homeowners association. This standard is satisfied.

**CRITERION:**

*DDC.4.3.070.A.5. - Evidence that any required State and Federal permits have been obtained, or shall be obtained before approval of the final plat;*

**FINDING:**

A standard condition of approval is that all outside agency permits be obtained before the city issues a grading permit, as certain permits are required prior to construction activities, such as the National Pollutant Discharge Elimination System (NPDES) 1200c permit. With appropriate conditions of approval this standard is satisfied.

**CRITERION:**

*DDC.4.3.070.A.6. - Evidence that improvements or conditions required by the City, road authority, Polk County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met;*

**FINDING:**

This staff report and the final decision order identify the improvements and conditions that must be met and the time line for completing them. With appropriate conditions of approval this standard is satisfied.

**CRITERION:**

*DDC.4.3.070.A.7. - If any part of the site is located within an Overlay Zone, or previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions.*

**FINDING:**

The site is not located within an Overlay Zone. This standard does not apply.

**CRITERION:**

*DDC.4.3.070.B.1. - All lots shall comply with the General Development Standards of the applicable land use district (Article 2), and the standards of Section 3.4.010.G – Street Connectivity and Formation of Blocks.*

**FINDING:**

Refer to page 3 for discussion of how the application satisfies the standards of Article 2 and street connectivity standards.

**CRITERION:**

*DDC.4.3.070.B.2. - Setbacks shall be as required by the applicable land use district (Article 2).*

**FINDING:**

Staff concurs that the applicable setbacks are reviewed at the time of building permit review. This standard does not apply.

**CRITERION:**

*DDC.4.3.070.B.3. - Each lot shall conform to the standards of Chapter 3.1 – Access and Circulation.*

**FINDING:**

Proposed driveways are shown on preliminary plans, and will be reviewed at the time of building permit / construction plan. This standard does not apply.

**CRITERION:**

*DDC.4.3.070.B.4. - Landscape or other screening may be required to maintain privacy for abutting uses.*

**FINDING:**

The applicant does not propose any privacy screening as part of the project. Areas where buffers or screens are or may be required by code are specified in DDC.2.2.030.E.3. With appropriate conditions of approval this standard is satisfied.

**CRITERION:**

*DDC.4.3.070.B.5. - In conformance with the Oregon Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive.*

**FINDING:**

Staff finds that a 20-foot wide access is provided to the buildable portions of the lots. This standard is satisfied.

**CRITERION:**

*DDC.4.3.070.B.6. - Where a common drive is to be provided to serve more than one lot, a reciprocal easement for access and maintenance rights shall be recorded with the approved subdivision or partition plat.*

**FINDING:**

This will be verified by city staff prior to approval of the final plat. This standard is satisfied.

**CRITERION:**

*DDC.4.3.070.B.7. - All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.*

**FINDING:**

Staff concurs that engineering standards can feasibly be met with conditions of approval. A standard condition of approval is that the applicant shall submit detailed construction plans for review and approval by the Engineering Services Department, per DDC.3.4.070. With appropriate conditions of approval this standard is satisfied.

**CLASS B VARIANCE**

A variance is required for the project, subject to the approval criteria of DDC.5.1.040:

***CRITERION DDC.5.1.040.B.1:***

*The variance is necessary because the subject Code provision does not account for special or unique circumstances of the subject site, existing development patterns, or adjacent uses.*

***FINDING:***

Staff concur with the applicant's statement, and find that the shape of the development site relative to the creek, ridgeline, and collector roadway constitute a special or unique circumstances which make development in full conformance with the code impractical. This standard is satisfied.

***CRITERION DDC.5.1.040.B.2:***

*The variance is the minimum necessary to address the special or unique physical circumstances referenced above [under subsection B.1].*

***FINDING:***

The variance would permit the development of additional non-street-facing lots, without which the development does not meet the minimum density requirements of DDC.2.2.030. This standard is satisfied.

***CRITERION DDC.5.1.040.B.3:***

*The variance conforms to the provisions [for Variance to Vehicular Access and Circulation Standards].*

- 1. There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement.*
- 2. There are no other alternative access points on the street in question or from another street.*
- 3. The access separation requirements cannot be met.*
- 4. The request is the minimum variance required to provide adequate access.*
- 5. The approved access or access approved with conditions will result in a safe access.*
- 6. The vision clearance requirements of Chapter 3.1 will be met.*
- 7. Variances for street access deviations shall be subject to review & approval by the road authority.*

***FINDING:***

Due to the configuration of this and abutting properties it does not appear that an alternative driveway arrangement would be feasible while still meeting the driveway spacing standards. The applicable roadway authority has reviewed and not objected to the proposed access, the vision clearance requirements are met, and there does not appear to be a traffic safety hazard. This standard is satisfied.

***CRITERION DDC.5.1.040.B.4:***

*The variance does not conflict with other applicable City policies or regulations.*

***FINDING:***

City staff could not identify any conflicting policies or regulations. This standard is satisfied.

***CRITERION DDC.5.1.040.B.5:***

*The variance will result in no foreseeable harm to adjacent property owners or the public.*

***FINDING:***

Staff were unable to identify any foreseeable harm to adjacent property owners or the public as a result of the variance. Specifically, staff note that the Oregon Fire Code permits more than four dwellings to be constructed on shared driveways, as indicted by the technical comments from the Fire Marshal. This standard is satisfied.

## **FLOODPLAIN DEVELOPMENT PERMIT**

A floodplain development permit is required for the project, subject to the approval criteria of Dallas Development Code section 2.7.190/200, which states that where development in the flood hazard area is allowed, such development shall comply with the following:

### **CRITERION:**

#### *DDC.2.7.190.A - Alteration of Watercourses*

*The flood carrying capacity within the altered or relocated portion of a watercourse must be maintained. Maintenance must be provided within the altered or relocated portion of a watercourse to ensure that the flood carrying capacity is not diminished. Any alteration of a watercourse shall require compliance with sections 2.7.150(C)(2) and 2.7.150(C)(3)*

### **FINDING:**

No alteration is proposed. This standard does not apply.

### **CRITERION:**

#### *DDC.2.7.190.B – Anchoring*

- 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.*
- 2. All manufactured dwellings shall be anchored per section 2.7.200(C)(4).*

### **FINDING:**

Anchoring of buildings is part of building permits, not subdivisions. This standard does not apply.

### **CRITERION:**

#### *DDC.2.7.190.C - Construction Materials and Methods*

- 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.*
- 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.*

### **FINDING:**

Infrastructure construction plans must be approved by Dallas Public Works prior to installation. With appropriate conditions of approval this standard is satisfied.

### **CRITERION:**

#### *DDC.2.7.190.D - Utilities and Equipment*

- 1. Water Supply, Sanitary Sewer, and On-site Waste Disposal Systems*
  - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.*
  - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.*
  - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.*

2. *Electrical, Mechanical, Plumbing, and Other Equipment*

*Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood elevation or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall, if replaced as part of a substantial improvement meet all the requirements of this section.*

**FINDING:**

Infrastructure construction plans must be approved by Dallas Public Works prior to installation. With appropriate conditions of approval this standard is satisfied.

**CRITERION:**

*DDC.2.7.190.E. – Tanks*

1. *Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.*
2. *Above-ground tanks shall be installed one foot or more above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.*

**FINDING:**

No storage tanks are identified. This standard does not apply.

**CRITERION:**

*DDC.2.7.060.F - Subdivision Proposals & Other Proposed Developments*

1. *All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is less, shall include within such proposals, Base Flood Elevation data.*
2. *All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:*
  - a. *Be consistent with the need to minimize flood damage.*
  - b. *Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.*
  - c. *Have adequate drainage provided to reduce exposure to flood hazards.*

**FINDING:**

Base flood elevation data is available for the site, and development appears to be above the elevation of the floodplain. Utility infrastructure plans must be approved by Dallas Public Works prior to installation, and structures must obtain flood elevation certificates verifying they are constructed above the flood elevation. With appropriate conditions of approval this standard is satisfied.

**CRITERION:**

*DDC.2.7.190.G - Use of Other Base Flood Elevation Data*

*When Base Flood Elevation data has not been provided in accordance with section 2.7.070, the Floodplain Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer section 2.7.180. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of section 2.7.190(F).*

*Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, and other relevant evidence where available. At a minimum, the elevation of residential structures and non-residential structures that are not dry flood proofed must be at least two feet above the highest adjacent grade. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.*

**FINDING:**

Base flood elevation data is available, so alternate data is not necessary. This standard does not apply.

**CRITERION:**

*DDC.2.7.190.H. - Structures Located in Multiple or Partial Flood Zones*

*In coordination with the Oregon Specialty Codes:*

- 1. When a structure is located in multiple flood zones on the city's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.*
- 2. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements*

**FINDING:**

No structures are included in the subdivision application. This standard does not apply.

**CRITERION:**

*DDC.2.7.190.I. - Critical Facilities*

*Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet above the Base Flood Elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.*

**FINDING:**

No critical facilities are proposed. This standard does not apply.

**CRITERION:**

**DDC.2.7.190.J. - Maintaining Flood Storage Capacity**

*Development within the special flood hazard area shall result in no net loss in flood storage capacity. No net loss may be documented by demonstrating that the volume of material the development adds to the special flood hazard area below the BFE is less than or equal to the volume of material removed. No net loss may also be documented by hydraulic analysis certified by a registered professional engineer, subject to a Type II review per section 4.1.030.*

**FINDING:**

No development or fill is proposed within the flood area. This standard does not apply.

**RECOMMENDED ACTION**

Staff recommends that the Subdivision application be approved with the following conditions:

- 1) The project shall be completed in accordance with the general criteria, plans and specifications, documents, and all other information presented to/or modified by the Planning Commission.
- 2) The final plat shall be submitted within 2 years of the date of this order or this approval shall lapse, unless extended pursuant to DDC.4.3.050.D.

**3) Prior to Construction Plan Approval:**

- a) The Applicant shall submit detailed construction plans for review and approval by the Engineering Services Department, per DDC.3.4.070. This shall also include all necessary permit applications and studies as required.
- b) No work on the site shall commence until all permits and approvals have been secured from the Engineering Department, except for work allowed under separate permits.
- c) The Applicant shall obtain applicable state and federal permits as needed for the development, including but not limited to a National Pollutant Discharge Elimination System (NPDES) 1200c permit for construction activities (e.g. clearing, excavation).
- d) Construction plans shall include location of street trees, consistent with DDC.3.2.040.
- e) Construction plans shall include a 6 foot wide sidewalk along SE Miller Avenue, with ADA ramps as required.
- f) The stream corridor and wetland delineation map(s) shall be submitted to the Department of State Lands for review and concurrence.

**4) Prior to Final Plat Approval:**

- a) The final plat shall show all grants of easement and rights of way, including a 10 foot wide right-of-way dedication along SE Miller Avenue.
- b) The Applicant shall provide a two-year warranty bond valid for 15% of the total cost of public improvements, per DDC.3.4.090.G.
- c) All public improvements shall be installed as approved by the Engineering Department, except those improvements the City at its discretion allows to be deferred, provided that the



Applicant sign a deferred improvement agreement and provide a performance bond of 110% of the cost of the deferred improvements, per DDC.3.4.090.

- d) The 6 foot wide sidewalk shall be constructed (or bonded as allowed in subsection c above) with the developer entitled to reimbursement or credits equivalent to 25% of the reasonable construction cost of total sidewalk length (~282 of 1,122 linear feet).
- e) Floodplain boundary markers, which include the words ‘floodplain boundary’ or similar words, shall be placed where property lines intersect the floodplain boundary.
- f) The Department of State Lands shall concur with the stream corridor and wetland delineation map(s). If the minimum buildable envelope of lots 7 and 8 extends to less than 10 feet from the DSL-approved top-of-bank, approval for platting those lots shall be rescinded, the land incorporated into adjoining lots or a new remainder tract, and no development permitted there unless a separate variance application is filed and approved through the Type III process.

**5) Prior to Building Permit Approval for each lot:**

- a) The Applicant shall record the final subdivision plat at the Polk County Assessor’s Office within 60 days of signature by the City.
- b) The Developer or Home Builder shall provide a final soils engineering report for City review and approval. The report shall include, but is not limited to, the location and depth of fill by lot, a compaction report, and a soil expansive index rating for the development. If the soils report has an expansive index rating over 20 or soil bearing under 1500 PSF, then the lot shall have a specific evaluation report regarding soil issues and engineered solutions for the foundation systems.
- c) A site survey establishing building location shall be required before approval to place concrete for building foundations if property pins are not in place at the time of residential construction (e.g. post-monumentation).
- d) The Applicant shall comply with all applicable Building and Fire Code requirements.
- e) For each lot containing mapped floodplain, an elevation certificate shall be provided for each proposed structure, demonstrating finished floor to be at least 1 foot above the Base Flood Elevation.

**RECOMMENDED MOTION:**

I move to approve the Subdivision application with the conditions stated in the staff report.

**EXHIBITS:**

1. Applicant’s Revised Plans
2. Applicant’s Written Subdivision Narrative
3. Applicant’s Written Variance Narrative
4. Development Review Technical Notes – Fire Department
5. Notice of Public Hearing

# PRELIMINARY PLANS FOR: NOBLE BUILT HOMES

AT 1390 SE MILLER AVENUE  
DALLAS, OREGON 97338

## PROJECT DIRECTORY:

**ARCHITECT:** LVP DESIGN & BUILD, LLC  
LEVI PLEMEL  
561 NE DOGWOOD DRIVE  
SUBLIMITY, OR 97385  
971.301.9341  
PWLEVI1@GMAIL.COM

**CIVIL ENGINEER:** 7 OAKS ENGINEERING, INC.  
KIM JOHNSON, P.E.  
345 WESTFIELD ST. #107  
SILVERTON, OR 97381  
503.308.8554  
KIM@7OAKSENGINEERING.COM

## LAND SURVEYOR:

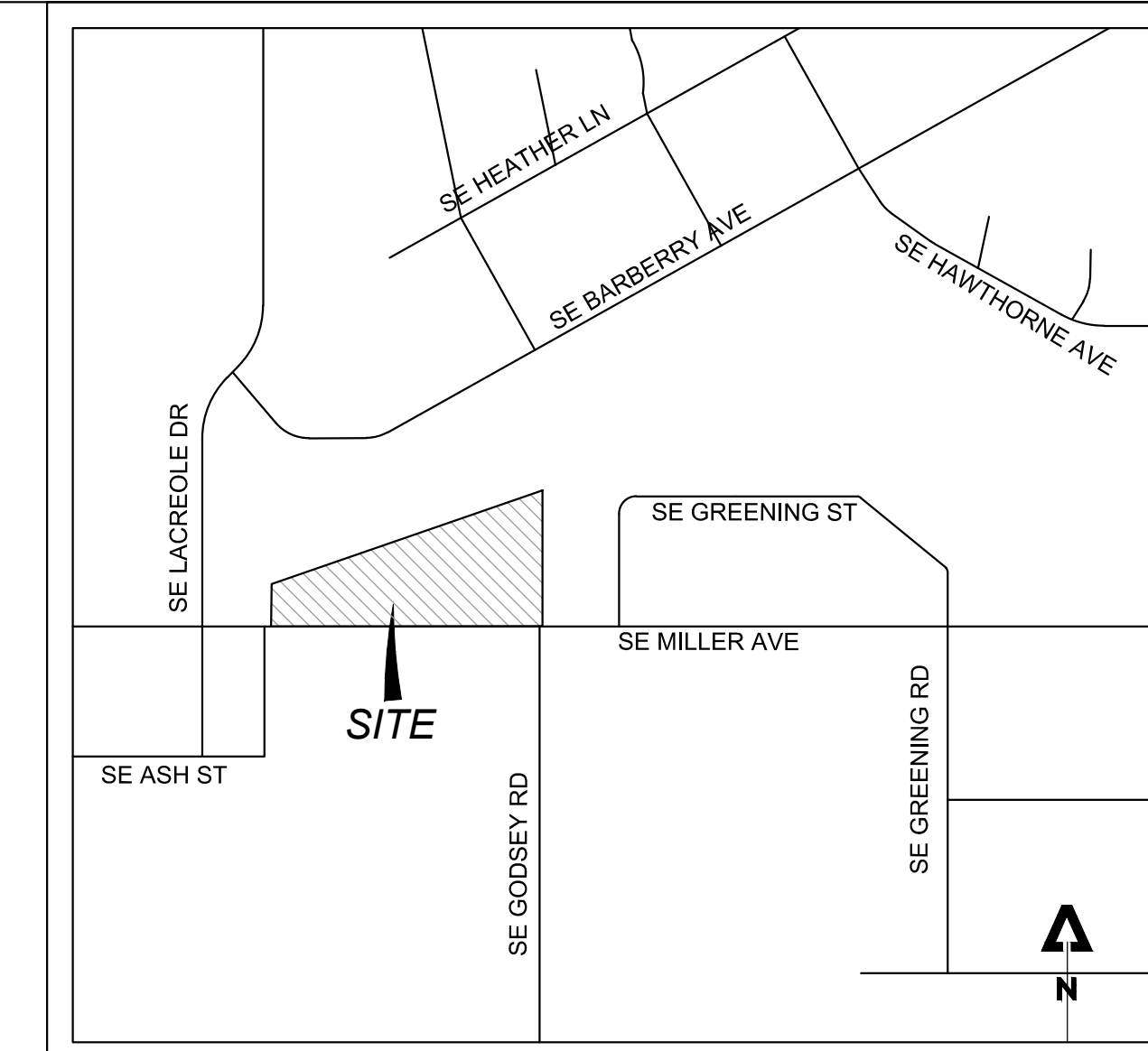
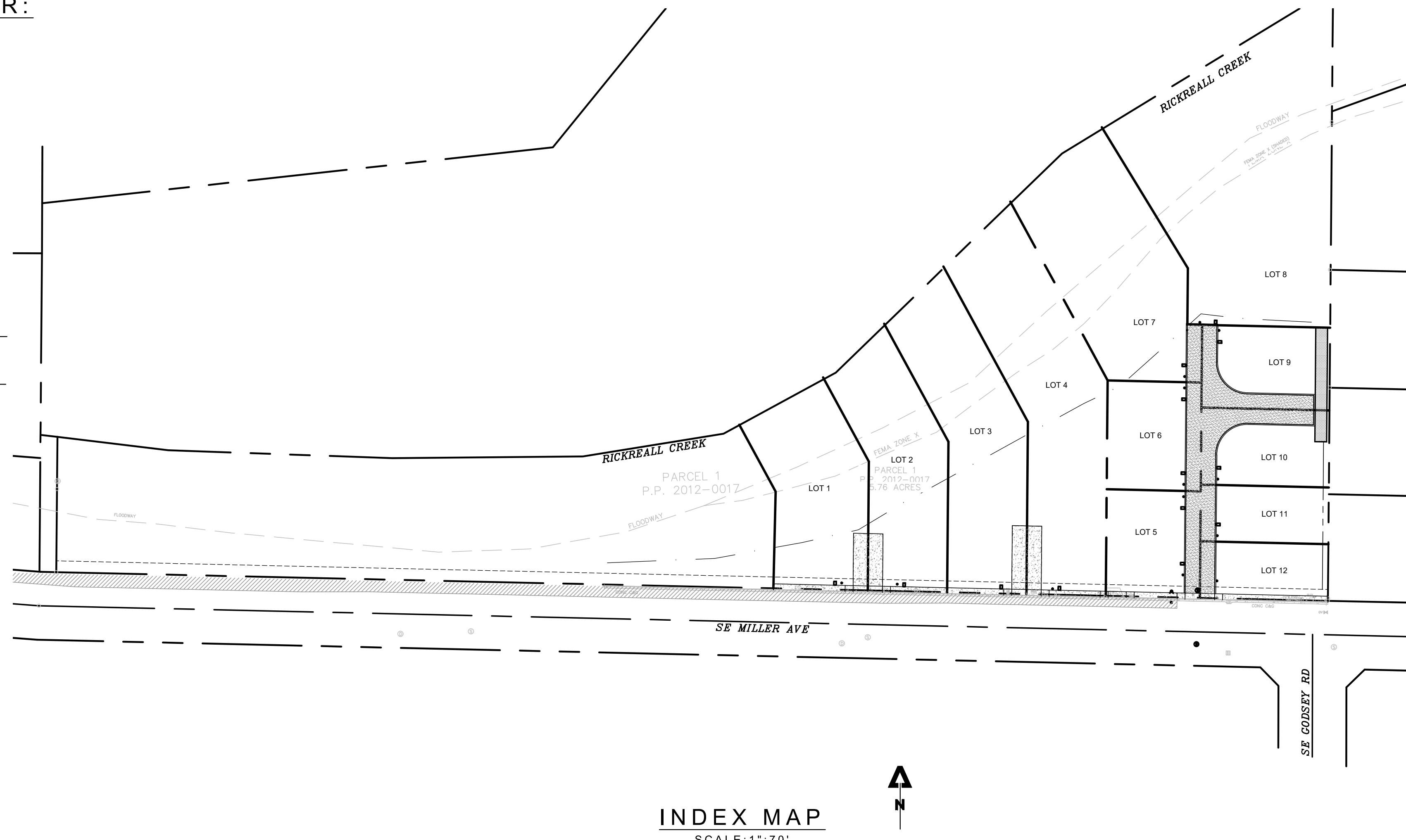
FFN SURVEYING  
7230 3RD STREET SE #145  
TURNER, OR 97392  
503.558.3330  
INFO@FFNSURVEYING.COM

## UTILITY PURVEYORS:

**WATER:** CITY OF DALLAS  
187 SE COURT ST,  
DALLAS, OR 97338  
503.623.2338

**STORM DRAIN:** CITY OF DALLAS  
187 SE COURT ST,  
DALLAS, OR 97338  
503.623.2338

**SEWER:** CITY OF DALLAS  
187 SE COURT ST,  
DALLAS, OR 97338  
503.623.2338



## ABBREVIATIONS:

PL	PROPERTY LINE
FF	FINISHED FLOOR
TC	TOP OF CURB
FS	FINISHED SURFACE
FL	FLOW LINE
FG	FINISHED GRADE
GB	GRADE BREAK
CL	CENTERLINE
R	RIDGE LINE
R/W	RIGHT OF WAY
WV	WATER VALVE
PR	PROPOSED
NAP	NOT A PART
FT	FEET
EV	ELECTRIC VEHICLE
CAV	CLEAN AIR VEHICLE
STD.	STANDARD
AC	ACRES
CUP	CONDITIONAL USE PERMIT
EX.	EXISTING
TYP.	TYPICAL
MIN.	MINIMUM
SS	SANITARY SEWER
SD	STORM DRAIN
CF	CURB FACE
WM	WATER METER
FDC	FIRE DEPARTMENT CONNECTION
APN	ACCESSOR'S PARCEL MAP
SO.FT	SQUARE FEET
INV.	INVERT
BF	BACKFLOW
CFS	CUBIC FEET PER SECOND
SCH.	SCHEDULE
PVC	POLYVINYL CHLORIDE
SDR	SPECIAL DRAWING RIGHT
PSI	POUNDS PER SQUARE INCH
NFPA	NATIONAL FIRE PREVENTION ASSOCIATION
CB	CATCH BASIN
D	DIAMETER
VCP	VITRIFIED CLAY PIPE

## SHEET INDEX:

- 1 - TITLE SHEET
- 2 - PRELIMINARY GRADING PLAN
- 3 - PRELIMINARY WET UTILITY PLAN
- 4 - PRELIMINARY PLAT

## PROJECT SURVEY:

THIS SURVEY IS BASED UPON FIELD WORK COMPLETED BY FORTY FIVE NORTH SURVEYING, LLC IN OCTOBER, 2023.

IN THE EAST ½ OF THE SECTION 33 AND THE WEST ½ OF THE SECTION 34, T.7S., R.5W., W.M. CITY OF DALLAS, POLK COUNTY, OREGON.

- BASIS OF BEARING AND COORDINATE SYSTEMS IS BASED ON OREGON COORDINATE REFERENCE SYSTEM "SALEM" ZONE, NAD83(2011), EPOCH 2010.00 ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES.
- ELEVATIONS WERE ESTABLISHED FROM GPS RTK OBSERVATIONS UTILIZING THE OREGON REAL-TIME GNSS NETWORK. ALL ELEVATIONS SHOWN HEREON ARE NAVD88 DATUM. TO OBTAIN NGCD29 DATUM, SUBTRACT 3.40 FEET FROM ALL ELEVATIONS PER NOAA'S NCAT UTILITY.
- THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED VISIBLE EVIDENCE OF ABOVE GROUND APPURTENANCES ALONG WITH SURFACE UTILITIES SHOWN WERE MARKED ON THE SURFACE BY AN "OREGON ONE-CALL NOTIFICATION CENTER" REQUEST. SURVEYOR MAKES NO GUARANTEE AS TO THE ACCURACY OF SAID MARKINGS, HOWEVER, THEY ARE LOCATED AS ACCURATELY AS THEY ARE MARKED ON THE GROUND.
- PER ORS 209.150, ANY SURVEY MONUMENT REMOVED, DISTURBED OR DESTROYED SHALL BE REPLACED BY A PROFESSIONAL LAND SURVEYOR WITHIN 90 DAYS AT THE EXPENSE OF THE PERSON OR PUBLIC AGENCY RESPONSIBLE FOR SAID REMOVAL, DISTURBANCE OR DESTRUCTION.
- FIELD SURVEYED OCTOBER, 2023.

## FEMA:

BOTTOM PORTION OF THE PROJECT PROPERTY IS LOCATED WITHIN FEMA FLOOD ZONE "X" AREA OF MINIMAL FLOOD HAZARD.

TOP PORTION OF THE PROJECT PROPERTY FALLS WITHIN FEMA FLOOD ZONE "AE" 263.7 BP

PER MAP 41053C0241F, EFFECTIVE 12/19/2006

## ENGINEER'S NOTICE TO CONTRACTOR:

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN IN THESE PLANS ARE OBTAINED BY A SEARCH OF AVAILABLE RECORDS, AND TO THE BEST OF OUR KNOWLEDGE, THERE ARE NOT EXISTING UTILITIES EXCEPT THOSE SHOWN ON THESE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE ALL PRECAUTIONARY MEASURES TO PROTECT THE UTILITIES SHOWN, AND ANY OTHER LINES OR STRUCTURES NOT SHOWN ON THESE PLANS, AND IS RESPONSIBLE FOR THE PROTECTION OF ANY DAMAGE TO THESE LINES OR STRUCTURES.

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(NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS 503-232-1987).

POTENTIAL UNDERGROUND FACILITY OWNERS

**Dig Safely.**

Call the Oregon One-Call Center  
DIAL 811 or 1-800-332-2344

**7 OAKS**  
ENGINEERING

345 WESTFIELD ST. #107  
SILVERTON, OR. 97381  
ADMIN@7OAKSENGINEERING.COM

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NO	DATE	ISSUE DESCRIPTION

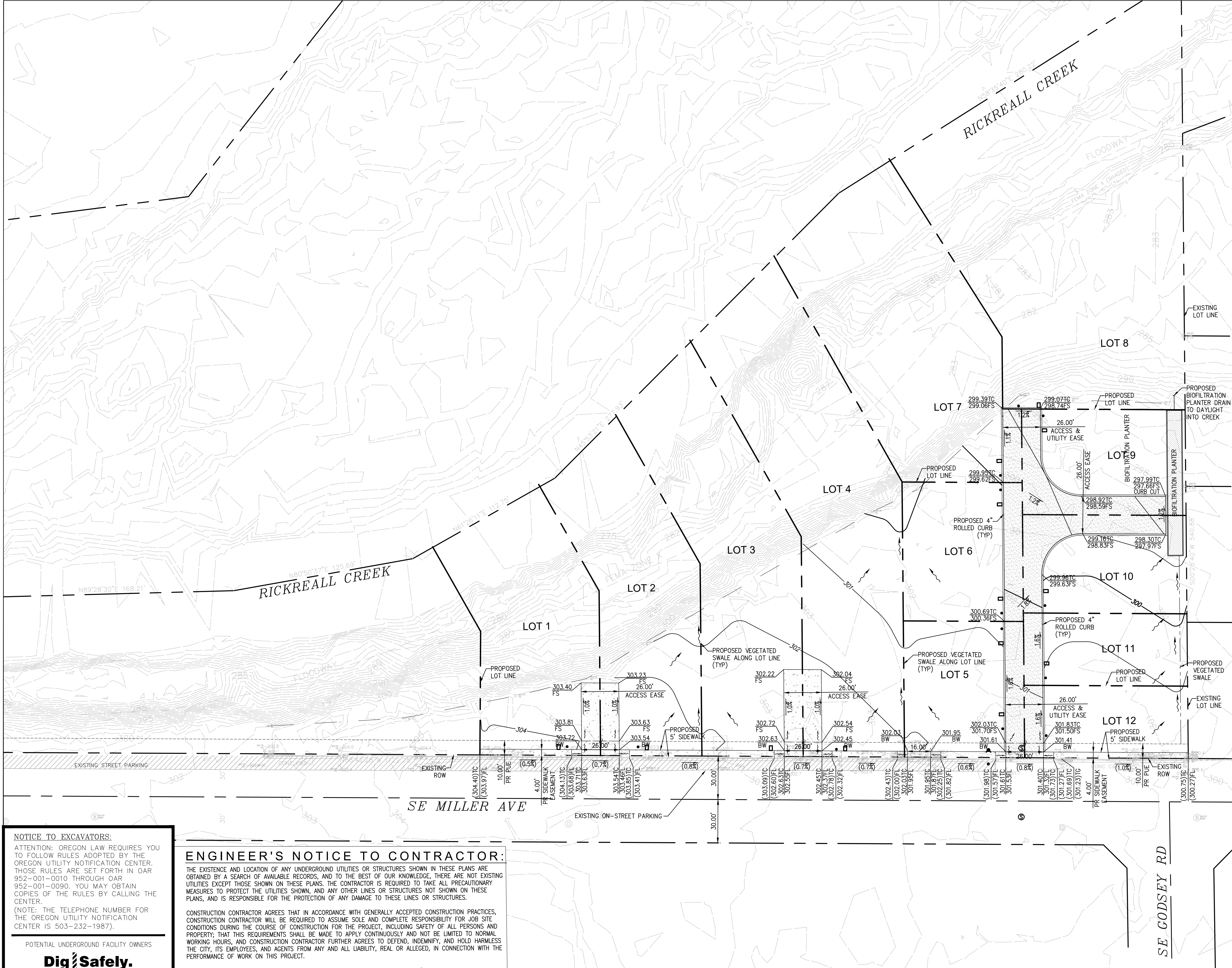
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PROJECT NAME:  
**NOBLE BUILT HOMES**  
PROJECT ADDRESS:  
**1390 SE MILLER AVENUE**  
**DALLAS, OR 97338**

SHEET TITLE:  
**TITLE SHEET**

DATE:  
01/11/2024

SHEET NUMBER:  
**1**



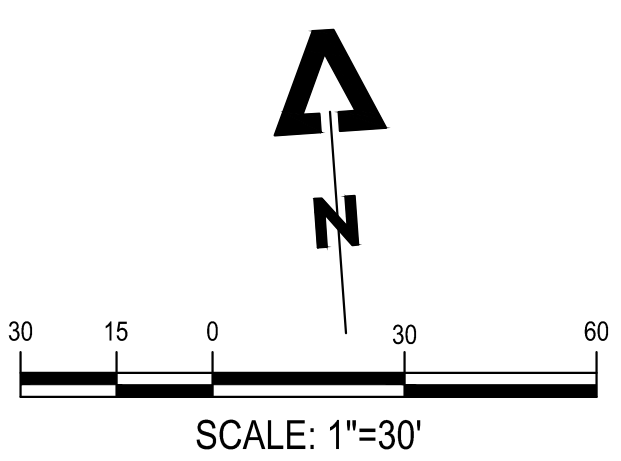
**BIOFILTRATION PLANTER STORMWATER CALCULATION**

10,000SF	PAVED DRIVE AISLE
12,000SF	ASSUMED IMPERVIOUS AREA TRIBUTARY TO PLANTER (LOTS 9-10; 3,000SF/LOT)
22,000SF	TRIBUTARY TO PLANTER
0.045	STORMWATER SIZING FACTOR PER LIDA WORKSHEET
22,000SF x 0.045 = 990SF	
1,000SF PROVIDED > 990SF REQUIRED	

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**7 OAKS**  
 ENGINEERING

345 WESTFIELD ST. #107  
 SILVERTON, OR. 97381  
 ADMIN@7OAKSENGINEERING.COM

STAMP:  
 REGISTERED PROFESSIONAL ENGINEER  
 PRELIMINARY  
 OREGON  
 13, 2016  
 K. MEERLY JOHNSON

NO	DATE	ISSUE DESCRIPTION

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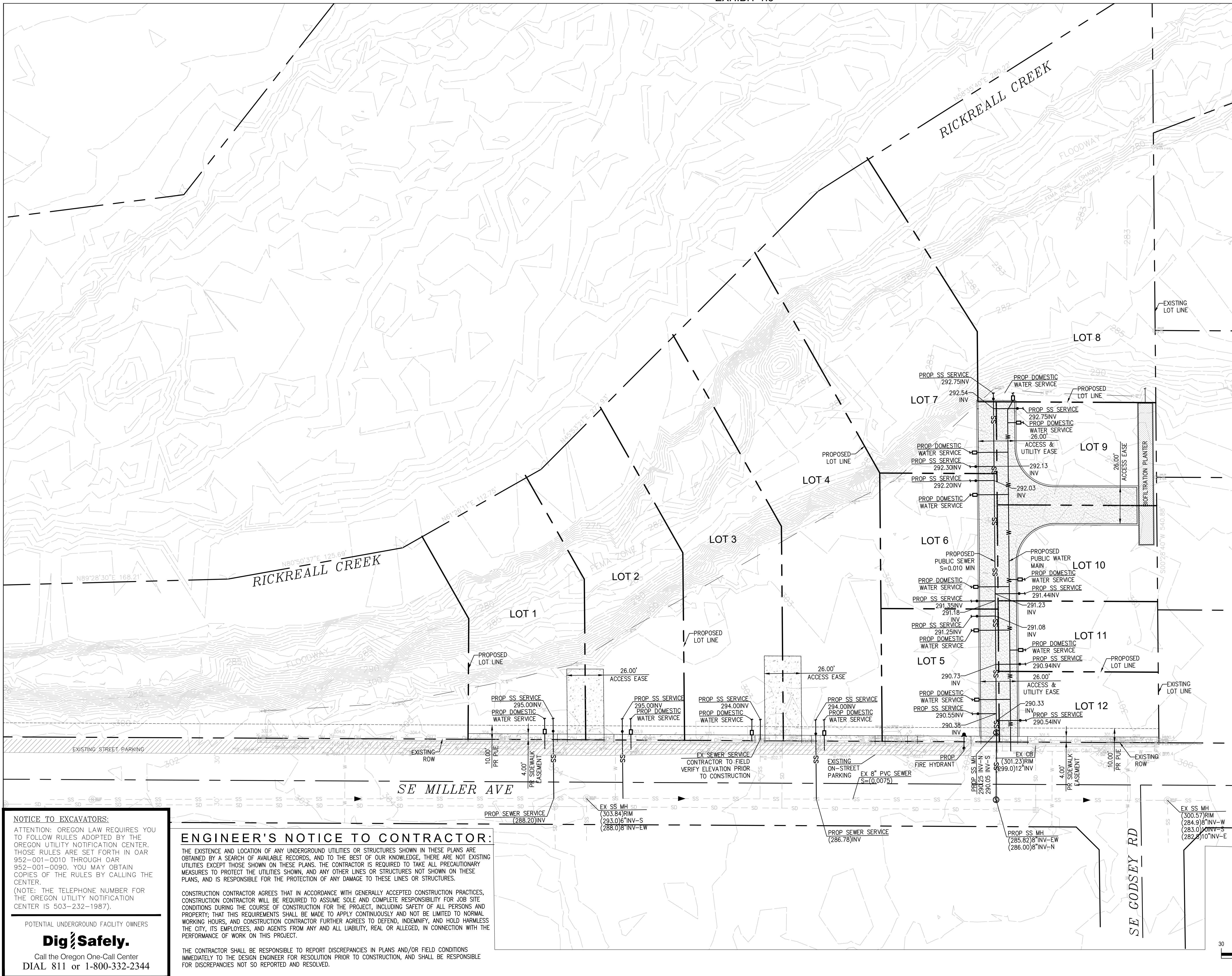
GC BY:                      DRAWN BY:

PROJECT NAME:  
**NOBLE BUILT HOMES**  
 PROJECT ADDRESS:  
**1390 SE MILLER AVENUE**  
**DALLAS, OR 97338**

SHEET TITLE:  
**PRELIMINARY GRADING PLAN**

DATE:  
 01/11/2024

SHEET NUMBER:  
**2**



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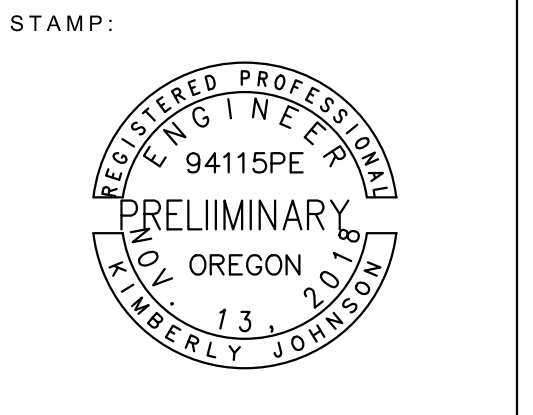
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 345 WESTFIELD ST. #107  
 SILVERTON, OR. 97381  
 ADMIN@7OAKSENGINEERING.COM



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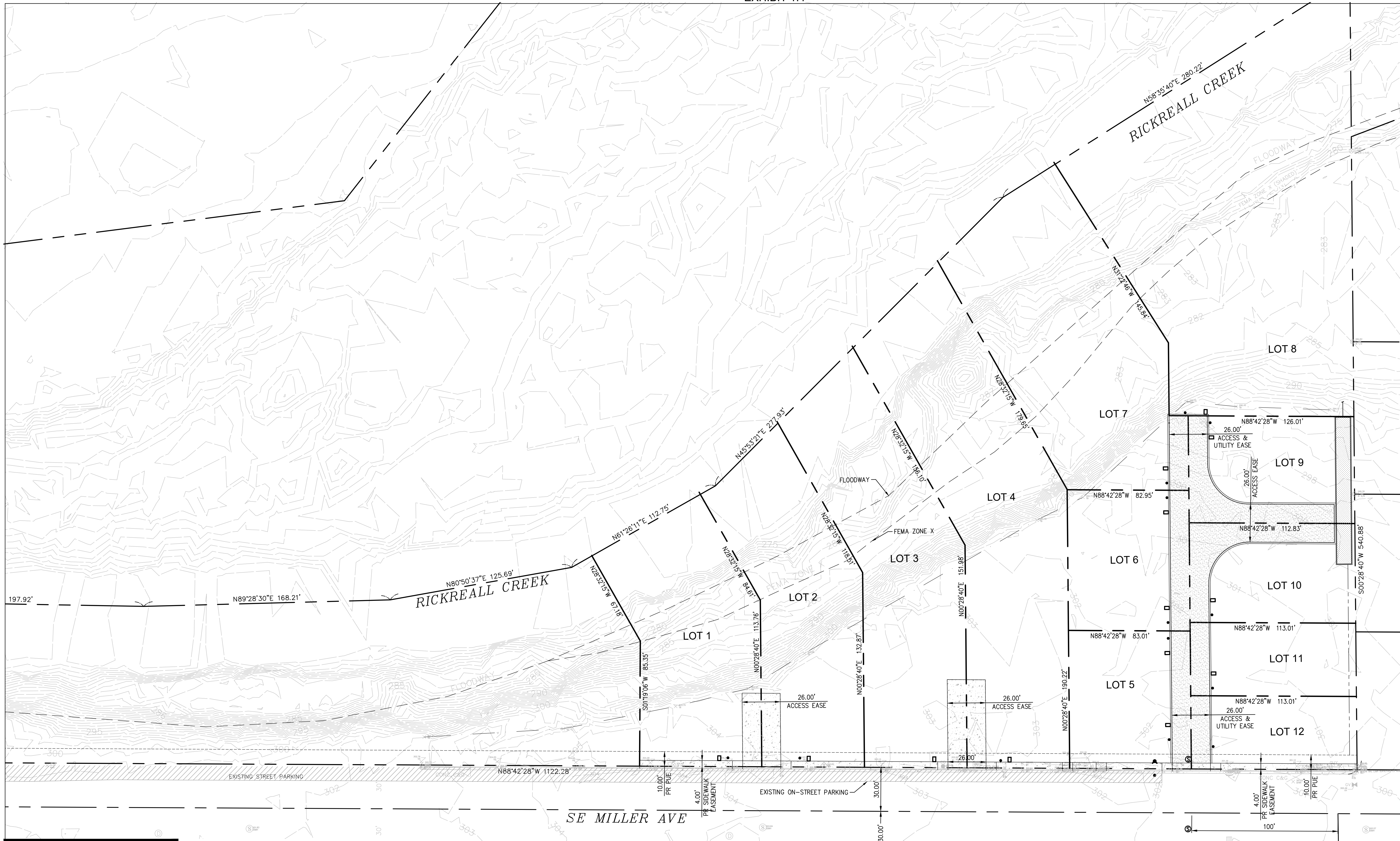
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CC BY: DRAWN BY:

PROJECT NAME:  
**NOBLE BUILT HOMES**  
 PROJECT ADDRESS:  
**1390 SE MILLER AVENUE**  
**DALLAS, OR 97338**

SHEET TITLE:  
**PRELIMINARY WET UTILITY PLAN**

DATE:  
 01/11/2024  
 SHEET NUMBER:  
**3**



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SILVER CREEK, OR. 97381  
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DC BY:                                  DRAWN BY:

PROJECT NAME:  
**NOBLE BUILT HOMES**  
PROJECT ADDRESS:  
**1390 SE MILLER AVENUE**  
**DALLAS, OR 97338**

SHEET TITLE:  
**PRELIMINARY PLAT PLAN**

DATE: 01/11/2024                                  SHEET NUMBER:  
**4**

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ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER.  
(NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS 503-232-1987).

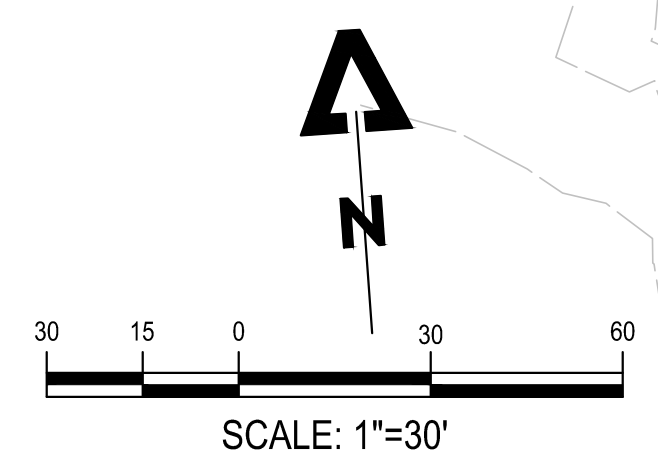
POTENTIAL UNDERGROUND FACILITY OWNERS  
**Dig Safely.**  
Call the Oregon One-Call Center  
**DIAL 811 or 1-800-332-2344**

**ENGINEER'S NOTICE TO CONTRACTOR:**

THE EXISTENCE AND LOCATION OF ANY UNDERGROUND UTILITIES OR STRUCTURES SHOWN IN THESE PLANS ARE OBTAINED BY A SEARCH OF AVAILABLE RECORDS, AND TO THE BEST OF OUR KNOWLEDGE, THERE ARE NOT EXISTING UTILITIES EXCEPT THOSE SHOWN ON THESE PLANS. THE CONTRACTOR IS REQUIRED TO TAKE ALL PRECAUTIONARY MEASURES TO PROTECT THE UTILITIES SHOWN, AND ANY OTHER LINES OR STRUCTURES NOT SHOWN ON THESE PLANS, AND IS RESPONSIBLE FOR THE PROTECTION OF ANY DAMAGE TO THESE LINES OR STRUCTURES.

CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION FOR THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENTS SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY, AND HOLD HARMLESS THE CITY, ITS EMPLOYEES, AND AGENTS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT.

THE CONTRACTOR SHALL BE RESPONSIBLE TO REPORT DISCREPANCIES IN PLANS AND/OR FIELD CONDITIONS IMMEDIATELY TO THE DESIGN ENGINEER FOR RESOLUTION PRIOR TO CONSTRUCTION, AND SHALL BE RESPONSIBLE FOR DISCREPANCIES NOT SO REPORTED AND RESOLVED.





# Subdivision Application Dallas Planning Department Type III Review

**Official Use Only:**  
 File No.: SUB 23-03  
 Date: 12/13/2023  
 Fee: \$3,600  PAID

A SUBDIVISION means to divide land into four (4) or more lots in a calendar year. Lots created through the subdivision process shall meet the requirements for land divisions found in Dallas Development Code (DDC) Chapter 4.3. Each lot shall satisfy the dimensional standards of the applicable land use district, unless a variance from these standards is approved. In addition, adequate public facilities shall be available to serve the existing and newly created lots. A pre-application conference is required before application may be 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): 7 OAKS ENGINEERING-KIM JOHNSON  
 Mailing Address: 345 WESTFIELD ST. #107, SILVERTON OR 97381  
 Email: KIM@7OAKSENGINEERING.COM Phone Number: 503.308.8554 Cell Number: \_\_\_\_\_

## Section 2 – Property Owner Information

Property Owner(s): NOBLE BUILT HOMES, LLC  
 Mailing Address: PO BOX 800, SILVERTON OR 97381  
 Email: VONFLUELAW@HOTMAIL.COM Phone Number: 503.932.7698 Cell Number: \_\_\_\_\_

## Section 3 – Project Description

Please describe your project:  
12- LOT SUBDIVISION AT 1390 SE MILLER AVENUE, INCLUDING A PRIVATE ACCESS DRIVE. A PORTION OF THE WEST LOT WILL REMAIN UNDEVELOPED  
 \_\_\_\_\_  
 Site Address: 1390 SE MILLER AVE-DALLAS OR Total Land Area: 5.76 AC  
 Assessor Map/Taxlot No. 163666 Zoning: RESIDENTIAL LOW DENSITY  
 Present Use of Property: SFR

## Section 4 – Application Submittal Information

Submit one electronic copy (PDF format preferred) and one paper copy of the following information:

- Completed application form.
- Required fee.
- Deed of the property, including any restrictions or prior improvement agreements.
- Preliminary Plat (see Preliminary Plat Information Checklist)
- Narrative that addresses the relevant criteria in sufficient detail for review and decision-making (see Section 7 below).
- Traffic Impact Analysis, (if required). N/A
- Public Facilities and Services Impact Study. N/A

## EXHIBIT 2.2

### Preliminary Plat Information Checklist

#### General Information:

- Name of subdivision (may not duplicate the name of another subdivision in Polk County);
- Date, north arrow, and scale of drawing;
- Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site;
- A title block including the names, addresses, and telephone numbers of the owners of the subject property and, as applicable, the designer, and engineer and surveyor if any, and the date of the survey if submitted.

#### Site Analysis:

- Streets: Location, name, present width of all streets, alleys and rights-of-way on and abutting the site;
- Easements: Width, location and purpose of all existing easements of record on and abutting the site;
- Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;
- Ground elevations shown by contour lines at 2-foot vertical interval, except where the City Engineer determines that larger intervals are adequate; i.e., for steep slopes. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor;
- The location and elevation of the closest benchmark(s) within or adjacent to the site;
- Potential natural hazard areas, including any areas identified as subject to a flood hazard as identified on FEMA Flood Insurance Rate Maps or as otherwise determined through site specific survey, areas subject to high water table, and areas designated by the City, County, or State as having a potential for geologic hazards;
- Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection;
- Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
- Designated historic and cultural resources on the site and adjacent parcels or lots;
- The location, size and species of trees having a caliper (diameter) of 6 inches or greater at 4 feet above grade; and
- Other information, as deemed necessary by the City Planning Official for review of the application.

#### Proposed Improvements:

- Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
- Easements: location, width and purpose of all proposed easements;
- Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts;
- Proposed uses of the property, including all areas proposed to be dedicated to the public or preserved as open space for the purpose of surface water management, recreation, or other use;
- Proposed improvements, as required by Article 3 (Design Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);
- Preliminary location of development showing those future buildings can meet siting and dimensional standards of the district.
- Proposed source of domestic water;
- Proposed method of sewage disposal;
- Proposed method of surface water drainage and treatment if required;
- The approximate location and identity of other utilities, including the locations of street lighting

## EXHIBIT 2.3

fixtures;

- N/A  Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with the affected railroad and the Oregon Department of Transportation Rail Division regarding proposed railroad crossing(s);
- N/A  Changes to navigable streams, or other watercourses. Status of public access to these areas shall be shown on the preliminary plat, as applicable;
- N/A  Written evidence of initiation of a FEMA flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain;
- N/A  Evidence of contact with the road authority for any development requiring access to its facility; and
- N/A  Evidence of notice to applicable natural resource regulatory agencies for any development within or adjacent to wetlands, river, streams or other regulated water bodies.

### 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)

Property Owner's Signature:  Owen Van, for NBA, LLC Date: 12-12-2023

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### APPLICANT(S)

Applicant's Signature:  Kimberly Johnson Date: 12/11/2023

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### Section 6 – Application Review Process

Subdivisions are approved by means of a preliminary plat evaluation and a final plat evaluation. The preliminary plat is reviewed in accordance with the Type III land use review procedures found in DDC 4.1.040 before the final plat can be submitted for approval consideration. The final plat must include all conditions of approval of the preliminary plat. The City may attach conditions to the preliminary plat decision that are necessary to carry out the provisions of the Development Code, and other applicable ordinances and regulations.

When a preliminary plat subdivision application is submitted, the City will notify the applicant in writing within 30 days as to whether the application is complete or what information is required to make the application complete. Once a complete application is submitted, the City will schedule a public hearing before the Planning Commission and provided written notification of the hearing to abutting properties located within 100 feet of the property. A staff report and recommendation for the application will be available approximately one (1) week prior to the public hearing. Upon holding a public hearing, the Planning Commission will issue a decision on the application. The Planning Commission's decision may be appealed to the City Council within ten (10) days of the mailed decision.

Upon receiving preliminary plat approval, the final plat must be recorded within two (2) years of the preliminary plan approval. If the final plat is not recorded within two (2) years, the preliminary plan approval will lapse. The City Planning Official may, upon written request by the applicant, grant one (1) written extension of the approval period not to exceed one (1) year provided the request is made before expiration of the original approved plan, and the extension meets the approval criteria found in DDC 4.3.050.D.



## Section 7 – Application Review Criteria

Approval of a preliminary subdivision plan is based upon whether or not the plan meets the following criteria:

**General Subdivision Approval Criteria.**

1. The proposed preliminary plat complies with the applicable Development Code sections and all other applicable ordinances and regulations. At a minimum, the provisions of Article 4, and the applicable chapters and sections of Article 2 (Land Use Districts) and Article 3 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Article 5;
2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;
4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat; and
5. Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;
6. Evidence that improvements or conditions required by the City, road authority, Polk County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and
7. If any part of the site is located within an Overlay Zone, or previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions.

**Layout and Design of Streets, Blocks and Lots.**

All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:

1. All lots shall comply with the General Development Standards of the applicable land use district (Article 2), and the standards of Section 3.4.010.G.4 Street Connectivity and Formation of
2. Setbacks shall be as required by the applicable land use district (Article 2).
3. Each lot shall conform to the standards of Chapter 3.1 - Access and Circulation.
4. Landscape or other screening may be required to maintain privacy for abutting uses. See Article 2 - Land Use Districts, and Chapter 3.2 - Landscaping.
5. In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See Chapter 3.1- Access and Circulation.
6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement for access and maintenance rights shall be recorded with the approved subdivision or partition plat.
7. All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.

**Housing Variety Standards (For 20 or more lots) DDC 2.2.080.**

Requires new neighborhoods and large subdivisions to contain a variety of housing types. The purpose of the housing variety standards is to support housing at price ranges and rent levels that are commensurate to local incomes, promotes livability by offering housing choices, and contribute to the development of complete neighborhoods, consistent with the Comprehensive Plan. Section 2.2.080 applies to land divisions creating or having the potential to create twenty (20) or more lots on any parcel or contiguous parcels in the RL and RM zones.



**CITY OF DALLAS**

**APPLICATION FOR LAND USE  
SUBDIVISION TYPE 3 REVIEW**

**1390 SE MILLER AVENUE  
MILLER SUBDIVISION**

Location: 1390 SE MILLER AVENUE  
DALLAS, OR.  
TAX LOT 163666

Prepared by: 7 OAKS ENGINEERING, INC  
345 Westfield St. #107  
Silverton, OR. 97381

Prepared for: Noble Built Homes, LLC  
PO Box 800  
Silverton, OR. 97381

Date: December 21, 2023

## EXHIBIT 2.6

### APPLICANT'S STATEMENT

**Project Name:** Miller Subdivision

**Request:** Approval of a 13-lot subdivision

**Property Location:** Tax Lot 16366  
1390 SE Miller Avenue  
Dallas, OR. 97381

**Property Owner:** Noble Built Homes, LLC  
PO Box 800  
Silverton, OR. 97381

**Property Size:** 5.76 Acres

**Zoning:** Residential Low Density

## EXHIBIT 2.7

### **EXECUTIVE SUMMARY**

**7 OAKS ENGINEERING** on behalf of Noble Built Homes, LLC is pleased to submit this application for a 13-lot subdivision to the City of Dallas. The application includes 13-lots, which 1-lot is unbuildable and therefore referenced herein as Lot A, and comprise of approximate 5,200 square feet to 39,300 square feet and intended for the future construction of single-family detached residence.

The application includes the City application forms, written materials, and preliminary plans necessary for City staff to review and determine compliance with the applicable approval criteria. The evidence is substantial and supports the City's approval of the application.

## EXHIBIT 2.8

### **APPLICABLE REGULATIONS** **CITY OF DALLAS- DEVELOPMENT CODE**

#### **1. ARTICLE 2 (LAND USE DISTRICTS)**

- CHAPTER 2.2: RESIDENTIAL DISTRICTS**
- CHAPTER 2.7: FLOOD HAZARD REGULATIONS**
- CHAPTER 2.8: RIPARIAN CORRIDORS AND WETLAND REGULATIONS**

#### **2. ARTICLE 3 (COMMUNITY DESIGN STANDARDS)**

- CHAPTER 3.0: DESIGN STANDARDS ADMINISTRATION**
- CHAPTER 3.1: ACCESS AND CIRCULATION**
- CHAPTER 3.2: LANDSCAPE, STREET TREES, FENCES AND WALLS**
- CHAPTER 3.3: PARKING AND LOADING**
- CHAPTER 3.4: PUBLIC FACILITIES**

Housing Variety Standards do not apply to this development per DDC 2.2.080

# EXHIBIT 2.9

## **FINDINGS**

### **CITY OF DALLAS- DEVELOPMENT CODE**

#### **1. ARTICLE 2 (LAND USE DISTRICTS)**

##### **CHAPTER 2.2: RESIDENTIAL DISTRICTS**

###### **SECTION 2.2.010**

###### **RESIDENTIAL DISTRICTS- ALLOWED LAND USES.**

**Table 2.2.110.A identifies the land uses that are allowed in the residential districts. The specific land use categories are described, and examples of uses are provided in Chapter 1.6 SDC. The Residential Low (RL) district accommodates a residential density of between 4 and 9 dwelling units per net buildable acre under the base development standards of the district.**

###### **COMMENT:**

The proposed 13-lot subdivision comprised of 5.76 acres, however, 2.18 acres are within the floodway and considered unbuildable. Of that 5.76 acres, 3.58 acres are considered buildable. Furthermore, the property to the west is unbuildable given the distance between the floodway and the public right of way. Excluding the western portion of the lot from the buildable area, leaves approximately 3.16 acres of buildable land. Therefore, the 13-lot subdivision is in conformance with the 4 to 9 dwelling units per net buildable acre. Although this application does not include the request to construct homes on the 13-lot residential lots in this subdivision, the applicant intends that these lots will host single-family detached dwellings

###### **SECTION 2.2.030**

###### **GENERAL DEVELOPMENT STANDARDS**

**The development standards in Table 2.2.030, apply to all uses, structures, buildings and development, and major remodels, in residential districts. Table 2.2.030 specifies development standards for acreage residential district.**

###### **COMMENT:**

The proposed development will not deviate from the general development standards, as shown with the preliminary documents and plat provided.

## EXHIBIT 2.10

### SECTION 2.2.050

### HOUSING DENSITY

**A. Residential Density Standard.** To ensure efficient use of buildable lands and to provide for a range of needed housing in conformance with the comprehensive plan, all new development in the residential districts shall conform to the minimum and maximum densities prescribed in section 2.2.050.

**COMMENT:**

Although this application does not include the request to construct homes on the 13-lot residential lots in this subdivision, the applicant intends that these lots will host single-family detached dwellings. Given the Low Residential (RL) zoning, a minimum of 4 dwelling units with a maximum of 9 dwelling units per acre of buildable land. As mentioned above, we are within this threshold.

### **B. Residential Density Calculation**

**1. Minimum and maximum housing densities are calculated by multiplying the total parcel or lot area by the applicable density range. Properties must be developed within the minimum and maximum range. Some properties may not be capable of accommodating development at maximum densities. Properties that cannot meet maximum density standards may consider transferring density and modifying allowable lot sizes and/or housing types through a planned development process. Typical constraints include street right-of-way requirements, parcel configuration, or the presence of natural features or physical constraints.**

**2. Areas reserved for flag lot access (flag poles) are not counted for the purpose of calculating minimum lot area.**

**3. Housing density calculations resulting in fractions of dwelling units shall be rounded to the nearest whole number.**

**COMMENT:**

Although this application does not include the request to construct homes on the 13-lot residential lots in this subdivision, the applicant intends that these lots will host single-family detached dwellings. Given the Low Residential (RL) zoning, a minimum of 4 dwelling units with a maximum of 9 dwelling units per acre of buildable land. As mentioned above, we are within this threshold.

### SECTION 2.2.060

### LOT COVERAGE AND IMPERVIOUS SURFACE

**The maximum allowable lot coverage shall be as provided in Table 2.2.030. The purpose of the lot coverage standard is to provide flexibility in development design while encouraging developments that minimize stormwater runoff and incorporate water quality treatment. Therefore, lot coverage is calculated as the percentage of a lot or parcel covered by impervious surfaces (e.g., asphalt, concrete, and similar non-porous paving). It does not include areas that function as water quality treatment facilities and those allowing infiltration of treated surface water; such exempt areas may include**

## EXHIBIT 2.11

**porous paving systems, swales, landscape areas and other water quality treatment facilities conforming to City standards and as approved by the Public Works Director.**

### **COMMENT:**

Given the Low Residential (RL) zoning, a maximum lot coverage (impervious surface) is 50%;

- A. Max. Lot Coverage by Impervious Surfaces draining into a public right-of-way or draining off-site.
- B. Areas covered with pervious surfaces (e.g., planted areas, porous paving systems, etc.) and allowing on-site infiltration of stormwater, are not counted toward lot coverage, provided such areas are designed to City standards.
- C. Adjustments are limited to 10% (e.g., up to 55% in RL), except as approved through a Master Plan under Chapter 4.5.

Due to the sites proximity to the creek, the majority of the site will sheet flow directly to the creek. The smaller impervious areas will on the east side of the development will drain to the private access way, however, ultimately outfall to the creek. There will be minimal runoff directed to the public right-of-way. Additionally, a proposed stormwater facility will be in place to capture the runoff from the private access way.

Although this application does not include the request to construct homes on the 13-lot residential lots in this subdivision, the applicant intends to comply with this criteria.

### **SECTION 2.2.070**

### **BUILDING ORIENTATION STANDARDS**

**All dwelling units shall have their primary entrance oriented to a public street sidewalk, as generally illustrated in this Section. Where no adjacent public street sidewalk exists or it is not practical to orient an entrance to a public street due to topographic or other physical site constraints, dwelling entrances may orient to a walkway, courtyard, or common lobby or breezeway (i.e., for multiple family buildings) meeting the standards of Section 3.1.030. Where a site contains multiple buildings and there is insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to common green, open space, plaza, or courtyard (e.g., Cottage Cluster). When oriented in this way, the primary entrance(s) and green, plaza, or courtyard shall be connected to the street, and all primary building entrances shall be connected to one another, by pedestrian walkway(s) meeting the standards in Section 3.1.030. See example in Figure 2.2.070.C(1) “acceptable site plan.”**

**1. Where a proposed development abuts a City-approved alley or shared access drive that has been created for purposes of accessing the subject site, off-street parking for the development shall be accessed primarily from the alley or shared driveway and direct access to abutting streets shall be minimized.**

**2. Off-street parking, driveways, and other vehicle areas shall not be placed between primary building entrances and the street(s) to which they are oriented, except the vehicle areas described in subsections 3-5 below are allowed where the decision making body finds that they will not adversely affect pedestrian safety and convenience:**



## EXHIBIT 2.12

### COMMENT:

Lots 1-4 and 5 will have the building oriented towards the public street sidewalk. Lots 6-13 will orient towards the private access road onsite. Although this application does not include a request to construct homes on the 13 residential lots in this subdivision, the Applicant is aware of the standards of this section. At time of building permit submittal, the City will ensure the applicable standards can be met.

### SECTION 2.2.100

### BUILDING DESIGN STANDARDS

**Section 2.2.100 applies to all new dwelling types, including multi-dwelling buildings, single family house, attached house (townhome), duplexes, and cottage cluster developments. The standards are applied through building plan review for single family house dwellings or duplexes, and Site Design Review and/or Planned Unit Development Review, as applicable, for other building types. In addition, other building design standards may apply for certain types of land use and development, as provided under Section 2.2.120 Special Use Standards. The standards of Section 2.2.100 may be adjusted through the Adjustment (Type II) procedure provided the Adjustment is consistent with the above purpose and the applicant demonstrates that the proposed design meets the intent of the standard for which an Adjustment is sought.**

### COMMENT:

Although this application does not include a request to construct homes on the 13 residential lots in this subdivision, the Applicant is aware of the standards of this section. At time of building permit submittal, the City will ensure the applicable standards can be met.

### SECTION 2.2.110

### BUILDING DESIGN STANDARDS

**Building and structure heights shall conform to the standards in Table 2.2.030A. Additional height may be approved for mixed-use buildings through the Master Planned Development procedure and pursuant to the density bonus provisions of Section 2.2.090 Low-Impact Development.**

### COMMENT:

Although this application does not include a request to construct homes on the 13 residential lots in this subdivision, the Applicant is aware of the standards of this section. At time of building permit submittal, the City will ensure the applicable standards can be met.

### SECTION 2.2.120

### SPECIAL USE STANDARDS

### COMMENT:

This application is not applying for special use standards.

# EXHIBIT 2.13

## CHAPTER 2.7: FLOOD HAZARD REGULATIONS

### SECTION 2.7.050 GENERAL PROVISIONS

In addition to meeting the informational requirements specified in Chapter 4.2, Land Use Review, the required site plan shall indicate the location of the designated floodplain and floodway. Specifically, the following information is required:

- a. Elevation in relation to mean sea level of the lowest floor, including basement, of all structures;
- b. Elevation in relation to mean sea level to which a structure has been flood-proofed;
- c. Certification by a registered professional engineer, surveyor, or architect that the flood-proofing methods for a nonresidential structure meet the flood-proofing criteria in this Chapter; and
- d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

#### COMMENT:

A portion is located within a Floodway, as the northern half of the property is located within Rickreall Creek. However, all new development, including the future homes, will be constructed outside of the Floodway. The limits of the floodway are shown on the preliminary plans provided. There will be no alteration to the watercourse as a result of this development.

## CHAPTER 2.8: RIPARIAN CORRIDORS AND WETLANDS REGULATIONS

### SECTION 2.8.050 RIPARIAN CORRIDOR REVIEW

All applications for projects within or adjacent to a riparian or wetland area, including siting of individual homes, grading, and land divisions, shall indicate the precise location of sloughs, creeks, wetlands and the riparian corridor on preliminary plans. The Development Official may require a hydrological study, fish and wildlife habitat study, native vegetation study, geotechnical study, or similar studies, if deemed necessary to protect the functions and values of the riparian corridor, especially if a variance is proposed.

In order to maintain and improve water quality and vegetative cover within riparian corridors, development shall not occur within ten feet of the top of the stream bank or associated wetland area, except as authorized by this Chapter.

**A. Delineation Required.** All applications for projects within or adjacent to a riparian corridor, including siting of individual homes, grading, and land divisions, shall indicate the precise location of

## EXHIBIT 2.14

sloughs, creeks, wetlands and the riparian buffer zone on preliminary plans.

**B. Agency Coordination.** The Division of State Lands shall review and approve all stream corridor and wetland delineation maps. If no slough, stream or wetland exists, then the riparian buffer zone shall not apply at that location.

**C. Riparian Corridor.** Native vegetation, trees and shrubs within the riparian corridor shall be maintained. If disturbed, the developer or property owner shall be responsible for preparing and implementing a restoration plan acceptable to the City. The width of the riparian corridor may be varied in consideration of the actual location of riparian vegetation, provided that the average width of the riparian corridor is not reduced below ten feet from the top of stream bank.

**D. Permitted Uses.**

1. Trails, public utilities and passive recreation areas may be located within the riparian corridor area.
2. Streets may be located in the riparian corridor area if there is no other reasonable alternative.
3. Other buildings and structures are not permitted

**COMMENT:**

The top of bank is indicated on the preliminary plans at the northern half of the site. Lots 7 and 8 are requesting a variance for the construction of the future single family homes within the top of bank.

# EXHIBIT 2.15

## 2. ARTICLE 3 (COMMUNITY DESIGN STANDARDS)

### CHAPTER 3.0: DESIGN STANDARDS ADMINISTRATION

#### SECTION 3.0.020 DESIGN STANDARDS-APPLICABILITY

Projects requiring Site Design Review (Chapter 4.2), Land Division (Chapter 4.3), Master Planned Development (Chapter 4.5), amendment to the Comprehensive Plan or Zoning Map (Chapter 4.7), or other major land use approval must comply with the Development Code, including but not limited to the following:

1. Access and Circulation (Chapter 3.1)
2. Landscaping, Street Trees, Fences and Walls (Chapter 3.2)
3. Parking and Loading (Chapter 3.3)
4. Public Facilities (Chapter 3.4)
5. Signs (Chapter 3.6)
6. [Surface Water Management (Chapter 3.7) - Reserved]
7. [Outdoor Lighting (Chapter 3.7) - Reserved]

#### COMMENT:

The proposed 13-lot subdivision is considered a major project given the land division (Chapter 4.3).

### CHAPTER 3.1: ACCESS AND CIRCULATION

#### SECTION 3.1.020 VEHICULAR ACCESS AND CIRCULATION

**C. 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.

#### COMMENT:

The attached preliminary plans indicate the subject site has frontage on SE Miller Avenue and will propose to have 3 shared driveways off SE Miller Avenue. As required, an access permit will be obtained from the City.

**D. 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.

#### COMMENT:

Based on past discussions with the City, this project will generate enough trips to warrant a Traffic Impact Study and therefore is not included in this submittal.

**F. Access Spacing.** Driveway accesses shall be separated from other driveways and street intersections in accordance with table 3.1.020F(2).

## EXHIBIT 2.16

### COMMENT:

SE Miller Avenue is classified as Collector roadway and requires a minimum 50' access spacing. The proposed development satisfies this 50' minimum access spacing to SE Miller Avenue.

**G. 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.**

### COMMENT:

The preliminary plans will demonstrate that the proposed single family lots will not exceed one street access point per lot.

**H. Shared Driveways. The number of driveway 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.**

### COMMENT:

The preliminary plans will demonstrate shared driveways with the adjoining lots to the maximum extent feasible. The shared driveways will have an access easement that will benefit both properties.

**I. 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:  
For shared parking areas;**

- 1. For adjacent developments, where access onto an arterial is limited;**
- 2. For multi-tenant developments, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:**

## EXHIBIT 2.17

- a. 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;
- b. 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;
- c. 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;

### **COMMENT:**

The preliminary plans show the proposed joint access for Lots 5-12.

### **J. 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.

### **COMMENT:**

The preliminary plans show the proposed access easements as required. The proposed development will be in conformance with this code.

### **K. 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:
  - a. 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.
  - b. For two-way access, each lane shall have a minimum width of 9 feet and a maximum width of 12 feet.

## EXHIBIT 2.18

**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.

### COMMENT:

The preliminary plans illustrates that the shared driveways are 26' in width, 13' for each lot. The driveway shall be constructed and in conformance with city code and ADA requirements.

**L. 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.

### COMMENT:

The joint access driveway will comply with the fire codes and provides adequate turnaround.

**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.

### COMMENT:

As required, all utilities within the development will be placed underground and required vertical clearance will be maintained for all driveway, aisles, ramps, and turnaround areas.

**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

## EXHIBIT 2.19

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.

### COMMENT:

The 15-ft. minimum vision clearance area for driveways, and 30-ft. minimum vision clearance at street intersections, will be verified by the City when detailed construction plans are submitted for building permit review. The applicant is not proposing a modification to the above standards.

**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.**

**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.**

**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.)**

### COMMENT:

At this time, the applicant is requesting land use approval of a subdivision application. When building permits are requested for the development, detailed plans will be submitted to demonstrate compliance with the driveway surface, water management, and driveway apron standards.

## SECTION 3.1.020

## PEDESTRIAN ACCESS AND CIRCULATION

**A. Site Layout and Design. To provide safe, direct, and convenient pedestrian circulation, all developments, except single-family and duplex dwellings shall provide a continuous pedestrian system within the development site that connects to the public right-of-way, regardless of whether a public sidewalk currently exists. The pedestrian system shall be based on the standards in subsections 1-4, below:**



## EXHIBIT 2.20

**1. Continuous Walkway System.** The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, if any, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of Section 3.1.020, Vehicular Access and Circulation, and Section 3.4.010, Transportation Standards.

**2. Safe, Direct, and Convenient.** Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:

**Reasonably direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

**Safe and convenient.** Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations. "Primary entrance" is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance, as applicable.

**3. Connections Within Development.** Connections within developments shall be provided as required in subsections a-c, below:

**A.** Walkways shall connect all building entrances to one another to the extent practicable, as generally shown in Figure 3.1.030A(1);

**B.** Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections, as generally shown in Figure 3.1.030A(1); and

**C.** Parking areas containing twenty four (24) or more parking spaces shall be broken up so that parking bays do not exceed twelve (12) contiguous parking spaces without a break. Parking areas may be broken up with landscape areas (per subsection 3.2.030.E), handicap-accessible walkways, plazas, streets, or driveways with street-like features. Street-like features, for the purpose of this section, means a raised sidewalk that is at least four (4) feet wide for residential projects and at least six (6) feet wide in all other projects, with 6-inch raised curbs, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting. See also, "shopping street" provisions in Section 2.2.060.D.

### **COMMENT:**

The preliminary plans identify the location of continuous sidewalk within the public right of way. A continuous sidewalk is not provided to Lots 6-11. The plans demonstrate the sidewalk routes are ADA compliant, free from hazards within the public right of way. No parking lots are provided for the single family homes.

## EXHIBIT 2.21

**B. Walkway Design and Construction.** Walkways, including those provided with access ways through a block, shall conform to all of the standards in subsections 1-4, below, as generally illustrated in Figure 3.1.030B:

**1. Vehicle/Walkway Separation.** Except for crosswalks (subsection 2), where a walkway abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street.

Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or masonry bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.

**2. Crosswalks.** Where a walkway crosses a parking area, driveway, or street ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., light-color concrete or pavers inlaid between asphalt), which may be part of a raised/hump crossing area. The reviewing body may approve painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.

**3. Walkway Width and Surface.** Walkway and accessway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the City Engineer, at least four (4) feet wide in residential projects and at least six (6) feet wide in all other projects. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least 10 feet wide, or as required by the roadway authority or park district, as applicable.

**4. Accessible routes.** Walkways shall comply with applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

**COMMENT:**

The submitted preliminary site plan demonstrates the public walkways will be separated by a 6" raised curb. The plans additionally show a 4' wide sidewalk. The sidewalk grades will be compliant with ADA requirements.

### **CHAPTER 3.2: LANDSCAPING, STREET TREES, FENCES AND WALLS**

#### **SECTION 3.2.020**

#### **LANDSCAPE CONSERVATION**

**B. Significant Vegetation.** "Significant vegetation" means individual trees and shrubs within an Open Space District, any existing or proposed open space area within a development, geological hazard areas, flood plains, and jurisdictional wetlands, as determined by a natural resource agency with jurisdiction, except that protection shall

## EXHIBIT 2.22

not be required for plants listed as non-native, invasive plants by the Oregon State University (OSU) Extension Service, Polk County, or other government agency, where removal of vegetation is necessary to protect the public health, safety or welfare as determined by the City approval body.

**C. Mapping and Protection Required.** Significant vegetation shall be mapped as required by Chapter 4.2, Site Design Review. Significant trees shall be mapped individually and identified by species and diameter or caliper at 4 feet above grade, except where a site contains more than five acres the Community Development Director may require a canopy-level inventory of trees for a preliminary land division application. A “protection” area shall be defined around the edge of all branches (drip-line) of each tree. Drip lines may overlap between trees. The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine construction boundaries, building setbacks, and other protection or mitigation requirements.

**D. Protection Standards.** Significant trees and shrubs identified as meeting the criteria in Section B, above, shall be retained to the extent practicable to minimize the risk of erosion, landslide, and stormwater runoff. Where protection is impracticable because it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district, the City may allow removal of significant vegetation to provide for a reasonable building envelope (area exclusive of required yard setbacks), and areas for access and utilities. Where other areas must be disturbed to provide for construction staging areas, the applicant shall be required to restore such areas after construction with landscaping to prevent erosion and to protect the public health, safety, and welfare. With the owner’s consent, the City may accept a land dedication or become a party to a conservation easement on private property for conservation purposes.

**E. Construction; Erosion and Sediment Control.** An erosion and sediment control plan is required for all new construction. All significant vegetation on a site that is not otherwise designated and approved by the City for removal shall be protected prior to, during, and after construction in accordance with a limit-of-clearing and grading plan approved by the City. The City may limit grading activities and operation of vehicles and heavy equipment in and around significant vegetation areas, streams and other water bodies to prevent erosion, pollution, or landslide hazards. See also, Chapter 2.8 Wetland and Riparian Overlay.

**F. Exemptions.** The protection standards in “D” and “E” shall not apply to:

## EXHIBIT 2.23

**1. Dead or Diseased Vegetation.** Dead or diseased vegetation may be removed from an area containing significant vegetation, as defined by subsection B, provided the burden is on the property owner to demonstrate to the Community Development Director that said vegetation is in fact diseased or dead before it is removed.

**2. Hazardous Vegetation and Other Emergencies.** Significant vegetation may be removed without land use approval pursuant to Article 4 when the vegetation poses an immediate threat to life or safety, or the vegetation must be removed for other reasons of emergency (e.g., fallen over road or power line, blocked drainage way, or similar circumstance), as determined by the City Community Development Director or emergency service provider.

**COMMENT:**

The site has been previously cleared and does not have significant trees within the development area. There are trees located within the bank and floodway that will not be disturbed.

**SECTION 3.2.030**

**LANDSCAPING**

**COMMENT:**

Although this application does not include a request to construct homes on the 13 residential lots in this subdivision, the Applicant is aware of the standards of this section. At time of building permit submittal, the City will ensure the applicable standards can be met.

**SECTION 3.2.040**

**STREET TREES**

Street trees shall be planted for all developments that are subject to Land Division or Site Design Review where landscape park strips exist or are required with the development. Requirements for street tree planting strips are provided in Section 3.4.010, Transportation Standards. Planting of street trees shall generally follow construction of curbs and sidewalks, however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction. The planting and maintenance of street trees shall conform to the following standards and guidelines, Dallas City Code 3.800 to 3.820.

**COMMENT:**

Although this application does not include a request to construct homes on the 13 residential lots in this subdivision, the Applicant is aware of the standards of this section and a landscape plan will be provided with the street improvement plans.

**SECTION 3.2.050**

**FENCES AND WALLS**

**General Requirements.** All fences and walls shall comply with the height limitations of the respective land use district (Article 2) and the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval (e.g., flag lots), approval of a conditional use permit, or site design review approval. When required through

## EXHIBIT 2.24

**one of these types of approvals, no further land use review is required. If not part of a prior land use approval, new fences and walls require Land Use Review (Type I) approval; if greater than seven (7) feet in height, a building permit is also required.**

**COMMENT:**

Although this application does not include a request to construct homes on the 13 residential lots in this subdivision, the Applicant is aware of the standards of this section and will comply with the code when applying for a building permit.

### **CHAPTER 3.3: PARKING AND LOADING**

#### **SECTION 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.**

**COMMENT:**

This development is not located within the CBD district, therefore, no minimum number of off-street parking stalls is required.

#### **SECTION 3.3.040**

#### **BICYCLE PARKING STANDARDS**

**COMMENT:**

This development is single family homes, and although this application does not include the request to construct these homes, the applicant is aware of the bicycle parking standards, although they do not apply to the single family residence.

#### **SECTION 3.3.050**

#### **LOADING AREAS**

**COMMENT:**

## EXHIBIT 2.25

This code is not applicable to this development.

### CHAPTER 3.4: PUBLIC FACILITIES

#### SECTION 3.4.105 TRANSPORTATION STANDARDS

**Development Standards and Criteria.** The following standards are implement the City of Dallas Transportation System Plan of October 2009 as amended. Projects shall be required to meet the current standards in effect at the time an application is filed.

#### COMMENT:

The submitted preliminary plans demonstrate Lots 5-12 will have access through a shared driveway. The proposed shared driveway provides access to the proposed dwellings and includes a turnaround which meets Fire Code standards. Lots 1-4 will have direct frontage on SE Miller Avenue.

#### SECTION 3.4.020 PUBLIC USE AREAS

**Dedication of Public Use Areas.**

**1. Where a proposed open space, park, playground, or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City may require the public dedication or reservation of this area on the final plat for the subdivision, provided that the impact of the development on the City park system is roughly proportionate to the dedication or reservation being made.**

**2. The City may purchase or accept voluntary dedication or reservation of areas within the subdivision that are suitable for the development of parks and other public uses; however, the City is under no obligation to accept such areas offered for dedication or sale.**

**3. Alternatively, the City may impose conditions of approval providing for reservation and ongoing ownership, improvement and maintenance of open space areas (e.g., through Master Plan Development approvals under Chapter 4.5), including payment of property taxes for said property, by a private entity such as a homeowners association.**

#### COMMENT:

The submitted preliminary plans are for single family homes and public use areas are not included in this application.

#### SECTION 3.4.030 SANITARY SEWER AND WATER SERVICE IMPROVEMENTS

**A. Sewers and Water Mains Required.** Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's Sanitary Sewer Master Plan, Water System Master Plan, and the

## EXHIBIT 2.26

applicable engineering requirements. When streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements shall also be stubbed with the streets, except as may be waived by the City Engineer when alternate alignment(s) are provided.

**B. Sewer and Water Plan Approval.** Development permits for sewer and water improvements shall not be issued until the City Engineer has approved all sanitary sewer and water plans in conformance with City standards.

**C. Over-Sizing.** The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, provided that the City may grant the developer credit toward any required system development charge for the same, or the City may authorize other cost-recovery or cost-sharing methods, in conformance with Section 3.4.010D.

**D. Inadequate Facilities.** Development permits may be restricted or rationed by the City where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems.

### **COMMENT:**

The submitted preliminary plans demonstrate a public sewer and water main will be located for Lots 5-12, and will be designed in accordance with the city standards. Individual sewer and water lateral services will be provided off SE Miller Avenue for Lots 1-4.

### **SECTION 3.4.040**

### **STORM DRAINAGE IMPROVEMENTS**

**A. General Provisions.** A development permit may be granted only when adequate provisions for storm water and flood water runoff have been assured (i.e., through plans and assurances approved by the City). See also, Section 3.4.090.

**B. Accommodation of Upstream Drainage.** Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer.

**C. Effect on Downstream Drainage.** The rate of stormwater runoff leaving a development site during and after development (post-development) shall not exceed the rate of stormwater runoff leaving the site before development (pre-development).

**D. Storm Drainage Analysis and Mitigation Required.** The City Engineer may require an applicant for development to provide a storm drainage analysis prepared by a qualified professional engineer registered in the State of Oregon to examine pre- and post-development stormwater runoff conditions and any required

## EXHIBIT 2.27

mitigation consistent with the City of Dallas Stormwater Master Plan. Such analysis, at a minimum, shall quantify pre- and post-development runoff volumes and rates and propose mitigation based on stormwater management best practices, as specified by the City Engineer. Such mitigation shall ensure that post-development runoff rates do not exceed pre-development rates and necessary facilities are provided to protect public health, safety, and welfare. If upon reviewing the applicant's storm drainage analysis, the City Engineer determines that the stormwater runoff resulting from the development will overload any existing and/or proposed drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential adverse impacts.

**E. Over-Sizing.** The City may require as a condition of development approval that any public storm drainage system serving new development be sized to accommodate future development upstream, provided that the City may grant the developer credit toward any required system development charge for the same, or the City may authorize other cost-recovery or cost-sharing methods, in conformance with Section 3.4.010D.

**F. Existing Watercourse.** Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety. See also, Chapter 2.6 Flood Hazard Overlay Zone.

### **COMMENT:**

Due to the sites proximity to the creek, the majority of the site will sheet flow directly to the creek. The smaller impervious areas will on the east side of the development will drain to the private access way, however, ultimately outfall to the creek. There will be minimal runoff directed to the public right-of-way. Additionally, a proposed stormwater facility will be in place to capture the runoff from the private access way. A more detailed stormwater analysis report will be provided as part of the final design.

### **SECTION 3.4.050**

### **UTILITIES**

#### **Underground Utilities.**

**1. Generally.** All new utility lines and service laterals including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The City may require screening and buffering of above ground facilities to protect the public health, safety or welfare through Site Development Review.



## EXHIBIT 2.28

**2. Subdivisions and Master Planned Developments.** The following additional standards apply to all new subdivisions, including those within Master Planned Developments, in order to facilitate underground placement of utilities:

The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic (Chapter 3.1);

The City reserves the right to approve the location of all surface-mounted facilities;

All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and

Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

**B. Exception to Undergrounding Requirement.** An exception to the undergrounding requirement may be granted where existing physical constraints, such as steep topography, natural resource constraints (e.g. geologic conditions, rivers and streams), or existing development conditions make underground placement impractical.

**COMMENT:**

All proposed utilities will be undergrounded and will not obstruct vision clearance areas for vehicular traffic.

**SECTION 3.4.060**

**EASEMENTS**

**A. Provision.** The developer or applicant shall make arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be determined by the City Engineer.

**B. Recordation.** As determined by the City Engineer, all easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be recorded with the final plat. See Chapter 4.2, Site Design Review, and Chapter 4.3, Land Divisions.

**COMMENT:**

All proposed public utilities will provide easements, per the preliminary plans provided.



# Variance Application Dallas Planning Department Development Code Class B, Type III Review

A Class B, Type III Variance is a discretionary review conducted by the Planning Commission with a public hearing. A variance is a request to modify development standards that are not otherwise permitted elsewhere in the Dallas Development Code as exceptions to code standards. The variance procedure provides flexibility to recognize varied geographic and other complexities of land development, while maintaining the purpose and intent of the Development Code. The variance procedures provide relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with other codes. A pre-application conference is required before an application is submitted. To request a Class B Variance, please return this 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): Noble Built Homes, LLC  
Mailing Address: P.O. Box 571, Silverton, Oregon 97381  
Email: vonfluelaw@hotmail.com Phone Number: 503-932-7698

## Section 2 – Property Owner Information (If not applicant)

Property Owner(s): Applicant  
Mailing Address: \_\_\_\_\_  
Email: \_\_\_\_\_ Phone Number: \_\_\_\_\_ Cell Number: \_\_\_\_\_

## Section 3 – Project Description

Please describe your project: 12-Lot Subdivision at 1390 SE Miller, Avenue.  
Site Address: 1390 SE Miller Ave. Total Land Area: 5.73 Acres +/-  
Assessor Map/Taxlot No. 16366 Zoning: Residential Low Density  
Present Use of Property: Single Family Residential

## Section 4 – Application Submittal Information

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

- Application Form.
- Application Fee.
- Property Deed and all existing and proposed restrictions or covenants, including those for access control. *See Court-Order Subdivision Packet*
- Narrative that addresses the relevant criteria in sufficient detail for review and decision-making (see Section 6, page 3).
- 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.

- Proposed Site Plan.** The site plan shall contain the following information:
  - The proposed development site, including boundaries, dimensions, and gross area;
  - Features identified on the existing site analysis maps 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;
  - Locations, sizes, and types of signs
- Architectural drawings.** Architectural drawings 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.** Where a landscape plan is required, it shall show 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.
- 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 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)**

Property Owner's Signature:  Date: 1-26-2024

Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**APPLICANT(S)**

Applicant's Signature:  Date: 1-26-2024

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Section 6 – Application Review Criteria**

**Approval Criteria.** A Class B Variance may be approved only upon finding it meets all of the following criteria:

1. The variance is necessary because the subject Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses.
2. The variance is the minimum necessary to address the special or unique physical circumstances referenced in subsection 5.1.040B (1).
3. The variance conforms to the provisions of subsections 5.1.040C through 5.1.040G, as applicable.
4. The variance does not conflict with other applicable City policies or other applicable regulations.
5. The variance will result in no foreseeable harm to adjacent property owners or the public.

The City decision making body may, in approving the application may impose reasonable conditions of approval, consistent with the applicable criteria.

*Note: Compliance with other City codes and requirements, though not applicable land use criteria, may be required prior to issuance of building permits.*

## EXHIBIT 3.4

### **Applicant's Narrative**

The Applicant hereby seeks a variance to Dallas Development Code 4.3.040B6, which provides in relevant part that a dead end driveway “may serve as the only means of access for no more than four (4) dwelling units[.]” This variance application is sought concurrently with the applicant's subdivision application, which includes a private drive intended to serve as the only access for 5 dwelling units. It is important to understand that under DDC 4.3.040B6, dwelling units that have frontage onto a public street do not count toward the limit. As shown on the preliminary plat, proposed Lots 5, 8 and 12 all have frontage onto Miller Street and therefore are not counted against the maximum limit. Note that Lot 8 will own the driveway all the way to Miller and therefore has Miller Street frontage.

DDC Chapter 5.1010 Variances – Purpose states in relevant part “that variances are modifications to development standards that are not otherwise permitted \* \* \*.” Variances are an important planning tool that should be construed liberally according to standards in order to provide common sense flexibility for reasonable development solutions. DDC 5.1010 provides:

“This Code cannot provide standards to fit every potential development situation. The City's varied geography and the complexities of land development require flexibility. Chapter 5.1 provides that flexibility while maintaining the purpose and intent of the Code. The variance procedures provide relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with all other codes. *The variance procedures provide flexibility while ensuring that the resulting development is consistent with Code's intent.*” (italics supplied.)

Section 5.1.040 sets forth the variance review standards, which are addressed as follows:

**1. Approval Criteria.** A Class B Variance may be approved only upon finding it meets all of the following criteria:

**Criteria 1.** The variance is necessary because the subject Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses.

**Response:** The subject site is quite unique and although it is relatively large at 5.7 acres +/-, it is an infill project being surrounded on all sides by fully developed property. The site is further complicated by its odd triangular shape bounded on its longest line by the Rickreall river and bisected by a nearly vertical ridgeline that creates a physical barrier to development below. These features combine to leave less than 2-acres of land available for development and more importantly to the variance requested, these features prevent alternative designs that would connect the property to through streets. Also relevant to this 1<sup>st</sup> criteria is the benefit of limiting the number of driveway access onto Miller, which is the only public roadway available and is classified as a Collector roadway.

**Criteria 2.** The variance is the minimum necessary to address the special or unique physical circumstances referenced in subsection 5.1.040B(1).

## EXHIBIT 3.5

**Response:** The response to the 2<sup>nd</sup> criterion is relatively self-evident. The applicant is seeking to exceed the limit of 4 by only 1, which is the minimum number of additional driveways that could be sought. Therefore, the requested variance is definitionally the minimum.

**Criteria 3.** The variance conforms to the provisions of subsections 5.1.040C through 5.1.040G, as applicable.

**Response:** The provisions raised in Criteria 3 are not applicable.

**Criteria 4.** The variance does not conflict with other applicable City policies or other applicable regulations.

**Response:** Criteria 4 relates directly to the final statement in section 5.1.010 Purpose, which states “The variance procedures provide flexibility while ensuring that the resulting development is consistent with Code’s intent.” Obviously, the intent of the Code would be violated if the variance conflicted with other portions of the Code or policy.

The variance request is a deviation from the limitation to number of dwelling units allowed access via a shared drive found in DDC 4.3.040B6. The applicant spent significant time trying to discern the intent of the of the limitation and why the limit number is 4. Unfortunately, the applicant was not able to discern the intended purpose of this limitation. Indeed, the City Planner wasn’t able to provide the applicant with any insight into the purpose. There are no other applicable codes in conflict with the variance and to the contrary, the proposed shared drive will be in harmony with provisions that seek to minimize access points on collector streets.

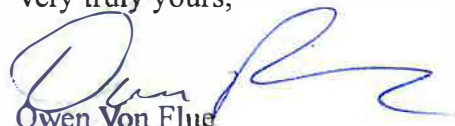
Speculatively, which is partially based on conversations during the preapplication conference, the limitation is primarily, if not entirely concerned with ensuring adequate fire protection. Notably, other residential uses, multi-family and manufactured home parks, are allowed under the Code to use a single shared access for many more dwelling units than allowed here. The applicant’s design provides for a 26’ wide easement that will be paved and signed to meet or exceed all fire department standards, including an approved turnaround due to length exceeding 150’.

**Criteria 5.** The variance will result in no foreseeable harm to adjacent property owners or the public.

**Response:** It is hard to imagine that allowing this variance will harm any adjacent property owner or the public. Rather, the variance will help the public (future homeowners) by allowing a more efficient, attractive and desirable layout of the subdivision and it will reduce the number of access points onto Miller.

For all these reasons, the applicant requests the variance be granted. Thank you for your consideration of this matter.

Very truly yours,

  
Owen Von Flue

# EXHIBIT 4.1

## DEVELOPMENT REVIEW TECHNICAL NOTES

**Department:** Fire  
**Person Commenting:** Troy Crofton  
**File Number:** VAR-23-03  
**Date:** February 2, 2024

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### **Water Supply**

A new fire hydrant will have to be added on the north side of SE Miller Avenue at the corner of the shared driveway, in order to have all sides of every house within 400 rectilinear feet of the hydrant.

### **Addressing**

All building addresses need to be posted in view of the public way, with numbers at least 4 inches in height, and be of contrasting color. Shared driveways with 5 or more residences must be a named street; such street can be private.

### **Access**

The shared driveway needs to be a minimum of 20 feet wide, with no parking on both sides of the road. Driveways which are 26 feet wide can have parking on one side. Driveways which are 32 feet wide may have parking on both sides.

Where no parking is permitted "No Parking Fire Lane" signs need to be posted and curb painted red. If the shared driveway is over 150 feet an approved fire apparatus turnaround needs to be provided.

**CITY OF DALLAS**  
**NOTICE OF PUBLIC HEARING**

***Subdivision #SUB-23-03 -- Variance #VAR-24-03***

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**PROPERTY LOCATION:** 1390 SE Miller Avenue

**APPLICANT:** 7 Oaks Engineering and Noble Built Homes

**NATURE OF REQUEST:** Develop a 12-lot residential subdivision, with variance to the number of lots allowed on a shared driveway.

**APPROVAL CRITERIA:** DDC Chapter 4.3 – Land Divisions

**HEARING DATE / TIME:** 7:00 p.m. Tuesday, February 13, 2024

**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](http://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

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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 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](http://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: January 26, 2024

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**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:** February 6, 2023  
**Report Date:** February 13, 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 reaffirm their recommendation that the City Council approve the request

Planning Commission made supportive recommendation at their December 2023 meeting, but this was based on out-of-date comprehensive plan policies, so this matter is being re-heard with current policies.

## **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. 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. The proposed comprehensive plan amendment and zone change would contribute to fulfilling the continued deficit.

**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 contains several policies applicable to the subject request. Below are the policies found in Chapter 2, 3, and 7 that staff finds relevant to the request and with staff's findings.

**Comprehensive Plan Chapter 2 – A Sustainable Dallas Economy**

*Policy 2.1.3 – Provide for an adequate supply of industrial land to accommodate the types and amount of economic development and industrial growth anticipated in the future, as described in the city's most recent Economic Opportunities Analysis. The supply of industrial land should provide a range of site sizes and locations to accommodate the market needs of a variety of industrial employment uses.*

The change to residential would reduce the supply of properties for employment use. However, the Economic Opportunities Analysis found a surplus of 168 acres of industrial land over the next 20 years, so there would still be ample land supply in a variety of sizes and locations.

*Policy 2.1.4 – Provide for an adequate short-term supply of suitable industrial land to respond to economic development opportunities as they arise. "Short-term supply" means suitable land that is ready for construction usually within one year of an application for a building permit or request for service extension.*

While the city's 20-year supply of industrial land demonstrates a surplus compared to the 20-year demand, large portions of that supply are not ready for construction within one year of an application for a building permit. This site is suitable for development and should be considered a part of the "short-term supply" of industrial land. The application to rezone the site from industrial to medium density residential would reduce the city's inventory of "short-term supply" of suitable industrial land to respond to economic opportunities as they arise.

*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, and does not have any previous investment in industrial-serving infrastructure. The site currently does not have direct access to a highway or major arterial, however a major arterial is planned to run along the east side of the subject site. The site is surrounded on three sides by other properties that are planned Industrial. Staff conclude that the site has some, but not all, of the characteristics to be considered prime industrial.

*Policy 2.3.2 – Land planned or zoned for Industrial shall be located along existing or planned streets identified as Arterial or Collector according to the Dallas Transportation Systems Plan.*

The property proposed for rezoning is located along the route of the planned future extension of SE Fir Villa Road, a Collector street as designated in the Dallas TSP.

### **Comprehensive Plan Chapter 3 – Livable Residential Neighborhoods:**

*Policy 3.1.1 – 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.*

The property is located within 1.5 miles of the Central Business District.

*Policy 3.1.4 – 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.*

The proposed rezoning would allow for less dense attached middle family dwellings. The property is located along the route of the planned future extension of SE Fir Villa Road, a Collector street, and is within a quarter mile of industrially-zoned employment areas as required by this policy.

*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 forms 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, in balance, 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**

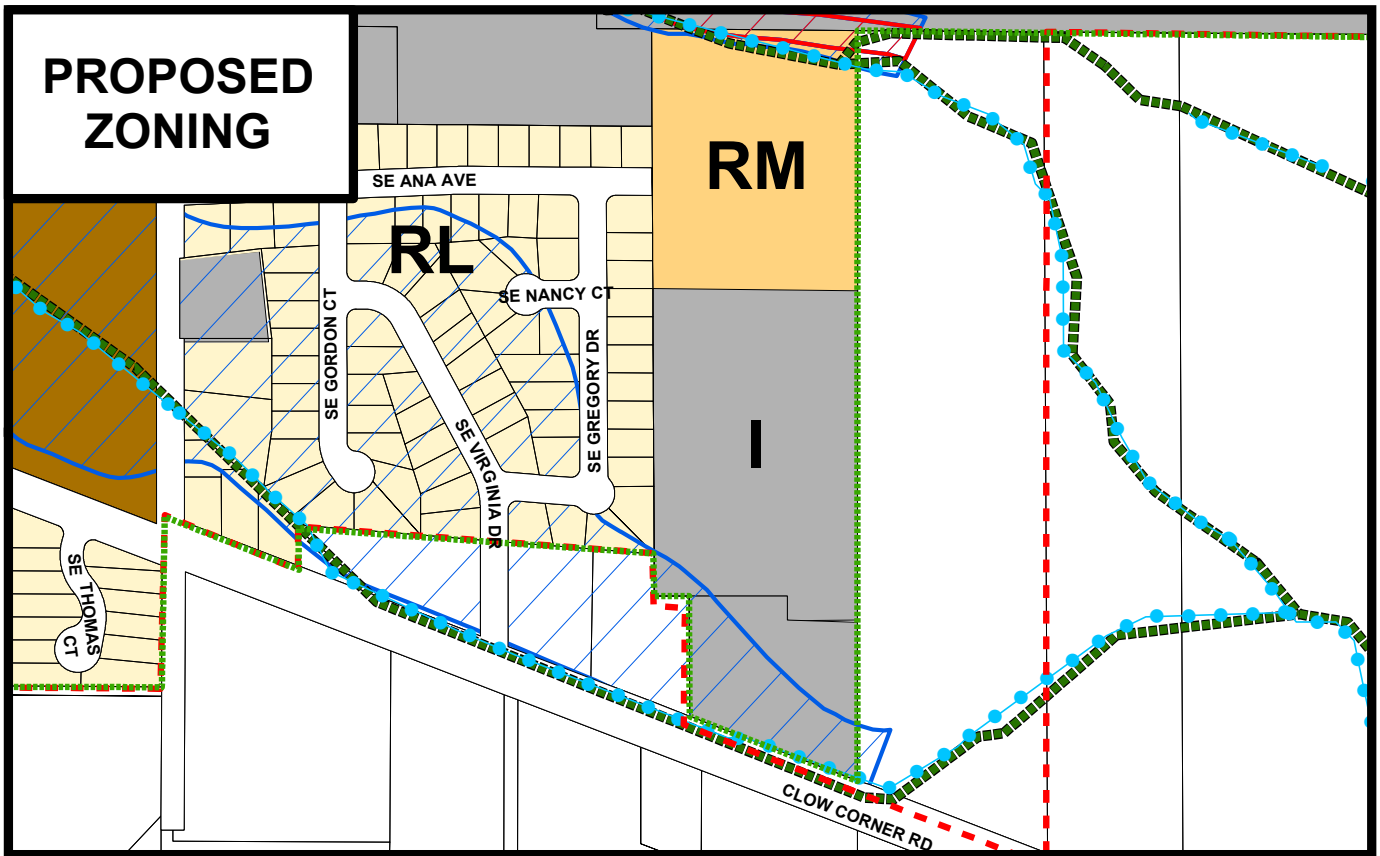
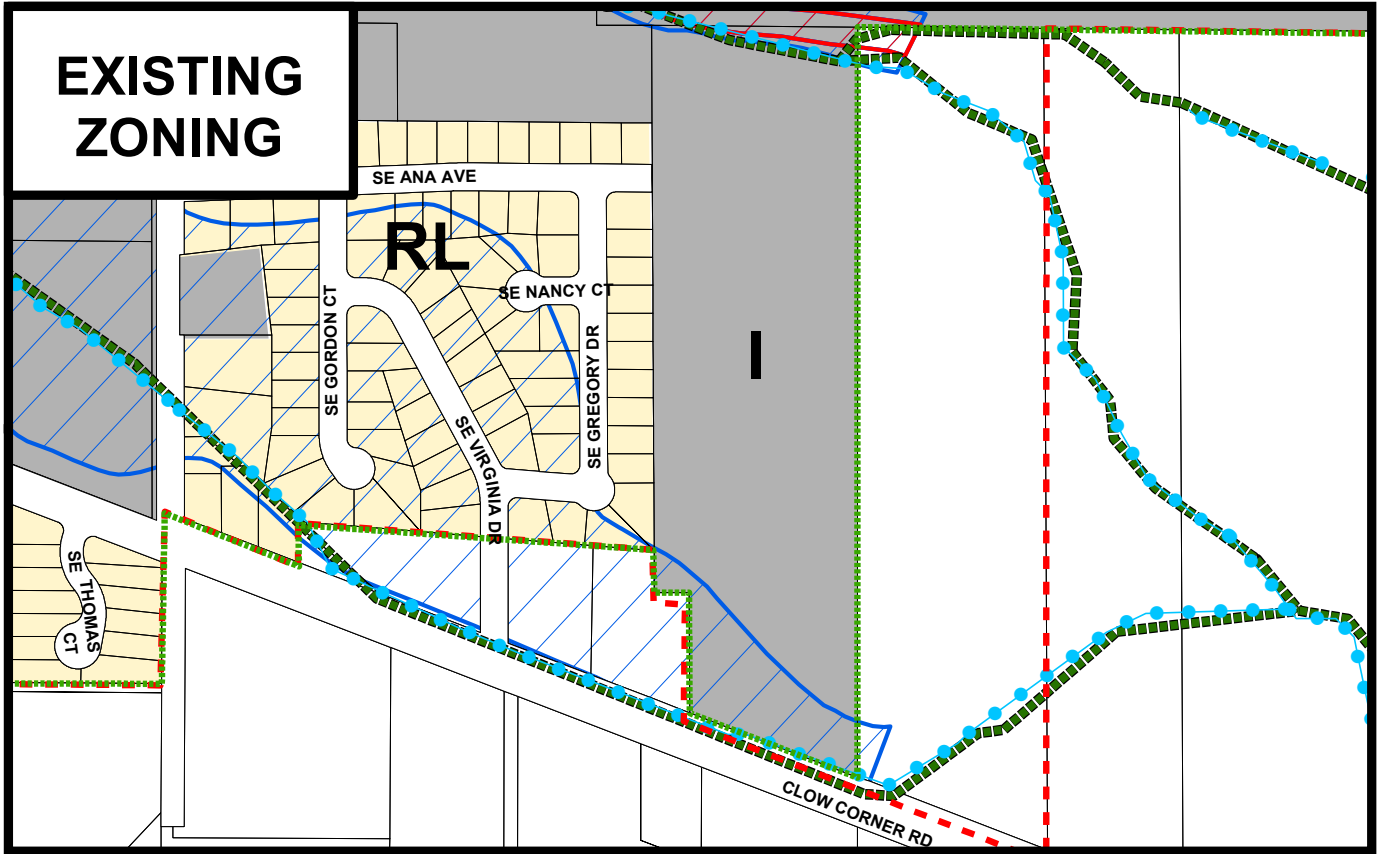
Staff recommends that the Comprehensive Plan Amendment, and Zone Change applications be approved.

**RECOMMENDED MOTION:**

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

**EXHIBITS:**

1. Zone Change Map by City Staff
2. Notice of Public Hearing
3. Applicant’s Written Narrative
4. Written Testimony



**CITY OF DALLAS**  
**NOTICE OF PUBLIC HEARING**

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

***This matter has been referred back to the Planning Commission  
to correct an error in the supporting documentation***

**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, February 13, 2024

**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](http://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](http://www.dallasor.gov/meetings) or in person at Dallas City Hall. Upon request, copies will be made at reasonable cost.

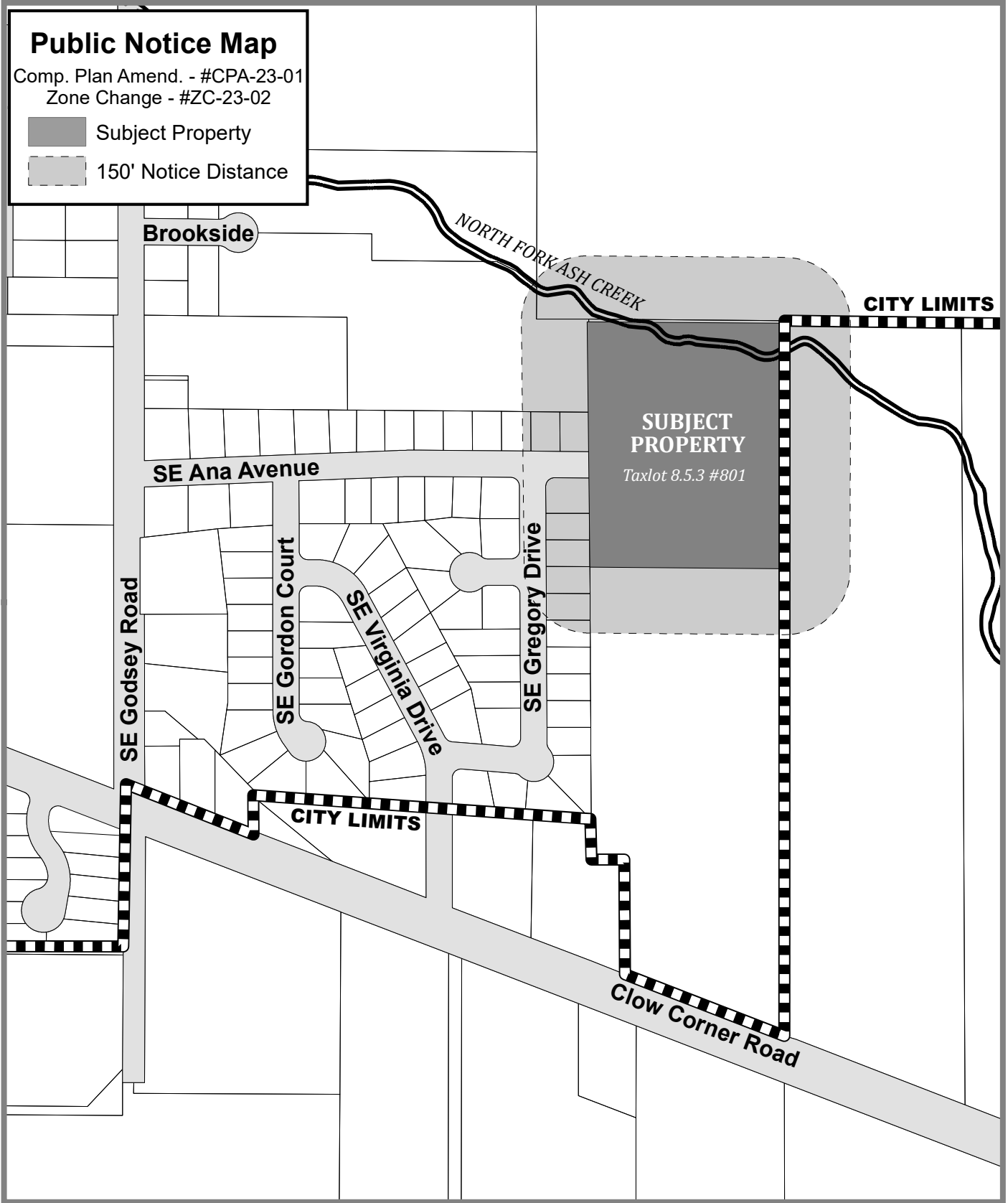
Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.

Dated: January 24, 2024

**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.







# 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

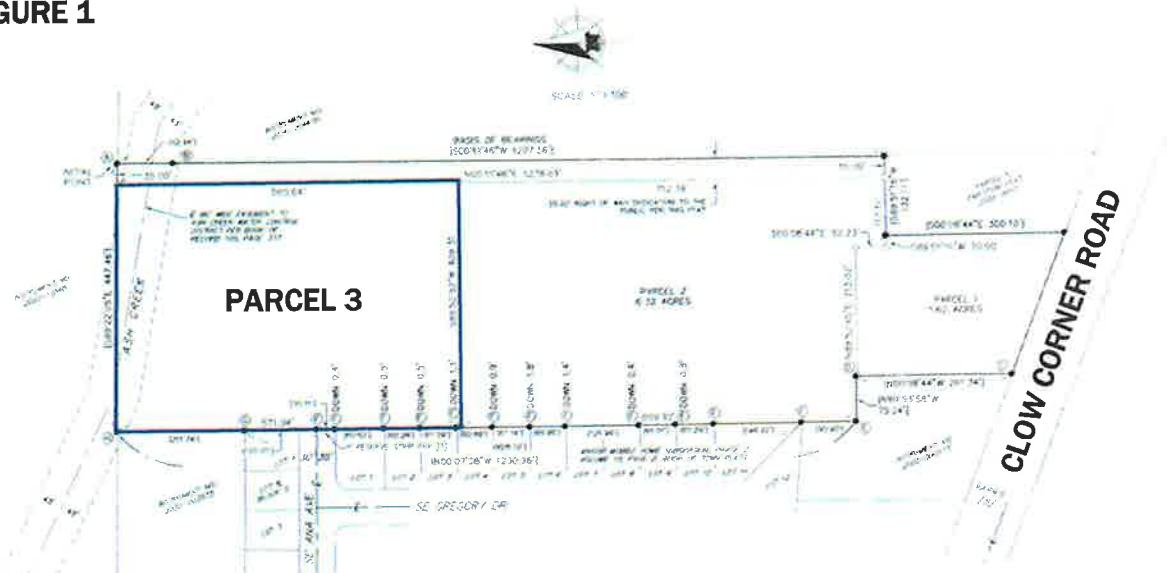
**FROM:** Ken Perkins

**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**

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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**

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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**

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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 data<sup>1</sup>) 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.<sup>2</sup> 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.<sup>3</sup>

### **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.

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

<sup>2</sup> 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.

<sup>3</sup> 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**

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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.

RECEIVED  
JAN 10 2024

To Whom it May Concern:

The purpose of this letter is to express our support for the rezone of 5.36 acres (Parcel 3 of Partition Plat 2023-0010) from Industrial to Residential Medium (RM) Density. As homeowners/neighbors with investments in nearby property, we feel that our property value and neighborhood will be positively impacted by the zone change.

We have several reasons that we support the proposed change:

1. We have met with the developer, Ken Perkins, at a well-attended neighborhood meeting, and feel like he will develop the site in a way that respects our interests, including potentially incorporating a local park that will serve our neighborhood.
2. We would prefer homes with residents instead of industrial buildings and uses as neighbors. We believe that industrial uses may generate noise and emissions that may be incompatible with our peaceful low-density residential neighborhood.
3. We would prefer local residential traffic along SE Ana Avenue and SE Gregory Drive instead of industrial truck traffic. SE Ana Avenue is a local residential street, and having the road serve as access to the property will generate a significant amount of traffic, including trucks, on our local residential street.

Please consider this letter as my show of support for the rezone of Parcel 3 of Partition Plat 2023-0010 from Industrial to Residential Medium (RM) Density.

Sincerely,

Judith A BAKER  
Name

Judith A. Baker  
Signature

1-6-24  
Date

RECEIVED  
JAN 10 2024

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Sincerely,

Nelda Carroll - Allegar  
Name

Nelda S. Carroll - Allegar  
Signature

1930 SE Virginia Dr, Dallas 97338

January 8, 2024  
Date

RECEIVED  
JAN 8 2024

To Whom it May Concern:

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Sincerely,

Nancy C Tidwell  
Name

Nancy C Tidwell  
Signature

12-31-2023  
Date

RECEIVED  
JAN 8 2024

RECEIVED  
JAN 8 2024

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Sincerely,

Travis J Slack

Name

[Handwritten Signature]

Signature

12/29/23

Date

(1997 SE Virginia Dr)

as a homeowner in the existing neighborhood I would rather see a park go up instead of industrial businesses but overall I would like to see nothing built on the property.

RECEIVED  
JAN 8 2024

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Sincerely,

NUMN

Kesey Nun  
Name

Kesey Nun  
Signature

1-3-24  
Date

1515 S. E. Ana Ave  
Dallas, TX 75238

RECEIVED

JAN 4 2024

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Sincerely,

Connie Morris - 1860 SE Gregory Dr

Name

Connie Morris

Signature

1-2-2024

Date

Please be considerate of our quiet residential neighborhood. I am sure you all value a quiet place for your families to grow in, play in and enjoy down time in.

RECEIVED

JAN 4 2024

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Sincerely,

Vicki L. Ironmonger 1963 SE Gregory Dr  
Name

  
Signature

1-1-24  
Date



RECEIVED

JAN 4 2024

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Sincerely,

Tom & Jennifer Stites

Name

 Jennifer Stites

Signature

10-1-24 1/1/2024

Date

RECEIVED

JAN 4 2024

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Sincerely, *I can not be there for I am get ready for surge  
can not be around people ..*

*Helen Jackson*  
\_\_\_\_\_  
Name

*Thank you!*

\_\_\_\_\_  
Signature

*01-04-24*  
\_\_\_\_\_  
Date

RECEIVED  
JAN 8 2024

RECEIVED  
JAN 8 2024

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Sincerely, *No Rezoning of said property*

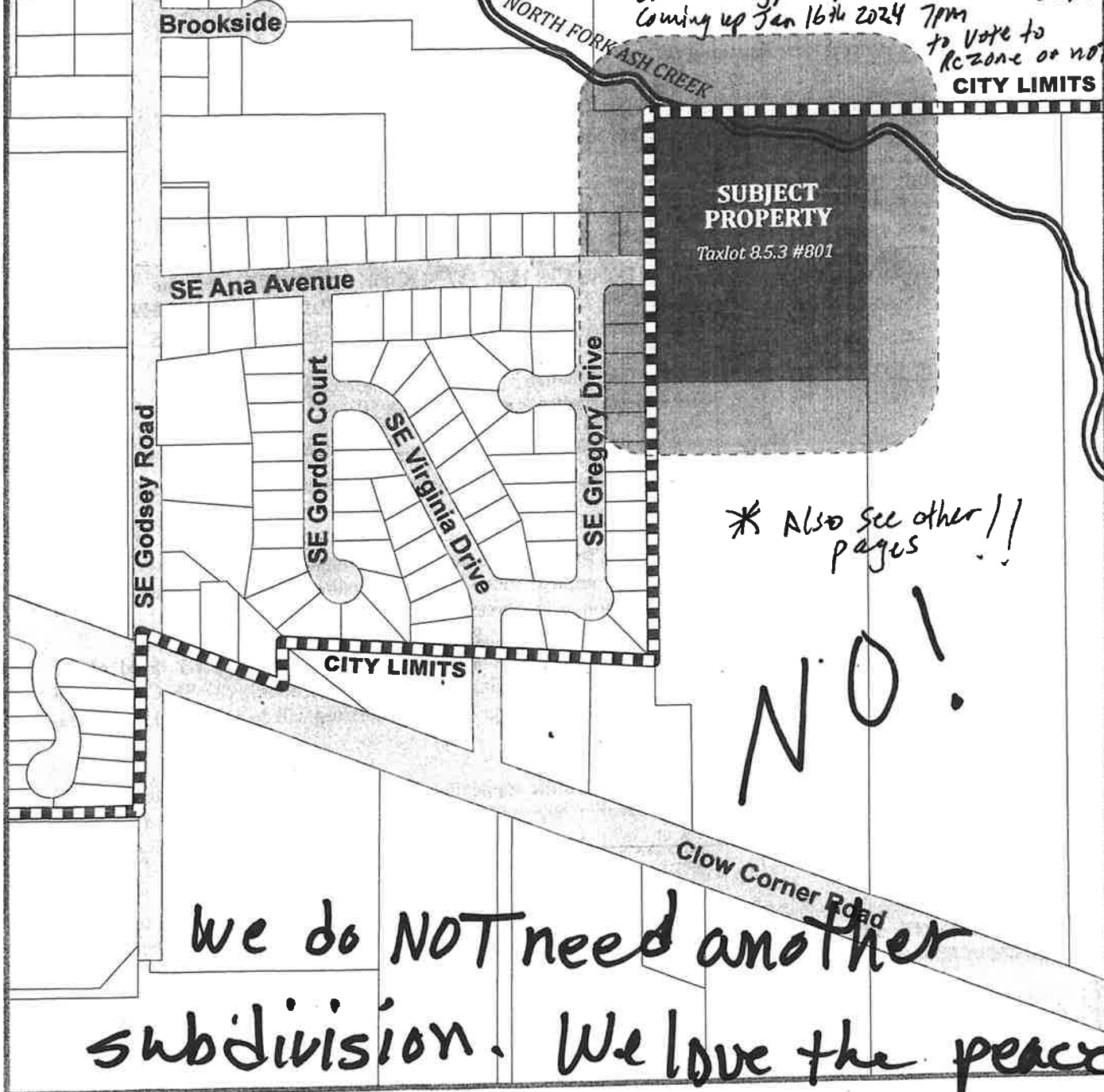
Cathy Williams  
Name

Cathy Williams  
Signature

Jan 3<sup>rd</sup> 2024  
Date

\* Important: Please Read!!!

**Public Notice Map**  
Comp. Plan Amend. - #CPA-23-01  
Zone Change - #ZC-23-02  
■ Subject Property  
■ 150' Notice Distance



\* Call Ken Perkins if questions  
Last meeting, City Council  
Coming up Jan 16th 2024 7pm  
to vote to rezone or not!  
503-871-5637  
CITY LIMITS

\* Also see other pages

NO!

We do NOT need another subdivision. We love the peace and quiet.

Ken Perkins  
PO Box 74  
Independence, OR 97351

RECEIVED  
8 2024

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Sincerely,

Krista Collins Krista Collins  
Name

\_\_\_\_\_  
Signature

1-3-24  
Date

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Sincerely,

Gary McGauran

Name



Signature

1.11.24

Date