



AGENDA
City of Dallas
Planning Commission
Tuesday, May 14, 2024 - 7:00 p.m.
City Hall Council Chambers
187 SE Court Street

**Planning
Commission**

President
John Swanson

Vice President
Andy Groh

Commissioner
Carol Kowash

Commissioner
Tory Banford

Commissioner
John Schulte

Commissioner
Rich Spofford

Commissioner
Mary Newell

Staff

City Attorney
Lane Shetterly

City Planner
Chase Ballew

Recording Secretary
Benjamin Curry

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES - Regular meeting of April 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
 - SUB 24-02 West Valley Industrial Park – Ken Perkins
18 lot industrial park at Clow Corner Road
 - CUP 24-02 Childcare Facility – Dallas Retirement Village
Resident and staff childcare facility at 175 NW Lange Street
7. OTHER BUSINESS – Future Development Code Updates
8. COMMISSIONER COMMENTS
9. STAFF COMMENTS
10. ADJOURN

Next meeting will be 06/11/2024

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

To Watch Online: 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.

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

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

MINUTES

1 **1. CALL TO ORDER**

2 President John Swanson called the meeting to order at 7:02 p.m.
3

4 **2. ROLL CALL**

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

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

10 **3. APPROVAL OF MINUTES**

11 Mr. Swanson presented the minutes of the regular meeting of March 12th, 2024.

12 Ms. Kowash made a motion to approve the minutes with a change to Section 8 reflecting Mr. Banford
13 as Chair Pro Tem. Mr. Spofford seconded the motion. The motion passed unanimously.
14

15 **4. PUBLIC COMMENT (3 minutes per person)**

16 There were none.
17

18 **5. PUBLIC HEARING – A**

19 **CUP 24-01 Carson Commons – Polk Community Development Corporation (PolkCDC)**

20 Mr. Swanson opened the public hearing at 7:07 p.m. He introduced the agenda item, the rules for
21 public testimony, and the quasi-judicial proceedings to follow. No ex-parte contact or conflicts of
22 interest were declared.
23

24 **STAFF REPORT**

25 Mr. Ballew read from the staff report and summarized the application and the criteria for approval.
26 Staff recommends that CUP 24-01 be approved as written with conditions.
27

28 Mr. Ballew walked through the 7 Non-Attainment Criteria slide in detail.

29 Ms. Kowash noted that she would prefer more parking as opposed to wider sidewalks. She stated
30 her preference against requiring a Variance. She also requested that staff explain the “Build-to
31 Line” requirement in more detail and shared the justification for requiring widened sidewalks as
32 opposed to a more costly pedestrian plaza.
33

34 **APPLICANT PRESENTATION**

35 **Rita Grady, Kimberly Lyell – Polk Community Development Corporation**

36 **Kevin Ruhland, Amanda Donofrio – BDA Architecture & Planning, P.C**

37 **Matthew Osborne – Locke Engineers, Inc.**

38 Ms. Grady, as the Executive Director for PolkCDC introduced her team, and architectural and
39 engineering staff. She shared a brief history of PolkCDC and the types of projects they are
40 committed to and have successfully funded in the past. She shared her a profile of the population
41 segment this project is intended to serve. She discussed the funding and site constraints which led to
42 the proposed design.
43

44 Mr. Ruhland and Ms. Donofrio with BDA Architecture provided a detailed walkthrough of the site
45 design including parking, sidewalks, entrance & egress, easements, the slope of the lot, and the
46 build-to line. He provided additional perspective on the design constraints and the need for so many
47 exceptions. Special emphasis was given to discussing how the design is intended to preclude

48 building a pedestrian canopy in an Oregon Department of Transportation (ODOT) easement.

49
50 Mr. Swanson opened the floor to questions by commissioners.

51 Mr. Groh asked about the max building height for the zone and the proposed height of the building.

52 Mr. Ruhland confirmed it was under the 35ft max building height.

53
54 Mr. Swanson asked if they were being required by ODOT to not build a pedestrian shelter in their
55 easement. Ms. Donofrio stated that they are under no special requirement.

56 Mr. Swanson asked about the parking deficiency and what are the factors preventing an additional 3
57 spaces installed on that lot. Ms. Donofrio listed the size and density of the lot, as well as the
58 requirement to remove on street parking per the Polk County Fire Marshall, due to the building's
59 height.

60 Mr. Groh asked about bicycle parking requirements. Mr. Ballew stated that the City Council chose
61 not to adopt proposed changes to the development code in regards to bicycle parking while also
62 noting that the applicant is exceeding the current standard by providing a covered, heated, and
63 secured bicycle shelter on site.

64 Ms. Newell asked about the reasoning behind a single 2 bedroom unit. Mr. Ruhland explained that
65 it was to extend over the bicycle storage room.

66
67 **PUBLIC TESTIMONY**

68 **Michelle Stacey - 424 SW Rose Avenue, Dallas, OR 97338**

69 Ms. Stacey shared her concern with the location of the bench and pedestrian entry on Ellendale
70 Avenue creating a congregation spot and encouraging pick up and drop off which would constitute
71 a potential hazard on that street. She is also concerned about the inclusion of the proposed EV
72 charging stations.

73
74 **REBUTTAL**

75 Mr. Ruhland replied that the Ellendale building entrance and EV Charging Stations are both legal
76 requirements.

77
78 Mr. Swanson closed the Public Hearing at 8:12 p.m.

79
80 **DELIBERATIONS**

81 The commission discussed the proposal, site restrictions, easement concerns, and zoning
82 limitations. They discussed Condition 2: "The sidewalk along Ellendale shall be widened to at least
83 10 feet for the length of the property frontage, and appropriate public easement or right-of-way
84 dedication shall be provided." Mr. Groh noted that because this project no longer meets the
85 definition of mixed-use and is residential only, the requirement for a widened sidewalk would no
86 longer apply. Staff concurred with the interpretation. Mr. Swanson stated his support for the
87 project, with the removal of Condition 2: referencing the need for additional housing to serve this
88 demographic.

89
90 Mr. Banford made a motion to approve CUP 24-01 as presented with the removal of Condition 2,
91 Ms. Kowash seconded the motion. The motion passed unanimously with Mr. Swanson, Mr.
92 Schulte, Ms. Newell, Mr. Groh, Ms. Kowash, Mr. Spofford, and Mr. Banford voting in favor.

93
94 **6. PUBLIC HEARING – B**

95 **SUB 24-01 Oakdale Estates – Steve Bennet Construction**

96 Mr. Swanson opened the public hearing at 8:29 p.m. He introduced the agenda item, the rules for
97 public testimony, and the quasi-judicial proceedings to follow. No ex-parte contact or conflicts of
98 interest were declared.

99
100

101 **STAFF REPORT**

102 Mr. Ballew read from the staff report and summarized the application and the criteria for approval.
103 Staff recommends that SUB 24-01 be approved with conditions as written. He discussed the
104 requirement to provide open space and how 2 of the lots will impact the area.
105

106 **APPLICANT PRESENTATION**

107 **Jed Bennet – Steve Bennet Construction 6578 SE Congressional Court, Salem, OR 97306**

108 Mr. Bennet summarized the project, its history, the number of lots, and phasing to date.
109

110 He walked through the challenges regarding the requirement to provide open space as well as the
111 design and economic constraints imposed by the area. He shared how imposing the requirement of
112 an HOA to manage the open space as private property would create additional costs for residents
113 and would negatively impact the surrounding neighborhoods. He stated that they are prepared to
114 comply with the requirement under protest.
115

116 He discussed the development agreement between Steve Bennet Construction and the City of
117 Dallas and its impact on the decision making process. He presented a display board with an
118 illustrated phasing plan and walked through the development phasing.
119

120 Mr. Bennet also addressed condition 3.f requesting that it be modified to read “the applicant will
121 revise phasing to 3 phases in a size and configuration with approval by staff.”
122

123 **PUBLIC TESTIMONY**

124 **Henry Kopitzke – 1634 SW Ellis Street, Dallas, OR 97338**

125 Mr. Kopitzke shared his perception that the city is going back on its agreement to provide open space
126 for the subdivision. He claims he would not have purchased his property had he been made aware
127 that an HOA would be required to enforce it. He also shared his concern with the one way on Cherry
128 Street not being wide enough to accommodate additional traffic.
129

130 **Sean Stacey – 424 SW Rose Avenue, Dallas, OR 97338**

131 Mr. shared his disappointment with the lack of open space noting it was a consideration when
132 purchasing their property.
133

134 **REBUTTAL**

135 Mr. Bennet agreed in his rebuttal with the testimony offered, stating that the idea of a fenced off
136 space of private property being inaccessible to nearby residents is a real concern.
137

138 Mr. Swanson closed the Public Hearing at 9:15 p.m.
139

140 **DELIBERATIONS**

141 The commission discussed the constraints and the aforementioned Development Agreement. The
142 City Attorney advised on the purview of the commission and potential land-use decisions based on
143 the application submitted. Mr. Groh shared historical context on parks and open spaces near
144 subdivision developments.
145

146 Mr. Groh made a motion to approve SUB 24-01 with conditions of approval as written in the staff
147 report with the modification to Condition 3.f to read “Phase boundaries shall be amended such that
148 the project is developed in four phases, in size and configuration as approved by city staff.” Mr.
149 Banford seconded the motion. The motion was passed unanimously with Mr. Swanson, Mr.
150 Spofford, Mr. Schulte, Ms. Newell, Mr. Groh, Ms. Kowash, and Mr. Banford voting in favor.
151

152 **7. COMMISSIONER COMMENTS**

153 Ms. Kowash discussed the importance of impartiality and avoiding ex-parte contact. Mr. Schulte

154 initiated a brief discussion with the commission and City Attorney on the city’s supply of housing,
155 historical build out, infrastructure, short term vacation rentals, and state laws regarding potential
156 development supply.
157

158 **8. STAFF COMMENTS**

159 Mr. Ballew provided additional context from the Development Code in regards to building
160 residential buildings within a commercial zone. He also thanked the commission for their diligence
161 and thoughtful discussions in managing competing priorities in a democratic way.
162

163 **9. ADJOURN**

164 Mr. Swanson adjourned the meeting at 9:36 p.m. Next meeting: May 14th, 2024, 7:00 p.m.
165

166 **APPROVED**

167 _____
168 John Swanson, Planning Commission President

_____ Date

DRAFT

**CITY OF DALLAS
PLANNING COMMISSION
STAFF REPORT**

Meeting Date: May 14, 2024
Topic: West Valley Industrial Subdivision - #SUB-24-02

Application Type: Subdivision
Applicant: Ken Perkins
Location: Map 8.5.3 Taxlot 801

RECOMMENDED ACTION

Approval with Conditions

BACKGROUND INFORMATION

Zoning: Industrial
Comprehensive Plan Map: Industrial
Floodplain: Property includes Floodplain and Floodway
Riparian Corridor: Property includes the Ash Creek Riparian Corridor
Property Size: 11.7 Acres
Adjacent Land Uses: Single-Family Residential; Vacant Acreage
Prior Land Use Approvals: 2007 – Urban Growth Boundary Expansion
2022 – Annexation #22-02
2023 – Partition #23-07
2023 – Site Design Review #23-03

PROJECT OVERVIEW

Subdivide the property into 18 parcels of varying sizes for an industrial park.

APPROVAL CRITERIA:

4.3.070 - Land Division Preliminary Plat Criteria.

Staff refer to and incorporate the applicant’s written narrative for supportive findings in response to the above mentioned criteria (**Exhibit A**). 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.2.4 – Industrial Districts: This chapter regulates developments in the industrial zone. No minimum lot size is established. Setbacks, lot coverage, and buffering are to be reviewed at the time of building permit application. Staff concur with the applicant that the small size of the industrial park is unlikely to exceed the threshold in DDC.2.4.050 so the special standards relating to large-format business parks does not apply. The criteria relating to this section is satisfied.

DDC.2.8 – Riparian Corridors & Wetlands Regulations: This chapter requires the applicant to map wetlands and riparian corridors, to coordinate with the Department of State Lands, and prohibits development within ten feet of the top of stream bank or associated wetland. The applicant has provided documentation from the Department of State Lands consistent with this chapter.

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

Chapter 3.1 provides standards regarding **access and circulation**. The proposal includes shared driveways satisfying the 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. The shared driveway to Monmouth Cutoff may not meet the 200 foot spacing standards to the future intersection of Monmouth Cutoff and Fir Villa Road, the final location of which has not been determined. A recommended condition of approval is to require the relocation or closure of the Monmouth Cutoff driveway when the Fir Villa Road extension is completed, if the driveway does not meet the spacing standards in effect at that time.

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

- “Significant vegetation” is defined in DDC 3.2.020.B, and no such vegetation is located on the site.
- Except the fence previously approved for West Valley Storage, the applicant has not proposed any additional 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 3.2.030.E.3.d.

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 (**Condition of Approval 3.A**).

Regarding Streets and Transportation Facilities:

- In the industrial zone there is no maximum allowable block length, per DDC 3.4.015.G.4. However, DDC.3.4.015.J.3 requires that:

“All local and collector streets that stub into a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if it falls within the Geological Hazards Overlay or it contains a stream or other natural drainageway. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.”

As SE Ana Street stubs to the development site, this code standard would therefore require the extension of SE Ana Street into and through the site. However, it is likely that the extension of Ana street would not, by itself, provide increased street safety or capacity, or improved pedestrian circulation; in such circumstances, DDC.3.4.015.B allows the City to accept a future improvement guarantee / waiver of remonstrance (e.g., owner agrees not to object to the formation of a local improvement district in the future) in lieu of street improvements at this time, and city staff are recommending a future improvement guarantee as a condition of approval (**Condition of Approval 4.E**).

- The Dallas Transportation System Plan identifies a future extension of SE Fir Villa Road as a collector street to be extended along the eastern edge of the property. As part of the previous partitioning of the land, 35 feet of land was dedicated as right-of-way to accommodate this future street. All streets “*Within and adjacent to a development site...*” are required by DDC.3.4.015.A.3 to be improved to city standards, however no physical improvements are proposed along the street frontage as part of this project. As stated above, DDC.3.4.015.B allows the City to accept a future improvement guarantee / waiver of remonstrance, and staff are recommending that as a condition of approval (**Condition of Approval 4.F**).
- A traffic memo was provided showing that an industrial park of this size would be predicted to generate 206 average daily trips, which is less than the 300 trip threshold for requiring a formal Traffic Impact Analysis. Accordingly, no further analysis was required and the street system is presumed to have adequate capacity to support the development.

Regarding **Storm Drainage, Sanitary Sewer and Water Service**, the applicant has provided a plan for the extension of utilities onto and through the site, and the Dallas Public Works Department has indicated that the existing public utilities at the connection point have adequate capacity to serve the development. 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.

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:

Subdivision naming is subject to review and approval by the County Surveyor.

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 2 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:

The shared driveway to be privately maintained is identified on the plat (**Condition of Approval 4.D**).

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 the standard condition of approval city staff believe the criterion can be 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. The proposed development can comply with this criterion.

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 criterion 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 2 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 can be reviewed at the time of building permit application. Therefore, this criterion is satisfied.

CRITERION:

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

FINDING:

The proposed shared driveway is shown on preliminary plans, and individual lots will be reviewed at the time of building permit / construction plan.

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.

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, therefore this criterion 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.

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.

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 shared driveway to Monmouth Cutoff is approved for interim use, and the Applicant shall enter into a recorded development agreement such that the driveway shall be relocated or removed when the Fir Villa Road extension is completed, if the driveway does not meet the spacing standards in effect at that time.
- 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).

4) Prior to Final Plat Approval:

- a) The final plat shall show all grants of easement and rights of way.
- 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) Agreements and related documentation for the ownership and maintenance of the shared driveway shall be recorded concurrent with the final plat.
- e) Concurrent with the final plat the applicant shall record a future improvement guarantee / waiver of remonstrance extending of SE Ana Street through the site to connect with SE Fir Villa.
- f) Concurrent with the final plat the applicant shall record a future improvement guarantee / waiver of remonstrance for the street frontage improvements along the future extension of SE Fir Villa.

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 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.
- c) If property pins are not in place at the time of construction, a site survey establishing building location shall be required before approval to place concrete for building foundations.
- d) The Applicant shall comply with all applicable Building and Fire Code requirements.

RECOMMENDED MOTION:

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

EXHIBITS:

- A. Applicant's Written Narrative and Plans
- B. Notice of Public Hearing



Subdivision Application Dallas Planning Department Type III Review

Official Use Only:
 File No.: SUB 24-02
 Date: 4-23-24
 Fee: \$5,100 PAID
Partial

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): Ken Perkins
 Mailing Address: P.O. Box 74 Independence, Or. 97351
 Email: perkinskay@aol.com Phone Number: 503-871-5637 Cell Number: 503-871-5637

Section 2 – Property Owner Information

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

Section 3 – Project Description

Please describe your project: 18 Lot Subdivision
 Site Address: no address Total Land Area: 11.68
 Assessor Map/Taxlot No. Map 8.5.03 Lot 801 Zoning: Industrial
 Present Use of Property: _____

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).
- Public Facilities and Services Impact Study.

fixtures;

- 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);
- Changes to navigable streams, or other watercourses. Status of public access to these areas shall be shown on the preliminary plat, as applicable;
- 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;
- Evidence of contact with the road authority for any development requiring access to its facility; and
- 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:  Date: 4-23-22

Property Owner's Signature: _____ Date: _____

APPLICANT(S)

Applicant's Signature:  Date: 4-23-22

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.

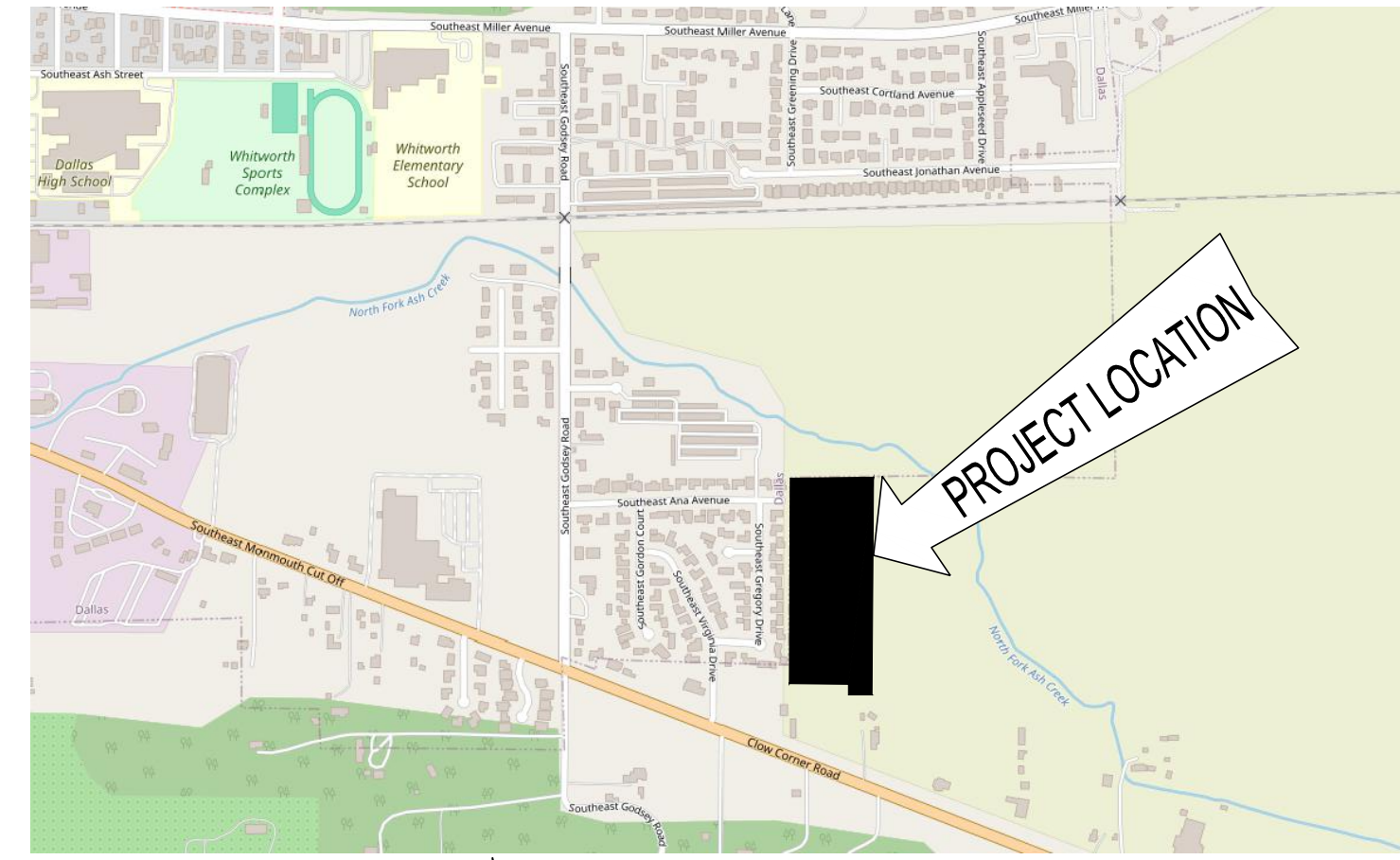
When a preliminary plat subdivision application is submitted, the City will notify the applicant in writing within 30 days as to whether the application is complete or what information is required to make the application complete. Once a complete application is submitted, the City will schedule a public 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.

PRELIMINARY PLAT WEST VALLEY INDUSTRIAL PARK

REV.	DATE	DESCRIPTION

VICINITY MAP



VICINITY MAP
N.T.S.

PROJECT DATA

ADDRESS
NEAR 12695 CLOW CORNER ROAD
DALLAS, OREGON 97338

PROPERTY DESCRIPTION
A PORTION OF TAX LOT 800
LOCATED IN SECTION 3, TOWNSHIP 8 SOUTH, RANGE 5 WEST,
WILLAMETTE MERIDIAN, POLK COUNTY, OREGON
1.78 ± ACRES

JURISDICTION
CITY OF DALLAS, OREGON

ZONE
INDUSTRIAL - I

PROJECT DIRECTORY

OWNER
KEN PERKINS & WEST VALLEY STORAGE, LLC
PO BOX 74
INDEPENDENCE, OREGON 97351
(P) 503.871.5637
PERKINSKNG@AOL.COM

ENGINEER
LOCKE ENGINEERS INC.
289 E ELLENDALE AVE, SUITE 703
DALLAS, OREGON 97338
(P) 503.364.8207
CONTACT: GREG LOCKE, PE
GREG@LOCKENGINEERS.COM
OR
CHARLES FISHER
CHARLES@LOCKENGINEERS.COM

SURVEYOR
BARKER SURVEYING
3657 KASHMIR WAY SE
SALEM, OR 97317
(P) 503.588.8800
CONTACT: GREGORY L. WILSON, PLS
INFO@BARKERWILSON.COM

TEMPORARY BENCHMARK INFORMATION
BARKER SURVEYING CONTROL #7 - MAG NAIL "PK"
ELEV: 283.61' NAVD 88

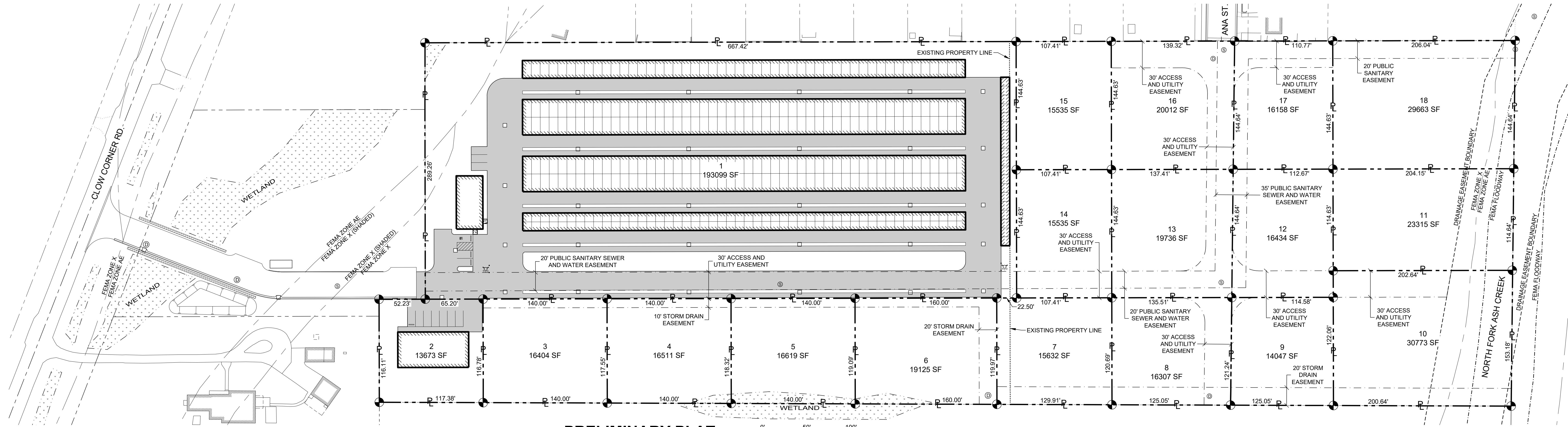
DESCRIPTION
LOCATED APPROX. 29.30' NW OF THE CENTERLINE MONUMENT AT SE ANA AVENUE AND SE GREGORY DR. APPROX. 9.07' SE OF A TELEPHONE PEDESTAL. APPROX. 3.10' NW OF A WATER VALVE, APPROX. 2.30' SOUTH OF THE FACE OF CURB, 0.67' S OF THE CONCRETE GUTTER PAN.
ELEVATIONS ARE BASED ON GPS OBSERVATION.

**PRELIMINARY
NOT FOR
CONSTRUCTION,
RECORDING
PURPOSES, OR
IMPLEMENTATION**

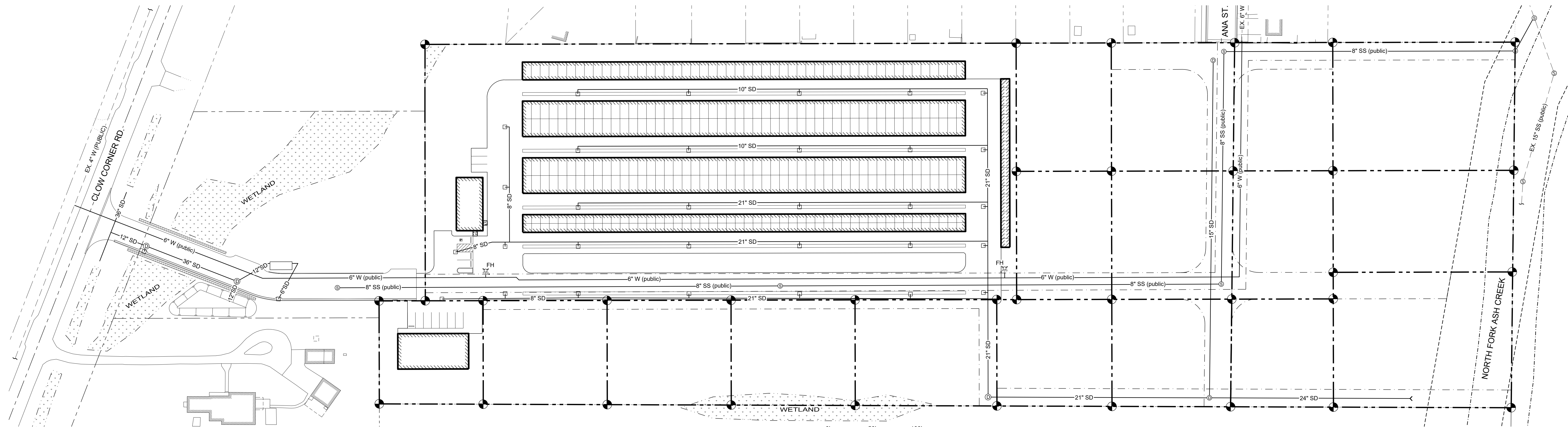
PLOT DATE: 23 APR 2024
LOCKE ENGINEERS

Drawings produced by the engineer are instruments of service for this project only and are the property of the engineer. Unauthorized use or reproduction of these drawings for any other project without the prior written permission of the engineer shall be at the user's sole risk. User agrees to defend, indemnify and hold harmless the engineer, its employees and agents (including attorney fees and costs at trial, arbitration and on appeal) arising out of unauthorized use of these drawings. All unauthorized use should be reported to the engineer immediately.

Locke CIVIL & STRUCTURAL ENGINEERS
289 E Ellendale Ave., Suite 703
Dallas, Oregon 97338
503.364.8207 LockeEngineers.com



PRELIMINARY PLAT
1" = 50'-0"
(PLAN IS TO SCALE IF BAR MEASURES 2')



PRELIMINARY UTILITY PLAN
1" = 50'-0"
(PLAN IS TO SCALE IF BAR MEASURES 2')

KEN PERKINS & WEST VALLEY STORAGE, LLC
WEST VALLEY INDUSTRIAL PARK
A PORTION OF TL 801, SEC 3, T8S, R5W
DALLAS, OREGON 97338
PRELIMINARY PLAT AND PRELIMINARY UTILITY PLAN

JOB NO. 23002-7
DATE 23 APRIL 2024
DESIGN BY CEF
CHECKED BY GL
SHEET 1

C:\Users\lucy\Documents\23002-7\Projects - Clow Corner Development\CD\23002-Civil Plan.dwg
23002-7.dwg
23002-7.dwg
23002-7.dwg

DATE: April 28, 2024
TO: Dallas Planning Commission
FROM: Ken Perkins
RE: Industrial Land Division Off Clow Corner Road
(Parcels 2 and 3 of Partition Plat No. 2023-0010)

This report presents the proposed West Valley Industrial Park subdivision on behalf of Ken Perkins. The site is 11.68 acres, and the application seeks to divide the parcels into 18 lots.

The proposed subdivision would be:

- Used for future industrial development.
- Accessed by a private, common mid-block lane that travels through the property.
- Served by public water and sewer.

Future property owners would be responsible for the long-term maintenance of the private lane that travels through the site and the stormwater system that would be located under the facility.

Per Dallas Development Code (DDC) 4.3.050, the subdivision requires review by the Dallas Planning Commission. Approval criteria for the application are listed in DDC Section 4.3.070. An analysis of the criteria with respect to the proposal are presented below:

4.3.070 Approval Criteria: Preliminary Plat

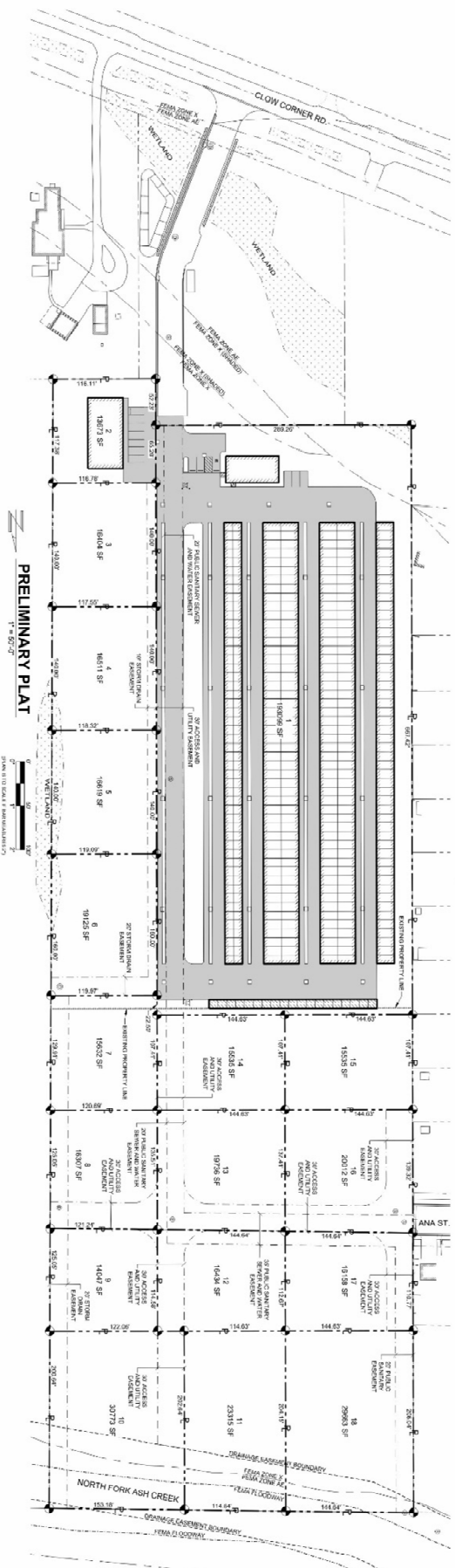
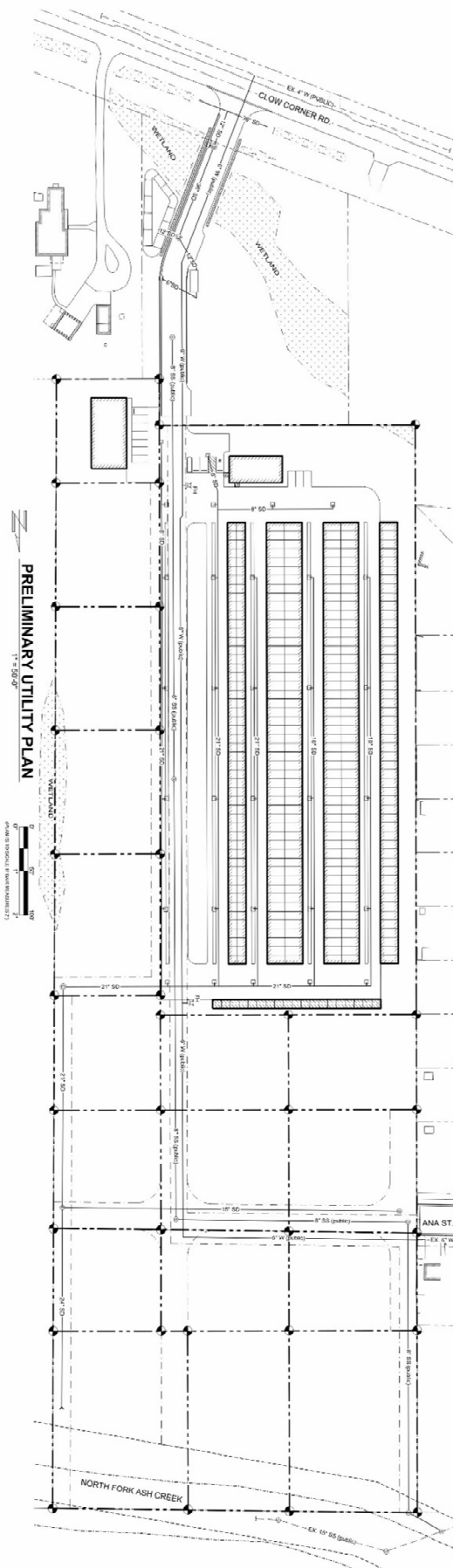
1. General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

- 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 this Article, 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;**

Response: The applicant has designed the proposed West Valley Industrial Park to effectively meet the requirements of Articles 2 and 3 of the Dallas Development Code.

The proposed division is directly west of the undeveloped Fir Villa Road, a future minor arterial in the Dallas Transportation System Plan (a portion of which the applicant dedicated to the City as part of Partition Plat No. 2023-0010). Given the undeveloped nature of the road, the applicant proposes:

- To install a mid-block lane to provide access to the lots (per DDC 4.3.040(B)).



- To connect the mid-block lane with Fir Villa Road via a 30-foot access and utility easement once the road is constructed.

This approach will allow the development of the lots in the subdivision, and appropriately anticipate the future construction of Fir Villa Road, allowing for the consolidation of access points once the road is constructed.

Further, as required by Article 2, the proposed lots in the West Valley Industrial Park subdivision will effectively meet considerations such as necessary setback requirements. Future land use activities will be required to meet needed setbacks and height limits, as well as landscaping and buffer standards.

Lastly, with regard to DDC Section 2.4.050(B), the proposed subdivision will not create over 100,000 square feet of buildings. The standards in that section do not apply as a result.

Given these items, the standards in DDC 4.3.070(1) are achieved.

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

Response: The applicant proposes calling the future plat the “West Valley Industrial Park.” If the name does not work, the applicant is happy to work with City of Dallas to determine an appropriate name. This standard will be achieved.

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;

Response: The application is proposed at the extreme southeast portion of the City of Dallas. Given the location, many of the anticipated roadways (such as Fir Villa Road) and the neighboring properties are not yet built out. In anticipation of these future facilities, the applicant proposes constructing a shared use mid-block lane into the site that will allow access to the property before the future Fir Villa minor arterial is built. This lane will connect with a gated fire-access route at SE Ana Avenue and appropriately anticipate the development of the future Fir Villa Road, ensuring adequate access spacing along the facility. This approach will effectively meet this requirement.

4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat; and

Response: The application proposes a common mid-block lane as well as a common stormwater line through the site. Both the facilities will be owned by a future property owner association for the site. This standard is met.

5. Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;

Response: The applicant will submit any necessary state and federal permits prior to the recordation of the final plat. This standard will be achieved.

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

Response: The applicant has not seen any proposed conditions for the application but anticipates that suggested conditions will be able to be met. Given this fact, this standard will be achieved.

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.

Response: The application is not part of an overlay zone or a previously approved master planned development. This standard does not apply.

2. 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 - Street Connectivity and Formation of Blocks.

Response: The applicant has reviewed Article 2 of the Dallas Development Code and has designed the site to effectively meet the necessary requirements of the section.¹ The site will include adequate setbacks for future development activities (a 20-foot setback is typically required, especially when adjacent to residential property), and standards such as height limits, landscaping standards and buffering requirements will be able to be met. This standard will be achieved.

2. Setbacks shall be as required by the applicable land use district (Article 2).

Response: The setbacks of the Industrial Zone will be able to be achieved.

3. Each lot shall conform to the standards of Chapter 3.1 - Access and Circulation.

Response: The site has been designed to meet the circulation standards in Chapter 3.1 of the Dallas Development Code. To effectively meet the standards, given the undeveloped nature of Fir Villa Road, the applicant proposes a mid-block lane to allow access to the properties. This lane will be maintained by the owners of the site and will serve the properties until the time when Fir Villa Road is constructed, at which time a portion of the lane will allow access into the site from the road. This approach will anticipate the future development of Fir Villa Road and ensure adequate arterial access spacing along the street.

The applicant does not propose any separate pedestrian access to the site. Clow Corner Road does not contain any pedestrian or bicycle facilities within the right-of-way and the future construction of Fir Villa Road (for which the applicant has already donated property) will allow the community to extend a sidewalk and bicycle lane to the property as planned for in the Dallas Transportation System Plan.

¹ Please note: The applicant team could not locate Section 3.4.010.G of the Dallas Development Code.

- 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.**

Response: The application does not propose a specific land use, other than the previously approved self-storage facility. As future land use activities are proposed, the activities will be required to be landscaped and/or screened to maintain privacy for abutting users and to limit potential negative impacts associated with the activities. This standard will be achieved.

- 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. See Chapter 3.1- Access and Circulation.**

Response: This standard will be achieved. The proposed mid-block lane has been approved by the Dallas Fire Marshall.

- 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.**

Response: This standard will be achieved. An easement for access and maintenance rights will be recorded with the future plat document.

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

Response: This standard will be achieved. The applicant will work with the City of Dallas to ensure that all applicable engineering standards are met.

- 3. Conditions of Approval. The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See Chapter 3.4 (Public Facilities).**

DATE: April 28, 2024
TO: Dallas Planning Commission
FROM: Ken Perkins
RE: Need for Traffic Impact Analysis
Industrial Land Division Off Clow Corner Road
(Parcels 2 and 3 of Partition Plat No. 2023-0010)

The following analysis is submitted to show that a traffic impact analysis is not required as part of this proposed land division.

The Dallas Development Code (DDC) includes Section 4.3.060, which specifies that a traffic impact analysis is required to be submitted for land divisions when the conditions in DDC Section 4.1.090 are met. That section is reproduced in its entirety, with comments about the West Valley Industrial Park subdivision, below.

4.1.090 Traffic Impact Analysis

The purpose of this section of the code is to assist in determining which road authorities participate in land use decisions, and to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. This Chapter establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Analysis; and who is qualified to prepare the analysis.

1. **When a Traffic Impact Analysis is Required.** The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. The current version of the Institute of Transportation Engineers *Trip Generation Manual* shall be used as a source for estimating development-generated traffic. A TIA shall be required when a land use application involves one or more of the following actions:
 1. A change in zoning or a plan amendment designation;
 2. Any proposed development or land use action that a road authority states may have operational or safety concerns along its facility(ies);
 3. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more; or
 4. An increase in peak hour traffic volume of a particular turning movement to and from an arterial street, including State highways, by 20 percent or more; or
 5. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
 6. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or
 7. A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.

Response: DDC Section 4.3.060 requires a traffic impact analysis to be considered as part of a subdivision application, when the conditions in 4.1.090 are met. For most land divisions, this analysis is relatively simple and can be determined based on the number of trips associated with the proposed number of single-family or multiple family residences to be constructed.

However, for this development, a traffic impact analysis to evaluate the potential impact is far more complicated. To determine the trips from an industrial development, an individual is required to determine the square footage of the buildings proposed, as well as the use type of the buildings, neither of which is known at this time.

Given the uncertainty of the size and type of use, it is not possible to determine items such as the number of vehicles that the proposed use will generate, or how many of the vehicles will be over 20,000 pounds. Similarly, not knowing the potential number of trips generated, it is not possible to determine whether a particular trip movement will be impacted. Analysis of these factors should likely occur at the time of an individual land use application, at which time building size, type of use, and likely vehicle type will be known.¹

Recognizing this situation, the application has taken several proactive steps to ensure that the proposed development will not impact area roadways.

1. The applicant has submitted a letter from Todd Whitaker, Director of Public Works of Polk County, the party responsible for the maintenance of Clow Corner Road, stating that he does not have any safety concerns, including with sight distance, associated with the proposal.
2. The applicant has designed the site to anticipate and easily take advantage of Fir Villa Road, a future Minor Arterial that, when developed, will allow access to the site away from Clow Corner Road. The proposal includes a 30-foot access and utility easement that will connect with Fir Villa and allow individuals to access the development directly from the road.

Based on these factors, no traffic impact analysis should be required at this time. The applicant is not anticipated to have a safety impact, and accurately determining potential impacts is not feasible so long as the size and type of uses is not known.

...

¹ Please note: While it is not possible to do this analysis in a proper manner, given the information that is known at this point, using a simple assumption of 3,600-square foot buildings on each of the 17 lots (a structure size slightly larger than the buildings in the Southside Industrial Park, west of the site on Clow Corner Road), the proposal would generate a daily increase of 206.2 trips per day (using the daily trip generation rate of 3.37 trips per 1,000 square feet of building in an industrial park), well under the 300 trips per day required to trigger a traffic impact analysis in 4.1.090.

EXHIBIT A.11

Aol Mail.

Search your mail or the web

KEN

Home

Compose

Back

 Keep as New
 Move
 Delete
 Spam
 ...



Today on AOL

Ken Perkins Development

Aol/Old Mail

New Mail 2.2K

Old Mail

Starred

Drafts 28

Sent

Spam

Recently Deleted

^ Less

Views Hide

Contacts

Photos

Documents

Subscriptions

Receipts

Credits

Travel

Folders Hide

+ New Folder



Whitaker, Todd



Mon, Apr 22 at 4:30 PM

From: whitaker.todd@co.polk.or.us
To: CHASE BALLEW
Cc: Ken Perkins

Chase:

Ken Perkins stopped by today and briefed me on the status of his industrial development along Clow Corner Road. We have met with Ken on this project at least a couple of times, and have referred his design engineer to our design standards. From what I understand in speaking to his design engineer, they are able to comply with our standard. While we have not yet received an application yet to review and provide final approval, it looks like he needs to demonstrate that we have been contacted about this project, so I am confirming that we have. If you need anything further from me, let me know.

--
 Todd Whitaker, P.E.
 Director/Polk County Public Works
 820 SW Ash Street
 Dallas, OR 97338-2151
 (503) 623-9287



[Reply](#), [Reply All](#) or [Forward](#)



Whitaker, Todd

whitaker.todd@co.polk.or.us
+ Add to contacts

EXHIBIT A.12

AolMail.

Search your mail or the web

KEN

Home

Compose

Back

 Keep as New
 Move
 Delete
 Spam

Today on AOL

Public Facilities for Taxlot 0850300 00801

Aol/Old Mail

New Mail **2.2K**

Old Mail

Starred

Drafts **28**

Sent

Spam

Recently Deleted

Less

Views **Hide**

Contacts

Photos

Documents

Subscriptions

Receipts

Credits

Travel

Folders **Hide**

+ New Folder



TOM GILSON

Mon, Apr 22 at 5:22 PM

From:
tom.gilson@dallasor.gov
To: Ken Perkins

Mr Perkins,
In response to your inquiry regarding the availability and review of proposed public facilities at your lot off Clow Corner and SE Ana Ave. I can attest that I have reviewed your proposed infrastructure and there aren't any concerns from the Public Works Department. The proposal is both adequate to serve the site and is serviceable by existing infrastructure.

Tom Gilson, CPWP-M
Engineering Supervisor
503-831-3558



TOM GILSON

tom.gilson@dallasor.gov
[Edit contact](#)

[Reply](#), [Reply All](#) or [Forward](#)

Joint Permit Application

This is a joint application, and must be sent to all agencies (Corps, DSL, and DEQ). Alternative forms of permit applications may be acceptable; contact the Corps and DSL for more information.

RECEIVED
JAN 16 2024
 DEPARTMENT OF STATE LANDS
 Date Stamp

 U.S. Army Corps of Engineers Portland District	 Oregon Department of State Lands	 Oregon Department of Environmental Quality
Action ID Number	Number	64874GP

(1) TYPE OF PERMIT(S) IF KNOWN (check all that apply)

Corps: Individual Nationwide No.: 18 Regional General Permit _____ Other (specify):

DSL: Individual GP Trans GP Min Wet GP Maint Dredge GP Ocean Energy No Permit Waiver

(2) APPLICANT AND LANDOWNER CONTACT INFORMATION

	Applicant	Property Owner (if different)	Authorized Agent (if applicable) <input checked="" type="checkbox"/> Consultant <input type="checkbox"/> Contractor
Name (Required)	Kenneth A Perkins		Eric Henning
Business Name			Zion Natural Resources Consulting PO Box 545
Mailing Address	PO Box 74		
City, State, Zip	Independence, OR 97351		Monmouth OR 97361
Business Phone	503-871-5637		503-838-0103
Cell Phone			503-881-4171
Fax			503-623-7425
Email	perkinskng@aol.com		eric@zionconsulting.org

(3) PROJECT INFORMATION

A. Provide the project location.

Project Name Clow Corner Road Development	Latitude & Longitude* 44.9104 / -123.2901			
Project Address / Location 12695 Clow Corner Road	City (nearest) Dallas	County Polk		
Township 8S	Range 5W	Section 3	Quarter / Quarter	Tax Lot 801 (portion of)

Brief Directions to the Site:
 I-5 S take exit 1A to OR-22 W (N Santiam Hwy) toward Salem. Take ramp onto 13th St SE toward OR-99E-BR/OR-22 W/Willamette U./City Center/12th St./State Offices. Continue on 12th St SE. Turn left onto Marion St NE toward Dallas/OR-22 W. Take ramp onto N Pacific Hwy W (OR-99W S) toward Monmouth. Turn right onto Clow Corner Rd.

B. What types of waterbodies or wetlands are present in your project area? (Check all that apply.)

River / Stream Non-Tidal Wetland Lake / Reservoir / Pond

Estuary or Tidal Wetland Other Pacific Ocean

Waterbody or Wetland Name** Wetland C and D	River Mile	6th Field HUC Name Ash Creek	6th Field HUC (12 digits) 170900070102
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* In decimal format (e.g., 44.9399, -123.0283)
 ** If there is no official name for the wetland or waterbody, create a unique name (such as "Wetland 1" or "Tributary A").

C. Indicate the project category. (Check all that apply.)

<input checked="" type="checkbox"/> Commercial Development	<input type="checkbox"/> Industrial Development	<input type="checkbox"/> Residential Development
<input type="checkbox"/> Institutional Development	<input type="checkbox"/> Agricultural	<input type="checkbox"/> Recreational
<input type="checkbox"/> Transportation	<input type="checkbox"/> Restoration	<input type="checkbox"/> Bridge
<input type="checkbox"/> Dredging	<input type="checkbox"/> Utility lines	<input type="checkbox"/> Survey or Sampling
<input type="checkbox"/> In- or Over-Water Structure	<input type="checkbox"/> Maintenance	<input type="checkbox"/> Other:

(4) PROJECT DESCRIPTION**A. Summarize the overall project including work in areas both in and outside of waters or wetlands.**

The design of this proposed project requires removal and fill material within the designated project area to construct a three-bay self-service car wash facility. This development requires an access road off of Clow Corner Road. Utilities for the development come from Clow Corner Road and from SE Ana Avenue. This plan permanently impacts 0.10 acres of wetlands and avoids 0.61 acres within the proposed project area (Preferred Alternative). This plan will have an approximate fill volume of 4,995 cubic yards and a removal volume of 3,649 cubic yards of material (rock, gravel, and topsoil) to complete the entire development.

B. Describe work within waters and wetlands.

Work within wetlands will result in 0.10 acres of wetland impacts to wetlands C and D while avoiding the 0.61 acres of wetland A and B and portions of C and D. Designated wetland impact areas will have an approximate fill volume of 402 cubic yards and a removal volume of 158.5 cubic yards of material (rock, gravel, and topsoil). Temporary wetland impacts are proposed for wetland C for the construction of the retaining walls on both sides of the access road consisting of approximately 0.05 acres. These impacts account for all grading activities required for construction.

C. Construction Methods. Describe how the removal and/or fill activities will be accomplished to minimize impacts to waters and wetlands.

Fill material will be transferred onsite from the surrounding uplands by means of trucks during the dry season to limit potential impacts to the remaining resources. Access to the site for construction activities will be from Clow Corner Road and SE Ana Avenue.

Throughout construction, best management practices (BMP) will be used to minimize erosion and siltation associated with site runoff. Practicable erosion control measures may include but are not limited to silt fencing, bio bags, sediment collection basins, and gravel entryways installed prior to the commencement of construction. All BMPs will be properly maintained throughout the duration of the project to keep sediments from entering any wetlands and other waterways in the project vicinity. Following completion of construction, all disturbed areas will be stabilized and re-vegetated with an approved groundcover material. An erosion control plan and stormwater management plan have been prepared as part of the proposed development.

(4) PROJECT DESCRIPTION (continued)

D. Describe source of fill material and disposal locations if known.

Fill material will be utilized onsite from the subject property as part of the site grading. Crushed rock will be imported from a local source to complete the development requirements.

E. Construction timeline.

What is the estimated project start date? May 2024

What is the estimated project completion date? May 2025

Is any of the work underway or already complete? Yes No
If yes, please describe.

F. Removal Volumes and Dimensions (if more than 7 impact sites, include a summary table as an attachment)

Wetland / Waterbody Name *	Removal Dimensions					Time Removal is to remain**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (ac.)	Volume (c.y.)		
Wetland C				0.0785	126.7	Permanent	Topsoil
Wetland C				0.0544	80	Temporary	Topsoil, rock
Wetland D				0.0197	31.8	Permanent	Topsoil

G. Total Removal Volumes and Dimensions

Total Removal to Wetlands and Other Waters	Length (ft.)	Area (ac.)	Volume (c.y.)
Total Removal to Wetlands		0.1329	238.5
Total Removal Below Ordinary High Water			
Total Removal Below Highest Measured Tide			
Total Removal Below High Tide Line			
Total Removal Below Mean High Water Tidal Elevation			

H. Fill Volumes and Dimensions (if more than 7 impact sites, include a summary table as an attachment)

Wetland / Waterbody Name*	Fill Dimensions					Time Fill is to remain**	Material***
	Length (ft.)	Width (ft.)	Depth (ft.)	Area (ac.)	Volume (c.y.)		
Wetland C				0.0785	275.8	Permanent	Topsoil, rock, asphalt
Wetland C				0.0544	80	Temporary	Topsoil, rock
Wetland D				0.0197	126.2	Permanent	Topsoil, rock, asphalt

(4) PROJECT DESCRIPTION (CONTINUED)

I. Total Fill Volumes and Dimensions

Total Fill to Wetlands and Other Waters	Length (ft.)	Area (ac.)	Volume (c.y.)
Total Fill to Wetlands		0.1329	482
Total Fill Below Ordinary High Water			
Total Fill Below Highest Measured Tide			
Total Fill Below High Tide Line			
Total Fill Below Mean High Water Tidal Elevation			

*If there is no official name for the wetland or waterbody, create a unique name (such as "Wetland 1" or "Tributary A").
 **Indicate whether the proposed area of removal or fill is permanent or, if you are proposing temporary impacts, specify the days, months or years the fill or removal is to remain.
 *** Example: soil, gravel, wood, concrete, pilings, rock etc.

EXHIBIT A-16
(5) PROJECT PURPOSE AND NEED

Provide a statement of the purpose and need for the overall project.

The purpose of this project is to create access and provide utilities to a proposed three-bay self-service car wash for the market area of Dallas, Monmouth, and Independence. The public need for this removal fill activity is based on the documented need for a self-service car wash in this region. There is currently one facility located in the center of Dallas that serves all three cities. The applicant contacted the owner of the existing car wash (Spray-N-Shine Car Wash) and they have over 60,000 washes per year and that number continues to increase year after year. The location of this proposed facility is in the southeastern portion of Dallas and will provide a more convenient location to service the market area. The applicant has also reached out to the City of Independence and the Chief of Police stated he would have their fleet use this location because of the locality. The population of these three cities is over 30,000 and the industry standard is typically one car wash per 30,000 residents. The City of Dallas also conducted a traffic study on Clow Corner Road in September 2023. The location of the study was roughly 1/3 of a mile to the west of the proposed driveway to the carwash and therefore did not include the volume traffic past the past the carwash that utilized Godsey or Virginia Roads. 52,348 vehicles were observed over that time span.

(6) DESCRIPTION OF RESOURCES IN PROJECT AREA

A. Describe the existing physical, chemical, and biological characteristics of each wetland or waterbody. Reference the wetland and waters delineation report if one is available. Include the list of items provided in the instructions.

The HGM classification is Slope/Flats. The following wetland area information has been obtained from the Wetland Delineation Report that is currently being reviewed by DSL (WD 2022-0209).

Wetland A (0.15 ac)

This palustrine emergent isolated wetland is in the east central portion of the study area. This depressional wetland was defined by hydric soil features and oxidized rhizospheres. Vegetation has been field mowed and consists of pasture grasses (*Agrostis*, *Schedonorus*, and *Holcus*). Hydrology appears to come from precipitation runoff from upland areas and groundwater hydrology.

Wetland B & C (0.51 ac)

This palustrine emergent wetland is in the southern portion of the study area. This swale was defined by hydric soil features and oxidized rhizospheres. The wetland continues offsite to the west and is hydrologically connected to wetland D to the east. Vegetation has been field mowed and consists of pasture grasses (*Agrostis*, *Schedonorus*, and *Holcus*). Hydrology appears to come from precipitation runoff from upland areas and groundwater hydrology.

Wetland D (0.05 ac)

This emergent wetland consists of a roadside ditch. This ditch parallels Clow Corner Road and is approximately eight feet in width with 1:1 slopes. This ditch begins offsite to the west and flows offsite to the east. The wetland is 100% vegetated with a dominance of *Phalaris arundinacea*. Hydrology appears to come from precipitation runoff from upland areas and channel flow. This wetland is also hydrologically connected to the North Fork of Ash Creek to the east.

The following evaluates the functions and values of the proposed permanent 0.10-acre wetland impacts, based on best professional judgement, which must be addressed under OAR 141-085-0685.

Hydrologic Function

Wetland C and D are tied hydrologically together, while wetland D continues offsite to the west and east. Wetland D is a roadside ditch that is also hydrologically connected to Ash Creek to the east. These wetlands have a moderate capacity to support water storage and delay functions. The topography consists of a very gentle slope from the west to the east. The properties to the west include multiple single-family residences, while properties to the east consist of rural residences and agricultural acreages. As a result the value of the wetlands is moderate related to hydrological functions.

Water Quality Support

The wetlands have a moderate capacity to support sediment retention and stabilization, phosphorus retention, and nitrate removal and retention. The wetlands have been grazed historically. Surrounding properties to the west consist of residential developments with impervious surfaces. Undeveloped areas to the south and east consist of rural residences and agricultural acreages. There are no municipal groundwater drinking wells nearby and the area is not a DEQ designated groundwater risk area. The value of the wetlands are determined to be moderate related to water quality functions.

Fish Habitat

The wetlands currently do not have the capacity to support resident fish however the wetlands have a seasonal surface water connections to a fish bearing stream. As a result the wetlands provide a limited function and value for fish habitat.

Aquatic Support

The wetlands have limited capabilities to provide amphibian and reptile habitat, waterbird nesting habitat, and waterbird feeding habitat because ponding only occurs seasonally, and no aquatic vegetation is present. The area does not contain woody debris, woody vegetation, or a mature forested canopy. The function and value for aquatic support is low.

Ecosystem Support

The wetlands have a low capacity to provide invertebrate habitat; songbird, raptor, and mammal habitat; water cooling; native plant diversity; pollinator habitat; and organic nutrient export due to its dominance of pasture grasses. The number and distribution of vegetative forms is low within the wetland and adjacent uplands. The wetlands do not support a rare plant species and the wetland is not a rare wetland type. Therefore, the function and value of the wetlands for ecosystem support is low.

Archeologic and Historic Resources

An archeological study has not been conducted for the project area.

B. Describe the existing navigation, fishing and recreational use of the waterbody or wetland.

There are no existing navigation, fishing and recreational use of the wetlands.

(7) PROJECT SPECIFIC CRITERIA AND ALTERNATIVES ANALYSIS

Describe project-specific criteria necessary to achieve the project purpose. Describe alternative sites and project designs that were considered to avoid or minimize impacts to the waterbody or wetland.*

Project specific criteria necessary to achieve the project purpose includes the following:

- **Availability** – An available site is one that could be reasonably obtained, utilized, expanded, or managed to meet the project purpose.
- **Geographic Area** – Provide a self-service carwash for the market area of Dallas, Independence, and Monmouth.
- **Site Access and Utility Connectivity** - Provide efficient utility access (electricity, sewer, and water) and street connectivity per the City of Dallas Transportation Plan.

Offsite Alternatives

No other sites were considered, as the applicant already owns the tax lot within the project area.

Onsite Alternatives**Preferred Alternative**

The preferred site plan provides both vehicle access and required utility connectivity to the proposed development. Utilities consist of connection to a 6” public water main and an 8” storm sewer line off of Clow Corner Road and traverses the project area to the north and west to connect with the existing line off of SE Ana Avenue.

Less Impact Alternative

Development of this site with less impact would not be possible given the location of wetland area “C”. In addition, the current driveway location, due to Polk County driveway spacing requirements, is already at the point of least impact to wetland area “C”. There is no point on the frontage that would be of more or less impact to wetland area “D”.

No Impact Alternative

There is no public right-of-way frontage other than Clow Corner Road which as mentioned above is cut off from the developable areas onsite by wetland area “D”. A no impact alternative would result in a non-developable property.

Measures to avoid and minimize effects of changes:

Based on the preferred site plan the applicant is proposing to avoid 0.61 acres of wetlands that continue offsite to the west and east with the use of a retaining wall to limit the impacts from the access road prism.

(8) ADDITIONAL INFORMATION

Are there state or federally listed species on the project site?	Yes	<input type="checkbox"/>	No	Unknown
Is the project site within designated or proposed critical habitat?	Yes	<input type="checkbox"/>	No	Unknown
Is the project site within a national Wild and Scenic River ?	Yes	<input type="checkbox"/>	No	Unknown
Is the project site within a State Scenic Waterway ?	Yes	<input type="checkbox"/>	No	Unknown
Is the project site within the 100-year floodplain ?	<input checked="" type="checkbox"/>	Yes	No	Unknown
If yes to any above, explain in Block 6 and describe measures to minimize adverse effects to those resources in Block 7.				
Is the project site within the Territorial Sea Plan (TSP) Area ?	Yes	<input type="checkbox"/>	No	Unknown
If yes, attach TSP review as a separate document for DSL.				
Is the project site within a designated Marine Reserve ?	Yes	<input type="checkbox"/>	No	Unknown
If yes, certain additional DSL restrictions will apply.				
Will the overall project involve ground disturbance of one acre or more?	Yes	<input type="checkbox"/>	No	Unknown
If yes, you may need a 1200-C permit from the Oregon Department of Environmental Quality (DEQ).				
Is the fill or dredged material a carrier of contaminants from on-site or off-site spills?	Yes	<input type="checkbox"/>	No	Unknown
Has the fill or dredged material been physically and/or chemically tested?	Yes	<input type="checkbox"/>	No	Unknown
If yes, explain in Block 6 and provide references to any physical/chemical testing report(s).				
Has a cultural resource (archaeological and/or built environment) survey been performed on the project area?	Yes	<input type="checkbox"/>	No	Unknown
Do you have any additional archaeological or built environment documentation, or correspondence from tribes or the State Historic Preservation Office?	Yes	<input type="checkbox"/>	No	Unknown
If yes, provide a copy of the survey and/or documentation of correspondence with this application to the Corps only. Do not describe any resources in this document. Do not provide the survey or documentation to DSL.				

* Not required by the Corps for a complete application, but is necessary for individual permits before a permit decision can be rendered.

Is the project part of a DEQ Cleanup Site? No Yes Permit number _____

DEQ contact. _

Will the project result in new impervious surfaces or the redevelopment of existing surfaces? Yes No

If yes, the applicant must submit a post-construction stormwater management plan as part of this application to DEQ's 401 WQC program for review and approval, see <https://www.oregon.gov/deq/FilterDocs/401wqcertPostCon.pdf>

Identify any other federal agency that is funding, authorizing or implementing the project.

Agency Name	Contact Name	Phone Number	Most Recent Date of Contact
-------------	--------------	--------------	-----------------------------

List other certificates or approvals/denials required or received from other federal, state or local agencies for work described in this application.

Agency	Certificate / approval / denial description	Date Applied
--------	---	--------------

Other DSL and/or Corps Actions Associated with this Site (Check all that apply.)

Work proposed on or over lands owned by or leased from the Corps (may require authorization pursuant to 33 USC 408). These could include the federal navigation channel, structures, levees, real estate, dikes, dams, and other Corps projects.

- | | | |
|--|-----------------------|--------------------|
| <input type="checkbox"/> State owned waterway | DSL Waterway Lease #: | |
| <input type="checkbox"/> Other Corps or DSL Permits | Corps # | DSL # |
| <input type="checkbox"/> Violation for Unauthorized Activity | Corps # | DSL # |
| <input checked="" type="checkbox"/> Wetland and Waters Delineation | Corps # | DSL # WD 2023-0209 |
- Submit the entire delineation report to the Corps; submit only the concurrence letter (if complete) and approved maps to DSL. If not previously submitted to DSL, send under a separate cover letter

(9) IMPACTS, RESTORATION/REHABILITATION, AND COMPENSATORY MITIGATION

A. Describe unavoidable environmental impacts that are likely to result from the proposed project. Include permanent, temporary, direct, and indirect impacts.

The resulting development would permanently impact 0.10 acres of palustrine emergent wetlands. Storm drainage will be provided through the local municipalities stormwater system.

B. For temporary removal or fill or disturbance of vegetation in waterbodies, wetlands or riparian (i.e., streamside) areas, discuss how the site will be restored after construction to include the timeline for restoration.

Temporary impacts consist of 0.05 acres of temporary disturbance along the southern portion of the detention pond and west and east of the access road. These areas will be recontoured back to the existing grade. A native erosion and sediment control seed mix will be applied once construction is completed.

Compensatory Mitigation

C. Proposed mitigation approach. Check all that apply:

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> Onsite Mitigation | <input type="checkbox"/> Offsite Mitigation | <input type="checkbox"/> In-Lieu Fee Program | <input checked="" type="checkbox"/> Payment In-Lieu |
|--|---|--|---|
- X (Not approved for use with Corps permits)

D. Provide a brief description of proposed mitigation approach and the rationale for choosing that approach. If you believe mitigation should not be required, explain why.

Onsite and offsite mitigation was considered, however, the opportunity to modify or remove a culvert upstream or downstream to restore a portion of the creek was not available. There are also no credits available at a wetland mitigation bank within the service area. Therefore, mitigation for the proposed wetland impacts of 0.10 acres will be compensated through DSL’s Payment in Lieu Program (PIL). Attached is the completed Payment Calculator for in Lieu Fee Mitigation.

Principal Objectives

- Replace functions and values lost at the impact site. The Oregon DSL Payment in Lieu Program will provide replacement of functions and values lost at the impact site.
- Provide local replacement for locally important functions/values where appropriate. The PIL program will select a project within the same 4th field HUC watershed as the impact site and provide replacement for locally important functions and values. The storm water functions are replaced on-site by water quality facilities.
- Enhance, restore, create, or preserve waters of this state that are self-sustaining and minimize long-term maintenance needs. The PIL program will meet this objective through the selection and funding of an appropriate project.
- Ensure siting of CM in ecologically suitable locations considering: local watershed needs and priorities; appropriate landscape position for the same wetland type and group-level function & value replacement. The PIL program will meet this objective through the funding of an appropriate project meeting these parameters.
- Minimize temporal loss. Temporal loss will be dependent upon the timing of the Oregon DSL to select and contribute funds to a wetland mitigation project.

Mitigation Bank / In-Lieu Fee Information:

Name of mitigation bank or in-lieu fee project: *Payment in Lieu (DSL PIL Program)*

Type and amount of credits to be purchased: *Palustrine Emergent (PEM) 0.10*

If you are proposing permittee-responsible mitigation, have you prepared a compensatory mitigation plan?

Yes. Submit the plan with this application and complete the remainder of this section.

No. A mitigation plan will need to be submitted (for DSL, this plan is required for a complete application).

Mitigation Location Information (Fill out only if permittee-responsible mitigation is proposed)

Mitigation Site Name/Legal Description		Mitigation Site Address	Tax Lot #	
County		City	Latitude & Longitude (in DD.DDDD format)	
Township	Range	Section	Quarter/Quarter	

(10) ADJACENT PROPERTY OWNERS FOR PROJECT AND MITIGATION SITE


<input type="checkbox"/> Pre-printed mailing labels of adjacent property owners attached separately (if more than 30).		
CAMERO GIZELL & BO CHRISTOPHER 12695 CLOW CORNER RD DALLAS, OR 97338	HOWARD COLBY & HOWARD HARLAN PO BOX 831 DALLAS, OR 97338	GILMORE BUDDY D & LINDA 1930 SE GREGORY DR DALLAS, OR 97338
BOND LORI M & LARSEN GEOFF 5025 CENTER WAY EUGENE, OR 97405	BENNETT MARTIN G & BRENDA G PO BOX 1228 LINCOLN CITY, OR 97367	WAGNER KARL CHRISTOFER 1914 SE GREGORY DR DALLAS, OR 97338
SALEM HEALTH HOSPITALS & CLINICS PO BOX 14001 SALEM, OR 97309	BAKER JUDITH A, TR 1985 SE GREGORY DR DALLAS, OR 97338	BARNES JESSE A 1906 SE GREGORY DR DALLAS, OR 97338
DALLAS SECURE STORAGE, LLC 1497 BROOKSIDE AVE SE DALLAS, OR 97338	BREWER STEVEN C ET AL 1980 GREGORY DR SE DALLAS, OR 97338	MORRIS CONNIE, TR 1860 SE GREGORY DR DALLAS, OR 97338
WILSON MARY ANN & KLATT JOSEPH AUGUST 1970 SE GREGORY DR DALLAS, OR 97338	ESPARZA PAMELA K 1950 SE GREGORY DR DALLAS, OR 97338	HAMMOND ANGELICA M 1850 SE GREGORY DR DALLAS, OR 97338
AMES RENEE L & AMES CONNIE 1960 SE GREGORY DR DALLAS, OR 97338	CORTEZ ANGIE 1942 GREGORY DR SE DALLAS, OR 97338	BITTLER SMOKEY J & RENEE 1567 SE ANA AVE DALLAS, OR 97338
TIDWELL NANCY C 1570 SE ANA AVE DALLAS, OR 97338		

**(11) CITY/COUNTY PLANNING DEPARTMENT LAND USE AFFIDAVIT
(TO BE COMPLETED BY LOCAL PLANNING OFFICIAL)**

I have reviewed the project described in this application and have determined that:

- This project is not regulated by the comprehensive plan and land use regulations
- This project is consistent with the comprehensive plan and land use regulations
- This project is consistent with the comprehensive plan and land use regulations with the following:
 - Conditional Use Approval
 - Development Permit
 - Other Permit (explain in comment section below)
- This project is not currently consistent with the comprehensive plan and land use regulations. To be consistent requires:
 - Plan Amendment
 - Zone Change
 - Other Approval or Review (explain in comment section below)

An application or variance request has has not been filed for the approvals required above.

Local planning official name (print) CHASE BALLEW	Title PLANNER II	City / County CITY OF DALLAS
Signature 		Date 12-26-2023
Comments: Proposed Wetland IMPACTS CONSISTANT WITH LAND USE APPROVAL # SDR-23-03		


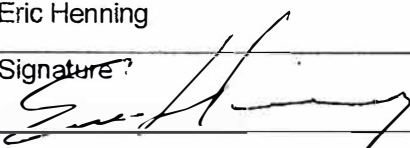
(12) COASTAL ZONE CERTIFICATION

If the proposed activity described in your permit application is within the [Oregon Coastal Zone](#), the following certification is required before your application can be processed. The signed statement will be forwarded to the Oregon Department of Land Conservation and Development (DLCD) for its concurrence or objection. For additional information on the Oregon Coastal Zone Management Program and consistency reviews of federally permitted projects, contact DLCD at 635 Capitol Street NE, Suite 150, Salem, Oregon 97301 or call 503-373-0050 or click [here](#).

CERTIFICATION STATEMENT

I certify that, to the best of my knowledge and belief, the proposed activity described in this application complies with the approved Oregon Coastal Zone Management Program and will be completed in a manner consistent with the program.

Print /Type Applicant Name	Title
Applicant Signature	Date

(13) SIGNATURES	
<p><i>Application is hereby made for the activities described herein. I certify that I am familiar with the information contained in the application, and, to the best of my knowledge and belief, this information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities. By signing this application I consent to allow Corps or DSL staff to enter into the above-described property to inspect the project location and to determine compliance with an authorization, if granted. I hereby authorize the person identified in the authorized agent block below to act in my behalf as my agent in the processing of this application and to furnish supplemental information in support of this permit application. I understand that the granting of other permits by local, county, state or federal agencies does not release me from the requirement of obtaining the permits requested before commencing the project. I understand that payment of the required state processing fee does not guarantee permit issuance. To be considered complete, the fee must accompany the application to DSL. The fee is not required for submittal of an application to the Corps.</i></p>	
Fee Amount Enclosed	\$386.00
Applicant Signature (required) must match the name in Block 2	
Print Name Kenneth A Perkins	Title Owner
Signature 	Date 12-26-23
Authorized Agent Signature	
Print Name Eric Henning	Title ZNR – Managing Member
Signature 	Date 1/12/2024
Landowner Signature(s)*	
Landowner of the Project Site (if different from applicant)	
Print Name	Title
Signature	Date
Landowner of the Mitigation Site (if different from applicant)	
Print Name	Title
Signature	Date
Department of State Lands, Property Manager (to be completed by DSL)	
<p><i>If the project is located on <u>state-owned submerged and submersible lands</u>, DSL staff will obtain a signature from the Land Management Division of DSL. A signature by DSL for activities proposed on state-owned submerged/submersible lands only grants the applicant consent to apply for a removal-fill permit. A signature for activities on state-owned submerged and submersible lands grants no other authority, express or implied and a separate proprietary authorization may be required.</i></p>	
Print Name	Title
Signature	Date

* Not required by the Corps.

(14) ATTACHMENTS

- Drawings
 - Location map with roads identified
 - U.S.G.S topographic map
 - Tax lot map
 - Site plan(s)
 - Plan view and cross section drawing(s)
 - Recent aerial photo
 - Project photos
 - Erosion and Pollution Control Plan(s), if applicable
 - DSL / Corps Wetland Concurrence letter and map, if approved and applicable
- Pre-printed labels for adjacent property owners (Required if more than 30)
- Incumbency Certificate if applicant is a partnership or corporation
- Restoration plan or rehabilitation plan for temporary impacts
- Mitigation plan
- Wetland functional assessments, if applicable
 - Cover Page
 - Score Sheets
 - ORWAP OR, F, T, & S forms
 - ORWAP Reports
 - Assessment Maps
 - ORWAP Reports: Soils, Topo, Assessment area, Contributing area
- Stream Functional Assessments, if applicable
 - Cover Page
 - Score Sheets
 - SFAM PA, PAA, & EAA forms
 - SFAM Report
 - Assessment Maps
 - Aerial Photo Site Map and Topo Site Map (Both maps should document the PA, PAA, & EAA)
- Compensatory Mitigation (CM) Eligibility & Accounting [Worksheet](#)
 - Matching Quickguide sheet(s)
 - CM Eligibility & Accounting sheet
- Alternatives analysis
- Biological assessment (if requested by the Corps project manager during pre-application coordination)
- Stormwater management plan (may be required by the Corps or DEQ)
- Other
 - Please describe:

For U.S. Army Corps of Engineers send application to:

USACE Portland District
ATTN: CENWP-ODG-P
PO Box 2946
Portland, OR 97208-2946
Phone: 503-808-4373
portlandpermits@usace.army.mil

Counties:
Baker, Benton, Clackamas, Clatsop, Columbia, Gilliam,
Grant, Hood River, Jefferson, Lincoln, Linn, Malheur,
Marion, Morrow, Multnomah, Polk, Sherman, Tillamook,
Umatilla, Union, Wallowa, Wasco, Washington, Wheeler,
Yamhill

U.S. Army Corps of Engineers
ATTN: CENWP-ODG-E
211 E. 7th AVE, Suite 105
Eugene, OR 97401-2722
Phone: 541-465-6868
portlandpermits@usace.army.mil

Counties:
Coos, Crook, Curry, Deschutes, Douglas, Jackson,
Josephine, Harney, Klamath, Lake, Lane

For Department of State Lands send application to:

West of the Cascades:
Department of State Lands
775 Summer Street NE, Ste 100
Salem, OR 97301-1279
Phone: 503-986-5200
https://www.oregon.gov/dsl/WW/Documents/uploadinstructions_removalfill.pdf

East of the Cascades:
Department of State Lands
951 SW Simpson Ave, Ste 104
Bend, OR 97702
Phone: 541-388-6112
https://www.oregon.gov/dsl/WW/Documents/uploadinstructions_removalfill.pdf

For Department of Environmental Quality:

Submit all application materials electronically through [Your DEQ Online](#).

For questions related to *Your DEQ Online*, please visit the [Your DEQ Online help page](#), email YourDEQOnline@deq.state.or.us, or call 503-229-6184

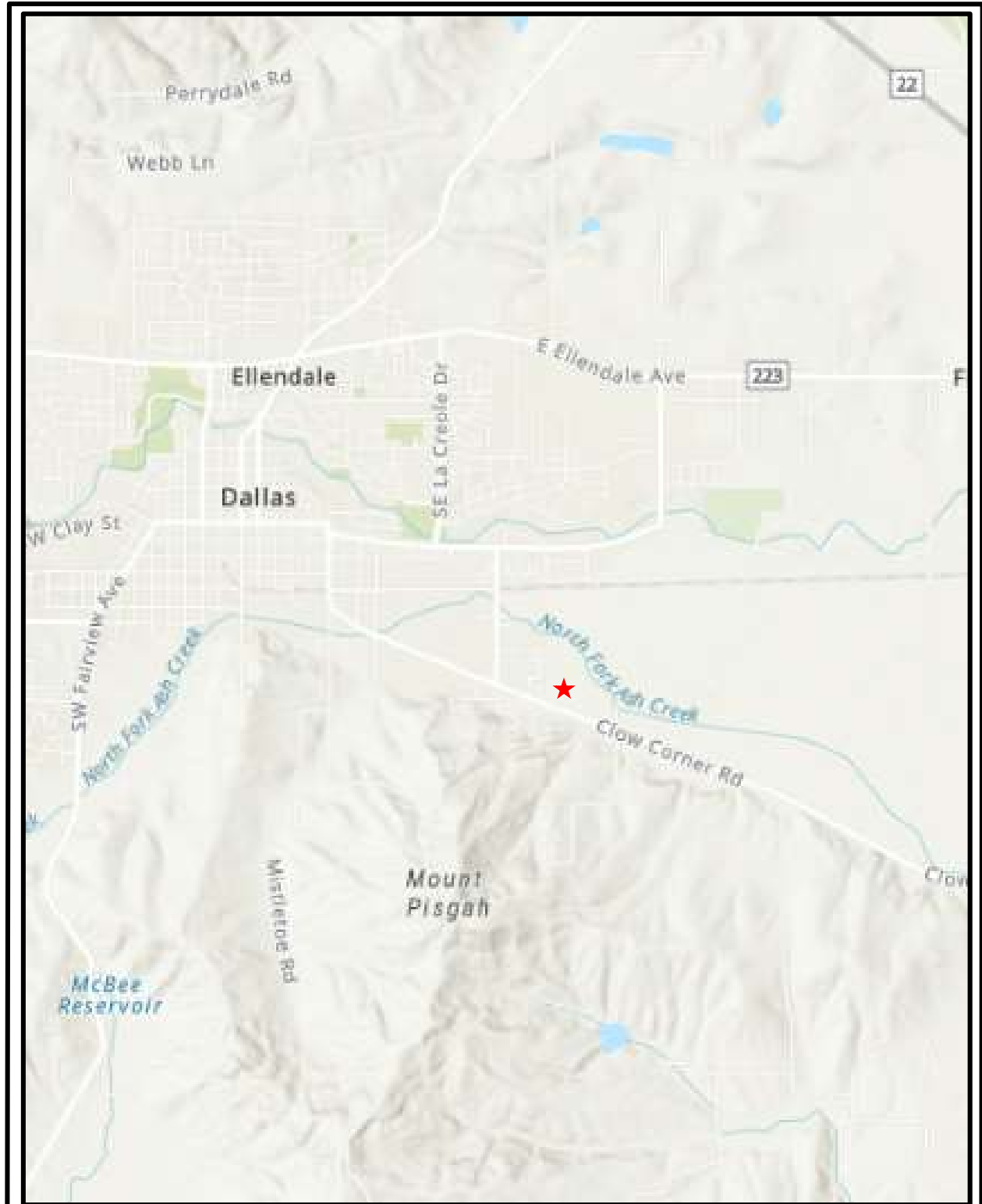


FIGURE 1
Vicinity Map
Project: Clow Corner Rd



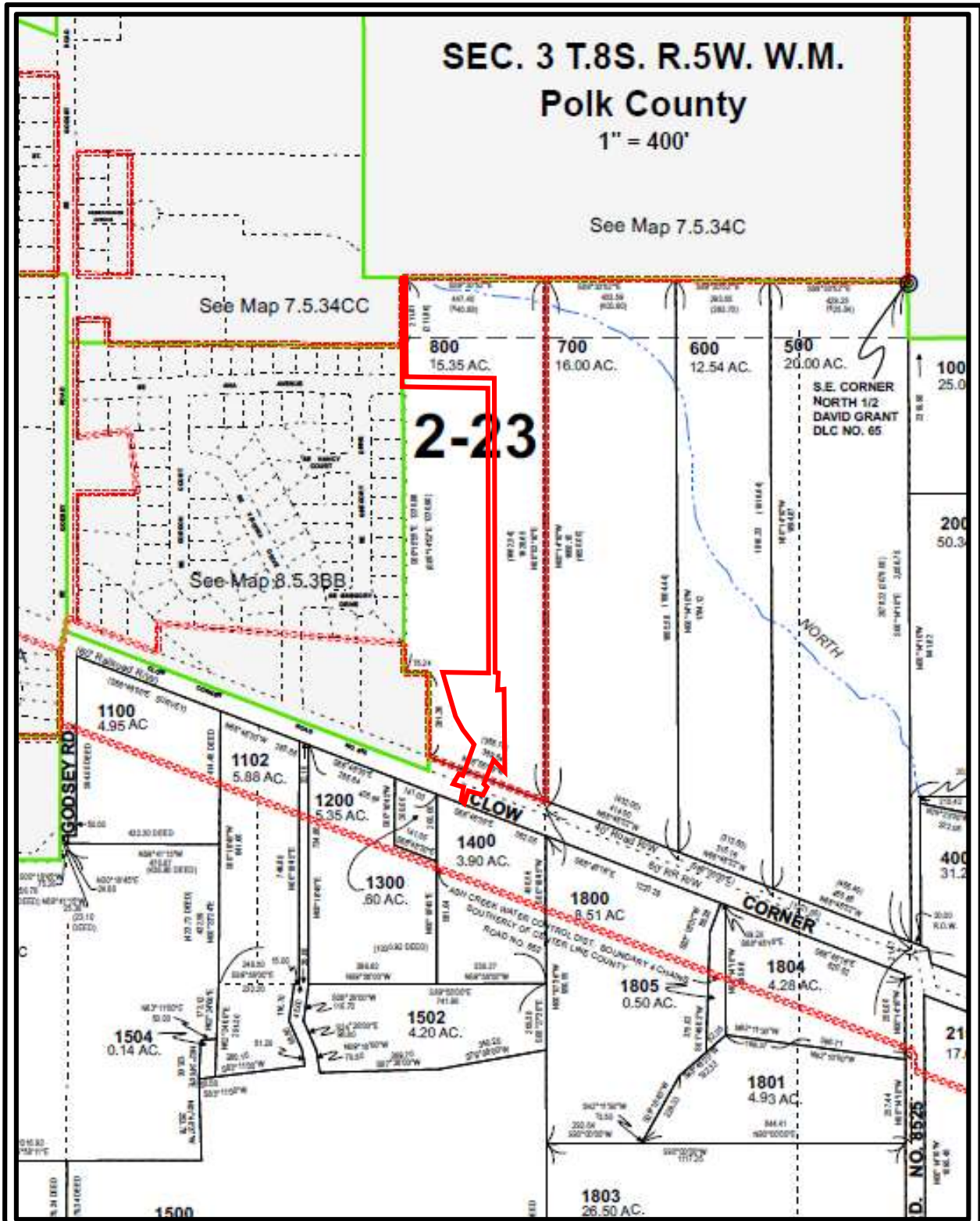


FIGURE 2
Tax Lot Location Map
Project: Clow Corner Rd

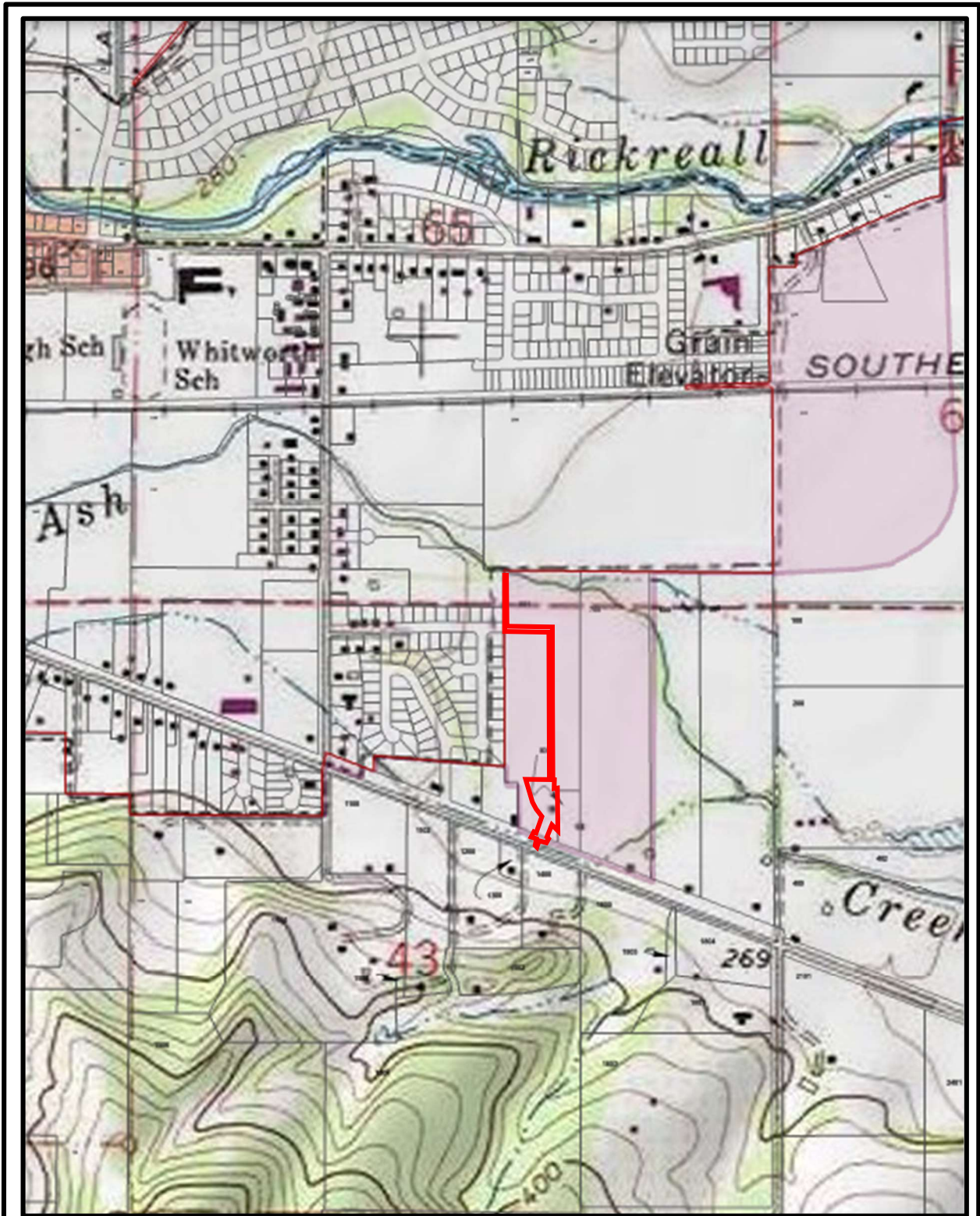


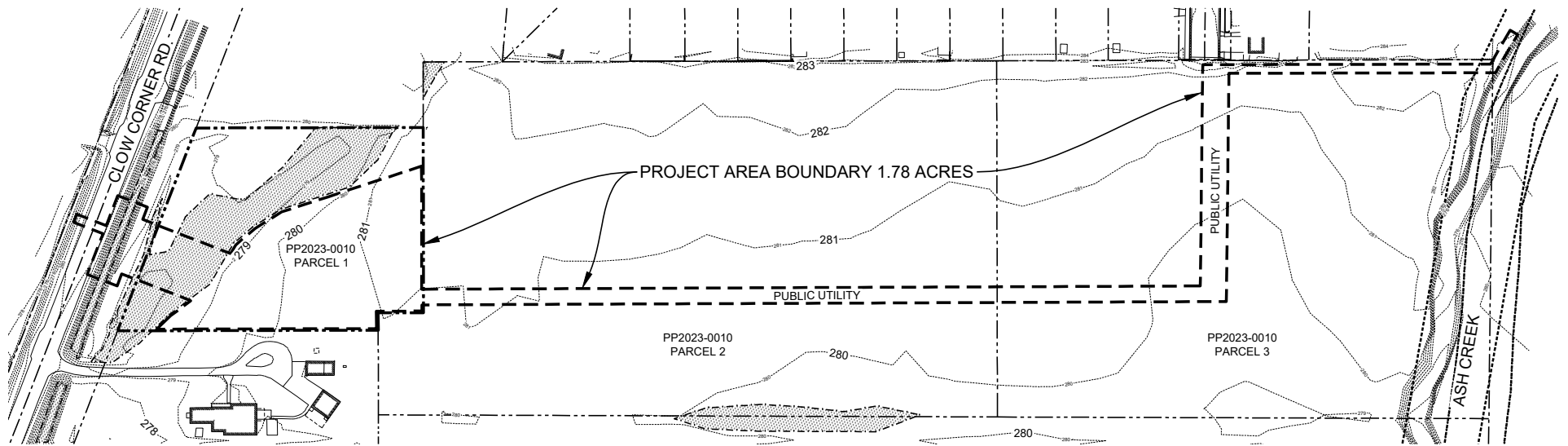
FIGURE 3
USGS Topo Map
Project: Clow Corner Rd





FIGURE 4
Google Earth Aerial – 7/13/2022
Project: Clow Corner Rd





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Locke CIVIL & STRUCTURAL
ENGINEERS

289 E Ellendale Ave, Suite 703
Dallas, Oregon 97338
503.364.8207 LockeEngineers.com

KENNETH A. PERKINS
CLOW CORNER ROAD DEVELOPMENT
NEAR 12695 CLOW CORNER ROAD
DALLAS, OREGON 97338

EXISTING CONDITIONS OVERVIEW

JOB NO. 23002-2

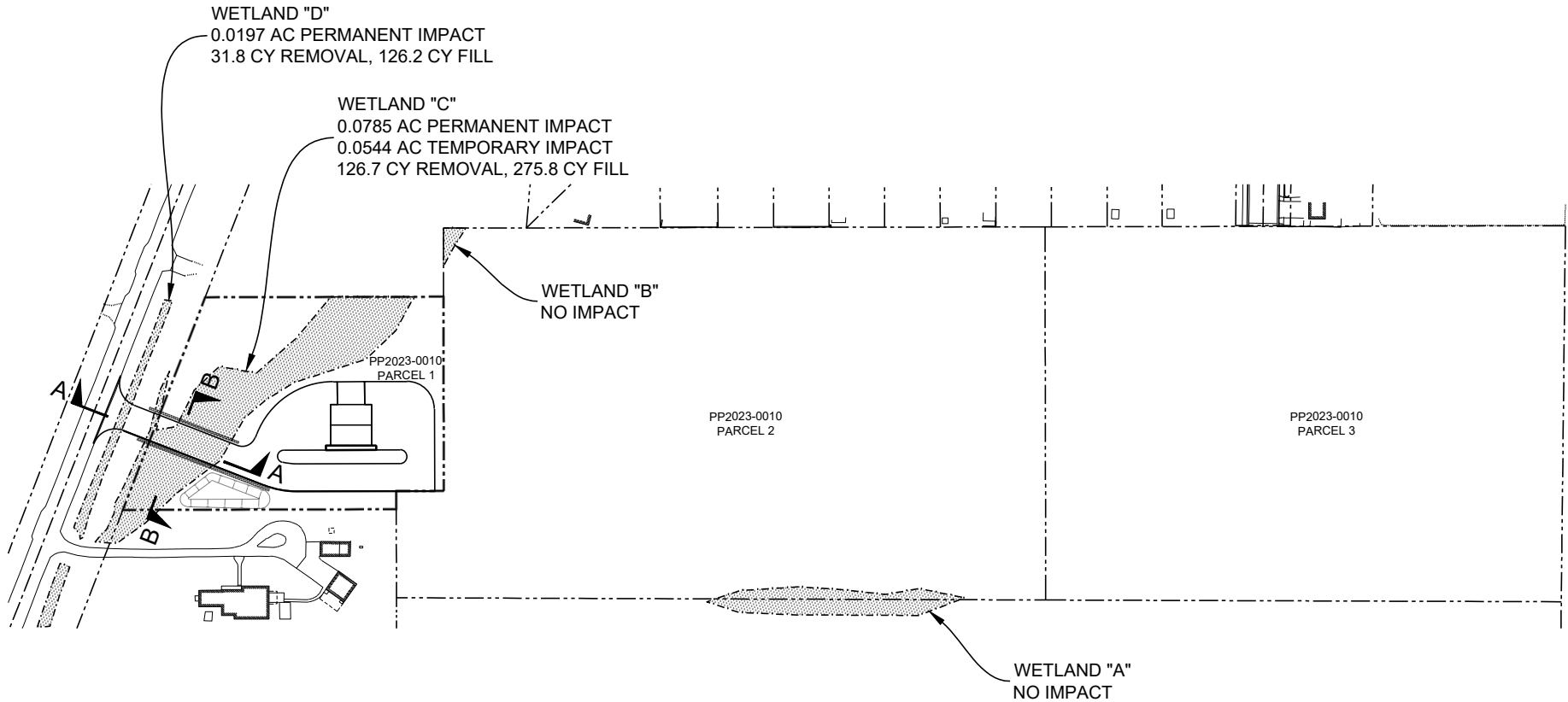
DATE 16 NOV 2023

DESIGN BY CEF

CHECKED BY GL

FIGURE

1



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Locke CIVIL & STRUCTURAL ENGINEERS
 289 E Ellendale Ave, Suite 703
 Dallas, Oregon 97338
 503.364.8207 LockeEngineers.com

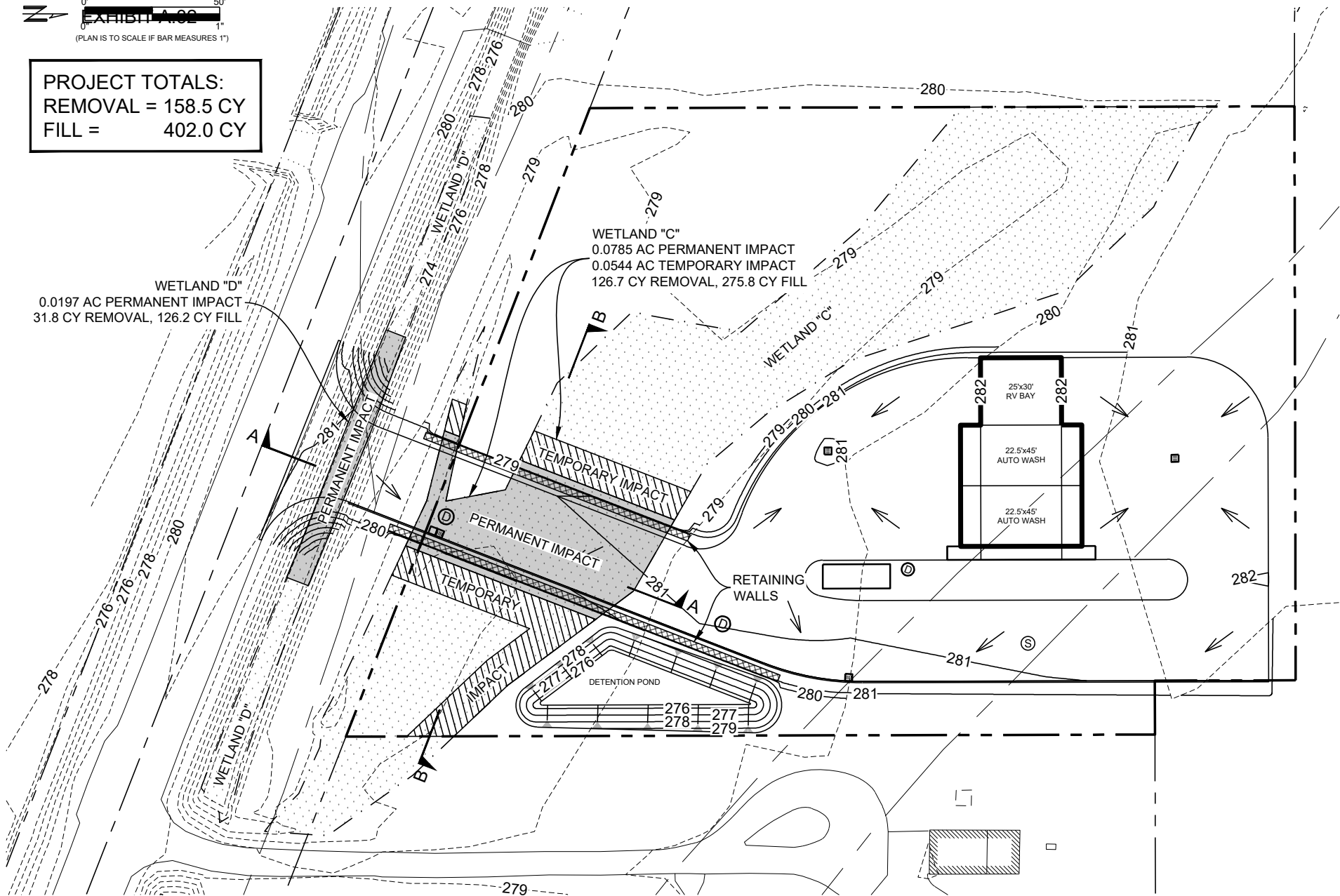
KENNETH A. PERKINS
 CLOW CORNER ROAD DEVELOPMENT
 NEAR 12695 CLOW CORNER ROAD
 DALLAS, OREGON 97338
PRELIMINARY SITE PLAN OVERALL

JOB NO. 23002-2
DATE 16 NOV 2023
DESIGN BY CEF
CHECKED BY GL
FIGURE 2

PROJECT TOTALS:
REMOVAL = 158.5 CY
FILL = 402.0 CY

WETLAND "D"
 0.0197 AC PERMANENT IMPACT
 31.8 CY REMOVAL, 126.2 CY FILL

WETLAND "C"
 0.0785 AC PERMANENT IMPACT
 0.0544 AC TEMPORARY IMPACT
 126.7 CY REMOVAL, 275.8 CY FILL



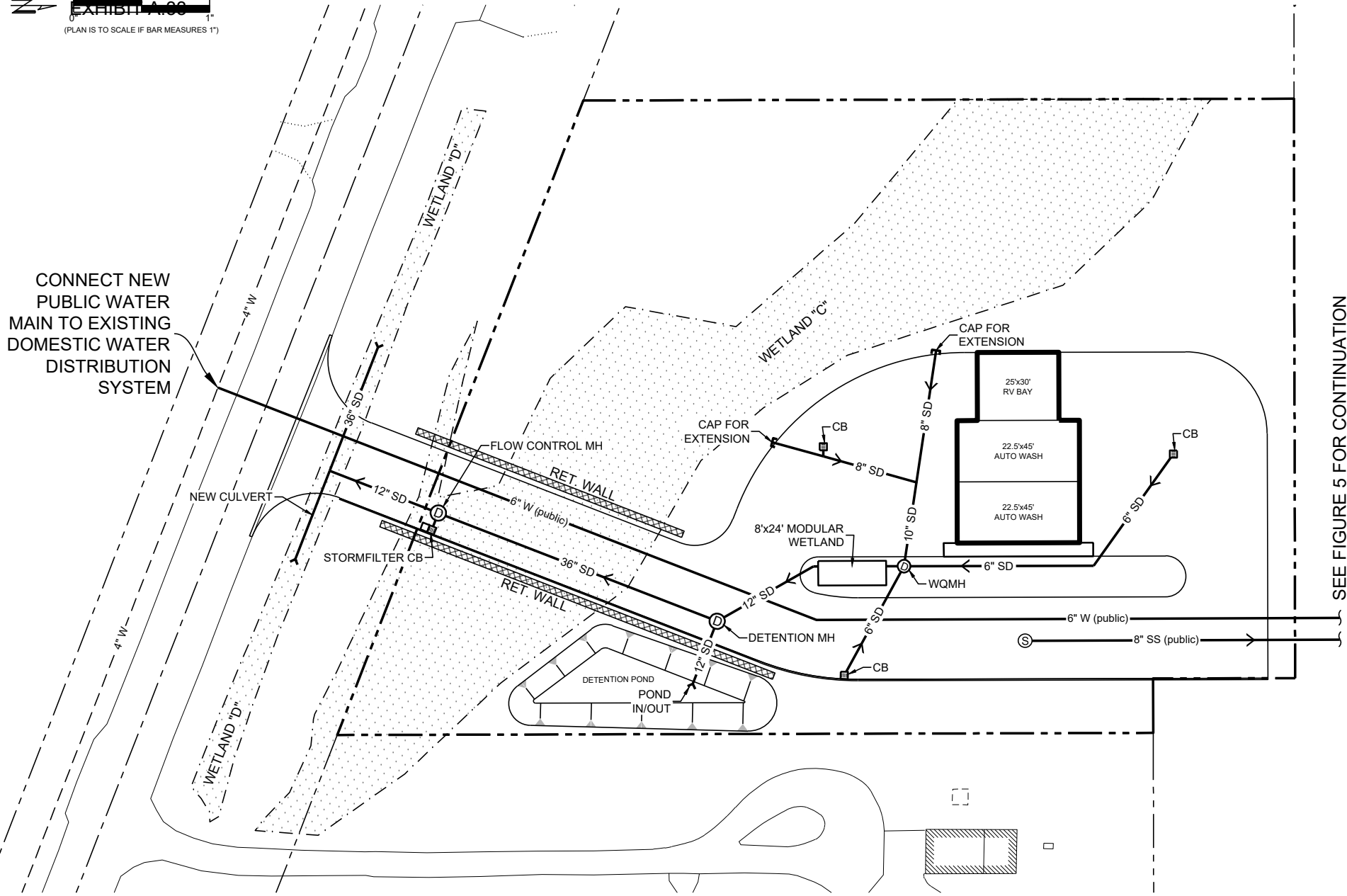
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 Dallas, Oregon 97338
 503.364.8207 LockeEngineers.com

KENNETH A. PERKINS
CLOW CORNER ROAD DEVELOPMENT
NEAR 12695 CLOW CORNER ROAD
DALLAS, OREGON 97338

PRELIMINARY SITE PLAN, GRADING, CROSS SECTION LOCATION

JOB NO. 23002-2
DATE 16 NOV 2023
DESIGN BY CEF
CHECKED BY GL
FIGURE



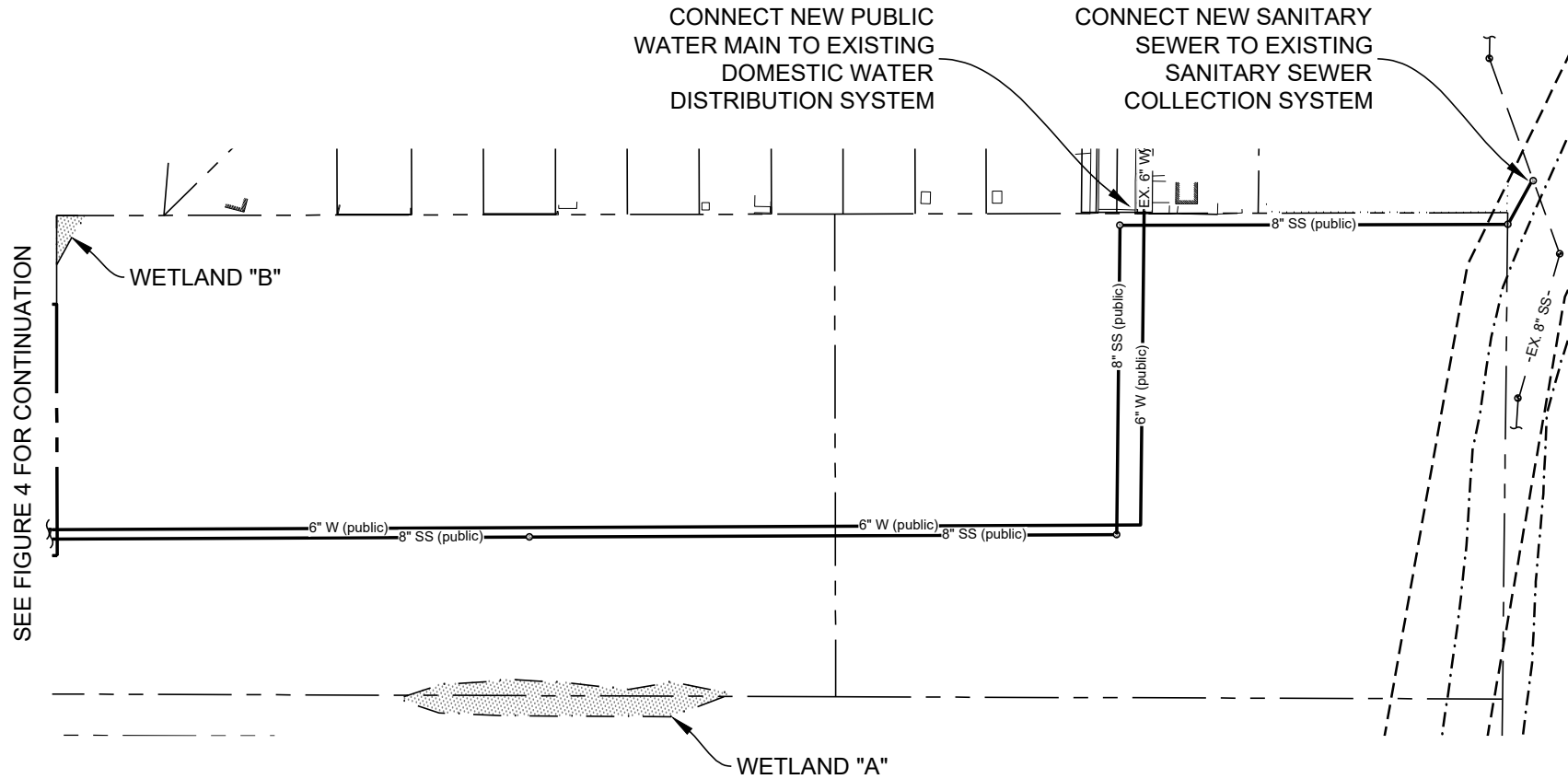
SEE FIGURE 5 FOR CONTINUATION

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Locke CIVIL & STRUCTURAL ENGINEERS
 289 E Ellendale Ave, Suite 703
 Dallas, Oregon 97338
 503.364.8207 LockeEngineers.com

KENNETH A. PERKINS
 CLOW CORNER ROAD DEVELOPMENT
 NEAR 12695 CLOW CORNER ROAD
 DALLAS, OREGON 97338
PRELIMINARY UTILITY PLAN - SOUTH

JOB NO.	23002-2
DATE	16 NOV 2023
DESIGN BY	CEF
CHECKED BY	GL
FIGURE	4

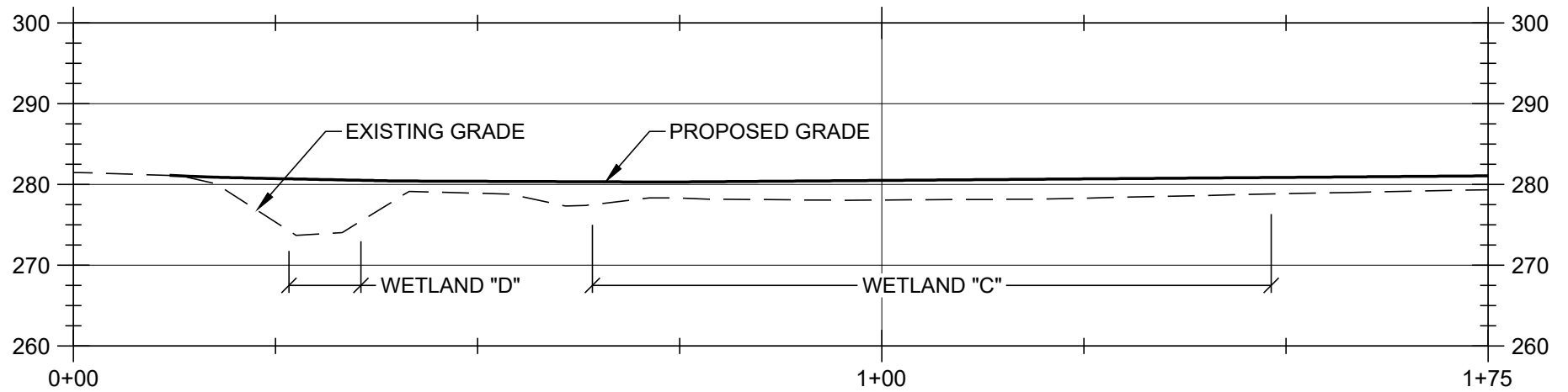


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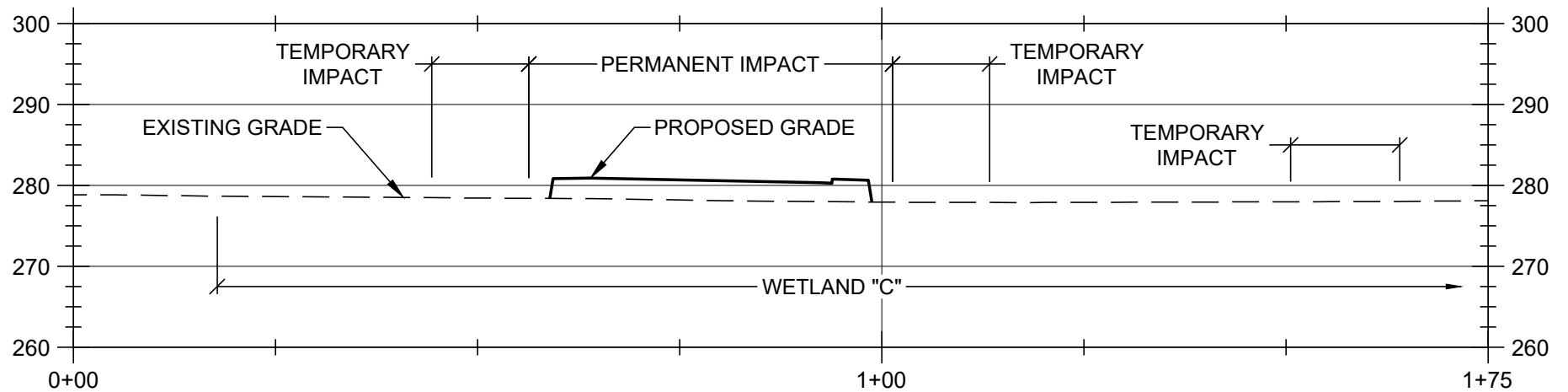
Locke CIVIL & STRUCTURAL ENGINEERS
 289 E Ellendale Ave, Suite 703
 Dallas, Oregon 97338
 503.364.8207 LockeEngineers.com

KENNETH A. PERKINS
 CLOW CORNER ROAD DEVELOPMENT
 NEAR 12695 CLOW CORNER ROAD
 DALLAS, OREGON 97338
PRELIMINARY UTILITY PLAN - NORTH

JOB NO.	23002-2
DATE	16 NOV 2023
DESIGN BY	CEF
CHECKED BY	GL
FIGURE	5



WETLAND IMPACT CROSS SECTION A-A
 SCALE: 1"=20'-0"



WETLAND IMPACT CROSS SECTION B-B
 SCALE: 1"=20'-0"

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 Dallas, Oregon 97338
 503.364.8207 LockeEngineers.com

KENNETH A. PERKINS
 CLOW CORNER ROAD DEVELOPMENT
 NEAR 12695 CLOW CORNER ROAD
 DALLAS, OREGON 97338
WETLAND IMPACT CROSS SECTIONS

JOB NO. 23002-2
DATE 16 NOV 2023
DESIGN BY CEF
CHECKED BY GL
FIGURE 6

August 30, 2023

Ken Perkins
PO Box 74
Independence, OR 97351

Re: WD # 2023-0209 **Approved**
Wetland Delineation Report for Clow Corner Road
Polk County; T8S R5W S3 TL801 & Clow Corner Road ROW

Dear Ken Perkins:

The Department of State Lands has reviewed the wetland delineation report prepared by Zion Natural Resources Consulting for the site referenced above. Based upon the information presented in the report, and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in Figure 6A and 6B of the report. Please replace all copies of the preliminary wetland map with these final Department-approved maps.

Within the study area, 5 wetlands (Wetland A through E, totaling approximately 0.75 acres) and one waterway (North Fork Ash Creek) were identified. They are subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal, other state agencies or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact the Jurisdiction Coordinator for Polk County, Daniel Evans, PWS, at (503) 986-5271.

Sincerely,

Peter Ryan, SPWS
Aquatic Resource Specialist

Enclosures

ec: Eric Henning, Zion Natural Resources Consulting
Polk County Planning Department
Brielle Cummings, Corps of Engineers
Carrie Landrum, DSL

WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

A complete report and signed report cover form, along with applicable review fee, are required before a report review timeline can be initiated by the Department of State Lands. All applicants will receive an emailed confirmation that includes the report's unique file number and other information.

Ways to submit report:

Ways to pay review fee:

- ❖ Under 50MB - A single unlocked PDF can be emailed to: wetland.delineation@dsl.oregon.gov.
- ❖ 50MB or larger - A single unlocked PDF can be uploaded to DSL's Box.com website. After upload notify DSL by email at: wetland.delineation@dsl.oregon.gov.
- ❖ OR a hard copy of the unbound report and signed cover form can be mailed to: Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279.

- ❖ By credit card on DSL's epayment portal after receiving the unique file number from DSL's emailed confirmation.
- ❖ By check payable to the Oregon Department of State Lands attached to the unbound mailed hardcopy OR attached to the complete signed cover form if report submitted electronically.

Contact and Authorization Information

<input type="checkbox"/> Applicant <input checked="" type="checkbox"/> Owner Name, Firm and Address: Ken Perkins PO Box 74 Independence, OR 97351	Business phone # (503) 871-5637 Mobile phone # (optional) E-mail: perkinskng@aol.com
--	--

<input type="checkbox"/> Authorized Legal Agent, Name and Address (if different):	Business phone # Mobile phone # (optional) E-mail:
---	--

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.

Typed/Printed Name: Ken Perkins Signature: [Signature]
 Date: 5/1/23 Special instructions regarding site access: _____

Project and Site Information

Project Name: Clow Corner Road	Latitude: 44.9104 Longitude: -123.2901 decimal degree - centroid of site or start & end points of linear project
Proposed Use: Commercial and residential	Tax Map # 8.5.3 Tax Lot(s) 801, Clow Corner Rd ROW
Project Street Address (or other descriptive location): Clow Corner Road	Tax Map # Tax Lot(s) Township 8S Range 5W Section 3 QQ Use separate sheet for additional tax and location information
City: Dallas County: Polk	Waterway: _____ River Mile: _____

Wetland Delineation Information

Wetland Consultant Name, Firm and Address: Eric Henning Zion Natural Resources Consulting PO Box 545 Monmouth OR 97361	Phone # (503) 881-4171 Mobile phone # (if applicable) E-mail: eric@zionconsulting.org
--	---

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.

Consultant Signature: [Signature] Date: 5/4/2023

Primary Contact for report review and site access is Consultant Applicant/Owner Authorized Agent

Wetland/Waters Present? Yes No Study Area size: 14.73 ac Total Wetland Acreage: 0.71 ac

Check Applicable Boxes Below

<input type="checkbox"/> R-F permit application submitted	<input type="checkbox"/> Fee payment submitted \$ _____
<input type="checkbox"/> Mitigation bank site	<input type="checkbox"/> Resubmittal of rejected report (\$100)
<input type="checkbox"/> EFSC/ODOE Proj. Mgr: _____	<input type="checkbox"/> Request for Reissuance. See eligibility criteria. (no fee)
<input type="checkbox"/> Wetland restoration/enhancement project (not mitigation)	DSL # _____ Expiration date _____
<input type="checkbox"/> Previous delineation/application on parcel If known, previous DSL # _____	<input type="checkbox"/> LWI shows wetlands or waters on parcel Wetland ID code _____

For Office Use Only

DSL Reviewer: DE Fee Paid Date: ____/____/____ DSL WD # 2023-0209
 Date Delineation Received: 05 08 2023 DSL App.# _____

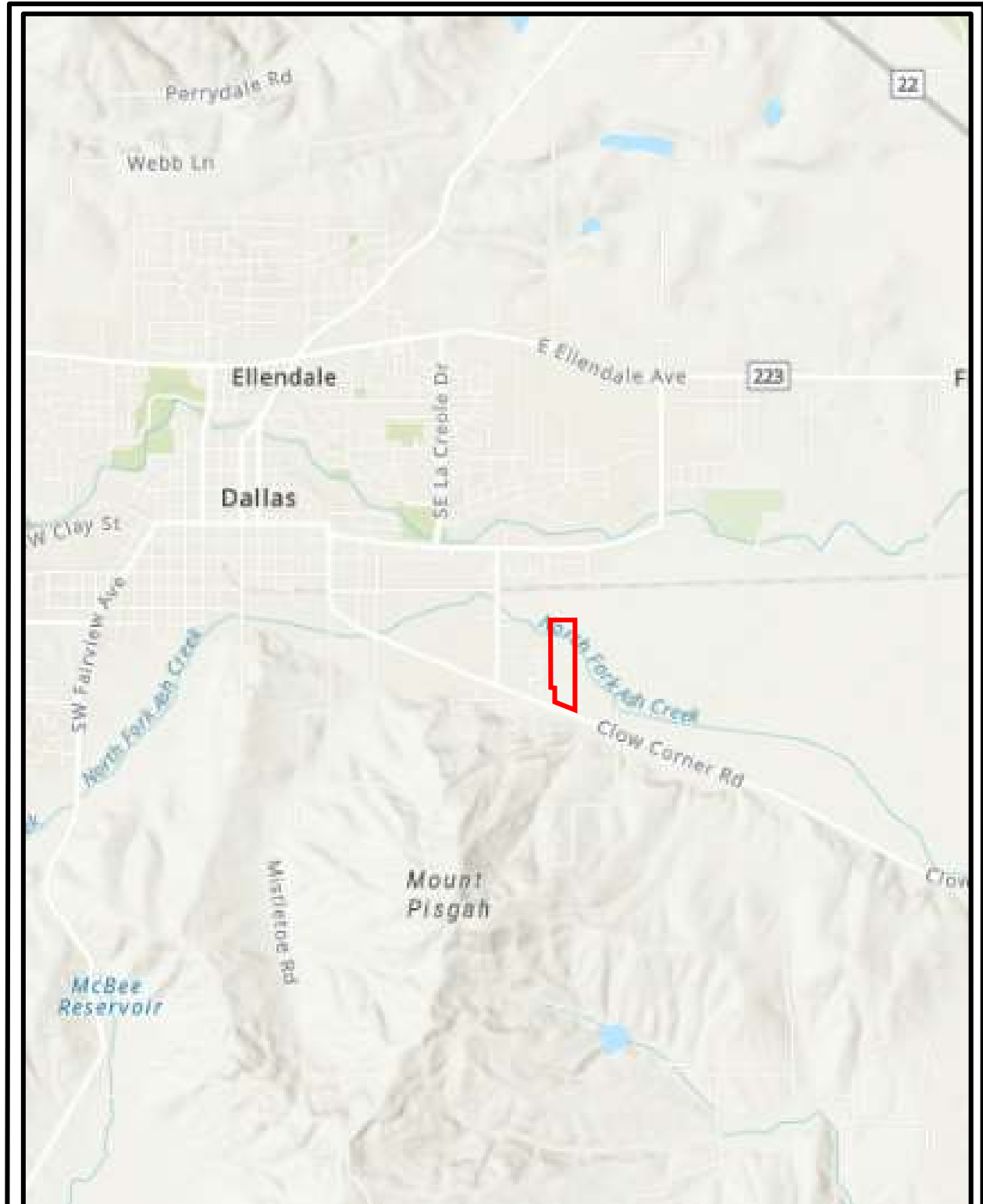
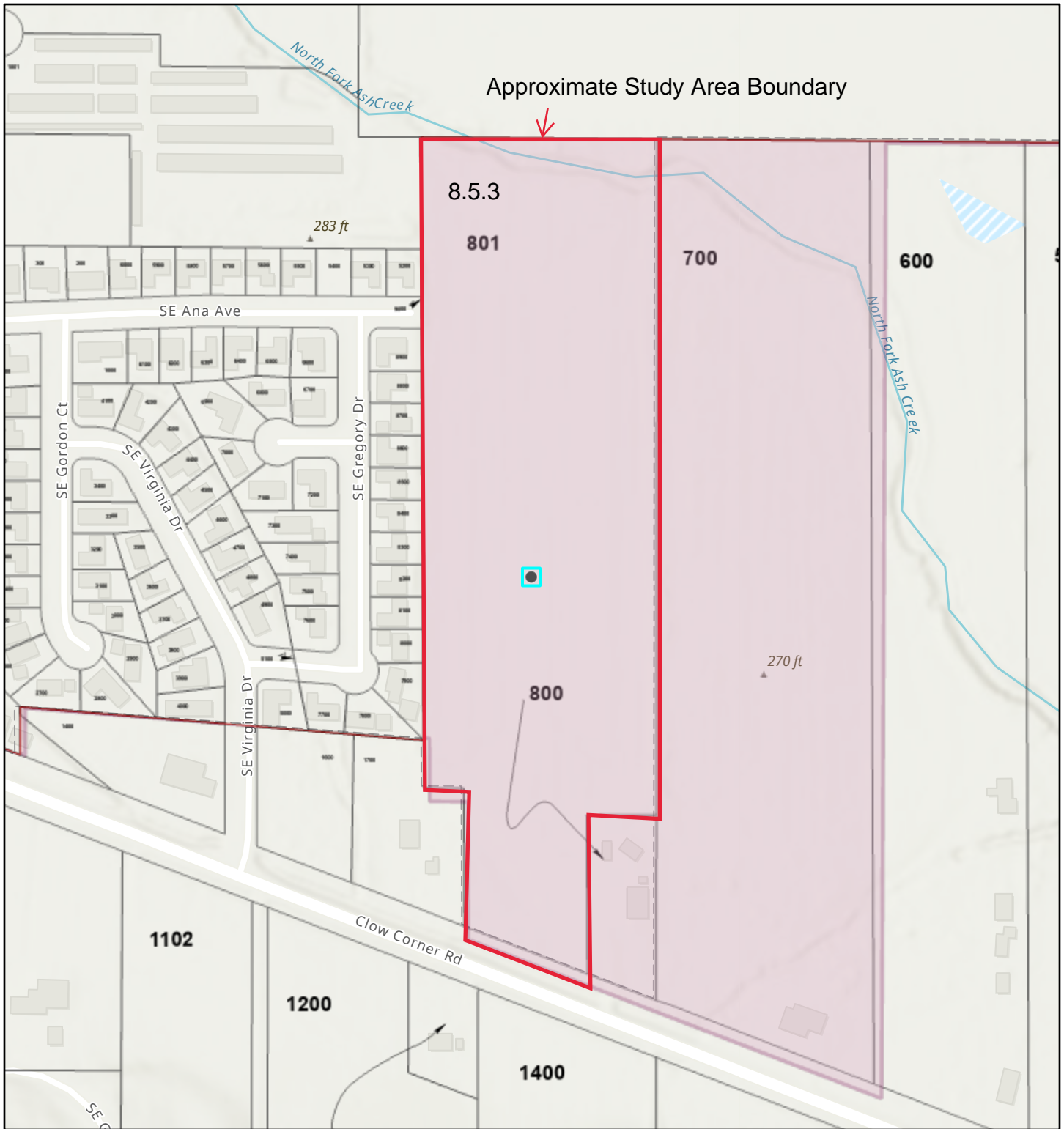


FIGURE 1
Vicinity Map

Project: 12695 Clow Corner Rd

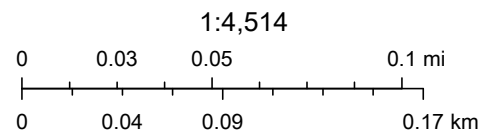


Polk County Webmap



8/28/2023, 1:48:10 PM

- Urban Growth Boundary → 400 Scale
- City Limits → 100 Scale
- Taxlots



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, Oregon Metro, Oregon State Parks, State of Oregon GEO, ©

Figure 2-Tax Lot Location Map

Figure 6A - Wetland Map

EXHIBIT A.41



Tax Lot 801
8.533

Figure B Extents

DSL WD # 2023-0209
Approval Issued 8/30/2023
Approval Expires 8/30/2028

Legend

- Sample Plot
- Photo Point
- Culvert
- Study Area 14.73 ac
- OHWM
- Total Wetland Area 0.75 ac
- Tax Lots Polk County
- Wetland/Waters Continue Offsite

Wetland boundaries and sample plots were established and flagged by Zion Natural Resources Consulting and were field surveyed by Barker Surveying with a Trimble S6 Total Station to a horizontal precision of 0.02 feet and a vertical precision 0.04 feet.



Esri Community Map of Oregon GEO, © GeoTechnologies, Inc.

EXHIBIT A.42

Figure 6B - Wetland Map

DSL WD # 2023-0209
Approval Issued 8/30/2023
Approval Expires 8/30/2028



Wetlands E
(WBO)
0.04 ac

Tax Lot 801
8.5.33

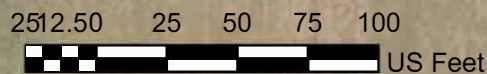
SP-13

SP-12

Legend

- Sample Plot
- Photo Point
- Culvert
- Study Area 14.73 ac
- OHWM
- Total Wetland Area 0.75 ac
- Tax Lots Polk County
- ▲ Wetland/Waters Continue Offsite

Wetland boundaries and sample plots were established and flagged by Zion Natural Resources Consulting and were field surveyed by Barker Surveying with a Trimble S6 Total Station to a horizontal precision of 0.02 feet and a vertical precision 0.04 feet.



Map data by Microsoft, Esri, DeLorme, Garmin, IGN, Intermap, iPC, NITD, NRCAN, Esri, Swire, GEBCO, OpenStreetMap, Microsoft, Esri, NOAA, USGS, Bureau of

SE Gregory Dr

CITY OF DALLAS
NOTICE OF PUBLIC HEARING
Subdivision #SUB-24-02

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

APPLICANT: Ken Perkins

NATURE OF REQUEST: Divide the property into 18 parcels of varying sizes for an industrial park.

APPROVAL CRITERIA: DDC Chapter 4.3 – Land Divisions

HEARING DATE / TIME: 7:00 p.m. Tuesday, May 14, 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

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

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

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

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

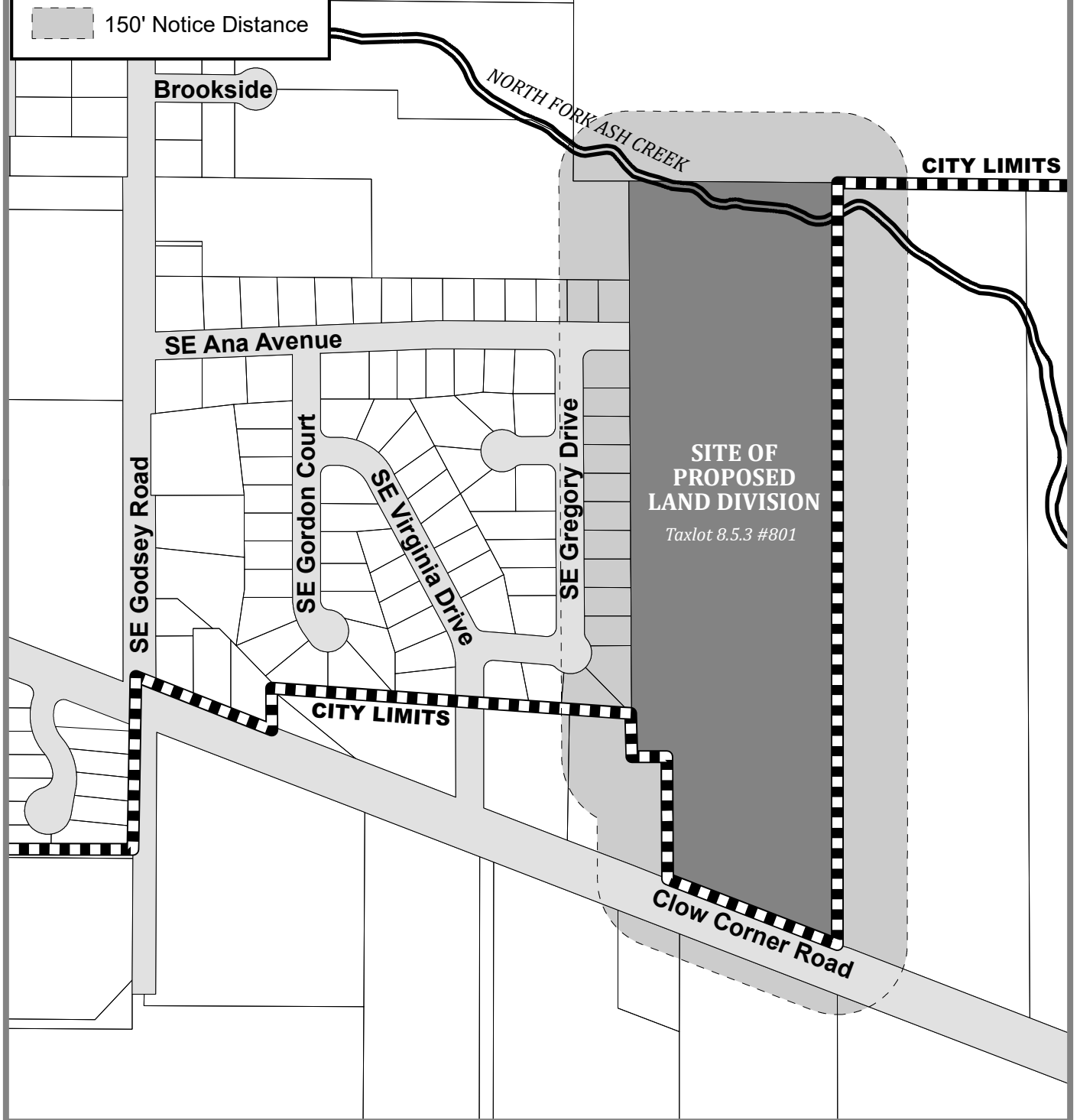
Dated: April 24, 2024

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.

Public Notice Map

Subdivision - #SUB-24-02

-  Subject Property
-  150' Notice Distance



**CITY OF DALLAS
PLANNING COMMISSION
STAFF REPORT**

Meeting Date: May 14, 2024
Topic: Dallas Retirement Village On-Site Childcare - #CUP-24-02

Application Type: Conditional Use
Applicant: Dallas Retirement Village
Location: 175 NW Lange Street

RECOMMENDED ACTION

Approval with Conditions

BACKGROUND INFORMATION

Zoning: RL – Low Density Residential
Comprehensive Plan: Residential
Floodplain: No Floodplain
Surrounding Land Uses: Single-Family Residential; Multi-Family Residential; Retail;

PROJECT OVERVIEW

The applicant’s request is to convert an existing single-family dwelling into childcare for the benefit of DRV employees. In the Low Density Residential zone, daycare is an allowed use subject to a conditional use permit and compliance with state licensing standards.

APPROVAL CRITERIA:

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

Staff refer to and incorporate the applicant’s written narrative for supportive findings in response to the above mentioned criteria (**Exhibit A**). Staff generally concur with the applicant’s findings, with additional specific findings as follows.

CONDITIONAL USE CRITERIA

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

Criterion:

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

Finding:

The application demonstrates that the site is adequate for the proposed use, having the state-required square-footage per child.

Criterion:

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

Finding:

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

Criterion:

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

Finding:

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

As the customers of the childcare center are employees already traveling to the Dallas Retirement Village site, the increase in traffic generated by the use is minimal and does not exceed the threshold for requiring further traffic analysis, so it is presumed the streets have adequate capacity.

SITE DESIGN REVIEW CRITERIA

The Site Design Review approval criteria shall be met. Applicable approval criteria are contained in Dallas Development Code section 4.2.060.A.

Criterion:

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

Finding:

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

Criterion:

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

Finding:

In the Low Density Residential zone, daycare is an allowed use subject to a conditional use permit. Compliance with state licensing standards is also required per DDC 2.2.120. The building already exists, so setback, lot coverage, and minimum lot size/dimension standards, and architectural design standards don’t apply. This criterion is satisfied.

Criterion:

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

Finding:

The driveway approach for the dwelling does not comply with ADA accessibility standards and must be removed/replaced as part of the project. With conditions of approval this criterion is satisfied.

Criterion:

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

Finding:

Chapter 3.1 – Site Access

The driveway approach for the dwelling does not comply with ADA accessibility standards and must be removed/replaced as part of the project. Pedestrian access is provided via walkways.

Chapter 3.2 – Landscaping

No “Significant Vegetation” as defined in the Dallas Development Code exists on the site, and no landscaping is proposed.

Chapter 3.3 – Parking

For daycare uses, DDC 3.3.030 specifies parking requirements to be one space per 500 square feet of floor area, or as required by conditional use permit. As this use is accessory to the Dallas Retirement Village for the benefit of their employees, and the Village has ample parking on-site, city staff recommend the conditional use permit require no dedicated parking for the daycare.

Chapter 3.4 – Public Facilities

The application does not propose constructing public infrastructure.

Chapter 3.6 – Signs

Any new signs shall be required to obtain a sign permit in compliance with Chapter 3.6.

In summary, staff finds the application complies with the design standards of Article 3.

Criterion:

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

Finding:

City staff are not aware of any prior conditions of approval which would pertain to the childcare use, so this criterion does not apply.

RECOMMENDED ACTION

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

RECOMMENDED CONDITIONS OF APPROVAL

- 1) The applicant shall obtain all required building permits and receive final inspection from the Dallas Building Department prior to occupancy.
- 2) The applicant shall obtain all required state licensing prior to occupancy.
- 3) The existing driveway approach must either be removed and the curb restored, or replaced with one complying with ADA accessibility standards.
- 4) In order to minimize traffic impacts, the childcare shall be exclusively for the use of Dallas Retirement Village employees and their families.

RECOMMENDED MOTION:

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

EXHIBITS

- A. Applicant's Narrative & Site Plans
- B. Notice of Public Hearing



Conditional Use Permit Application

Dallas Planning Department

Development Code Type III Review

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

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

Section 1 – Applicant Information

Name(s): Dale Pader
 Mailing Address: 377 NW Jasper St Dallas OR 97338
 Email: dpader@drhome.com Phone Number: 503-507-7660 Cell Number: same

Section 2 – Property Owner Information (If not applicant)

Property Owner(s): Dallas Retirement Village
 Mailing Address: 377 NW Jasper St Dallas OR 97338
 Email: dpader@drhome.com Phone Number: 503-623-1836 Cell Number: 503-507-7660

Section 3 – Project Description

Please describe your project: child care/day care

Site Address: 175 NW Lange St Dallas OR Total Land Area: _____

Assessor Map/Taxlot No. 07529-00-00502 Zoning: RL

Present Use of Property: Residential - Household Living - Single Family

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;
- Written narrative that addresses the relevant criteria found in DDC Section 4.4.040 (see also Section 6, page 3);
- Existing site conditions map;
- Preliminary grading plan;
- A copy of all existing and proposed restrictions or covenants;
- Drawings of all proposed signs;

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):

Dallas Retirement Village Date: 3-19-24

APPLICANT(S)

Dale Pace Date: 3-19-24

_____ Date: _____

_____ Date: _____

Section 6 – Application Review Criteria

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

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

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

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

Section 7 – Review and Approval

Official Use Only:

Approved Denied Reason for Denial: _____

Address Modification Required: Yes No

If yes, Add Remove _____ (Address)

Staff Signature: _____

Date: _____

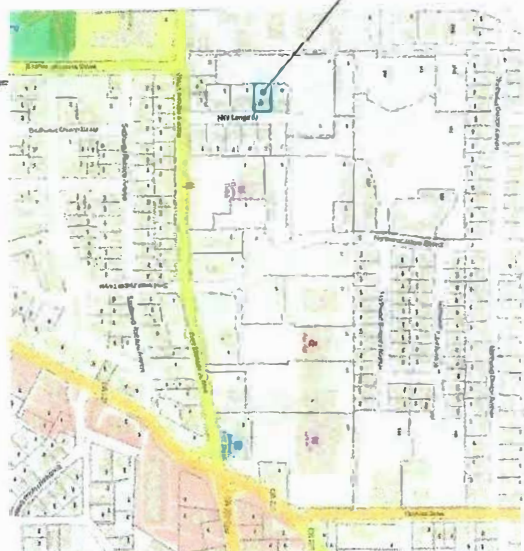
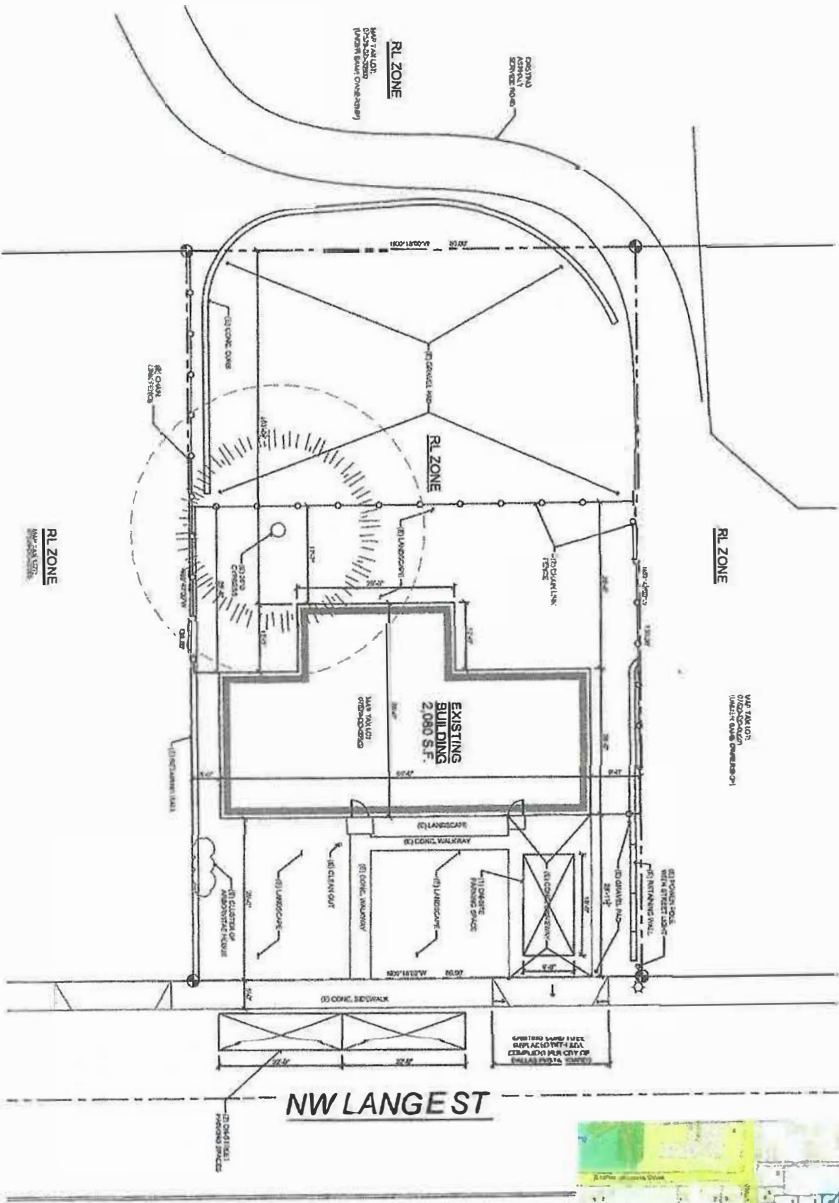
Required parking facilities will be satisfied by the same parking facilities used jointly on the Dallas retirement facilities on parcels, the proposed use will not increase additional parking need as it will be utilized only by the employees of the retirement facilities.

Dallas Retirement
Village

Dale Padner
3-19-24

CONDITIONAL USE APPLICATION

175 NW LANGE ST DALLAS, OR 97338



PROJECT DATA
 175 NW LANGE ST
 DALLAS, OR 97338
 PROJECT NO. 2022-001

OWNER
 MDesign Concepts, LLC

DESIGNER
 MDesign Concepts, LLC

DATE
 08/15/2022

PROJECT NO.
 2022-001

SCALE
 1/4" = 1'-0"

DATE
 08/15/2022

PROJECT NO.
 2022-001

Property Address:

175 NW Lange ST Dallas, OR 97338

Property Owner(s):

Dallas Mennotite Retirement Comm Inc

Tax lot #/ Legal description:

07529-DD-00502

Lot Area

0.22 AC (9,750 s.f.)

Jurisdiction:

City of Dallas

Property Zone:

RL (Residential Low Density

Abutting:

South – RL

West – RL

East – RL

North – RL

Allowed Land Use:

(Sec. 2.2.020)

Existing Use:

Residential – Household Living – Single family

Proposed Use/ Change of Use?:

Institutional and Civic Use – Daycare / Yes

Permitted Use:

Conditional plus Special (Special requirements = NO)

General Development Standards:

(Sec. 2.2.030)

Area limitation:

N/A

Setbacks:

Front Yard: 15' min.

Abutting the street: N/A

Side yard: 5' min

Rear yard: 10' min.

Interior Front Yard: N/A

Garage: 20' min.

Covered Front Porch 8' min.

Lot coverage:

(Sec. 2.2.060)

50% max. or 4,875 s.f. max

Lot area: 9,750 s.f. * 50% = 4,875 s.f.

Actual coverage = 27% or 2,642 s.f.

Building Height:

28' max – No Change

Design features:

N/A

Garage required:

N/A

Access and Circulation:

Pedestrian access and Circulation (Sec. 3.1.030(B)(3,4))

4' min walkway

ADA access to primary entrance

New accessible driveway approach if using driveway for parking.

Landscape Conservation

(Sec. 3.2.020)

Any significant Vegetation (6" caliper or larger @ 48" height)

Landscaping:

(Sec. 3.2.030)

Applies to proposed changes.

Street Trees

(Sec. 3.2.040)

N/A

Parking:

(Sec. 3.3.030)

Off street Parking:

(T3.3.030A)

1 per 500 s.f. = 5 sp

2,080 s.f. /500 = 4.16 = 5 sp.

Reduction based on the shared parking? = YES provide written statement

1 HC stall required with accessible route to accessible entrance.

Bicycle Parking:

(Sec. 3.3.040)

Not Required per T3.3.040

Off-street Loading:

(Sec. 3.3.020)

Not Required

Public Facilities:

(Sec. 3.4.010)

Development under 300 trips won't trigger infrastructure change.

Signs:

(Sec. 3.6.070)

One freestanding and one wall mounted. Separate Permit required – Type I application.

Dallas Retirement Village has received a grant from the Willamette Health Council to start a childcare program to both support our healthcare workers and provide affordable and quality childcare to their children. Helping to fill a gap in available childcare options in Polk County.

Our goal is to convert the structure at 175 NW Lange St. into a childcare center. This center would be able to serve up to 15 children during multiple shifts. This location is owned by Dallas Retirement Village and well located for easy pick up and drop off.

We would like to change the zoning of the home on 175 NW Lange Street from Residential to Commercial so we can license the space as a childcare center rather than an in-home childcare setting. This will allow us to serve more children and families because we will not be required to have someone living in the home and will be able to operate for more hours each day. Our hope is to provide childcare for our healthcare workers who work, day and swing shifts.

Below is a more detailed summary of the purpose of our project as taken from the grant application.

"The purpose of this project is to provide safe, affordable, and high-quality childcare for current and future healthcare workers of Dallas Retirement Village.

Dallas Retirement Village employs roughly 300 individuals and is one of the largest employers in Polk County. Our employees struggle to find childcare that fits with their healthcare schedules. Which often includes rotating schedules and working shifts that are atypical hours from standard childcare providers. It is our goal to provide childcare for the two primary shifts – Day, 6am to 2pm and Swing, 2pm to 10pm. While also subsidizing the childcare expenses for our employees.

We know that this struggle for safe, affordable, and high-quality childcare is not isolated to our employees, but a challenge for many in Oregon and Polk County.

"In the Childcare Aware of America Price of Care: 2022 Childcare Affordability Analysis, Oregon is ranked as the 'fifth least affordable state for infant and toddler center-based childcare.' It is no wonder families are having difficulty accessing care that meets their needs. It is costly, and on top of that, this same report states that the average cost of care is about '13 & 15%,' respectively, 'of a married couple's median income. . . There are approximately 4,740 children aged 0-5 in Polk County. There are approximately 1,157 slots available to that same age group through various childcare programs in Polk County. That leaves 3,583 children, 0-5 years old without access to a slot." (Childcare Licensing Division 2023)

To evaluate the need at Dallas Retirement Village a survey was conducted. The results indicated that there are a total of 103 children who could utilize this childcare - 50 children

aged 6 to 13 and 53 children aged 0 to 5. There is a need for childcare 7 days a week with the primary need being between 6am and 2pm.

The healthcare industry has been hit hard over the past three years and our community was not immune. We have struggled with employee recruitment and retention, and this directly affects our residents and their well-being. This new Certified Family Childcare Program would be designed to support the DRV healthcare workers by allowing them the freedom to grow and develop in their careers while also assisting us in recruitment and retention. Ultimately allowing us to carry on with our 75-year mission of serving the aging population in Polk County and beyond.

The Dallas Retirement Village childcare program benefits the greater community by providing a nourishing and educational environment for our children, aiding in kindergarten readiness. While also providing an exceptional platform for intergenerational engagement.

Having this resource may even provide a way for individuals to enter the healthcare field utilizing our free CNA course, sustain employment and avoid or escape poverty.

Our goal is to use these grant funds to start up the Dallas Retirement Village Certified Family Childcare Program. The funds would be used to hire and employ a Childcare Operator, remodel the home we plan to utilize, and cover initial operating expenses. We will become licensed through the State's Childcare Licensing Division (CCLD), a program of the Department of Early Learning and Care (DELIC). This will allow our employees to apply for State childcare benefits and sustain our Childcare program.

Our organization and Board of Director's are committed to this childcare program and its ongoing success and growth."

CITY OF DALLAS
NOTICE OF PUBLIC HEARING
Conditional Use Permit #CUP-24-02

PROPERTY LOCATION: 175 NW Lange Street

APPLICANT: Dale Pader, Dallas Retirement Village

NATURE OF REQUEST: Renovate the property into employee childcare.

APPROVAL CRITERIA: DDC Chapter 4.4 – Conditional Use Permits

HEARING DATE / TIME: 7:00 p.m. Tuesday, May 14, 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

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

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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: April 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.

Public Notice Map

Conditional Use Permit
#CUP-24-02

-  Subject Property
-  150' Notice Distance

