

APPLICATION. The completed application, all the required materials, and the fees must be submitted to the Community Development Department no later than 50 days before the next Planning Commission meeting. The Commission meets in the evening of the second Tuesday of the month. The applicant will be sent a copy of the agenda and all materials being given to the Commission for consideration of the request.

DALLAS PLANNING COMMISSION

- The Planning Commission acts in a quasi-judicial capacity at hearings.
- The Commission's determination on the request will be based on the evidence presented prior or at the time of hearing, with the burden of proof lying with the applicant.
- Applicant should attend the meeting of the Planning Commission and City Council when the request is to be considered, or be represented by someone, to answer questions. Not being in attendance or represented could result in the request being continued until the next meeting or being denied.
- The Commission's recommendation to the City Council will be announced following the hearing, or the Commission may elect to take the matter under advisement and announce its decision at a later date. Parties desiring to be notified will be notified of the recommendation.



Community Development Department
187 SE Court Street
Dallas, Oregon 97338
Phone (503) 831-3571
Fax (503) 623-2339
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CITY OF DALLAS

COMMUNITY DEVELOPMENT DEPARTMENT

COMPREHENSIVE PLAN/ZONE AMENDMENT APPLICATION PROCESS



What is the Comprehensive

Plan? Oregon's land-use planning laws require that every city and county adopt a comprehensive plan. The comprehensive plan is a city's official statement of how it is going to grow, where certain uses are allowed, and how it will manage limited resources. The policies and goals in the comprehensive plan must conform with statewide planning goals.

The City of Dallas Comprehensive Plan is a lengthy and detailed document. Copies are available at the Library or you can obtain a copy, for a small fee, in our Community Development Department.

The Permit Process

The following outlines the process for requesting a change in the current zoning designation or comprehensive plan zoning designation of your property. (i.e. if you are proposing to use your property in a manner that is not consistent with the comprehensive plan designation.)

Step 1 - Application Filing

The applicant prepares, signs and submits an application along with an accurately drawn reproducible

site plan, filing fee, and other required supplemental information to the Community Development Department. The applicant will be notified within 15 days after filing as to whether the application is complete or what **additional information is required**.

Step 2 - Circulation

The application is circulated to the appropriate city staff responsible for processing land use issues. These staff members review the request and a formal recommendation is made to the Planning Commission.

Step 3 - Public Hearing #1

The application is scheduled for a public hearing before the Planning Commission. A notice of the hearing is sent to all property owners within 250 feet of the affected property. The Planning Commission may recommend denial, approval or conditional approval of the application to the City Council.

Step 4 - Public Hearing #2

The Planning Commission's recommendation is forwarded to the City Council. Again, the property owners are notified and a public hearing is held before the City Council. The City Council may deny, approve or conditionally approve the application. The

decision is published and becomes final 21 days from the notice of adoption unless appealed to the Land Use Board of Appeals (LUBA).

Special Notes

The following information must be included with your application:

- 1) A copy of the deed to the property including a legal description.
- 2) A list of the tax lot numbers, and the names and addresses of owners, of the properties within 250' of the subject lot boundaries. The street is not considered when determining the distances; the street centerline can be considered the front property line.
- 3) A site plan of the property, drawn to scale, including all the information listed on the application.
- 4) A statement providing the need for the comprehensive plan amendment, its benefit to the public health, safety, welfare and convenience, and showing that no properly zoned land is currently available in the city for the proposed use.
- 5) Answers to the questions attached to the application.
- 6) Application Fee.



LAND USE APPLICATION

City of Dallas
187 SE Court Street
Dallas, OR 97338 • 503-831-3571

PLEASE TYPE OR PRINT IN INK ONLY

FOR STAFF USE ONLY

- | | | |
|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> SITE PLAN REVIEW:
__ PARKING
__ SITE DEVELOPMENT | <input type="checkbox"/> CONDITIONAL USE (Type III)
<input type="checkbox"/> SUBDIVISION (Type III)
<input type="checkbox"/> PARTITION (Type III)
<input type="checkbox"/> VARIANCE (Type III)
<input type="checkbox"/> ANNEXATION (Type IV)
<input type="checkbox"/> COMP PLAN (Type IV)
<input type="checkbox"/> ZONE CHANGE (TYPE IV)
<input type="checkbox"/> UGB EXPANSION (TYPE IV) | File No: _____
Date Received: _____
Fee \$ _____
Hearing Date: _____
Staff Member: _____
Zone: _____
Comp. Plan: _____ |
| <input type="checkbox"/> LOT LINE ADJ (Type I)
<input type="checkbox"/> ADJUSTMENT (Type II) | | |

APPLICANT INFORMATION

◆ Applicant-Please attach the following **required** information to this Land Use Application:

Initial

- ___ \$100 Pre-application Conference Fee, only as applicable. (DDC 1.3.30)
- ___ Completed Supplemental Application.
- ___ Supplemental Land Use fee.
- ___ Property deed with legal description. Land divisions also require a preliminary title search.
- ___ Plot Plan drawn to scale and a copy of any related information and/or maps. (No larger than 11"x17".)

Project Description _____

Site Address _____ **Total Land Area:** _____

Present Use of Property _____

OWNER(S):
Name(s) _____

Mailing Address _____ **City** _____ **ST** _____ **ZIP** _____

Owner Phone: **Work** _____ **Mobile** _____ **Fax:** _____ **Home** _____

APPLICANT(S): (if not owner)
Name(s) _____

Mailing Address _____ **City** _____ **ST** _____ **ZIP** _____

Applicant Phone: **Work** _____ **Mobile** _____ **Fax:** _____ **Home** _____

Applicant is: Legal Owner Contract Buyer Option Buyer Agent

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.

Signatures (Required):				
Owner(s)	Date	Applicant(s)	Date	
_____	_____	_____	_____	



**SUPPLEMENTAL APPLICATION
COMPREHENSIVE PLAN / ZONE AMENDMENT
(Type III or IV Procedure)**

APPLICANT INFORMATION

**Fee: \$2,500.00 Comp Plan
\$2,000.00 ZoneChange**

Name _____ Date _____

COMPREHENSIVE PLAN AND ZONE AMENDMENT:

A Comprehensive Plan amendment is a request to amend the City's official Comprehensive Plan map from one land use designation (i.e. commercial, industrial, residential) to another. A zone change is a corresponding request to change the official zoning map from one zoning district (i.e. R-1 to C-1) to another in order to be consistent with the proposed Comprehensive Plan map designation.

NEEDED FOR APPROVAL:

All Comprehensive Plan Amendments and Zone Change Applications are discretionary and MAY be approved after an evaluation of the applicable policies in the Dallas Comprehensive Plan and criteria in the Dallas Development Code. The City must make written findings to support the decision to approve or deny the application. The applicant is responsible for providing evidence to support the Comprehensive Plan Amendment and Zone Change according to the policies in the Comprehensive Plan and criteria in the City Code.

CHANGES FOR APPROVAL:

Staff cannot predetermine the decision on this or any application. A decision of approval or denial will only be made after the complete application is processed. This includes review of citizen and agency comments. The decision is based on criteria appropriate to this application as listed in the Dallas Development Code and Comprehensive Plan. In order to address the necessary criteria, the information requested in this supplemental application should be as thorough and complete as possible.

APPLICATION PROCESS:

A Comprehensive Plan Amendment and Zone Change Application is subject to the public hearing process and public notice. Public comments received from property owners, agencies and other interested parties may affect the decision on the application. Special conditions may be attached to any approval. This application will be reviewed at a public hearing before the Dallas Planning Commission, who will forward a recommendation to the City Council. The City Council will then review the application at a public hearing and make the final decision. The City Council's decision may be appealed to the State Land Use Board of Appeals (LUBA).

HOW LONG IT MAY TAKE TO GET A FINAL DECISION ON AN APPLICATION:

It takes approximately 60 days for Planning Commission to make recommendation to City Council, and another 30 days for the City Council to hold a public hearing and make a final decision.



DALLAS DEVELOPMENT CODE
COMPREHENSIVE PLAN/ZONE AMENDMENT APPLICATION PROCESS

DDC Article I: Section 1.3.10 & DDC Article III: Sections 3.7.10-3.7.80

SUMMARY OF PROCEDURE TYPES:

- An application shall be filed with the Development Official at least 28 days prior to the date of hearing. Application fees are set by Resolution adopted by the City Council. Land use applications are reviewed under four types of land use decision procedures:
- **Type IV Procedure.** Type IV decisions include changes to plan goals or policies, amendments to the zoning map, and changes to the Comprehensive Plan or this code. Public hearings before the Citizens Advisory Committee, Planning Commission and City Council and notice to the Department of Land Conservation and Development are required. In the case of land under County jurisdiction, public hearings before the County Planning Commission and Board of Commissioners may also be required. Type IV land use decisions may be appealed to the Land Use Board of Appeals (LUBA).

PROCEDURE:

- Comprehensive Plan Map amendments, including amendments to arterial and collector street designations, shall be reviewed under Type IV procedure.
- Zoning Map amendments that do not require a Comprehensive Plan Map amendment (because they are in compliance with the Plan Map) shall be reviewed under Type III procedure.
- Zoning Map amendments that are combined with Comprehensive Plan Map amendments shall be reviewed under Type IV procedure.
- The Development Official shall maintain a record of amendments to the text and map of this Code in a form convenient for the use of the public.

APPLICATION REQUIREMENTS:

- **Who May Initiate.**
 - ◆ A quasi-judicial Comprehensive Plan and/or Zoning Map amendment may be initiated by a property owner or an authorized agent by filing an application with the Community Development Department on forms provided by the City.
 - ◆ A legislative amendment may only be requested by the Development Official, Commission or City Council.
- **Basic Information.** In addition to the information required for all Type III and IV applications, the applicant shall provide such additional information as required by the Comprehensive Plan and Zoning Map application form, including the requisite fee. For all Comprehensive Plan, Development Code and Zoning Map amendments, applications are due 50 days prior to the hearing date before the Planning Commission.
- **Comprehensive Plan Map Amendments.** Where a Comprehensive Plan Map or street designation amendment is proposed, the Statewide Planning Goals, the Goals and Policies of the Dallas Comprehensive

Plan (Volume I) and the criteria of this chapter shall be specifically addressed in the application narrative. The 120-day statutory time limit does not apply to Comprehensive Plan Map amendments.

- **Zone Changes That Implement the Comprehensive Plan.** Where a zone change is proposed in conformance with the Comprehensive Plan Map, only the standards of this chapter need be addressed in the application narrative. The 120-day statutory time limit does apply to zone changes in compliance with the Comprehensive Plan Map.
- **Comprehensive Plan Text Amendments.** Where a Comprehensive Plan is proposed, the Statewide Planning Goals, the Goals and Policies of the Dallas Comprehensive Plan (Volume I) and the criteria of this chapter shall be specifically addressed in the application narrative. The 120-day statutory time limit does not apply to Comprehensive Plan or Development Code text amendments.
- **Supplemental Information.** Other information such as drawings, studies or materials may be requested that will assist the Commission in understanding the nature and potential impacts of the proposed map amendment(s), its (their) relationship to the surrounding properties and the community as a whole.

REVIEW CRITERIA:

No Comprehensive Plan Map (including street designations) or Zoning Map boundary shall be amended except upon a finding of compliance with this section. In order for a zone change application to be deemed complete the applicant shall address each of the criteria listed below in a written narrative. The applicant shall bear the burden of proof by demonstrating with substantial evidence that each of the following criteria has been satisfied:

- **Zone Changes That Implement the Comprehensive Plan.** Where a zone change is proposed in conformance with the Comprehensive Plan Map, the applicant must submit a site plan and demonstrate conformance with the following criteria:
 - ◆ The applicant shall analyze alternative sites capable of meeting the purported need, considering the land needs assessment in Volume II of the Dallas Comprehensive Plan. This analysis shall demonstrate that there is a shortage of designated land within the City limits available to meet the purported need, and that changing the zone will not result in a shortage of land in any other plan designation.
 - ◆ Adequate public facilities are available to meet increased demand for services that may result from potential development allowed on the rezoned site. The applicant shall demonstrate that:
 - i) All public facilities projects identified in Chapter VII of the Dallas Comprehensive Plan which serve the area where the zone change is proposed have been constructed or are programmed to serve the site within the next five years; and that the required public facilities improvements will be in place and operational in conjunction with the development of the site.
 - ii) Sanitary sewer, water and storm drainage collection and distribution systems are adequate to handle the increased loads required by the rezoning, as determined by the Director of Public Works.
 - iii) Streets serving the proposed site are adequate to accommodate increased vehicular, bicycle and pedestrian traffic safely and efficiently. To make this determination, the City may require that the applicant prepare a transportation impact study which demonstrates, at a minimum, that no street link or intersection affected by the proposed subdivision will exceed LOS (level-of-service) D during peak morning or evening demand periods or LOS C during non-peak demand periods. This traffic impact study must consider the proposed development and probable development within the area served by each street link or intersection for at least a 10-year period.
 - iv) Where street, utility, sidewalk, or bicycle improvements are roughly proportional to the impacts from proposed development that will likely result from the proposed zone change, and these improvements are required in City plans, then the applicant shall agree in writing to install the required improvements at the developer's expense.
- **Comprehensive Plan Map and Street Designation Amendments.** Where a Comprehensive Plan Map amendment is proposed (including an urban growth boundary amendment), the applicant shall demonstrate conformance with the following criteria:
 - ◆ Applicable Statewide Planning Goals.
 - ◆ Applicable Goals and Policies of the Dallas Comprehensive Plan (Volume I).

- ◆ Amendments to collector and arterial street designations shall explicitly address the Transportation Planning Rule (OAR Chapter 660, Division 12) and the Transportation Policies of the Dallas Comprehensive Plan.

DECISION OPTIONS:

- **Quasi-Judicial/Legislative Amendments.** In the case of a quasi-judicial or legislative zone change (whether or not a Comprehensive Plan amendment is proposed), the review body may:
 - ◆ Approve the zone change;
 - ◆ Approve the zone change with conditions;
 - ◆ Reduce the area of the zone change (provided that adequate public notice has been provided); or
 - ◆ Deny the zone change.

CONDITIONS OF APPROVAL:

The review authority may require conditions of approval necessary to ensure conformance with Zoning Map amendment review criteria. Conditions of approval shall not be placed on Comprehensive Plan Map, Comprehensive Plan text or Development Code text amendments.

ILLUSTRATIVE SITE PLAN COMPOSITION:

The Commission may require preparation of a site plan to illustrate how a Zoning Map amendment may be implemented. In such cases, the site plan shall conform with the requirements of Chapter 3.2, Development Review.

PREVIOUS RESOLUTIONS OF INTENT:

The City's intent is not to continue to use a Resolution of Intent to Rezone in the future. The Development Review process achieves the same objectives. Towards this end, the City has legislatively rezoned land within the City consistent with the Dallas Comprehensive Plan Map.

- **Existing Resolutions of Intent to Rezone.** The conditions of previously-effected Resolutions of Intent to Rezone shall remain binding upon existing and future property owners and the City unless specifically revoked by the City Council.
- **Termination.** Upon fulfillment of all conditions by the applicant, the Council shall by ordinance effect such change of zone unless the Council has already finalized the zone change through a legislative process.
- **Invalidation.** The failure of the applicant to substantially meet any condition of a Resolution of Intent to Rezone, including the time limit placed in the resolution, shall render said Resolution null and void – unless an extension is granted by the Council upon recommendation of the Commission.