



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

## 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.

<b>Signatures (Required):</b>				
<b>Owner(s)</b>	<b>Date</b>	<b>Applicant(s)</b>	<b>Date</b>	
_____	_____	_____	_____	



**SUPPLEMENTAL  
ADJUSTMENT APPLICATION  
(Type II Procedure)**

**FEE: \$100.00**

**Applicant Name** \_\_\_\_\_ **Date** \_\_\_\_\_

In order for your request to be processed, you must submit a complete application, including all required information, and the fee must be paid.

A request is hereby made for an Adjustment under Section 3.5 of the Dallas Development Code for the property located at \_\_\_\_\_ Tax Lot \_\_\_\_\_ to allow \_\_\_\_\_.

**(Complete those items below that apply. Each requirement is considered a separate adjustment.)**

	<u>DEVELOPMENT CODE REQUIREMENT:</u>	<u>ACTUAL / REQUESTED:</u>	<u>AMOUNT OF ADJUSTMENT:</u>
Lot Size	_____	_____	_____
Road Frontage	_____	_____	_____
Front Setback	_____	_____	_____
Rear Setback	_____	_____	_____
Side Setback	_____	_____	_____
Building Size	_____	_____	_____
Lot Coverage	_____	_____	_____
Other _____	_____	_____	_____

**PLEASE ANSWER THE FOLLOWING QUESTIONS AND ATTACH RESPONSES TO THE APPLICATION FORM:**

1. Explain the special site restraints that exist that would make compliance with the ordinance impractical, i.e. shape of the lot, slope, lot size, or other unusual circumstance.  
 \_\_\_\_\_  
 \_\_\_\_\_
  
2. How is this property different from other properties in the area? Does it differ in size, shape or slope?  
 \_\_\_\_\_  
 \_\_\_\_\_
  
3. How will granting this adjustment affect other properties in the area or in the community? Will it affect property values, create parking problems, block view of other property, etc.?  
 \_\_\_\_\_  
 \_\_\_\_\_

4. Are property owners in the area in favor of this proposal?

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5. Explain how this request is the minimum adjustment that would alleviate the hardship.

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**PLEASE ATTACH THIS REQUIRED INFORMATION TO YOUR APPLICATION:**

1. A copy of the deed to the property showing legal ownership.
2. A site plan showing the placement of structures on the property, including their distance to the abutting properties, and any related information with details related to the specific adjustment (i.e. elevations.) All plans must be drawn to scale with dimensions, and be on 8-1/2" x 11" to 11"x17" paper.

**Process:**

The appropriate city staff will review the request and send written notice to owners of properties within 100' of the entire contiguous site. The street is not considered when determining the distances; the street centerline can be considered the front property line. The information is obtained by the City from the Polk County Assessor's office, and is of current record at the time of application. There is a ten-day period allowed for the opportunity to comment.

A written notice of the decision of the Development Official will be provided to the applicant and any person who submits comments. The initial Type II decision shall be made within 60 days following receipt of a complete application.



**DALLAS DEVELOPMENT CODE**  
**ADJUSTMENT APPLICATION PROCESS**

**DDC ARTICLE I: SECTION 1.3.10 & DDC ARTICLE III: SECTIONS 3.5.10-3.5.60**

**SUMMARY OF PROCEDURE TYPES:**

- **Type II Procedure.** Type II limited land use decisions require public notice because some policy discretion is involved. Examples include development review, subjective and discretionary code interpretations, adjustments and similar matters. Any Type II decision may be appealed to the Planning Commission by someone entitled to notice within 10 days of the date that the notice of decision was mailed.

**PURPOSE:**

- The purpose of an adjustment is to allow flexibility in the application of the numerical standards of this Code consistent with the Dallas Comprehensive Plan, the purpose of the underlying zoning district, and the purpose of the dimensional standard itself. The Commission may authorize a variance from any dimensional requirement set forth in this Code.
- **Adjustments:** An “adjustment” is a change in a numerical or measurable standard of equal to or less than ten percent.

**AUTHORIZATION TO GRANT OR DENY ADJUSTMENTS AND VARIANCES:**

- The Development Official may approve adjustments from the numerical requirements of this Code based principally on the presence of special or unusual circumstances related to a specific piece of property. In contrast, the Commission may grant a variance only if the applicant also shows that a hardship would result from strict application of the standards of this Code.

**CRITERIA FOR GRANTING AN ADJUSTMENT:**

In order to approve an adjustment, all of the following criteria must be met:

- **Site Constraints.** The applicant has identified specific topographical or lot configuration constraints that make it impractical to meet a specific numerical provision of this Code.
- **Purpose of Standard.** The adjustment is consistent with the purpose section of applicable zoning district(s).
- **Impacts on Adjoining Properties.** Adjoining properties and the immediate neighborhood will not be adversely affected by approval of the proposed adjustment.
- **Minimum Necessary Adjustment.** The proposed adjustment is the minimum necessary to solve practical problems associated with strict application of the standard.
- **Compensation for Lost Riparian Setback Area.** If the adjustment is for a riparian setback, a corresponding increase in setback area is provided elsewhere on the property or on an adjacent property.
- **No Net Loss in Flood Holding Capacity.** If the adjustment is to the floodplain boundary, there will be no net loss in flood holding capacity.

**TIME LIMIT:**

A permit for a use involving an adjustment or variance shall be void after one year of the date of final decision if:

- No substantial construction has taken place; or
- The variance was not approved as part of a phased development approval; or the applicant has not requested and received a one-time extension granted by the City Manager.

## TYPE II NOTICE & DECISION

**PROCEDURES** - Development review and similar administrative decisions require limited judgment in the review of land development requests. The initial Type II decision shall be made within 60 days following receipt of a complete application.

Upon receipt of a complete application written notice shall be provided by the City to owners of property within 100 feet of the entire contiguous site for which the application is made. The notice shall:

- Provide a 10-day period for submission of written comments prior to the decision;
- State that failure of an issue to be raised in a hearing, in person or by letter and with sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;
- List the applicable criteria from the Development Code and Comprehensive Plan that apply to the application;
- Set forth the street address or other easily understood geographical reference to the subject property;
- State the place, date and time that comments are due;
- State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost; and
- Include the name and phone number of a City contact person.

Notice of the decision will be provided to the applicant and any person who submits comments.

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**CITY OF DALLAS**

**COMMUNITY  
DEVELOPMENT  
DEPARTMENT**

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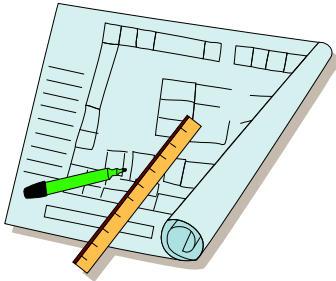
## *TYPE II PROCEDURE/ ADJUSTMENT APPLICATION PROCESS*



Community Development Department  
187 SE Court Street  
Dallas, Oregon 97338  
Phone (503) 831-3571  
Fax (503) 623-2339  
Email: John.Swanson@ci.dallas.or.us

## The most common Type II Procedure is an Adjustment

An "adjustment" is a change in a numerical or measurable standard of equal to or less than ten percent from the standards listed in the Development Code.



Adjustments from the numerical requirements of the Development Code may be approved based on the presence of special or unusual circumstances related to a specific piece of property.

## The Application Process

### 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 information to the Community Development Department.

### Step 2 - Review

The appropriate city staff responsible for processing land use issues review the request.

### Step 3 - Notification

The neighboring property owners will be notified of the request and given ten days for the opportunity to comment.

### Step 4 - Decision

A written notice of the decision of the Development Official will be provided to the applicant. If approved, the decision becomes final within 10 days, unless appealed to the Planning Commission by filing a written statement of appeal. The Planning Commission decision can be appealed to the City Council as provided by Dallas City Code 1.3.140.

### Attach the following information to the application:

- 1) A copy of the deed to the property.
- 2) A site plan, drawn to scale with dimensions, showing the placement of structures on the property and their distance to the abutting properties.
- 3) Answers to the questions listed on the application form.
- 4) Adjustment Application Fee.

## Special Notes

In order for your request to be processed, the completed application, all required information, and the fee must be submitted to the Community Development Department.

Other information such as drawings, studies or materials may be requested that will assist the staff in understanding the nature and potential impacts of the proposed use and its relationship to the surrounding properties.

In granting an adjustment, the approval authority may attach conditions necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of the code.

No adjustment will be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located.