



Dallas City Council Agenda

Kenneth L. Woods, Jr., Presiding
Monday, February 5, 2024
7:00 PM

Dallas City Hall, 187 SE Court St. Dallas, OR 97338

COUNCIL

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Kenneth L Woods, Jr.

Council President

Michael Schilling

Councilor

Nancy Adams

Councilor

Carlos Barrientos

Councilor

Larry Briggs

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Tom Simpson

Fire & EMS Chief

April Wallace

Economic &

Community

Development Director

Charlie Mitchell

Public Works Director

Gary Marks

Library Director

Mark Johnson

Finance Director

Cecilia Ward

City Recorder

Kim Herring

All persons addressing the Council will please use the table at the front of the Council. All testimony is electronically streamed and recorded via the City of Dallas YouTube Channel:

<https://www.dallasor.gov/community/page/dallasyoutube>

Church at the Park has submitted an application for an emergency shelter on Holman Avenue in Dallas pursuant to House Bill 3395 (2023). This application is currently being reviewed by City staff and will be scheduled for a public hearing before the city council at a future date and time. Public comments, both written and oral will be accepted after the public hearing has been scheduled. The city council will not receive public comment on the subject of the proposed project at this council meeting. Public comment on homelessness, in general, will be received, but comments on the particular project should be reserved for the public hearing.

AGENDA ITEM	RECOMMENDED ACTION
1. ROLL CALL, PLEDGE OF ALLEGIANCE	
2. INTRODUCTIONS, RECOGNITIONS, PROCLAMATIONS a) April Wallace, Fire & EMS Chief	
3. PUBLIC HEARING a) Appeal of the Planning Commission’s denial of a conditional use permit for the expansion of Tim’s Automotive at 188 SW Washington Street p.4 b) Proposed Development Code Updates, Public Hearing Closed, Deliberations & Decision Only p.46	MOTION MOTION
4. PUBLIC COMMENT (SEE PAGE 3 FOR MORE INFORMATION) <i>This time is provided for citizens to comment on municipal issues and any agenda items other than public hearings.</i> <u>To submit public comment by live telephone, please call:</u> +1 253 215 8782 MEETING ID: 213 855 0622 *We encourage you to be logged into the public comment queue by 7:00PM*	



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<p>5. CONSENT AGENDA <i>The following items are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered separately.</i></p> <p>a) Approval of January 22, 2024 Work Session Minutes p.110 b) Approval of January 22, 2024 City Council Meeting Minutes p.111</p>	<p>MOTION</p>
<p>6. ITEMS REMOVED FROM CONSENT AGENDA</p>	
<p>7. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS</p>	
<p>8. REPORTS FROM CITY MANAGER AND STAFF a) Clay Street Water Line Phase 2 Revolving Loan Program Application p.113</p>	<p>MOTION</p>
<p>9. FIRST READING OF ORDINANCES a) Ordinance No. 1890 changing the zoning designation of a parcel of real property owned by Polk Community Development Corporation from Residential Low Density to Residential High Density p.130 b) Ordinance No. 1891 repealing Dallas City Code Sections 3.900 to 3.916 p.135</p>	<p>ROLL CALL VOTE ROLL CALL VOTE</p>
<p>10. RESOLUTIONS a) Resolution No. 3522 Approving the addition of weekly recycling and yard debris collection services under the Corvallis Disposal Co. solid waste franchise agreement with the City of Dallas, and authorizing the charge therefor p.138</p>	<p>ROLL CALL VOTE</p>
<p>12. EXECUTIVE SESSION a) Pursuant to 192.660(2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions</p>	<p>MOTION</p>
<p>12. OTHER BUSINESS</p>	
<p>13. ADJOURNMENT</p>	



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We encourage you to be logged into the public comment queue by 7:00PM to ensure your comments will be received

Step 1: Dial: **+1 (253) 215-8782**


Step 2: Enter Meeting ID: **213 855 0622**

Step 3: Press **#**. This will set your participant ID as your telephone number.

Helpful Tips:

- Make sure to call in before the meeting start time
- You will be asked to speak during the public comment portion of the meeting (See page 1 of the meeting agenda). You will be called upon by phone number once the public comment period begins. All testimony will be electronically recorded.
- Do not use your speakerphone when calling to submit public comments as it may affect call quality.
- Turn off the volume on YouTube if you choose to watch the video live on YouTube while simultaneously commenting via telephone, otherwise you may experience audio feedback.
- Press ***6** to unmute yourself when asked by the recording secretary or presiding officer.

**CITY OF DALLAS
CITY COUNCIL
STAFF REPORT**

MEETING DATE: February 5, 2024
AGENDA ITEM NO. 3.a
TOPIC: Public Hearing on an appeal of the Planning Commission’s denial of a conditional use permit for the expansion of Tim’s Automotive at 188 SW Washington Street
LAND USE FILE #: CUP-23-10
PREPARED BY: Chase Ballew, City Planner
APPROVED BY:  City Manager
ATTACHMENTS:
A. Order of Decision by Planning Commission
B. Appeal Notice
C. Staff Report to Planning Commission
D. Minutes of the November 14, 2023 Planning Commission Meeting
E. Planning Commission Public Testimony
F. Notice of Public Hearing

RECOMMENDED ACTION:

Hold hearing on notice of appeal and render final decision either approving or denying the application.

BACKGROUND:

The applicant’s request is to establish on the property an outdoor storage lot serving the adjacent Tim’s Automotive repair garage. The proposed storage lot is associated with but independent of the adjacent repair business, and a new conditional use permit is therefore needed.

On November 14, 2023, the Dallas Planning Commission conducted a public hearing to consider the applicant’s proposal and to receive public testimony. The Planning Commission deliberated and voted to deny the conditional use permit, as documented in the attached order of decision (**Attachment A**).

On December 13, 2023, prior to the expiration of the 10-business-day appeal period, the city received notice of appeal with related fee from the applicant (**Attachment B**). The notice identifies a specific issue being raised on appeal, and demonstrates standing to appeal.

APPEAL PROCESS:

Under Dallas Development Code 4.1.040.G, appeals to the city council are limited to *de novo* review on the record of the decision being appealed; The City Council shall make its decision based upon the existing record. Parties to the Planning Commission hearing may present argument, but may not introduce additional evidence into the record.

The appellant shall have the burden of proof and persuasion on appeal. In considering the appeal, the City Council need only consider those matters specifically raised by the appellant. The City Council may consider other matters if it so desires.

Decisions on appeal to the City Council shall be based on standards and criteria in the development code, and shall relate to the applicable Code standards and criteria.

CONDITIONAL USE PERMIT APPROVAL CRITERIA:

The approval criteria for conditional uses are contained in Dallas Development Code 4.4.040.A. In response to these criteria, please refer to the Planning Commission staff report dated Nov. 7, 2023 (**Attachment C**).

APPEAL FINDINGS:

As the Council’s decision must relate to Code standards and criteria, staff will provide below the criteria on which the Planning Commission based their denial, the appellant’s response, and proposed conditions of approval that staff believe would bring the appellant’s proposal into compliance with the applicable review criteria.

Criterion: Dallas Development Code Section 3.1.020.f

Access Spacing. Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards:

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

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

Appellant’s Response:

“Existing Driveway – The current driveway is a pre-existing non-conforming driveway that was to code when placed at the time. And can be repaired to meet current standards.”

Proposed Condition of Approval:

There are two driveways accessing the site. One from Washington Street and one from Church Street. Staff recommend two conditions of approval. First, that the driveway on Washington Street be removed and the sidewalk and curbing be restored. Washington Street is a state highway in this location and the applicant shall obtain necessary permits from ODOT to prior to performing the work (**Condition 4**). Second, a condition requiring the existing driveway on

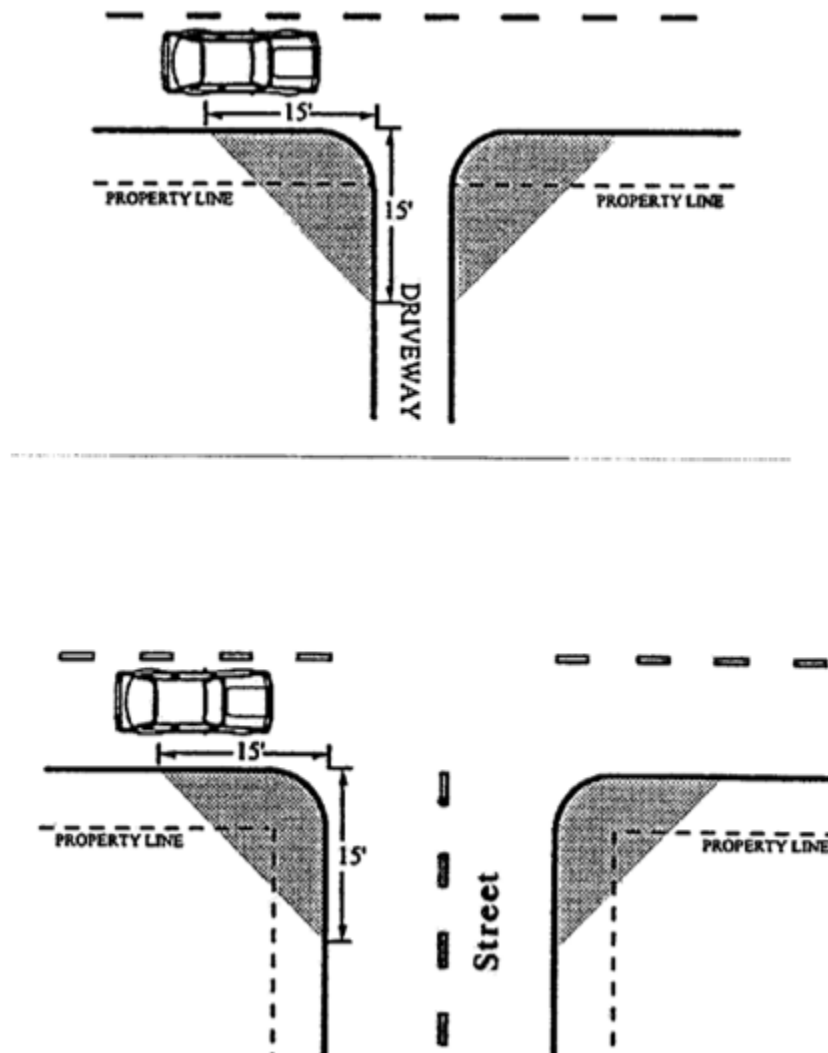
Church Street be reconstructed to City standards. The Church Street driveway shall be located at least 50 feet from the intersection of Washington Street (**Condition 5**).

Given the two conditions above, staff finds the criterion can be met.

Criterion: DDC 3.1.020.N

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

Figure 3.1.020N Vision Clearance Areas



Appellant’s Response:

“We can address this with different setbacks to allow safe vision clearance.”

Proposed Condition of Approval:

The required vision clearance at the intersection of Church and Washington Streets is 15 feet in each direction. Staff recommend a condition of approval that the applicant provides a setback consistent with the vision clearance requirements in DDC 3.1.040.N at the intersection of Washington and Church Streets (**Condition 3**).

Given the proposed condition of approval, staff finds the criterion can be met.

Criterion: DDC 4.4.040.A.3

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

Appellant’s Response:

“Existing Driveway – The current driveway is a pre-existing non-conforming driveway that was to code when placed at the time. And can be repaired to meet current standards.”

Condition of Approval:

The Planning Commission found the existing driveways did not meet City standards. As noted above staff propose two conditions of approval to address the deficiencies in the existing driveways (**Conditions 4 and 5**).

Given the above, staff finds the criterion can be met.

RECOMMENDED CONDITIONS OF APPROVAL

1. Within six months of land use approval, the applicant shall install a six-foot tall sight-obscuring fence along the Church and Washington Street frontages.
2. Gates in the perimeter fence must be operable by the Dallas Fire and EMS Department.
3. The applicant shall maintain a setback from the intersection of Church and Washington Street, consistent with the vision clearance area described in Dallas Development Code 3.1.020.N.
4. Prior to use of the site for storage, the existing driveway on Washington Street shall be removed, and the curb and sidewalk be restored. The applicant shall obtain all necessary permits from the Oregon Department of Transportation prior to commencing the work.
5. Prior to use of the site for storage, the existing driveway on Church Street shall be reconstructed to City standards. The driveway shall be located at least 50 feet from the intersection of Washington Street.
6. No vehicle repair work is to be conducted on the storage lot, except that occasional minor repairs needed to move a vehicle may be performed. Examples include but are not limited to replacing batteries and fixing flat tires.

RECOMMENDED MOTION:

I move to reject the findings of the Planning Commission, and hereby approve the conditional use permit for an outdoor storage lot, subject to the conditions of approval contained in this report.

**BEFORE THE PLANNING COMMISSION
OF THE CITY OF DALLAS**



In the matter Conditional Use Permit #CUP-23-10
for the property at 188 SW Washington Street

RECITAL

Whereas, on October 25, 2023, the City issued notice of public hearing for the above applications.

Whereas, on November 14, 2023, the Dallas Planning Commission conducted a public hearing to consider the proposal and receive public testimony; and

Whereas, at the conclusion of the public hearing, motion was made to deny the proposal, the Dallas Planning Commission voted, and the motion passed; and

Whereas, the Dallas Planning Commission's decision for denial is based on the applicable approval criteria identified Dallas Development Code 5.1.040 as explained below.

REASONING

DDC.4.4.040.A.1 requires that "*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,*" After consideration, the Planning Commission finds that the application fails to demonstrate that the site is adequate for the needs of the proposed use.

Specifically, the Planning Commission finds that:

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

Further, DDC.4.4.040.A.2 requires that "*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 the Planning Commission finds that the negative impacts cannot reasonably be mitigated without significant change to the proposal.

Additionally, DDC.4.4.040.A.3 requires that "*All required public facilities have adequate capacity to serve the proposal,*" and the Planning Commission finds that the existing driveways, in not meeting the required design standards, therefore do not have adequate capacity to serve the proposal.

November 29, 2023

Signed: Andy Groh, Planning Commission Vice Chair

November 29, 2023

Attest: Chase Ballew, City Planner

**Tim's Automotive Specialties
188 SW Washington Street
Dallas, OR 97338**

December 13, 2023

RE: Appeal for #CUP-23-10

On November 14, 2023, the Dallas Planning Commission conducted a public hearing to consider the proposal for 188 SW Washington Street #CUP-23-10. the decision was for denial of the application.

I, Tim Sampont am filing a notice of appeal with the Dallas Planning Commission on the decision of 188 SW Washington Street #CUP-23-10.

There is a meeting in the works to be held with ODOT. I am awaiting more information as to when the meeting is held.

DDC.4.4.040. A.1 – is being addressed. The goal is to have nothing that could cause an environmental impact i.e. tires laying around with still water that could house mosquitoes.

DDC.3.1.020. N. – we can address this with different setbacks to allow safe vision clearance.

DDC.4.4.040. A.2 - Negative Impacts / covering what can be seen from an upper-level building- Add trees from an approved list that the Dallas Planning has. With the added trees that will help with an upper-level building to not see over the top of a fence as an added benefit.

DDC.3.1.020. F. / DDC.4.4.040. A.3 – Existing driveway- The current driveway is a pre-existing non-conforming driveway that was to code when placed at the time. And can be repaired to meet current standards.

A check in the amount of \$625 is being hand delivered check #9225

Thank you
Tim Sampont

DALLAS PLANNING COMMISSION STAFF REPORT

MEETING DATE: NOVEMBER 14, 2023
REPORT DATE: NOVEMBER 7, 2023
TOPIC: OUTDOOR STORAGE FOR TIM’S GARAGE - #CUP-23-10

Application Type: Conditional Use
Property Owner: Leroy Shane & Dawnyell Dianne Murray
Applicant: Tim Sampont
Location: 188 SW Washington Street

RECOMMENDED ACTION

Approval with Conditions

BACKGROUND INFORMATION

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

PROJECT OVERVIEW

The applicant’s request is to establish on the property an outdoor storage lot serving the adjacent automobile repair garage.

An automobile repair business has been in continuous operation at 172 SW Washington Street (presently “Tim’s Garage”) since at least 1972, which is when Polk County tax records indicate that the purpose-built garage structure was constructed.

At that time automobile repair was an outright permitted use within the zone, however in the intervening years the Development Code has changed with regards to allowed uses and design standards, such that the use is classified as a lawfully pre-existing non-conforming use, per DDC.5.2.020, and the code states that nonconforming uses may not be “...enlarged, increased or extended to occupy a greater area of land...”

As such, the proposed storage lot is associated with, but independent of, the adjacent repair business, and a new conditional use permit is therefore needed.

APPROVAL CRITERIA:

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

CONDITIONAL USE CRITERIA

Applicable approval criteria 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:

A new outdoor storage lot is proposed to serve the adjacent business. The 7,350 square foot property should easily accommodate the vehicle storage needs of the business. The business has multiple indoor bays with specialized equipment for heavy repair; as such, no heavy repair activities are anticipated to occur within the storage lot.

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 site is located within the Central Business District zone. As the storage lot is intended primarily for use by the adjacent pre-existing business, no additional traffic impacts are anticipated. The application materials do not specify any potential negative impacts.

Staff note that aesthetic considerations are proposed to be addressed through sight-obscuring perimeter fencing. Staff were not able to identify any potential negative impacts of the proposed use beyond that which is otherwise allowed by right within the zone.

Criterion:

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

Finding:

The storm drainage system has adequate capacity to support the proposed use. No other public facilities are required.

SITE DESIGN REVIEW CRITERIA

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

Criterion:

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

Finding:

The application was determined to be complete, and the Planning Official waived further application requirements for Site Design Review upon finding that the materials supplied with the conditional use application provides sufficient information to evaluate the proposal.

Criterion:

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

Finding:

Except for the specification of allowed uses, the standards of Article 2 are specific to the exterior façade of primary buildings. As no buildings are proposed to be constructed, this section 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 applicable land use district standards (Article 2) are specific to the exterior of primary buildings, therefore this criterion does not apply.

Criterion:

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

Finding:

Chapter 3.1 – Site Access) No new driveways are proposed. A proposed condition of approval is that all vehicle access to the site be from Church Street, and that the Washington Street driveway be closed. (Condition of Approval #3)

Chapter 3.2 – Landscaping) The landscaping standards of Chapter 3 specify that outdoor storage and service areas need to be screened from view from all public streets by means of a decorative wall, evergreen hedge, opaque fence, or similar opaque barrier. Therefore the applicant has proposed a six foot tall chain link fence with privacy screen along the Church and Washington street frontages (Condition of Approval #1) however as part of the conditional use approval the Planning Commission may impose additional landscaping requirements if determined necessary to mitigate aesthetic impacts.

As the lot is used for storage of inventory vehicles, not parking for customers/employees, the lot is not a ‘parking lot’ and so the landscape standards for parking lots, including perimeter edges and island planters, does not apply.

Chapter 3.3 – Parking) Although automobiles will be on the property, the standards for pavement surfaces and markings, service aisles, disabled parking stalls, and other standards of Chapter 3.3 will not apply as the lot is used for storage of inventory vehicles, not parking for customers/employees.

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

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

Criterion:

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

Finding:

City staff are not aware of any prior conditions of approval affecting this proposal.

RECOMMENDED ACTION

Staff recommend the Conditional Use Permit be approved with the following conditions.

RECOMMENDED CONDITIONS OF APPROVAL

- 1) Within six months of this approval the applicant shall install a six-foot-tall, sight-obscuring fence along the Church and Washington Street frontages.
- 2) Gates in the perimeter fence must be operable by the Dallas Fire Department.
- 3) The Washington Street driveway shall be closed and vehicle access shall be from Church Street.
- 4) No repair activities are to be conducted on the storage lot, except that occasional minor repairs needed to move a vehicle may be performed (e.g. replacement of a dead battery or flat tire).

RECOMMENDED MOTION:

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

EXHIBITS

- Application Form & Narrative
- Notice of Public Hearing

Conditional Use Permit Application
Dallas Planning Department
Development Code Type III Review

File No.: CUP 23-10
Date: 9-13-23
Fee: \$ 1,250 PAID

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

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): Tim Sampont
Mailing Address: P.O. Box 52 Dallas, OR 97338
Email: rsturbo65@gmail.com Phone Number: 503 623 9174 Cell Number:

Section 2 - Property Owner Information (If not applicant)

Property Owner(s): Shane Murray
Mailing Address: 17409 Brown Rd. Dallas, OR 97338
Email: Phone Number: 503-269-1640 Cell Number:

Section 3 - Project Description

Please describe your project: Storage
Site Address: 188 SW Washington St Total Land Area: 0.17 AC
Assessor Map/Taxlot No. 07532 AD6300 Zoning: CBD
Present Use of Property:

Section 4 - Application Submittal Information

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

- Completed application form;
Required fee;
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;

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

Section 5 – Signatures Required

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

PROPERTY OWNER(S):

[Signature]

Date: 9-12-23

APPLICANT(S)

Tim Sampson

Date: 9-12-23

_____ 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).

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Section 7 – Review and Approval

Approved Denied Reason for Denial: _____

Address Modification Required: Yes No

If yes, Add Remove _____
(Address)

Staff Signature: _____

Date: _____

Section 4.4.040

A-1: see map

A-2: none for neg. impacts

A-3: n/a

B: [REDACTED] Storage

C-1: [REDACTED] Regular bu

C-2: no impact

C-3: none, [REDACTED] storage business

C-4: none

C-5: see map

C-6: see map

C-7: none

C-8: none

C-9: none

C-10: none

C-11: none

C-12: all will be maintained as it is

C-13: n/a

C-14:

NOTES: APPLICATION IF FOR LOT 188 SW WASHINGTON ST ONLY.

TIMS AUTOMOTIVE SPECIALTIES (172 SW WASHINGTON ST) IS HAVING NO CHANGES AND ALREADY HAS PERMIT FOR USE.

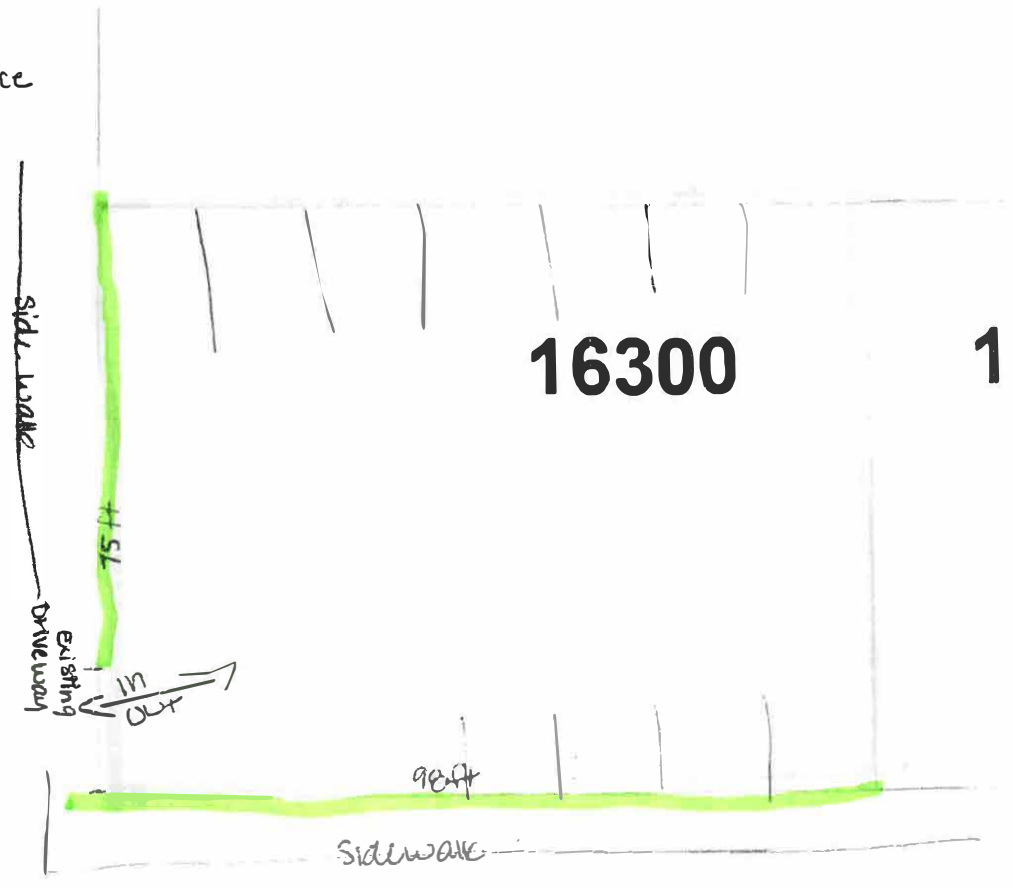
6/28/23, 1:32 PM

PCMAPS 5



Find address or place

6 foot chain link fence with privacy screen



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CITY OF DALLAS
NOTICE OF PUBLIC HEARING
Tim's Garage - Conditional Use Permit #CUP-23-10

PROPERTY LOCATION: 982 SW Church Street

APPLICANT: Tim Sampont.

NATURE OF REQUEST: Utilize vacant lot for outdoor storage for the adjacent automotive repair business.

APPLICABLE CRITERIA: DDC Chapter 4.4.040.A – Conditional Uses

HEARING DATE / TIME: 7:00 p.m. Tuesday, November 14, 2023

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

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

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

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

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



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

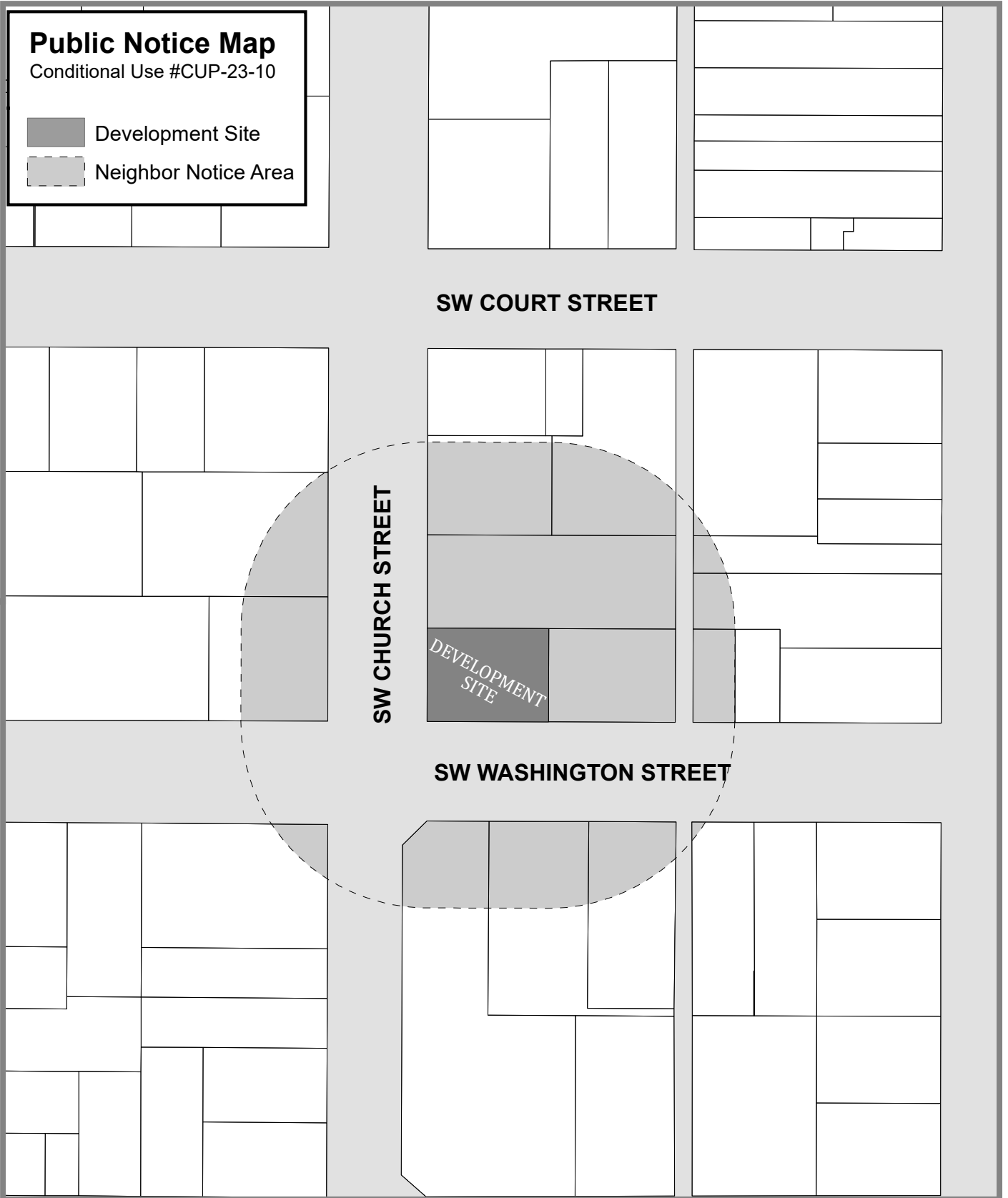
Dated: October 25, 2023

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

Public Notice Map

Conditional Use #CUP-23-10

-  Development Site
-  Neighbor Notice Area



City of Dallas Planning Commission
 Council Chambers
 187 SE Court Street, Dallas, OR
 November 14, 2023 - 7:00 PM

MINUTES

1. CALL TO ORDER

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

2. ROLL CALL

Commissioners Present: Andy Groh, Rich Spofford, John Schulte, Mary Newell, John Swanson, Tory Banford
Not in Attendance: Carol Kowash

Staff Present: Chase Ballew, City Planner; Charlie Mitchell, Economic & Community Development Director;
 Tom Gilson, Public Works Supervisor; Benjamin Curry, Recorder
 Healthy Sustainable Communities: Jon Legarza, Nikki Hart-Brinkley, Matt Brinkley

3. APPROVAL OF MINUTES

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

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

4. PUBLIC COMMENT (3 minutes per person)

There were none.

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

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

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

Healthy Sustainable Communities - Jon Legarza, Nikki Hart-Brinkley, Matt Brinkley

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

DELIBERATIONS

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

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

6. PUBLIC HEARING - A

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

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

STAFF REPORT

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

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

58 **APPLICANT PRESENTATION**

59 No presentation provided.
 60

61 **PUBLIC TESTIMONY**

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

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

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

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

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

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

78 **REBUTTAL**

79 No rebuttal was provided as the applicant was not present.
 80 Mr. Swanson closed the Public Hearing at 8:14 p.m.
 81

82 **DELIBERATIONS**

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

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

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

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

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

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

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

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

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

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

7. PUBLIC HEARING - B

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

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

STAFF REPORT

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

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

APPLICANT PRESENTATION

No presentation provided.

REBUTTAL

No rebuttal was provided due to lack of opposing testimony.

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

DELIBERATIONS

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

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

8. COMMISSIONER COMMENTS

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

9. STAFF COMMENTS

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

10. ADJOURN

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

APPROVED:



John Swanson, Planning Commission President

12-12-23
Date



November 14, 2023

To: Members of the Dallas Planning Commission

Re: Consideration of Conditional Use Application by Tim's Garage

I am writing to enter my thoughts into the public record since I may not be able to attend in person due to a scheduled conflict. If I can leave another meeting early I will attend. I would also like to confirm that I am in full support of the public record and recommendations being submitted tonight by the Dallas Downtown Association.

I am particularly interested in this Conditional Use Application as it pertains to the area of the Central Business District located on Washington Street west of Main Street to Levens Street. This area is beginning to see development that will complement the goals of the Commercial Land Use Policies specific to the Central Business District. Directly across the street from this proposed site, Polk Community Development Corporation, a local non-profit affordable housing developer serving Dallas and Polk County since 1989 is planning to develop the SE corner lot of Washington and Church Streets and build a 4-story mixed use building to house 45 Dallas families and provide offices and services from the main floor. We envisioned this to be a particularly beneficial site since it is in the Central Business District and will bring 45 families within walking distance to schools, downtown businesses and services all in support of the following Central Business District goals for growth:

1. Encourage offices to locate in the City of Dallas and if possible, the Central Business District.
2. Maintain, strengthen and promote the Central Business District (CBD) as the principal pedestrian-oriented commercial and cultural center of the community.
3. Encourage the location of pedestrian-oriented commercial businesses in the Central Business District to bring people into downtown and create a vibrant downtown environment.
4. Encourage the location of community-oriented uses in the Central Business District, such as the public library, senior centers or civic centers.
5. Encourage upper-level residential redevelopment and conversions in the Central Business District through financial assistance programs, such as use of Urban Renewal District loans and grants.

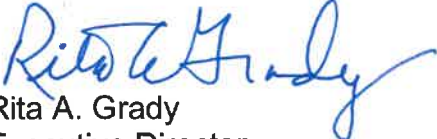
657 Main Street, Dallas, Oregon 97338 * Mailing Address: Post Office Box 33, Dallas, Oregon 97338
503.831.3173 * Fax: 503.831.3188 * Website: www.polkcdc.org * Email: info@polkcdc.org

Because Polk CDC has completed development along the two blocks on Washington Street west of Main Street already, I am particularly concerned about allowing, even with a conditional use, the expansion of an auto repair shop with numerous parked cars waiting to be repaired. My thinking is that this type of business while very much needed in the City would be more appropriately located in the new South Main Industrial Area and hopefully at some time there will be opportunities to accomplish that as the City grows.

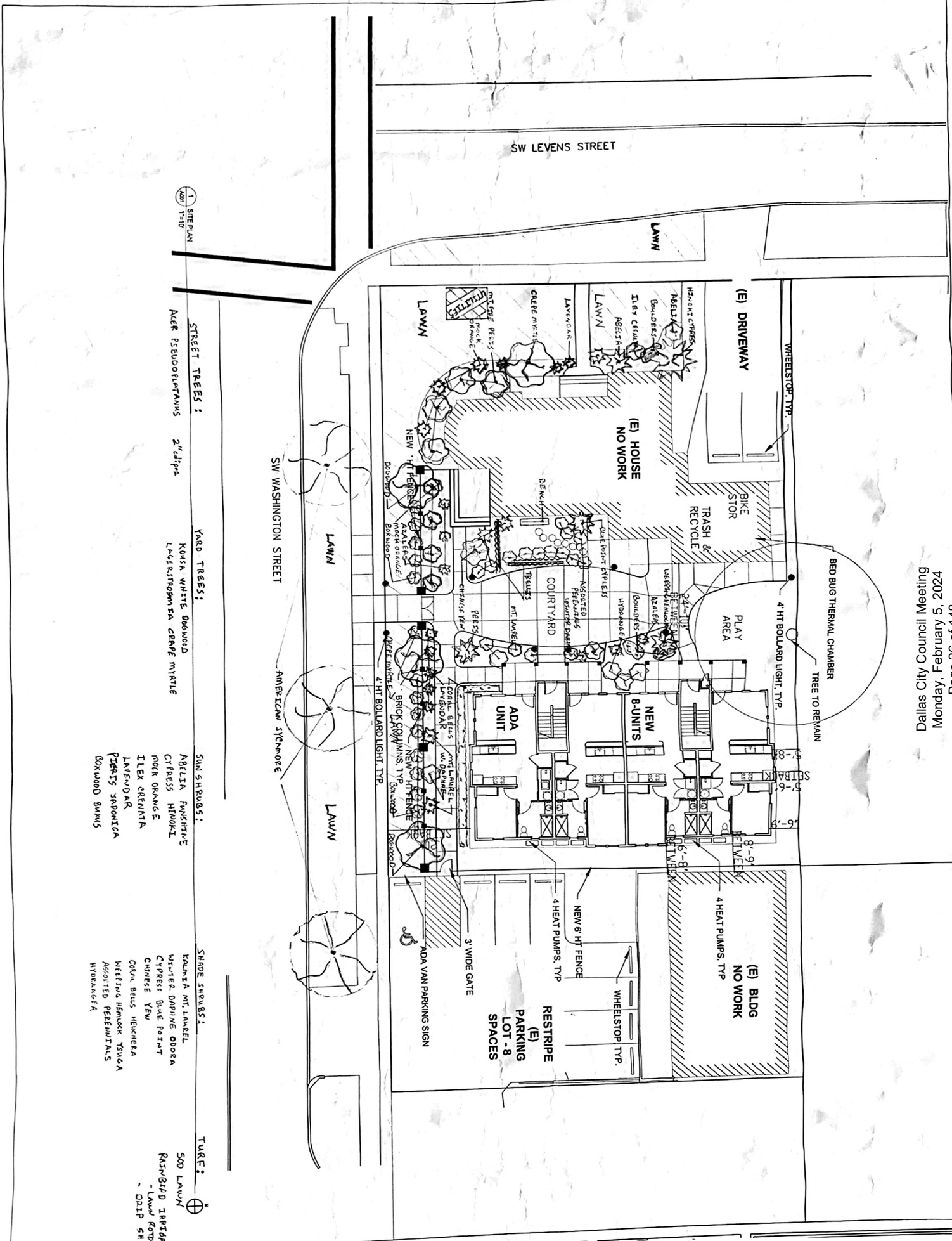
I am familiar with this proposed lot in which a prior owner invested thousands to clean up the lot from a prior gas station to obtain a clean report from DEQ. To store vehicles in disrepair can create another environmental issue on this lot. While I support the growth of local businesses within the Central Business District and support a business's right to expand and apply for a Conditional Use, I believe in compliance with the City's own goals the following conditions to a Conditional Use Permit, if authorized, should also include the following conditions:

1. All conditions proposed by the Dallas Downtown Association with some emphasis on the following which may or may not be in addition, and
2. A six foot sight screen fence around the lot with accommodation at the corner of Washington and Church for a triangular low landscape area to not obstruct driver's view to enter Washington Street, and
3. Street trees planted to match the American Sycamore trees and landscaping at the westerly block past Church Street which have been approved by the City during development of the Veterans Housing and commercial site owned by Polk CDC with size of trees to be specified by City, and
4. No vehicles being parked in front of the shop waiting for repair and repairs being completed with bay door closed during work hours and no car parts lying about, and
5. Improvements made to main shop with paint, landscape, consistent type site screening fencing and storage as noted in the recommendations by the Dallas Downtown Association.
6. If granted, the Conditional Use does not transfer to new owners with change in ownership in any way, through sale or inheritance, bringing in new partners or co-owners.

Thank you for your consideration.



Rita A. Grady
Executive Director



Dallas City Council Meeting
 Monday, February 5, 2024
 Page 26 of 148

**LEVENS STREET APARTMENTS
 NEW CONSTRUCTION**

984 SW LEVENS STREET
 DALLAS, OREGON 97338

POLK COMMUNITY DEVELOPMENT CORPORATION

Revision Summary	Revision Number	Date
	1	7-21-20

A002

date: 05-15-2020
 file: 1970
 db:

SITE PLAN

Testimony for the CUP 23-10 at 982 SW Church, Dallas, Oregon

I am against this CUP request as the proposed use does not fit the goals of the Comprehensive Plan for:

2.4 Commercial Land Use Policies specific to the Central Business District.

There are large development projects in the process for our downtown and the available lots and space available should be reserved for activities that best match the forward movement of our downtown. Retail, commercial business, curb appeal, etc. is the vision and having a lot of broken cars is not in keeping with the Plan. Even if screened it still does not disguise a business that could be argued is an enterprise best viewed for Industrial zoning.

I own various properties and have strived to encourage the Main Street America concept of creating our downtowns as destination areas. For that to happen we need to preserve what empty spaces we have for a more circumspect analysis based on purpose of action in a larger view.

Sincerely,

Marlene cox
11140 Orrs corner rd.
Rickreall, Oregon 97371

BRIAN W. DALTON
1650 SW BRIDLEWOOD DRIVE
DALLAS, OR 97338-2382
brian@wrightj5.com
503-480-4908 (cell + text)

DATE: January 31, 2024

MEMORANDUM FOR DALLAS CITY COUNCIL

FROM: Brian Dalton

SUBJECT: Letter Input for Conditional Use Permit #CUP-23-10 (Tim's Garage)

Dear Councilors,

EXECUTIVE SUMMARY: This letter concerns the appeal of Conditional Use Permit #CUP-23-10 (Tim's Garage) for using the vacant lot next door for storage.

As you debate this appeal, please consider framing your deliberation in light of your official vision for the Central Business District as articulated in the Council-adopted 2021 Dallas Comprehensive Plan. Your vision is best summed up to: *"Maintain, strengthen and promote the Central Business District as the principal pedestrian-oriented commercial and cultural center of the community."*

If you choose to override the Planning Commission and approve the appeal, I believe it is vital to concurrently adopt the eight conditions urged by the Dallas Downtown Association to ameliorate the discordant impacts of this proposed use on its surroundings.

On February 5th, you will be considering the appeal of the Dallas Planning Commission's unanimous denial of the Conditional Use Permit #CUP-23-10 (Tim's Garage) for using the vacant lot next door for storage.

Framing your deliberation, there is the overarching issue of how the request conforms in the letter and spirit to the City Council's 2021 Dallas Comprehensive Plan, which introduces itself as *"the controlling land use document for the City...it provides the legal framework and long-term vision for implementing plans and land use regulations."*

The vision you adopted in your Comprehensive Plan applicable to this case is that the Council will: *"Maintain, strengthen and promote the Central Business District as the principal pedestrian-oriented commercial and cultural center of the community."* Other key terms in the five paragraphs include: *"encourage offices"; "bring people into downtown and create a vibrant downtown environment"; "location of community-oriented uses...such as the public library"; and "encourage upper-level residential redevelopment."* The Plan clearly does not envision the expansion of a non-conforming, quasi-industrial use that was grandfathered into the CBD decades ago.

For reference, both the Downtown Association (DDA) and the Polk Community Development Corporation (Polk CDC) wrote into the record the five-paragraph portion of the Comprehensive Plan pertaining specifically to the Central Business District (CBD), the location of Tim's Garage. (Enclosures 1 and 2)

Back in November, I gave personal testimony to the Commission in support of the DDA's carefully drawn position on this subject. Importantly, the DDA's support for the application is premised on the adoption of the DDA's eight specific conditions found in Enclosure 1. If you choose to override the Commission's judgement and approve the appeal, it would be very wise to concurrently adopt the DDA's eight conditions to ameliorate the discordant elements of this proposed use on its surroundings.

Thank you.



Brian Dalton

ENCLOSURES

DDA Letter to the Planning Commission, 11/14/23

POLK CDC Letter to the Planning Commission, 11/14/23



Revitalizing the Heart of Our Community

11/14/23

City of Dallas Planning Commission
187 SE Court Street
Dallas, Oregon 97338

Dear Commissioners.

This letter is a written submission of information to supplement our in-person testimony at your public hearing regarding Tim's Garage - Conditional Use Permit #CUP-232-10. We ask that this submission with enclosures to be entered into the record.

The narrative script of our planned oral presentation is included as Enclosure #1. This letter supplements that presentation, adding some more specialized information to help establish the context of our testimony.

Our basic principle is that the Dallas Downtown Association (DDA) Board of Directors supports the approval of the Conditional Use Permit for the vacant lot at 982 SW Church Street to include the four conditions recommended by City staff along with the additional eight conditions detailed in our presentation. We believe that all these conditions are very reasonable under the circumstances being both supportive of Tim's Automotive business and a big positive for the neighborhood as it develops in the long term. We thus see them as win/win for all concerned.

First, in the big picture, we would like to highlight the context in which a number of local organizations concerned with the ambiance and prosperity of downtown operate, the prime ones being the City of Dallas, the Dallas Urban Renewal Agency and the Dallas Downtown Association. Their common philosophical thread is the 2021 City of Dallas Comprehensive Plan, which among much else, provides the north star for future development in the Central Business District to which it devotes a full section containing five goals (Enclosure 2). These goals may not be a direct part of the Development Code approval criteria in this case, but they helpfully provide the vision of the future the Council has for this neighborhood and are well worth considering as background for the long-term impact of your decisions in this case.

Second, we would like to accentuate the point that well-constructed opaque screening of the lot that is of good quality and of a darker color to better blend in with its surroundings would be very desirable in this setting. This lot is in a busy area of our historic downtown at a high-visibility location so the advantages of well-done screening

to the good reputation of Tim's Automotive and the attractive ambiance of the neighborhood is material to the success of this conditional use.

Finally, we are advocating for planting large, City-approved street trees on both Washington and Church Streets to further soften the appearance of the vehicle storage situation. This would be ideal for all concerned given that over time, these trees will grow large, blending the lot in with its surroundings nicely and giving a more comforting look to the site, very likely making the property more valuable and acceptable to the neighbors. Large trees are possible and desirable around this lot as there are no overhead wires on either side. We consider it a small investment for a big return.

A list of City-approved street trees, seven of which are 70 feet or taller, is attached as Enclosure 3.

Thanks for your consideration of our viewpoint. We appreciate the time and effort you will devote to studying this application and coming up with a decision which benefits all concerned.



Brian Dalton
President
Dallas Downtown Association Board of Directors

3 Enclosures (all below)

- DDA Narrative Script for Presentation at November 14 Public Hearing
- 2021 City of Dallas Comprehensive Plan – Section Relating to the CBD
- City of Dallas, List of Approved Street Trees

ENCLOSURE 1**DDA TESTIMONY BEFORE THE PLANNING COMMISSION****NOVEMBER 14, 2023, 7:00 PM**

513 WORDS, 3.7 MINUTES

Good Evening,

Thank you for the opportunity to provide testimony this evening.

My name is (insert name and title) here representing the views of the Board of Directors of the Dallas Downtown Association. Our mission is well summed up from this goal in the City Council's current Comprehensive Plan for the Central Business District:

"Maintain, strengthen and promote the Central Business District as the principal pedestrian-oriented commercial and cultural center of the community."

In keeping with our goal to be business-friendly, we are highly supportive of Tim's Automotive Services which we see as popular, well-supported by its customers and is, from all indications, stable and prosperous. We believe that his request for vehicle storage in support of his business next door is an excellent idea which should both enhance his business and improve the ambiance of the whole neighborhood.

Our bottom line is that we urge the Commission to approve this Conditional Use Permit along with some conditions which will help guide it becoming a real asset to its surroundings.

To supplement the four conditions recommended by staff, we propose eight conditions which we believe are reasonable and a win-win for all concerned. Please note that these conditions are premised on our understanding that the lot will serve as temporary "storage" to directly support the flow of customer vehicles in and out of the vehicle repair business next door and not as long-term storage or for other purposes.

These conditions are:

1. The property will be used solely for the purpose of the temporary storage of whole vehicles in process of repair at the shop at 172 SW Washington St.
2. Disassembled vehicles missing major components, or inoperative vehicles, will not be stored long-term on the property defined as longer than six weeks - you may wish to refine this number
3. No used vehicle assemblies having residual fluids in them will be stored on the property (examples: engines, transmissions, rear ends)
4. The storage of used tires for more than six weeks is prohibited. Off-rim tires must be covered by a tarp to prevent mosquito breeding.
5. Should the business at 172 SW Washington ever lose its conditional use permit for vehicle repair, the permit for storage at 188 SW Washington will be rescinded

6. The marketing and/or selling of vehicles and parts from this location is not allowed
7. A well-constructed, completely opaque and fully maintained privacy screening fence is required on all sides of the lot. The fencing materials will be dark in color to better blend with the neighborhood.
8. In collaboration with the City of Dallas, the applicant will plant City-approved street trees with a mature height of 70 feet or greater in the public sidewalks on both the Church and Washington Street sides.

We believe that approval of the permit with these eight conditions will fully support the business next door while much improving the ambiance of the neighborhood which is markedly changing character to be less industrial and more urban residential with pedestrian-oriented small enterprises.

Please keep the record kept open for additional input.

Thank you.

ENCLOSURE 2

City of Dallas 2021 Comprehensive Plan as it Relates to the Central Business District

(emphasis added in red)

The Introduction to the Plan reads as follows:

"The Dallas Comprehensive Plan is the controlling land use document for the City and its Urban Growth Boundary (UGB). From a land use perspective, the comprehensive plan is like a state or federal constitution: it provides the legal framework and long-term vision for implementing plans and land use regulations."

Here is complete section of the Plan as it relates to the Central Business District

2.4 Commercial Land Use Policies specific to the Central Business District

1. Encourage offices to locate in the City of Dallas and if possible, the Central Business District.
2. Maintain, strengthen and promote the Central Business District (CBD) as the principal pedestrian-oriented commercial and cultural center of the community.
3. Encourage the location of pedestrian-oriented commercial businesses in the Central Business District to bring people into downtown and create a vibrant downtown environment.
4. Encourage the location of community-oriented uses in the Central Business District, such as the public library, senior centers or civic centers.
5. Encourage upper-level residential redevelopment and conversions in the Central Business District through financial assistance programs, such as use of Urban Renewal District loans and grants.

ENCLOSURE 3
City of Dallas City-Approved
Street Tree List

City of Dallas - Approved Street Tree List										
Common Name	Botanical Name	Powertine Compatible	Mature Height (ft)	Mature Spread (ft)	Mature Shape	Poor Drainage Tolerant	Drought Tolerant	Maintenance Needs	Conspicuous Flowers	Fall Color
Trident Maple	Acer buergerianum	Y	25	25		Y	Y	M	N	
Paperbark Maple	Acer griseum	Y	30	15		Y	Y	L	N	
Autumn Flame Red Maple	Acer rubrum 'Autumn Flame'	N	50	40		Y	Y	L	N	
October Glory Red Maple	Acer rubrum 'October Glory'	N	55	45		Y	Y	L	N	
Red Sunset Red Maple	Acer rubrum 'Red Sunset'	N	55	45		Y	Y	L	Y	
Autumn Blaze Maple	Acer x freemanii 'Autumn Blaze'	N	50	40		Y	Y	M	N	
Paper Birch	Betula papyrifera	N	70	50		Y	N	H	N	
Pacific Dogwood	Cornus nuttallii	Y	30	30		N	N	M	Y	
Ginkgo	Ginkgo biloba	N	80	80		Y	Y	L	N	
Crape Myrtle	Lagerstroemia	Y	30	25		Y	Y	M	Y	
Northern Red Oak	Quercus rubra	N	80	65		Y	Y	L	N	
Shumard Oak	Quercus shumardii	N	80	65		Y	Y	L	N	
Japanese Snowball	Styrax japonicus	Y	30	30		Y	N	M	Y	
Littleleaf Linden	Tilia cordata	N	80	55		Y	Y	M	Y	
Greenspire Littleleaf Linden	Tilia cordata 'Greenspire'	N	70	50		Y	Y	M	Y	
Chinese Elm	Ulmus parvifolia	N	75	75		Y	Y	L	N	

CITY OF DALLAS

NOTICE OF APPEAL HEARING

Tim's Garage - Conditional Use Permit #CUP-23-10

You are receiving this notice because you were party to the hearing before the Dallas Planning Commission on this matter, which has been appealed to the Dallas City Council.

<u>PROPERTY LOCATION:</u>	982 SW Church Street
<u>APPLICANT:</u>	Tim Sampont.
<u>NATURE OF REQUEST:</u>	Utilize vacant lot for storage for the adjacent automotive repair business.
<u>DECISION BEING APPEALED:</u>	Denial by Planning Commission
<u>APPLICABLE CRITERIA:</u>	DDC Chapter 4.4.040.A – Conditional Uses
<u>HEARING DATE / TIME:</u>	7:00 p.m. Monday, February 5, 2024
<u>HEARING LOCATION:</u>	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
<u>CITY STAFF CONTACT:</u>	Chase Ballew, City Planner Phone: 503-831-3570 chase.ballew@dallasor.gov TDD: 503-623-7355

At the above day and time the Dallas City Council will hold a hearing on the appeal of the Planning Commission's decision to deny 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.

This appeal to City Council is a *de novo* review on the record, and therefore the City Council will make its decision based upon the facts already in the record. The parties to the hearing before the Planning Commission will be granted the right to present argument, **but may not introduce additional evidence**. In considering the appeal, the City Council need only consider those matters specifically raised by the appellant. The City Council may consider other matters if it so desires. The appellant shall have the burden of proof and persuasion on appeal.

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

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

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



Dated: January 18, 2024

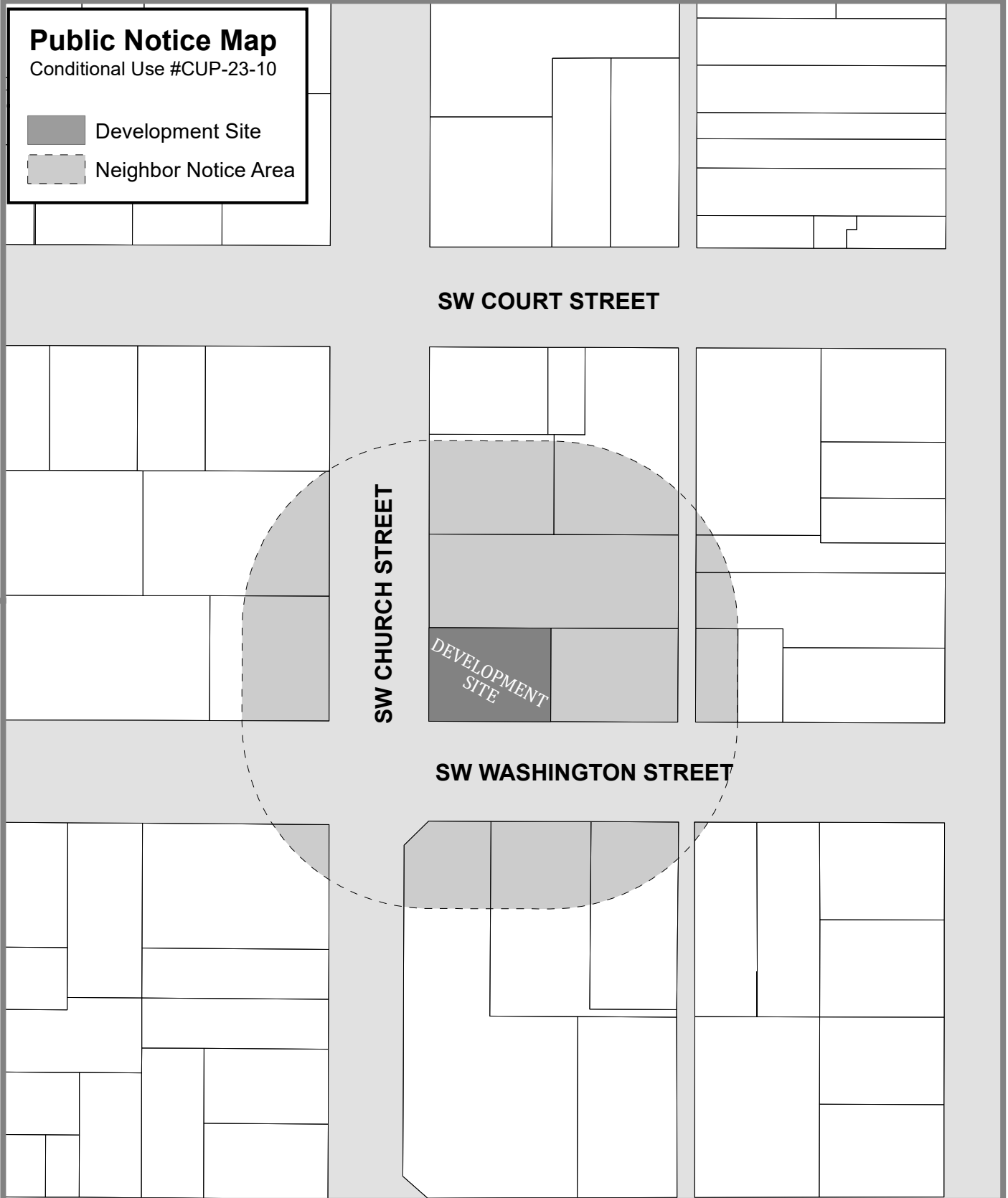
NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER, ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

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 #CUP-23-10

-  Development Site
-  Neighbor Notice Area





City Council

February 5, 2024

Location

188 SW Washington Street

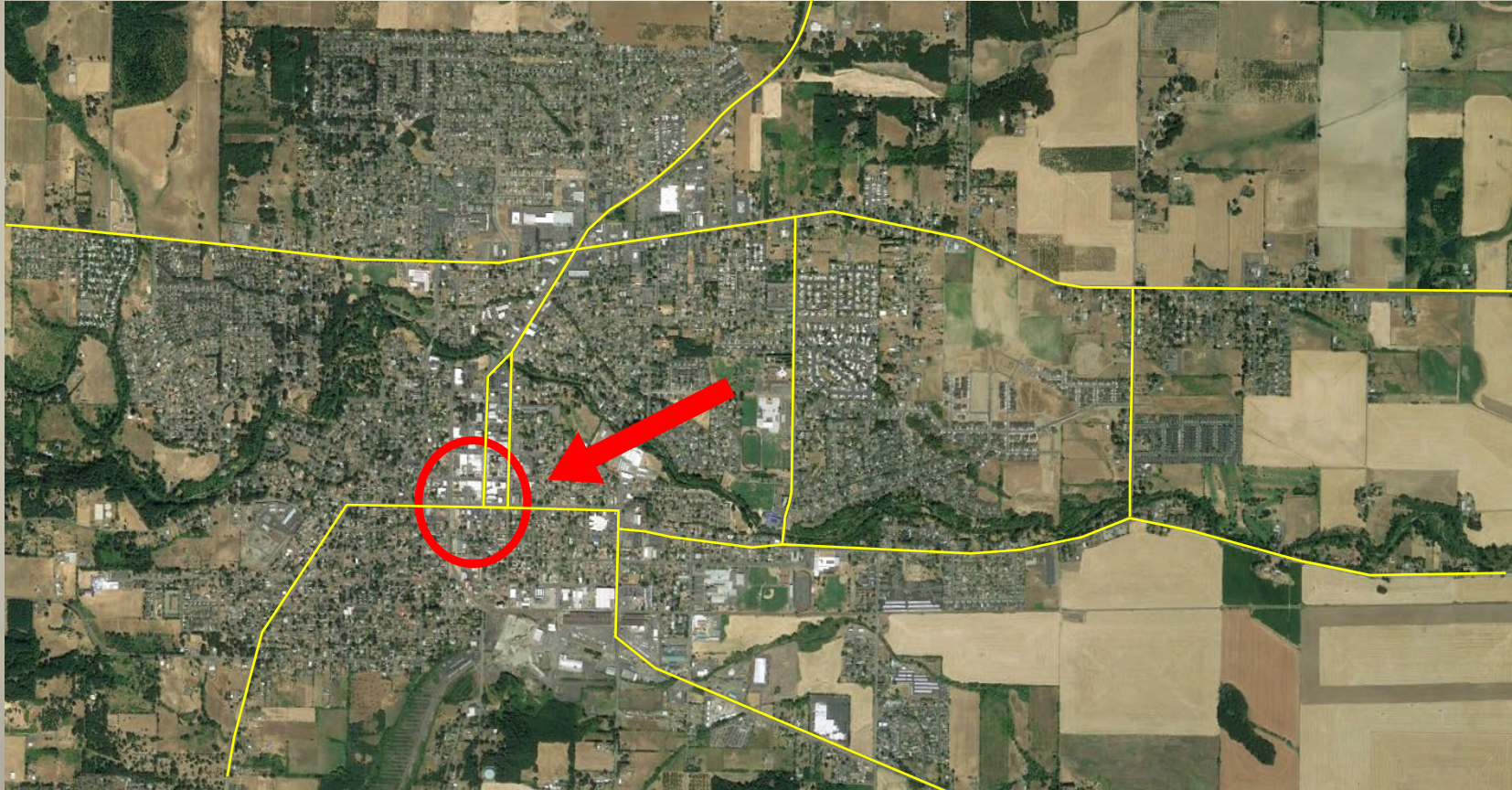


Image Credit: Google

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Approval Criteria

- **Conditional Uses - 3 criteria (DDC Section 4.4.040):**
 - The site is adequate for the need
 - Negative impacts on adjacent properties can be mitigated
 - Public facilities have adequate capacity to support
- **Site Design Review - 5 criteria (DDC Section 4.2.060):**
 - The application is complete with no missing information
 - The underlying land use district standards are met
 - Non-conforming development shall be upgraded
 - The design standards of Article 3 are met
 - Pre-existing conditions of approval are met

Basis of Planning Commission Denial

- Site access is inadequate, as the driveway does not meet the required spacing standard.
- Visibility is inadequate as the proposed fence does not provide intersection vision clearance.
- Safety is inadequate, as operations of the site will require use of the state highway to move inoperative vehicles between the storage lot and the repair bays.
- The existing driveways, in not meeting the required design standards, therefore do not have adequate capacity to serve the proposal.

Recommended Conditions of Approval

- 1) Within six months of land use approval, the applicant shall install a six-foot tall sight-obscuring fence along the Church and Washington Street frontages.
- 2) Gates in the perimeter fence must be operable by the Dallas Fire and EMS Department.
- 3) The applicant shall maintain a setback from the intersection of Church and Washington Street, consistent with the vision clearance area described in Dallas Development Code 3.1.020.N.
- 4) Prior to use of the site for storage, the existing driveway on Washington Street shall be removed, and the curb and sidewalk be restored. The applicant shall obtain all necessary permits from the Oregon Department of Transportation prior to commencing the work.
- 5) Prior to use of the site for storage, the existing driveway on Church Street shall be reconstructed to City standards. The driveway shall be located at least 50 feet from the intersection of Washington Street.
- 6) No vehicle repair work is to be conducted on the storage lot, except that occasional minor repairs needed to move a vehicle may be performed. Examples include but are not limited to replacing batteries and fixing flat tires.




City Council

February 5, 2024



CITY COUNCIL STAFF REPORT

MEETING DATE: February 5, 2023
AGENDA ITEM NO. 3.b
TOPIC: Public Hearing on proposed Development Code updates
PREPARED BY: Chase Ballew, City Planner
APPROVED BY:  Brian Latta, City Manager
ATTACHMENTS:
A. Revised Code Amendments, Annotated
B. Public Hearing Staff Reports to Planning Commission and City Council

RECOMMENDED ACTION:

Staff recommends the Council review the proposed code language, and approve the amendments. Direct staff to prepare an enacting ordinance.

BACKGROUND:

The Dallas Development Code regulates development within the city, and is regularly updated as community conditions change and as shortcomings in the code are identified.

The City Council held a public hearing on this topic on June 20, 2023. At that time, the Council accepted public testimony and closed the public hearing. Council then asked staff to present the proposed code changes for discussion in a series of Council work sessions. The Council held four work sessions and discussed the proposed code amendments. Staff have incorporated the feedback from the Council work sessions into the proposed code amendment package (**Attachment A**).

City staff have included with this report as **Attachment B** the staff reports from the Planning Commission and City Council public hearings.

SUMMARY TIMELINE:

On June 5, 2023 the City Council held a public hearing on proposed amendments to the Dallas Development Code recommended by the Dallas Planning Commission. At that time, the Council requested further discussion in workshop session on the following topics.

- Temporary Signs in the Right-of-Way
- Street Landscape Strips

- Cottage Cluster Developments
- Multi-Use Path Width
- Walkway Width and Criteria
- Garage Setbacks/Driveway Length
- Townhome Driveway Width
- Bicycle Parking Standards

Discussion on these topics was split up and held during four separate Council work sessions in September 2023 and November 2023. Based on the council’s direction, the following changes were made to the proposed code amendment.

CHANGES SINCE LAST PROPOSAL:

Topics removed from consideration:

- Bicycle Parking
- Townhome Garage Openings
- Driveway Widths
- Garage Setbacks
- Sidewalk Landscape Strips

Topics modified:

- Cottage Cluster Developments
 - ↳ New limit 8 cottages per lot

FISCAL IMPACT:

None

RECOMMENDED MOTION:

I move to approve the changes to the Dallas Development Code as modified by the City Council, and direct the City Attorney to draft an enacting ordinance.

1.3.280 Recreational Vehicle Park

Characteristics. Recreational Vehicle Parks are a commercial use primarily designed to accommodate recreational vehicles for overnight stay as a form of transient lodging by providing space and support facilities for recreational vehicles, motor homes, or similar vehicles to park overnight while occupied. This includes facilities with park-owned recreational vehicles held out for rent for on-site occupancy.

Staff Comment:
Adds definition of use classification referred to elsewhere in code

Accessory Uses. Accessory uses may include offices, employee or operator living units, recreational facilities, canteens, convenience stores, gift shops, service buildings, restrooms, dumping stations, showers, laundry facilities, storage units; and other uses and structures customarily a part of the RV park or campground operation.

Exceptions. Uses where unoccupied recreational vehicles are manufactured, offered for sale or lease, or are stored are not included as Recreational Vehicle Parks.

1.3.440 Park and Ride

Characteristics. Park and Ride facilities are intended to facilitate use of public transportation and carpooling by commuters by providing a place to park privately owned vehicles such that drivers may continue their journey in a different vehicle. Park and Ride facilities are generally located along major travel corridors in close proximity to bus stops, train stations, and major crossroads. Park and Ride facilities may be owned and operated by government organizations (transit districts, transportation departments, municipalities) but may also be leased from private entities with surplus weekday parking capacity such as churches and shopping centers.

Accessory Uses. Accessory uses may include offices and ticketing halls, employee or operator break rooms, vending areas, service buildings, and rest rooms, and electric vehicle charging stations.

Exceptions. Uses where the drivers of parked vehicles are generally not continuing their journey on another vehicle, but are instead patronizing businesses or institutions within walking distance, are not park and ride facilities.

Staff Comment:
Adds definition of use classification referred to elsewhere in code

1.3.500 Agriculture

Staff Comment:
Clarification

- A. **Characteristics.** Agriculture includes activities that raise, produce or keep plants or animals for the purpose of obtaining a profit in money.
- B. **Accessory uses.** Accessory uses include dwellings for proprietors and employees of the use, and animal training and veterinary services.
- C. **Examples.** Examples include breeding or raising of fowl or other animals; dairy farms; stables; riding academies; kennels or other animal boarding places; veterinary services; farming, truck gardening, forestry, tree farming; and wholesale plant nurseries.
- D. **Exceptions.**
 - 1. Processing of animal or plant products, including milk, and feed lots, are classified as Manufacturing and Production.
 - 2. Livestock auctions are classified as Wholesale Sales.
 - 3. Plant nurseries that are oriented to retail sales are classified as Retail Sales and Service.
 - 4. When kennels are limited to boarding, with no breeding, the City may determine the use category is Agriculture or Retail Sales and Service.
 - 5. Gardens and hobby farms (e.g., less than one acre) may be classified as accessory to a Residential Use.

2.2.010 - Residential Districts - Purpose and Applicability

2.2.010 Purpose And Applicability

- A. **Purpose.** The Residential Districts are intended to promote the livability, stability and improvement of the City’s neighborhoods, while accommodating development of needed housing types at a range of densities, including attached and detached housing, ~~multiple-family~~ multi-family housing, senior housing, manufactured and site-built housing, group housing, and other special needs housing. The Residential Districts also accommodate parks, schools, places of worship, and other services that are necessary to serve and create complete neighborhoods.
- B. **Applicability.** Residential land use districts or zones are applied in accordance with the policies and Land Use Map contained in the City of Dallas Comprehensive Plan. See Table 2.2.010A. The district standards are based on the following principles:
1. Promote the orderly development and improvement of Dallas’s neighborhoods, while maintaining and enhancing the community’s historic character and traditional neighborhood development patterns.
 2. Make efficient use of land and public services and implement the Comprehensive Plan.
 3. Designate land for the range of housing types and densities needed by the community, including owner-occupied, rental housing, and special needs housing.
 4. Provide flexible lot standards that encourage a mixture of compatible land uses, efficiency in site design, and environmental compatibility.
 5. Provide for compatible building and site design at an appropriate scale; provide standards that are in character with the built and natural environment of Dallas.
 6. Apply the minimum amount of regulation necessary to ensure compatibility with existing residences, schools, parks, transportation facilities, and neighborhood services.
 7. Reduce reliance on the automobile for neighborhood travel and provide options for multiple modes of travel, including walking, bicycling and transit.
 8. Provide direct and convenient access to schools, parks, trails, and neighborhood services.

Staff Comment:
Clarification

C. Residential Districts.

Residential Low. The Residential Low (RL) district accommodates a residential density of between 4 and 9 dwelling units per net buildable acre under the base development standards of the district. The predominant uses are single family dwellings, duplexes and accessory uses; however, other housing is allowed with specific limitations. Parks, schools, and other civic and institutional uses are also allowed. **Residential Medium.** The Residential Medium (RM) district accommodates detached single family homes on small lots and small-scale multi-family housing, ~~such~~ as well as duplexes and townhomes, at densities between 6 and 16 dwelling units per net buildable acre under the base development standards of the district. Parks, schools, and other civic and institutional uses are also allowed. **Residential High.** The Residential High (RH) district accommodates a mix of housing types at densities between 10 and 40 dwelling units per net buildable acre. Parks, schools and other civic and institutional uses are also allowed.

Staff Comment:
Grammatical error

2.2.020 - Residential Districts - Allowed Land Uses and Building Types

2.2.020 Allowed Land Uses And Building Types

Table 2.2.020 identifies the land uses and building types that are allowed in the Residential Districts. The specific land use categories are described and uses are defined, respectively, in Articles 1 and 6.

Table 2.2.020– Land Uses and Building Types Allowed in Residential Districts				
<i>Land Uses and Building Types</i>	<i>Land Use Districts</i>			<i>Special Use Provisions</i>
(Uses & building types in Chapter 1.3; definitions in Chapter 6.1)	RL	RM	RH	
Residential Categories				
Household Living				
Single Family House	P	P	P	
Accessory Dwelling Unit	S	S	S	Section 2.2.120A
Duplex (2 dwelling units sharing a common wall on one lot)	P	P	P	
Attached House (2 dwelling units sharing a common wall with each unit on its own lot)	P	P	P	
Attached House (3 or more common-wall dwelling units), each on its own lot	N	S	S	Section 2.2.120B
Cottage Cluster (2-4 8 single family dwellings on one lot, oriented to an alley or common green, and each containing less than 1,200 square feet of floor area)	S	S	S	Section 2.2.120H
Manufactured Home on a Lot	S	S	N	Section 2.2.120F
Manufactured Dwelling Park				
- Equal to or less than 3 acres	N	S	S	Chapter 2.9
- Greater than 3 acres	N	N	S	
Modular Home on a lot	S	S	S	Section 2.2.120M
Multi-family (3 or more dwellings on a lot; Includes Senior Housing, some types of Assisted Living and Single Room Occupancy Uses, but not Group Living)	N	S	S	Section 2.2.120H
	N	S	S	Section 2.2.120J

Staff Comment:
Increases number of units allowed consistent with best practices

Proposal was reduced from 12 units to 8 in response to request by Council during work session

2.2.020 - Residential Districts - Allowed Land Uses and Building Types

Zero Lot Line Courtyard Housing (not common wall)				
Group Living				
Residential Home	S	S	N	Section 2.2.120D
Residential Facility	CU + S	S	S	Section 2.2.120D
Commercial Categories				
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities)	N	N	CU + S	Section 2.3.100
Bed and Breakfast Inn	CU + S	CU + S	CU + S	Section 2.2.120C
Educational Services, Commercial (e.g., tutoring or similar services); not a home occupation	N	CU + S	CU + S	Limited to 1,200 square feet of floor area
Entertainment, Major Event	N	N	N	
Home Occupation	S	S	S	Per standards of Section 2.2.120E and procedures in Chapter 4.9
Office, not a home occupation; fully enclosed in primary and/or accessory building	N	CU + S	CU + S	Limited to 1,200 square feet of floor area
Outdoor Recreation, Commercial	N	N	N	
Commercial Parking	CU	CU	CU	
Quick Vehicle Servicing or Vehicle Repair	N	N	N	
Recreational Vehicle Park	N	N	N	
Retail Sales and Service; excluding Eating and Drinking Establishments as primary use	N	N	N	
Self-Service Storage, when not accessory to a permitted use	N	N	CU	
Short-Term Vacation Rental, primary dwelling or accessory dwelling; not a recreational vehicle or mobile home	CU + S	CU + S	N	Section 2.2.120I
Industrial Categories				
Industrial Service, enclosed in primary building	N	N	N	

Staff Comment:
Adds a defined use that is missing from the table for this zone

Staff Comment:
Deletes unused exception language; no such exception exists in code

2.2.020 - Residential Districts - Allowed Land Uses and Building Types

Manufacturing and Production, fully enclosed in primary and/or accessory building	N	N	N	
Warehouse and Freight Movement	N	N	N	
Waste-Related when not accessory to a primary permitted use (e.g., trash and recycling storage and sorting, garden composting)	N	N	N	
Wholesale Sales when accessory to a primary permitted use	N	N	N	
Institutional Categories				
Basic Utilities when not accessory to a primary permitted use	CU	CU	CU	Wireless Communication Facilities Subject to CU
Community Service; Government, except drive-up facilities or uses (includes clubs and lodges, public and quasi-public buildings where public is received, other community services)	CU	CU	CU	
Daycare, adult or child care; except: Family Childcare (16 or fewer children)	CU + S P	CU + S P	CU + S N	Provide City with evidence of compliance with ORS 329A.250 and 329A.440(4)
Medical Centers Hospitals and Medical Clinics	N	N	N	
Incarceration Facilities	N	N	N	
Parks, Open Space, and Common Areas	P	P	P	
Religious Institution, House of Worship	CU	CU	CU	Conditional Use Permit required, except where City codes preempted by Federal or State law
Schools	P/CU	P/CU	P/CU	Permitted (P) when part of a Master Plan; otherwise CU
Park and Ride	N	P/CU	P/CU	Permitted (P) when part of a Master Plan; otherwise CU
Accessory Structures, total of all accessory structures on site	P CU	P CU	P CU	

Staff Comment:
Relabels use consistent with definition in 1.3.450

Staff Comment:
Adds a defined use that is missing from the table for this zone

2.2.020 - Residential Districts - Allowed Land Uses and Building Types

- Not taller than 15 ft. and not wider than 50% of width of primary building footprint - Taller than 15 ft. or wider than 50% of width of primary building footprint				
Agriculture – Animals	SN	N	N	Section 2.2.120L
Agriculture – Crops and Nurseries	SNN			
Mining	N	N	N	
Radio Frequency Transmission Wireless Communication Facilities, Wind Turbines, and Similar Structures	CUN	CUN	CUN	Chapter 4.3 Conditional Use Permit, except Ham and Similar Amateur Radio exempt when height limits are met
Utility Corridors (e.g., regional gas pipelines, electrical transmission lines, etc.), except those existing prior to January 22, 2010 , are permitted	CU	CU	CU	
Temporary Uses	P/CU			Temporary uses subject to Section 4.9.010
Transportation Facilities (operation, maintenance, preservation, and construction in accordance with applicable standards of the roadway authority) are Permitted; other Transportation Facilities require Conditional Use Permit and are subject to review and approval by the applicable road authority.				
Non-Conforming Uses. Uses and structures lawfully established prior to January 22, 2010 may continue pursuant to Chapter 5.2 Non-Conforming Situations. The City may require upon annexation rezoning that uses conform to the current code requirements for the zone in which they are located.				
Uses Subject to Preemptive State or Federal Law are allowed pursuant to applicable laws				

Staff Comment:
Removes allowance for commercial animal farms in residential zones

Staff Comment:
Corrects inconsistency between this table and Chapter 3.5

2.2.030 - Residential Districts - General Development Standards

2.2.030 General Development Standards

The development standards in Table 2.2.030 apply to all uses, structures, buildings, and development, and major remodels, in the Residential Districts.

Table 2.2.030– Development Standards for Residential Districts				
Standard General Development Standards may be adjusted through Chapter 4.5 Master Planned Development		Land Use Districts		
		RL	RM	RH
A)	<i>Minimum and Maximum Residential Density</i> (Dwelling units per net buildable acre after subtracting required right-of-way. Does not apply to partitions of 3 or fewer lots and to conversion of existing detached single-family houses to duplex.) All residential zones are subject to Housing Density standards in Section 2.2.050.	4-9	6-16	10-40
	Minimum Average Lot Area*			
	Single Family House, non-attached	5,000 sf	4,000 sf	3,000 sf
	Attached House	2,500 sf	2,000 sf	1,500 sf
	Single Family House with Accessory Dwelling Unit	6,000 sf	4,000 sf	4,000 sf
	Duplex	5,000 sf	5,000 sf	3,000 sf
	Multiple-Family or Cottage Cluster, per allowable density	12,000 sf	4,000 sf	7,000 sf
	*Minimum lot area in new land divisions platted for single family, housing is the average area for all lots, categorized by above lot type, in the land division, provided that no lot shall be smaller than 80% of the area shown at right, and the land division shall conform to the above Density standards and requirements for Lot Size Averaging in Chapter 4.3.		10,000 sf	

2.2.030 - Residential Districts - General Development Standards

<p>C)</p>	<p>Minimum Lot Width/Depth (feet), per minimum lot size, density, setbacks, and lot coverage</p> <p>Single Family House</p> <p>Attached House</p> <p>Single Family with Accessory Dwelling Unit</p> <p>Duplex</p> <p>Multiple-Family or Cottage Cluster</p> <p>*Flag lots subject to Chapter 4.3</p>	<p>50' / 75'</p> <p>25' / 62'</p> <p>60' / 80'</p> <p>50' / 75'</p> <p>100' / 100'</p>	<p>40' / 60'</p> <p>20' / 30'</p> <p>50' / 75'</p> <p>40' / 60'</p> <p>100' / 100'</p>	<p>30' / 45'</p> <p>15' / 2225'</p> <p>40' / 60'</p> <p>30' / 45'</p> <p>100' / 100'</p>
<p>D)</p>	<p>Building/Structure Height Except Fences, Garden Walls and Other non-Building Structures are subject to Section 3.2.050, Fences and Walls.</p> <p>Primary buildings</p> <p>Accessory buildings (except accessory dwellings are subject to the height limitations and setback requirements for primary structures)</p> <p>Buildings exceeding above standards, with Conditional Use Permit</p>	<p>28 ft</p> <p>15 ft</p> <p>+ 5 ft</p>	<p>40 ft</p> <p>15 ft</p> <p>+ 8 ft</p>	<p>48 ft</p> <p>15 ft</p> <p>+ 8 ft</p>
<p>E)</p>	<p>Lot Coverage (Impervious Surfaces): Max. Lot Coverage by Impervious Surfaces draining into a public right-of-way or draining off-site. Areas covered with pervious surfaces (e.g., planted areas, porous paving systems, etc.) and allowing on-site infiltration of stormwater, are not counted toward lot coverage, provided such areas are designed to City standards. Adjustments are limited to 10% (e.g., up to 55% in RL), except as approved through a Master Plan under Chapter 4.5</p>	<p>50%</p>	<p>65%</p>	<p>75%</p>

Staff Comment:
Increases minimum lot depth for townhouses to better facilitate on-site parking requirement

Staff Comment:
Removes requirement that ADU's meet the same setbacks as full-size houses

Staff Comment:
Typographical error

2.2.030 - Residential Districts - General Development Standards

F)	<p>Min. Open Space Area (% site area); except does not apply to Single Family House, Attached House, or duplex dwelling lots, only the subdivision as a whole.</p> <p>Where a subdivision site does not contain suitable land for open space, the City may accept a fee equal to 6% of the site's Real Market Value, per the current Assessor's file, in lieu of open space. The landscaped portion of common area or green roof, when approved by Planning Official, may count toward meeting landscape area requirement under Section 3.2.030.D.</p> <p>Required Children's Play Area, see Section 2.2.120H Multi-family Housing</p>	6% per residential subdiv.; 15% for cottage clusters and other uses where open space is required	6% per residential subdiv.; 15% for cottage clusters and other uses where open space is required	15%
G)	<p>Minimum Setbacks (feet), except as otherwise required for Clear Vision areas and per Section 3.2.060, Fences and Walls. Other standards may preclude building at a minimum setback. Structures shall not encroach into easements for utilities, access ways, etc. See also, Clear Vision Area requirements and special setbacks for planned street improvements, respectively, in Chapter 3.2 and Chapter 3.4.</p>			
G.1)	Front/Street Side Yard, Primary Structures, Fronting Local Street with Standard ROW	15 ft	12 ft	12 ft
G.2)	Front Yards and Street Side Yards, Primary Structures, Fronting a Collector or Arterial Street with Standard ROW	20 ft	20 ft	20 ft
G.3)	Front Yards and Street Side Yards, Primary Structures, Fronting Any Street Without Standard ROW (measured from designated street centerline)	1/2 - width standard ROW, plus setback		
G.4)	Garage or Carport Opening Facing a Street, as determined by Community Development Dept.	20 ft	20 ft	20 ft
G.5)	Front/Street Side Yard, Accessory Structures	Where an accessory structure is visible from a street, it shall be set back behind the front/side building elevation adjacent to the subject street. The street side yard setback for an accessory structure may be reduced to 5 ft, if the structure is screened with a 6 ft high sight-obscuring fence, wall or hedge.		

Staff Comment:
 Determinations by staff may not be clear and objective as required by ORS 197.307(4)

2.2.030 - Residential Districts - General Development Standards

G.6)	Interior Side Yards, Primary Structure, Not Abutting Alley. Note additional setbacks may be required pursuant to building codes and other Development Code provisions.	5 ft	3 ft	3 ft
G.7)	Interior Side Yards, where common wall or zero-lot line is allowed. See also, Section 2.2.120.B & J	0 ft	0 ft	0 ft
G.8)	Interior Side Yard, Accessory Structure	3 ft for structures up to 15 ft in height; Taller structures shall conform to Primary Structure setbacks		
G.9)	Yard Abutting Alley; Allowed Only Where Alley is Improved to City Standards	3 ft	3 ft	3 ft
G.10	RM or RH Yard Abutting RL Yard	10 ft	10 ft	15 ft
G.11	Parking Lot (e.g., multi-family, commercial, or institutional use) abutting RL District; see Chapter 3.2 Landscaping	10 ft	10 ft	10 ft
G.12	Rear Yard, Primary Structure	10 ft	10 ft	15 ft
G.13	Rear Yard, Accessory Structure	3 ft for structures up to 15 ft in height; Taller structures shall conform to Primary Structure setbacks		
G.14	Reduced Setback for Covered Front Porch	8 ft Reduction in front and street side setbacks allowed where structure does not conflict with any easement		
G.15	Special Setback for Development on Oversized Lot	Where a lot is more than twice the minimum lot size of the zone, the dwelling shall be placed to allow for future land division in accordance with the minimum dimensional standards of this Chapter and requirements of the Land Division criteria of Chapter 4.3.		

2.2.050 - Residential Districts - Housing Density

2.2.050 Housing Density

- A. The total number of dwelling units in single family subdivisions is calculated by multiplying the total parcel or lot area in acres (including fractions to 0.01) after subtracting required right-of-way by the applicable density standard of the zone. The result is the allowable number of dwelling units, subject to compliance with applicable development standards.
- B. The total number of dwelling units allowed in ~~mixed~~-housing developments (~~i.e., those~~ that contain units other than single family dwellings) is calculated in the same manner as under subsection 'A', except that dwelling units have the following values with respect to calculating the actual density of a development proposal:*
1. Group Living: 0.25 dwelling unit per full-time resident
 2. Apartment: 0.50 dwelling unit per studio or 1-bedroom apartment; 0.75 dwelling unit per 2-bedroom apartment; 1.0 dwelling unit per 3-bedroom apartment
 3. Duplex and Attached House: 2 dwelling units per Duplex or Attached House
 4. Single Family House: 1 dwelling unit per single family dwelling (attached or non-attached)
 5. Accessory Dwelling Unit: 0.50 dwelling unit per accessory dwelling unit
 6. Cottage Cluster: 0.75 dwelling unit per cottage
 7. Other Dwelling Types: Determined by Planning Official through Type II Code Interpretation (Section 4.8) based on data and comparison to listed housing types
- C. Areas reserved for private access, stormwater treatment, and open space are counted for the purpose of calculating allowable density.
- D. Areas conveyed or dedicated to the public for stormwater treatment or open space, exclusive of public street rights-of-way, are counted for the purpose of calculating allowable density.
- E. Areas reserved for flag lot access (flag poles) are counted for the purpose of calculating allowable density but are not included in calculating minimum lot area for subject flag lots.

Staff Comment:
Clarification

Staff Comment:
Clarification

Staff Comment:
Adds standards for
use referred to
elsewhere in code

*The above density standards under A and B, are applicable in review of new housing development applications. In accordance with OAR 660-046-0120(2), maximum density does not apply to the development of duplexes. Also, in accordance with OAR 660-046-0130, conversion of existing detached single-family housing dwellings to duplex are allowed and subject to the above, provided that the conversion does not increase nonconformity with the applicable development standards for building height, lot coverage and setbacks as contained in Article 2.

2.2.070 - Residential Districts - Building Orientation Standards

2.2.070 Building Orientation Standards

- A. **Purpose.** The following standards are intended to orient building entrances toward streets to allow for safe and effective use of multiple modes of transportation, including walking, bicycling and transit. Placing residences and other buildings close to the street also encourages crime prevention, natural surveillance and security of public and private property, and overall neighborhood safety and livability by having more eyes-on-the-street.
- B. **Applicability.** Section 2.2.070 applies to buildings and developments that are subject to Site Design Review under Chapter 4.2. See also, Chapter 3.1 Access and Circulation. The standards of this Section may be adjusted through a Type II review, provided the adjustment is consistent with the above purpose and the applicant demonstrates that an alternative proposal meets the intent of the standard.
- C. **Building Orientation Standards.** All dwelling units shall have their primary entrance oriented to a public street sidewalk, as generally illustrated in this Section. Where no adjacent public street sidewalk exists or it is not practical to orient an entrance to a public street due to topographic or other physical site constraints, dwelling entrances may orient to a walkway, courtyard, or common lobby or breezeway (i.e., for ~~multiple~~ ~~multi-~~ family buildings) meeting the standards of Section 3.1.030. Where a site contains multiple buildings and there is insufficient street frontage to which buildings can be oriented, a primary entrance may be oriented to common green, open space, plaza, or courtyard (e.g., Cottage Cluster). When oriented in this way, the primary entrance(s) and green, plaza, or courtyard shall be connected to the street, and all primary building entrances shall be connected to one another, by pedestrian walkway(s) meeting the standards in Section 3.1.030. See example in Figure 2.2.070.C(1) “acceptable site plan.”
1. Where a proposed development abuts a City-approved alley or shared access drive that has been created for purposes of accessing the subject site, off-street parking for the development shall be accessed primarily from the alley or shared driveway and direct access to abutting streets shall be minimized.
 2. Off-street parking, driveways, and other vehicle areas shall not be placed between primary building entrances and the street(s) to which they are oriented, except the vehicle areas described in subsections 3-5 below are allowed where the decision making body finds that they will not adversely affect pedestrian safety and convenience:
 3. Nursing homes, assisted living facilities, schools, places of public assembly or religious worship, and similar institutional uses may have one driveway located between the street and the primary building entrance, provided that the building’s primary entrance is connected to an adjacent street by a raised pedestrian walkway, as required by Section 3.1.030. The intent of this exception is to provide for one drop-off/loading zone while maintaining a direct, convenient and safe pedestrian access to a primary building entrance;
 4. Single-family and duplex dwellings may have off-street parking between building entrances and the street, provided that garage openings shall ~~be meet~~ ~~the relevant~~ setback ~~at least twenty (20) feet~~ from the street right-of-way.
 5. Attached Houses (townhomes) that contain street-facing garage openings shall have not more than one (1) driveway access located between the street and the primary building entrance for every two (2) attached dwelling units; except that this requirement does not apply where the width of townhome lots is 50 feet or greater. Where a shared driveway is required, it shall meet the following criteria, as generally shown in Figure 2.2.070C(2):
 - a. Where two abutting ~~attached houses~~ (townhomes) are required to share one driveway, the driveway access shall not exceed 16 feet in width where it crosses the sidewalk and where it intersects the street (excluding driveway apron);
 - b. All primary building entrances shall be connected to the driveway (and sidewalk) via a pedestrian walkway ~~that is not less than three (3)-feet wide;~~ ~~as required by Section 3.1.030.~~
 - c. All street-facing garage openings and carport openings shall ~~meet the relevant setback from the street right-of-way~~ ~~be setback at least 20 feet from the back of sidewalk~~ and shall be recessed at least six (6) feet behind the front building elevation; a front porch projecting at least six (6) feet beyond the garage opening meets the “recess” requirement;
 - d. The width of all street-facing garage openings on ~~attached houses~~ (townhome) building shall not exceed fifty percent (50%) of the overall width of the building façade or street-facing elevation, as generally illustrated in Figure 2.2.070.C(2).

Staff Comment:
Clarification

Staff Comment:
Removes duplicative
language

Staff Comment:
Attached Houses is
term defined in 6.1.

Staff Comment:
Removes duplicative
language

2.2.080 - Residential Districts - Housing Variety Standards

2.2.080 Housing Variety Standards

- A. Purpose. Require new neighborhoods and large subdivisions to contain a variety of housing types. Housing variety is in the public interest because it supports housing at price ranges and rent levels that are commensurate to local incomes, promotes livability by offering housing choices, and contributes to the development of complete neighborhoods, consistent with the Comprehensive Plan.
- B. Applicability. Section 2.2.080 applies to land divisions creating or having the potential to create twenty (20) or more lots on any parcel or contiguous parcels in the RL and RM zones. For the purpose of this Section, “project proposal” means the sum total of all proposed development (acres and dwellings) and potential future development on contiguous land under the same ownership that could occur under existing zoning. “Same ownership” means ownership by the same individual, group, organization, corporation or other legal entity; or such entity holds a majority interest. The standards of this Section may be adjusted through a Type II review, provided the adjustment is consistent with the above purpose and the applicant demonstrates that an alternative proposal meets the intent of the standard.
- C. Housing Variety Standards. Project proposals shall achieve a minimum of twelve (12) points based on the following criteria. Lots and housing units used to comply with the standards below should be evenly distributed throughout all phases of the subdivision
 - 1. Minimum Density (required). Projects are required to meet the minimum density standard, per Table 2.2.030, except as allowed elsewhere in this code. No points are awarded for compliance with the minimum density standard.
 - 2. **Option 1: Lot Size Variety.** Choose one of the following options:

Criteria	Points
a) At least 10% of lots in the project are at least 20% smaller than the project's median lot size*	3
b) At least 20% of the lots in the project are at least 20% smaller than the project's median lot size*	6
c) At least 30% of the best lots in the project are at least 20% smaller than the project's median lot size*	9

Staff Comment:
Typographical error

*This option may not be used if it would result in a lot size less than the minimum for the zone. Percentages are rounded to the closest whole percent (1%); fractional points are not awarded.

Staff Comment:
Clarification

2.2.080 - Residential Districts - Housing Variety Standards

3. **Option 2: ~~Housing choices~~Small houses.** Choose one of the following options:

Criteria	Points
a) At least 10% of the <u>lots in the project are reserved for "small houses"</u> * dwelling units in the project consist of "small housing types" *	3
b) At least 20% of the <u>lots in the project are reserved for "small houses"</u> * dwelling units in the project consist of "small housing types" *	6
c) At least 30% of the <u>lots in the project are reserved for "small houses"</u> * dwelling units in the project consist of "small housing types" *	9

*Lots to be reserved under this option shall be identified with the land division application. Reservation shall be enforced through deed-restrictions for a period not less than 15 years. Small houses housing types are single-family dwelling units that individually contain less than 1,600 square feet of enclosed floor area excluding garages. Percentages are rounded to the closest whole percent (1%); fractional points are not awarded. Small houses housing types may include duplex dwelling units that contain less than 1,600 square feet per unit.

4. **Option 3: Affordable housing.** Choose one of the following options:

Criteria	Points
a) At least 15% of the dwelling units in the project reserved for qualifying buyers or renters with incomes at or below Polk County area median income.*	<u>3</u> 6
b) At least 10% <u>20%</u> of the dwelling units in the project reserved for qualifying buyers or renters with incomes at or below 80% of Polk County area median income.*	6
c) At least 5% <u>25%</u> of the dwelling units in the project reserved for qualifying buyers or renters with incomes at or below 60% of Polk County area median income.*	<u>9</u> 6

* Income levels determined based on household size and other factors, in accordance with U.S. Department of Housing and Urban Development criteria. Housing must ensure housing affordability through deed-restrictions for a period not less than **15 years**. Percentages are rounded to closest whole percent (1%); fractional points are not awarded. A development agreement is required.

Staff Comment:
Re-labels section for clarity

Staff Comment:
Rephrases requirement to match existing practice.
The subdivision developer may be different from the home builder, so the deed restriction ensures that the resulting dwelling is consistent with the Planning Commission's approval.

Staff Comment:
Reconfigures thresholds to qualify for this option.

5. Option 4: Middle housing types. Choose one of the following options:

Staff Comment:
Adds new option for scoring points, to give developers of these housing types more flexibility.

Criteria	Points
a) At least 10% of the lots in the project are reserved for duplexes, attached houses, or detached single-family houses with accessory dwelling units.*	3
b) At least 20% of the lots in the project are reserved for duplexes, attached houses, or detached single-family houses with accessory dwelling units.*	6
c) At least 35% of the lots in the project are reserved for duplexes, attached houses, or detached single-family houses with accessory dwelling units.*	9
d) More than 50% of the lots in the project are reserved for duplexes, attached houses, or detached single-family houses with accessory dwelling units.*	12

* Lots to be reserved under this option shall be identified with the land use application. Reservation shall be enforced through deed-restrictions for a period not less than **15 years**. Percentages are rounded to closest whole percent (1%); fractional points are not awarded.

2.2.100 Building Design Standards

A. Purpose. Establish clear and objective standards for building design in Residential Districts to promote land use compatibility and livability while protecting property values and ensuring predictability in the development process. The intent is to:

1. Reinforce Dallas' sense of place and respect the local architectural vernacular of Dallas.
2. Reduce the visual dominance of garage openings as viewed from abutting streets, parks, and other public use areas
3. Encourage a diversity of building facades and rooflines at an appropriate neighborhood scale.
4. Promote compatible building-to-building relationships, and to create a sense of street enclosure at a pedestrian-scale in urban neighborhoods.

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

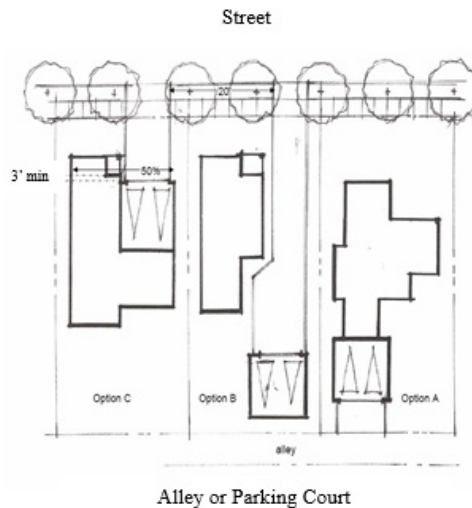
C. Standards

1. Garage Orientation and Design.

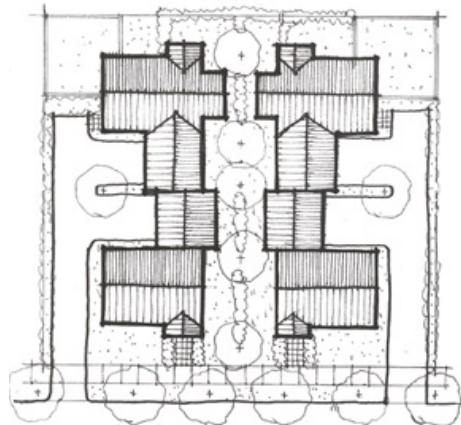
- A. Purpose.* The following requirements for garage design are intended to balance residents' desire for convenient vehicle access to their homes with the community's desire to have safe and aesthetically pleasing streetscapes. The standards therefore promote pedestrian safety and aesthetic concerns associated with garages, while allowing garages that do not detract from the appearance and walkability of Dallas' neighborhoods.
- B. Alleys.* Where alleys or shared driveways exist or are proposed (Option A), all garages and off-street parking areas shall orient to the alley/driveway.
- C. Garage Setback.* Where street-loaded garages are proposed (Options B or C), all garage openings shall be setback from the street property line as specified in Section 2.2.030.G.4. ~~by at least twenty (20) feet.~~

Staff Comment:
Removes duplicative standard to provide one unified code reference

2.1.100 - Residential Districts - Building Design Standards



- D. *Garage Openings*. Garage openings shall not exceed fifty percent (50%) of the width of the front building elevation, except where at least one of the following criteria is met:
1. The garage is side-loaded and does not have any openings facing a street (e.g., garage oriented to a driveway or parking court); such side-loaded garages shall have windows on at least a portion of the street-facing elevation; or
 2. The garage opening(s) are recessed or offset at least three (3) feet behind the front elevation of dwelling as viewed from the street. Projections may include arbors, porticos and/or similar architectural feature extending for the width of all garage



openings.

Street or Alley

See also, requirements for three-car and wider garages under subsection 2.2.100.C.1.h.

- E. *Driveway Approaches*. Driveway throats servicing detached single-family houses shall not exceed the following widths (not including wings):

<i>Lot frontage</i>	<i>Driveway width</i>
<55'	22'
55'-70'	26'
>70'	32'

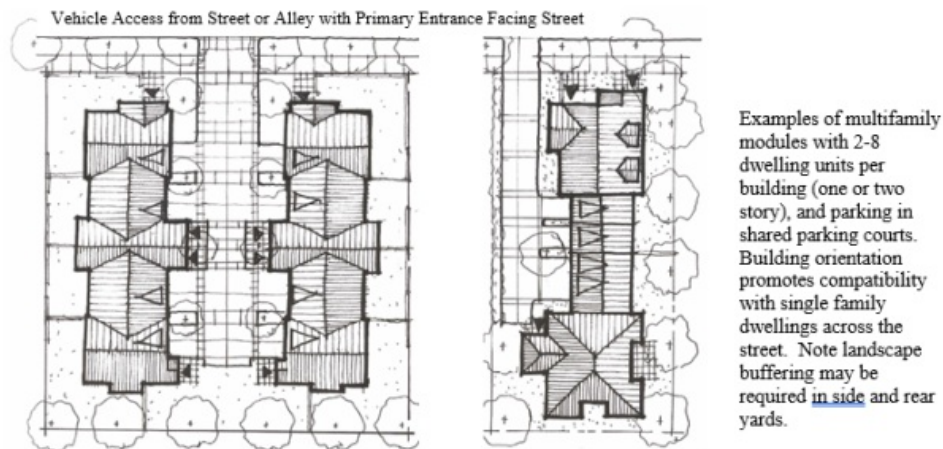
Driveways may *expand* to a width greater than the maximum width where they are located behind the property line. For driveways servicing attached single-family houses (townhomes) see section 2.2.070.C.5.

Staff Comment:
Clarification

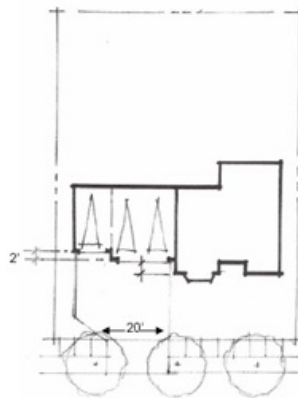
Staff Comment:
Removes duplicative language to provide one unified code reference

2.1.100 - Residential Districts - Building Design Standards

- F. *Recreational Vehicles and Outdoor Vehicle Storage.* All RVs, boats, trailers, and similar vehicles and equipment shall be stored in one of the following locations:
1. An approved off-street parking space such as a driveway, or
 2. Setback from the street property line by at least twenty (20) feet, or
 3. Screened behind a sight-obscuring fence (e.g., wood, chain-link with slats, or similar screening).
- G. *Driveway Spacing and On-Street Parking.* To the extent practicable, subdivision lots and dwelling plans should be oriented to provide for on-street parking (e.g., by staggering driveways on opposite sides of a street). Driveway curb openings shall be spaced at least eighteen (18) feet apart from one another to provide space for on-street parking between them; alternatively, where closer spacing results in more efficient on-street parking, driveways may be paired together. Where driveways are paired, a four (4) minimum foot landscape strip beginning ten (10) feet back from the sidewalk or right-of-way is required between them for surface water runoff, i.e., two (2) foot landscape strip on each lot between driveway and common property line.



- H. *Three-Car and Wider Garages.* Where three (3) or more contiguous garage parking bays on the same structure are proposed facing the street, the garage opening closest to a side property line shall be off-set at least two (2) feet from the adjacent bays to break up the appearance of the garage elevation. Note: Side-loaded garages where the garage openings do not face a street are exempt from this requirement.



2.2.120 - Residential Districts - Special Use Standards

2.2.120.A Accessory Dwelling

Accessory Dwelling Unit (attached, separate cottage, or above detached garage). Accessory dwelling units shall conform to all of the following standards:

1. **Floor Area.** Accessory dwellings shall not exceed 800 square feet of floor area, or one-half of the primary dwelling unit floor area, whichever is smaller. The unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. The floor area of the primary dwelling unit's garage is not included in the calculation;
2. **Housing Density for subdivision review.** Accessory dwellings shall equal 0.5 dwelling unit for purposes of calculating allowable density, if proposed as part of a subdivision or master plan development. See Table 2.2.030;
3. **Oregon Structural Specialty Code.** The accessory dwelling shall comply with applicable building code;
4. **One Unit.** A maximum of one (1) accessory dwelling unit is allowed per legal lot;
~~Accessory dwellings are not permitted on legal lots developed for duplex residential;~~
5. **Building Height.** The building height of a detached accessory dwelling (e.g., separate cottage) shall not exceed the height of the primary dwelling;
6. **Buffering.** The decision making body may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single family dwelling for the purposes of visual screening and privacy between uses.
7. **Setbacks.** Newly constructed, detached accessory dwellings must meet the side and rear setbacks for accessory structures. Conversion of existing lawfully established detached structures into accessory dwellings need not meet setback requirements so long as fire code standards are met.

Staff Comment:
Duplicative language; this restriction is inherent in the definition of an ADU in Chapter 6.1

Staff Comment:
Removes requirement that ADU's meet the same setbacks as full-size houses

2.2.120 - Residential Districts - Special Use Standards

2.2.120.H Multiple Family Housing

Multiple Multi-Family Housing (including Cottage Cluster Housing). Where ~~multiple multi-~~ family housing is allowed, it shall conform to all of the following standards, which are intended to promote livability for residents and compatibility with nearby uses. The standards of subsection 2.2.120.H may be adjusted through Site Design Review pursuant to Chapter 4.1. Figure 2.2.120.H provides a conceptual illustration of the requirements listed below.

1. **Density.** The residential density of ~~multiple multi-~~family developments is calculated pursuant to Section 2.2.050.
2. **Building Mass.** The maximum width or length of a ~~multiple multi-~~family building shall not exceed ~~120 150~~ feet from end-wall to end-wall, not including outdoor living areas. (e.g., porches, balconies, patios, and similar unenclosed spaces). Buildings shall avoid monolithic facades by including architectural elements such as bay windows, recessed entrances, changes in materials, or other articulation so as to provide pedestrian scale to the ground floor at no more than 30-foot intervals.
3. **Common Open Space.** Open space shall be provided with all ~~multiple multi-~~family developments in accordance with Table 2.2.030 and all of the following criteria:
 - A. The ~~multiple multi-~~family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands (e.g., trees preserved), play fields, outdoor playgrounds, outdoor sports courts, swim pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents. The decision making body shall have discretion to determine the appropriate type of open space based on the characteristics of the site and impacts of the proposed use. For example, ~~multiple multi-~~family developments that are not age-restricted (senior housing) are presumed to require a child play area with appropriate play equipment.
 - B. Historic buildings or landmarks that are to be preserved in accordance with the requirements of the State Historic Preservation Office may count toward meeting the common open space requirements.
 - C. To receive credit under Section 2.2.120.H3, the common open space shall have an average width that is not less than 20 feet and an average length that is not less than 20 feet. The City decision making body may require additional open space if some portions of a proposed open space area are unsuitable for the intended use;
 - D. Where the development contains pedestrian amenities located between primary building entrance(s) and adjoining streets (e.g., parkway, plaza, transit stop, or similar amenity with appropriate landscaping and furnishings), such area may count toward fulfilling up to 50 percent of required common open space; however, parking areas and required landscaping buffers are not counted toward meeting the required open space standard;
 - E. The decision making body may waive the common open space requirement for a ~~multiple multi-~~family project containing fewer than twenty-four (24) dwellings that is located within 1,320 feet (measured walking distance) of a public park, where there is a direct, accessible (i.e., Americans With Disabilities Act-compliant), lighted walkway connecting the site to the park. If the park is not developed, or only partially developed, the decision making body may accept improvements to park land in an amount comparable to that which would otherwise be required and waive the on-site common open space requirement.
 - F. Up to 50 percent of the required common open space area may be in a rooftop garden, where the proposal involves a density bonus or increase in building height pursuant to Section 2.2.090 Low-Impact Development Incentives.
4. **Private Open Space.** Private open space areas shall be provided, in addition to common open space, as follows:
 - A. All housing units shall have private open space consisting of front or rear patios or decks, or balconies (upper stories) measuring at least 48 square feet; or
 - B. Additional common open space shall be provided in an area equivalent to the private open space that is not provided (48 square feet per dwelling unit) and that common area shall be accessible to all dwelling units that do not have private open space.
5. **Trash Receptacles.** Trash receptacles, including sorting and storage of trash and recyclables, shall be oriented away from building entrances, setback at least ten (10) feet from any public right-of-way and adjacent residences and shall be screened with an evergreen hedge or solid enclosure of not less than six (6) feet in height. Receptacles shall be accessible to trash pick-up trucks.

Staff Comment:
Increases allowed
building wall length.

2.2.120 - Residential Districts - Special Use Standards

2.2.120.L Agricultural Uses In RL District

Agricultural Uses ~~in RL District.~~

- 1. The following agricultural uses are permitted ~~in the RL District:~~
 - A. Gardens, accessory to residential use
 - B. Community Gardens
 - ~~C. Raising of not more than five (5) chickens—hens only—for personal, family or household use only, provided area is fenced and chicken coop is setback at least ten (10) feet from property line; no roosters allowed~~
 - ~~Raising of rabbits and similar small animals, excluding swine~~
 - ~~Raising of cattle, lamas, sheep, and similar livestock within a fenced area, with a minimum lot size of one (1) acre for the first animal and provided one-half acre for every additional head of livestock~~
- 2. The following agricultural uses are not allowed:
 - A. Raising of livestock or other animals for commercial purposes
 - B. Veterinary clinics, animal boarding, kennels and similar uses
 - C. Animal cemeteries, crematoria, and similar uses
- 3. Agricultural uses may be subject to state and federal requirements. Property owners are responsible for complying with applicable regulations, including nuisance laws.

Staff Comment:
Expands rules to all residential zones

Staff Comment:
Removes animals from Development Code, moves to Municipal Code

2.3.020 Allowed Land Uses And Building Types

Key:
P = Permitted, subject to site/development review
S = Permitted with standards (Section 2.3.030)
CU = CU permit required (Chapter 4.3)
N = Not permitted

Table 2.3.020B – Land Uses Allowed in Commercial Districts				
Land Uses	Status of Use in District			
<i>(Uses and building types in Chapter 1.3; definitions in Chapter 6.1)</i>	C	C	C	Special Use Standards
	B	G	N	
	D			
Residential Categories				
Residential (Household Living and Group Living):				New residential buildings (not in conjunction with ground floor commercial use) must conform to
Dwelling lawfully existing in its current location as of January 22, 2010 (may be rebuilt in the event of involuntary damage or destruction due to fire or other event beyond owner’s control)	P	P	P	
New dwelling built in conjunction with a permitted commercial use, above ground floor	P	P	P	

2.3.020 - Commercial Districts - Allowed Land Uses and Building Types

commercial space				the Architectural Standards contained in Section 2.2.070 and 2.2.100.
New dwelling on the ground floor or not in conjunction with a permitted commercial use: 24 or more units/acre	N	C U +	N	
New dwelling not in conjunction with a permitted commercial use: <24 units/acre	N	N	C U +	
Commercial Categories				
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities)	C U +	C U +	C U +	Section 2.3.100
Transient Lodging, including hotel, motel, bed and breakfast inn, and similar uses; excluding recreational vehicle park	P	P	P	
Educational Services, Commercial	P	P	P	
Entertainment, Major Event	C U	C U	N	
Offices	P	P	P	
Outdoor Recreation, Commercial	C U	C U	C U	
<u>Commercial</u> Parking Lot (when not an accessory use and not a recreational vehicle park)	C U	C U	C U	
Automobile Service: Quick Vehicle Servicing or Vehicle Repair. (See also Drive-Up/Drive-In/Drive-Through Uses)				
- Fully enclosed in a building	C U	P	C U	
- Not fully enclosed in a building	N	C U +	N	Section 2.3.100 applies to uses with drive-up/drive-in/drive-through facilities
- Automobile fueling	N	C U +	C U +	
Retail Sales and Service				
Primary use enclosed in building (allows 10% of sales/service area outside)	P	P	P	Section 2.3.100 applies to uses with drive-up/drive-in/drive-through facilities.
More than >10% of use not enclosed in building	C U	C U	C U	

Staff Comment:
Clarification

2.3.020 - Commercial Districts - Allowed Land Uses and Building Types

Outdoor retail sales of Agricultural goods produced within 25 miles of site	P	P	P	
Recreational Vehicle Park (3 or more RVs)	N	C U	N	
<i>Industrial Categories</i>				
Industrial Service				
- Fully enclosed (e.g., similar to office)	S	S	C U +	
- Not fully enclosed (e.g., with some outdoor storage or activity)	N	C U +	N	
Manufacturing and Production				Industrial uses, where allowed, are subject to Industrial Performance Standards in Chapter 2.4.
- Fully enclosed	S	S	S	
- Not fully enclosed and not accessory to Retail Sales	N	N	N	
Self-Service Storage not accessory to a primary permitted use	N	N	N	
Warehouse and Freight Movement when not accessory to a primary permitted use	C U +	C U +	N	
Waste-Related, when not accessory to a primary permitted use	N	N	N	
Wholesale Sales				
- Primary use enclosed in building (allows 10% of sales area outside)	P	P	P	
- More than 10% of use not enclosed in building	C U	C U	C U	
- Outdoor sales of Agricultural goods, the majority of which are produced within 100 miles of site	P	P	P	
<i>Institutional Categories</i>				
Basic Utilities when not accessory to a primary permitted use	C U	C U	C U	Wireless Communication Facilities Subject to CU and Chapter 3.5.
Community Service; Government, except drive-up facilities or uses				
Clubs and lodges	C U	C U	C U	
Public and quasi-public buildings where	P	P	P	

2.3.020 - Commercial Districts - Allowed Land Uses and Building Types

public is received				
Other Community Services	C U	C U	C U	
Daycare, adult or child day care; not Family Daycare under ORS 329A.250	C U	C U	C U	
Parks, Open Space, and Common Areas: pedestrian amenities (e.g., plaza or outdoor seating, parks and recreation facilities, and other open space uses	P	P	P	
Religious Institutions and Houses of Worship	C U	C U	C U	
Schools, primary or secondary	C U	C U	C U	
<u>Medical Centers</u>	C U	C U	C U	
<u>Incarceration Facilities</u>	C U	C U	N	
<u>Park and Ride</u>	N	C U	C U	
Other Use Categories				
Accessory Structures (with a permitted use)	P	P	P	
Buildings and Structures exceeding height standards. See Table 2.3.030	C U	C U	C U	Height/density bonus subject to performance standards in Section 2.3.070B
Radio Frequency Transmission Facilities, Wind Turbines and Similar Structures when not accessory to a primary permitted use	C U	C U	C U	These facilities are Permitted when height limits of district area met. See also, Chapter 3.5 for Wireless Communication Facilities
Utility Corridors when not accessory to a permitted use	C U	C U	C U	
Temporary Uses when not accessory to a permitted use	P/CU			Only those uses designated as “P” or “CU”, are allowed and may be permitted, per Section 4.8.010.
Non-Conforming Uses. Uses and structures lawfully established prior to <i>[effective date of code]</i> may continue pursuant to Chapter 5.2 Non-Conforming Situations. Upon annexation or rezoning, uses shall conform to the current code requirements for the zone in which they are located.				
Transportation Facilities (operation, maintenance, preservation, and construction in accordance with applicable standards of the roadway authority) are Permitted; other Transportation Facilities require Conditional Use Permit				
Uses Subject to Preemptive State or Federal Law are allowed pursuant to applicable laws				

Staff Comment:
Adds defined uses that are missing from the table for this zone

2.4.020 - Industrial Districts - Allowed Land Uses

2.4.020 Allowed Uses

Table 2.4.020 identifies the land uses that are allowed in the Industrial District. The specific land use categories are described in Chapter 1.3. Definitions are contained in Chapter 6.1.

Table 2.4.020 – Land Uses Allowed in Industrial Districts		
<i>Uses</i>	<i>Status of Use in District</i>	
Use Categories <i>(Examples of uses are in Chapter 1.3; definitions are in Chapter 6.1.)</i>	I	Exceptions and Special Use Standards
Residential Categories		
Household Living		
Residential Uses (Household Living and Group Living) allowed, if:		New dwellings may be permitted without CU with a Master Planned Development. Only one caretaker dwelling per site is allowed and must be accessory to a primary permitted use.
- Lawfully existing as of January 22, 2010 (may be rebuilt within the existing footprint within 12 months of involuntary damage or destruction due to fire or other event beyond owner's control)	P	
- New dwelling	CU	
- Caretaker dwelling	P	
Commercial Categories		
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities)	P	When in conjunction with Retail Sales and Services, must comply with Section 2.3.100
Bed and Breakfast Inn	N	
Educational Services, commercial	CU	Educational Services may be permitted without CU with a Master Planned Development
Entertainment, Major Event	CU	Entertainment, Major Event may be permitted without CU with a Master Planned Development. See also, Section 2.4.050
Offices	P	

2.4.020 - Industrial Districts - Allowed Land Uses

Outdoor Recreation, Commercial	CU	Outdoor Recreation, Commercial may be permitted without CU with a Master Planned Development
<u>Commercial</u> Parking Lot (when not an accessory use)	CU	
Quick Vehicle Servicing or Vehicle Repair	P	See also, Section 2.4.050
Recreational Vehicle Park	N	
Retail Sales and Service	S	Retail Sales and Services are limited to 20,000 sq. ft. gross floor area and must be accessory to a primary permitted use
Self-Service Storage	<u>S</u> P	See also, Section 2.4.050
Industrial Categories		
Industrial Service		
- 50% or more of use enclosed in building	P	Percent of use not enclosed may be increased with a Master Planned Development. See also, Section 2.4.050
- <50% of use not enclosed in building	CU	
Manufacturing and Production		Percent of use not enclosed may be increased with a Master Planned Development. See also, Section 2.4.050
- 50% or more of use enclosed in building	P	
- <50% of use not enclosed in building	CU	
Warehouse and Freight Movement	P	See also, Section 2.4.050
Waste-Related	CU	See also, Section 2.4.050
Wholesale Sales		Percent of use not enclosed may be increased with a Master Planned Development. See also, Section 2.4.050
- 50% or more of use enclosed in building	P	
- <50% of use not enclosed in building	CU	
Institutional Categories		
Basic Utilities	P	See also, Section 2.4.050
Community Service	P	See also, Section 2.4.050
Daycare, adult or child day care; does not include Family Daycare under ORS 329A.250	CU	Daycare Center may be permitted without CU with a Master Planned Development.
Parks and Open Space	P	
Religious Institutions and Houses of Worship	CU	Religious Institutions and Houses of Worship Permitted when part of a Master Plan, per Chapter 4.5
Schools	CU	Schools Permitted when part of a Master Plan, per Chapter 4.5
<u>Medical Centers</u>	<u>CU</u>	
<u>Incarceration Facilities</u>	<u>CU</u>	
<u>Park and Ride</u>	<u>CU</u>	

Staff Comment:
Clarification

Staff Comment:
Reference to new special use standards

Staff Comment:
Adds defined use missing from this table

2.4.020 - Industrial Districts - Allowed Land Uses

Other Categories		
Accessory Structures (with a permitted use)		See examples of Accessory Structures in Chapter 1.3.
Agriculture – Animals, when		
- existing use as of January 22, 2010	P	
- accessory to a permitted use	P	
- primary use (e.g., meat processing, stockyard, vet, kennel, and similar uses)	CU	
Agriculture – Nurseries and similar horticulture (See also, Wholesale and Retail Uses)	P	
Buildings and Structures Exceeding the Height Limits in Table 2.4.060	CU	Increased height may be permitted without CU with a Master Planned Development.
Mining	N	
Radio Frequency Transmission Wireless Communication Facilities, Wind Turbines, and Similar Structures – within height limit of district – exceeds height limit (free-standing or building-mounted facilities)	CU PC U	See also, Chapter 3.5 for Wireless Telecommunication Facilities requirements.
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are permitted.	CU	
Temporary Uses (Only uses allowed as “P” and “CU”), per Chapter 4.9.	P/C U	See Chapter 4.9. Unlisted uses require CU permit.
Transportation Facilities (operation, maintenance, preservation, and construction in accordance with applicable standards of the roadway authority) are Permitted; other Transportation Facilities require Conditional Use Permit and are subject to review and approval by the applicable road authority.		
Non-Conforming Uses. Uses and structures lawfully established prior to <i>[effective date of code]</i> may continue pursuant to Chapter 5.2 Non-Conforming Situations. Upon annexation or rezoning, uses shall conform to the current code requirements for the zone in which they are located.		
Uses Subject to Preemptive State or Federal Law are allowed pursuant to applicable laws		

Staff Comment:
Corrects inconsistency between this table and Chapter 3.5

Key:

P = Permitted, subject to site/development review S = Permitted with standards (See cross-reference) CU = CU permit required (Chapter 4.4) N = Not permitted

2.4.070 - Industrial Districts - Special Use Standards

2.4.070 Industrial District - Special Use Standards

This section provides standards for the land uses and building types identified as Special Uses in Table 2.4.020 (uses denoted with an 'S'). These uses are intended to control the scale and compatibility of those uses within the Industrial District. The standards in this section are in addition to and do not replace the general development standards for industrial districts.

Staff Comment:
Establishes new section of special use standards

2.4.070.A Self Storage

1. Self-service storage uses shall be located on a property at least 850 feet from any other self-service storage use.
2. Self-service storage uses shall be located on a property at least 150 feet from any collector or arterial road.
3. Self-service storage uses shall be located on a property no greater than five acres in area.
4. Self-service storage is permitted only within multi-story structures, except as permitted in subsection 10, below for outdoor storage. Floor area of each floor above the ground floor must be at least 40% of the ground floor footprint.
5. Self-storage units shall gain access from the interior of the building(s) or site.
6. At least forty feet of clear, unobstructed driveway length will be provided from the road to the primary access gate or principal entry point of the facility, and any interior drive aisles shall be at least 20 feet wide.
7. Self-storage units shall not be used for:
 - A. Heavy manufacturing, fabrication, or processing of goods, service or repair of vehicles, engines, appliances or other electrical equipment, or any other heavy industrial activity.
 - B. Conducting garage or estate sales. This does not preclude auctions or sales for the disposition of abandoned or unclaimed property.
 - C. Storage of flammable, perishable or hazardous materials.
 - D. The raising or keeping of animals.
 - E. Sleeping, habitation, or residential dwelling purposes.
8. The exterior wall of each floor above the ground floor of a self-storage facility building that is facing a street shall at a minimum be comprised of 15% transparent glass.
9. At least 75% of the width of any new or reconstructed first-story building wall facing a collector or arterial street shall be devoted to interest-creating features, such as pedestrian entrances, reliefs, murals, landscaping, transparent show or display windows, or windows affording views into retail, office, or lobby space.
10. All goods and property stored at a self-storage facility shall be stored in an enclosed building. Outdoor storage of boats, RVs, vehicles, trailers, or storage in outdoor storage pods or shipping containers is permitted as follows:
 - A. Storage area must be covered with a permanent structure.
 - B. Storage area must be on a concrete or asphalt or other hard surface.
 - C. Storage area must be screened by a sight-obscuring fence, wall, or building
11. Recognition of Existing Facilities. Notwithstanding Chapter 5.2, existing self-service storage facilities as of the date of adoption of this ordinance are permitted to expand, consistent with Section 3 above. The expansion shall be consistent with and meet all applicable standards of the zoning district as well as this section.

Staff Comment:
Adds new standards and restrictions on self storage uses in order to ensure the most productive use of industrial land.

RENUMBER

2.4.150 Industrial District - Building And Structure Height

2.4.~~150~~060 Industrial District - Building And Structure Height

Staff Comment:
Out-of-sequence code
number correction

2.8.020 Applicability

This chapter applies to riparian corridors, including associated wetlands, as mapped on the City Zoning Map, based on Oregon Department of Fish & Wildlife maps of “fish-bearing streams” as defined in OAR Chapter 660, Division 23, or as mapped in the National Wetland Inventory, or and wetlands identified on the local wetland inventory.

Staff Comment:
Clarification

Staff Comment:
Renames the
commission and adds
language from the
state

2.10.030 Historic ~~Landmark Advisory~~ Preservation Commission

The City of Dallas Historic ~~Landmark Advisory~~ Preservation Commission is hereby established as an advisory body to the Planning Commission with the following provisions:

- A. The City Manager shall appoint a Historic Preservation Officer to serve as staff to the Historic ~~Landmark Advisory~~ Preservation Commission and to carry out the administrative provisions of this Chapter.
- B. The Mayor, subject to City Council approval, shall appoint a Historic ~~Landmark Advisory~~ Preservation Commission, hereinafter referred to as the "~~Landmark~~ Preservation Commission," of ~~three (3)~~ five members with a demonstrated competence, knowledge, or interest in historic preservation with preference given to those with professional experience in the fields of preservation, architecture, archaeology, community history, building trades, real estate, or related specialties. ~~Two (2) of the three (3)~~ Three of the five members must reside inside the Dallas Urban Growth Boundary. Members shall serve without compensation, but are eligible for reimbursement of expenses related to their service. Member will serve a four year term, but are not limited in the numbers of terms they may serve.
- C. The ~~Landmark~~ Preservation Commission shall meet at least four ~~(4)~~ times a year, and as required to conduct business in a timely fashion. Notice of the meetings shall be in accordance with applicable state law. Meeting minutes; applications for exterior remodeling, alteration or demolition; Landmark nominations; records of designation; staff reports; and decisions of the Commission shall be created and maintained as public records in accordance with applicable local and state laws.
- D. A majority of the ~~Landmark~~ Preservation Commission shall constitute a quorum for a meeting. The vote of a majority of a quorum present at any meeting shall be required to decide any matter before the Commission.

2.10.040 - Historic Preservation Regulations - Landmark Commission Duties

2.10.040 ~~Landmark~~Historic Preservation Commission Duties

The ~~Landmark~~ Preservation Commission shall have the following duties:

- A. Employing the procedures and criteria in Section 2.10.050, the Preservation Commission shall create and maintain a Historic Resource Survey consistent with the standards of the Oregon State Historic Preservation Office, hereinafter referred to as "SHPO."
- B. Employing the procedures and criteria in Section 2.10.060, the ~~Landmark~~ Preservation Commission shall recommend that the Planning Commission designate qualifying historic resources to the Local Landmark Register.
- C. Employing the procedures and criteria in Section 2.10.070, the ~~Landmark~~ Preservation Commission shall review and ~~make decisions on applications for the alteration, relocation, or demolition of Landmarks;~~ act upon applications for the preservation, rehabilitation, reconstruction, alteration, relocation, or demolition of Significant Historic Resources, and new construction within the designated boundary of a Significant Historic Resource as described in this regulation.
- D. The ~~Landmark~~ Preservation Commission shall support the enforcement of all ~~state laws relating to historic preservation~~ federal and state laws relating to the protection of National Register Resources, Archaeological Sites, and Archaeological Objects regardless if they are designated to the Resource List.
- E. The ~~Landmark~~ Preservation Commission may undertake to inform the residents of, and visitors to the City of Dallas, regarding the community's history and prehistory; promote research into its history and prehistory; collect and make available materials on the preservation of Landmarks; provide information on state and federal preservation programs; and document Landmarks prior to their alteration, demolition, or relocation and archive that documentation.
- F. For purposes consistent with this Ordinance the ~~Landmark~~ Preservation Commission may recommend to the City Council, that the City seek, accept, and expend grant and gift funds; cooperate with public and private entities; and assist the owners of Landmarks in securing funding for the preservation of their properties.
- G. Upon request, the ~~Landmark~~ Preservation Commission may advise the City Council or Planning Commission on local, state, or federal issues, laws, and information requests relating to historic preservation.
- H. The ~~Landmark~~ Preservation Commission may adopt and amend rules and procedures to govern its internal operations.
- I. The ~~Landmark~~ Preservation Commission will review and comment on nominations to the National Register of Historic Places. The review process will include opportunity for public notification and comment.
- J. The Preservation Commission may adopt and publish written and graphic guidelines and example materials to clarify the standards in this regulation and to assist applicants in developing complete and viable applications to preserve, rehabilitate, reconstruct, alter, relocate and demolish a Significant Historic Resource, and or erect new construction within the designated boundary of a Significant Historic Resource.
- K. The Preservation Commission shall inform the citizens of, and visitors to the City of Dallas, regarding the community's history and prehistory; promote research into its history and prehistory; collect and make available materials on the preservation of historic resources provide information on state and federal preservation programs and incentives; and document historic resources prior to their alteration, demolition, or relocation and archive that documentation.
- L. The Preservation Commission may recommend to the City Council to seek, accept, and expend public appropriations; seek, accept, and expend grant and gift funds; cooperate with public and private entities; and assist the owners of Significant Historic Resources in securing funding for the preservation of their properties.
- M. The Preservation Commission may recommend incentives and code amendments to the Planning Commission to promote historic preservation in the community.
- N. The Preservation Commission may comment on local, state, or federal issues, laws, and requests relating to historic preservation.

Staff Comment:
Renames the
commission and adds
language from the
state

3.1.030 - Access and Circulation - Pedestrian Access and Circulation

3.1.030 Pedestrian Access And Circulation

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

Staff Comment:
Terms like "May", "Reasonably", and "Practicable" may not be clear and objective as required by ORS 197.307(4)

1. **Continuous Walkway System.** The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, if any, and to existing or planned off-site adjacent walkways and trails, public parks, and open space areas ~~to the greatest extent practicable~~. The developer ~~may~~ **shall** also be required to connect or stub walkway(s) to adjacent streets and to private property ~~with where there is~~ a previously reserved public access easement for this purpose, in accordance with the provisions of Section 3.1.020, Vehicular Access and Circulation, and Section 3.4.010, Transportation Standards.
2. **Safe, Direct, and Convenient.** Walkways within developments shall provide safe, **reasonably** direct, and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:
 - a. ~~Reasonably d~~ **Direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for ~~likely~~ users.
 - b. **Safe and convenient.** Routes that provide a smooth and consistent surface not exceeding a slope of 1:12, which are illuminated and ~~reasonably~~ free from tripping hazards, standing water, and low-hanging obstacles and ~~provide a reasonably forming a~~ direct route of travel between destinations.
 - c. **"Primary entrance"** is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance, as applicable.
3. **Connections Within Development.** Connections within developments shall be provided as required in subsections a-c, below:
 - a. Walkways shall connect all building entrances to one another ~~to the extent practicable~~, as generally shown in Figure 3.1.030A(1);
 - b. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses ~~to the site to the extent practicable~~. ~~Topographic or existing development constraints may be cause for not making certain walkway connections~~, as generally shown in Figure 3.1.030A(1). A walkway connection shall not be required across slopes exceeding 50% or wetlands and natural drainage ways wider than 40 feet, if the cost of ramps, stairs, boardwalks or bridges would exceed one half of one percent (0.5%) of the project cost;
;and
 - c. Parking areas containing twenty four (24) or more parking spaces shall be broken up so that parking bays do not exceed twelve (12) contiguous parking spaces without a break. Parking areas may be broken up with landscape areas (per subsection 3.2.030.E), handicap-accessible walkways, plazas, streets, or driveways with street-like features. Street-like features, for the purpose of this section, means a raised sidewalk that is at least ~~four (4) feet wide for residential projects and at least~~ six (6) feet wide ~~in all other projects~~, with 6-inch raised curbs, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting. See also, "shopping street" provisions in Section 2.2.060.D.

Staff Comment:
Provides clearer and more objective standards

Staff Comment:
Unifies inconsistent code standards

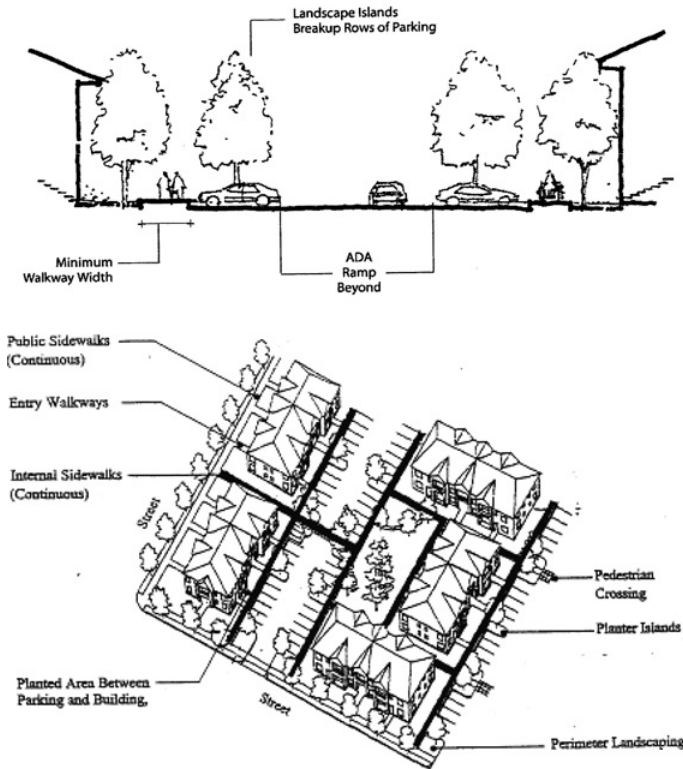
3.1.030 - Access and Circulation - Pedestrian Access and Circulation

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

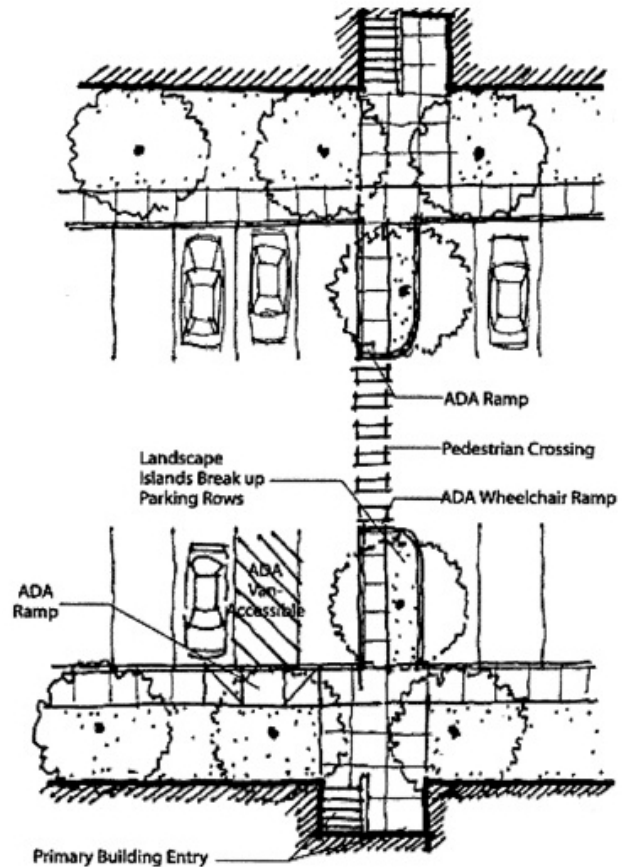
1. Vehicle/Walkway Separation. Except for crosswalks (subsection 2), where a walkway abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or masonry bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.
2. Crosswalks. Where a walkway crosses a parking area, driveway, or street ("crosswalk"), it shall be clearly marked with contrasting paving materials (*e.g.*, light-color concrete or pavers inlaid between asphalt), which may be part of a raised/hump crossing area. The reviewing body may approve painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.
3. Walkway Width and Surface. Walkway and accessway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the City Engineer, at least **four (4) feet wide in residential projects and at least six (6) feet wide in all other projects.** Multi-use paths (*i.e.*, for bicycles and pedestrians) shall be concrete or asphalt, at least **twelve (12) feet wide,** or as required by the roadway authority or park district, as applicable.
4. Accessible routes. Walkways shall comply with applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

Staff Comment:
Unifies inconsistent code standards

**Figure 3.1.030A(1)
Pedestrian Pathway System (Typical)**



**Figure 3.1.030B
Pedestrian Walkway Detail (Typical)**



3.4.015 - Public Facilities - Transportation Standards

3.4.015 Transportation Standards

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

1. **Adequate Public Facilities.** No development shall be approved unless adequate transportation facilities are available or where it is demonstrated how improvements can and will be constructed and operational concurrent with the proposed development, as required by this Code If existing improvements leading to or serving the site are inadequate to handle anticipated loads, improvements are to be constructed and operational prior to the issuance of building permits or in conjunction with construction of the approved lots or parcels pursuant to financial assurance for the improvements or a written agreement with the City prior to final plat approval. All street links or intersections serving the proposed development shall meet the traffic operations standards over a 10-year horizon, as follows:

Table 3.4.010A Traffic Operations Performance Standards within Dallas

Facility Type	Speed Limit	Maximum Volume/Capacity Ratio
OR 223; within STA or CBD zone		0.95*
OR 223; outside STA	Less than 45 MPH	0.85*
OR 223; outside STA	45 MPH or greater	0.80*
City Streets	Less than 45 MPH	0.85
City Streets	45 MPH or greater	0.80

* Note: Maximum Volume/Capacity Ratios for OR 223 per the current Oregon Highway Plan, Table 6.

2. **Amendments Significantly Affecting Transportation Facilities.** Amendments to the Comprehensive Plan, or a land use regulation of the Development Code, or a Land Use District (zoning map designation) that significantly affect an existing or planned transportation facility shall assure that allowed land uses are consistent with the function, capacity and performance standards of the facility identified in the Transportation System Plan and shall demonstrate compliance with the Transportation Planning Rule (TPR) under Oregon Administrative Rule 660-012-0060
3. **Street Improvements.** Streets within and adjacent to a development shall be improved in accordance with [Map 7-1 of](#) the City of Dallas Transportation System Plan and [with](#) the provisions of this Chapter. Development of new streets, including sidewalks, curbs, gutters, bicycle lanes, vehicle travel lanes, traffic control devices, and park strips, and additional right-of-way or street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Chapter; and all public streets shall be dedicated to the applicable road authority upon the City Engineer's acceptance of said improvements;
4. **Access Improvements.** All new streets, and driveways connecting to streets, shall be paved; driveways and driveway aprons shall be improved as required under Section 3.4.030 and subject to approval by the City Engineer.

Staff Comment:
 Adds specific reference.
 Non-specific references
 to TSP or Comp. Plan
 may be unenforceable.
 LUBA: *Oster v. Silverton*

3.4.015 - Public Facilities - Transportation Standards

- C. **Creation of Rights-of-Way for Streets and Related Purposes.** Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed in the public interest by the City Council for the purpose of implementing the Dallas Transportation System Plan, and the deeded right-of-way and improvements conform to the standards of this Code.
- D. **Creation of Access Easements.** The City may approve an access easement connecting to a public street only when the easement is necessary to provide for access and circulation in conformance with Chapter 3.1, Access and Circulation. Access easements shall be created and maintained in accordance with the Oregon Fire Code Section 10.207.
- E. **Street Location, Width, and Grade.** Except as noted below, the location, width and grade of all streets shall conform to the Transportation System Plan, or an approved street plan or subdivision plat. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets. Where the location of a street is not shown on an adopted City street plan, the location of streets in a development shall provide for the reasonable continuation and connection of existing streets to adjacent developable properties, conforming to the street standards of this Chapter.
- F. **Minimum Rights-of-Way and Street Sections.** Street rights-of-way and improvements shall be the widths in Table 3.4.015.F. ~~3.4.010-~~ Variances to street design standards are subject to review ~~and approval~~ by the City Engineer. Where a range of width is indicated, the width shall be the preferred improvement in the range unless unique and specific conditions exist as determined ~~by the City Engineer based upon~~ through the variance process of Chapter 5.1, upon consideration of the following factors:
1. Transportation policies of the Transportation System Plan;
 2. Anticipated traffic generation;
 3. On-street parking needs;
 4. Sidewalk and bikeway requirements, including the extension of and connection to existing sidewalks;
 5. Requirements for placement of utilities;
 6. Street lighting;
 7. Minimize drainage, slope, and sensitive lands impacts;
 8. Street tree location, as provided in Chapter 3.2;
 9. Protection of significant vegetation, as provided in Chapter 3.2;
 10. Safety, comfort, and convenience of motorists, bicyclists, and pedestrians;
 11. Placement of street furnishings (e.g., benches, lighting, bus shelters, etc.), as applicable;
 12. Access needs for emergency vehicles and for emergency evacuation; and
 13. Transition between different street widths (i.e., existing streets and new streets).

Table 3.4.015.F: ~~3.4.010F-~~ Minimum Typical Street, Sidewalk and Bikeway Standards

Table 3.4.015.F ~~3.4.010F-~~ specifies typical street, sidewalk and bikeway right-of-way, paving and design standards. These standards are based on the functional classification of the Dallas Transportation System Plan, Map 7-1. The street right-of-way and improvement standards minimize the amount of pavement and ROW required for each street classification consistent with the operational needs for each facility, including requirements for pedestrians, bicyclists and public utilities.

~~Table 3.4.010F: Minimum Typical Street, Sidewalk and Bikeway Standards - Continued~~

Staff Comment:
Corrects section number

Staff Comment:
Determinations by staff may not be clear and objective as required by ORS 197.307(4)

Staff Comment:
Corrects section number

Staff Comment:
Adds specific reference. Non-specific references to TSP or Comp. Plan may be unenforceable. LUBA: *Oster v. Silvertown*

Staff Comment:
Remove duplicate header

3.4.015 - Public Facilities - Transportation Standards

Table 3.4.015.F: Minimum Typical Street, Sidewalk and Bikeway Standards

Facility	ROW	Travel Lanes	Median Types	Bike Lanes	Sidewalks	On-Street Parking	Planting Strip	Speed	Utility Area
Major Arterial									
Criteria	90'-100'	Min. of 2 @ 12'	14' Two-Way Left Turn Lane (TWLTL)	6' both sides	6' both sides	Allowed in CBD	Min. of 4' both	30-45 MPH	0'-15' both sides
Preferred	100'	4 @ 12'	14' Two-Way Left Turn Lane (TWLTL)	6' both sides	6' both	Allowed in CBD	6' both sides	30-45 MPH	1' both sides
Minor Arterial									
Criteria	80-90'	2 @ 12'	14' Two-Way Left Turn Lane (optional)	6' both sides	6' both sides	Allowed in CBD	Min. of 4' both sides	25-45 MPH	3' to 17' both sides
Preferred (2)	80'	2 @ 12'	14' Two-Way Left Turn Lane (TWLTL)	6' both sides	6' both sides	Allowed in CBD	6' both sides	25-45 MPH	3' both sides
Major Collector									
Criteria	70-80'	2 @ 12'	12' to 14' TWLTL (optional but not with parking)	6' both sides(1)	6' both sides	8' both sides (optional but not with TWLTL)	5' both sides	25-40 MPH	0'-5'
Preferred (2)	74'	2 @ 12'	14' Two-Way Left Turn Lane (TWLTL)	6' both sides	6' both sides	None	5' both sides	25-40 MPH	1' both sides
Minor Collector									
Criteria	60'-70'	2 @ 12'	None	5' both sides(1)	5' both sides	8' both sides	Min. of 4' both	20-35 MPH	0'-6' both
Preferred (2)	70'	2 @ 12'	None	5' both sides	5' both sides	8' both sides	4' both sides	20-35 MPH	1' both sides
Local									
Criteria	50-55'	30' travelway	None	None	5' both sides	Allowed	4' both sides	20-35 MPH	2'-6' both sides
Alternative (4)	40'	20' travelway	None	None	5' one side	None; Alley access	4' both sides	20-35 MPH	2'-6' both sides
Optional (2)	60'	32'-36' travelway	None	None	5' both sides	Allowed	None	20-35 MPH	2'-6' both sides
Cul-de-Sac									
Street	50'	30' travelway	None	None	5' both sides	Allowed	None	20 MPH	5' both sides
Bulb	50' radius	40' radius paved	None	None	5' around	Allowed	None	20 MPH	10' around
Alley									
Residential	16' (3)	1 @ 16'	None	None	None except in Mixed Use Nodes	None	None	20 MPH	None
Commercial	20'	1 @ 20'	None	None	None except in Mixed Use Nodes	None	None	20 MPH	None
Ped/Bike Connections									
Creek Trails	6' to Minimum 12' wide paved multi-use path with landscaping. Includes a minimum of 20' of ROW.								
Ped/Bike-Connection									
Mid-Block Accessway	Minimum 6' wide paved multi-use path with landscaping. Includes a minimum of 10' of ROW. (3)								

Staff Comment:
Links to new footnote identifying where this street type is permitted

Staff Comment:
Unifies inconsistent code standards

- (1) Include bike lanes, except as noted in the Transportation System Plan, page 7-15 and Figure 7-9.
- (2) The city may require this street if it is located in a high density residential, industrial, or commercially zoned area, or where the street will carry more than 1500 vehicle trips per day
- (3) The city may require a wider alley width where fire apparatus access is determined necessary
- (4) The city may allow this street where no driveways are accessed from the street. Vehicle access must be from alleys or cross streets.

Staff Comment:
Codifies past practice and clarifies when the alternate street standard is allowed

- G. **Subdivision Street Connectivity.** All ~~subdivisions~~ land divisions, including those within Master Planned Developments, shall conform to all the following access and circulation design standards:
1. Connectivity to Abutting Lands. The street system of proposed ~~subdivisions~~ land divisions shall be designed to connect with existing, proposed, and planned streets outside of the ~~subdivision~~ proposed development site as provided in this Section. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to allow access to future abutting ~~subdivisions~~ developments and to logically extend the street system into the surrounding area. All street stubs shall be provided with a temporary turn-around unless specifically exempted by the Fire Marshall, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
 2. When Abutting an Arterial Street. Property access to abutting arterials shall be minimized. Where such access is necessary, shared driveways may be required in conformance with Section 3.1.2. If vehicle access off a secondary street is possible, then the road authority may prohibit access to the arterial.
 3. Continuation of Streets. Planned streets shall connect with surrounding streets, and shall be reasonably direct to permit the convenient movement of traffic between residential neighborhoods, and to facilitate emergency access and evacuation. Connections shall be designed to meet or exceed the standards in subsection 4, below. To avoid or minimize through traffic on local streets, appropriate design and traffic control and traffic calming measures may be required, as provided in subsection H below. Such traffic calming measures are the preferred means of discouraging through traffic, and discontinuous streets as a traffic calming measure shall not be permitted.
 4. Street Connectivity and Formation of Blocks. In order to promote efficient vehicular and pedestrian circulation throughout the city, all ~~subdivisions~~ land divisions, and site developments of more than two (2) acres requiring the extension of public streets, shall be served by a connecting network of public streets and/or accessways, in accordance with the following standards (minimum and maximum distances between two streets or a street and its nearest accessway) Note that street spacing less than the maximum may be required in order to facilitate orderly development of the street system, see also section 3.4.010.I. – Extension of Streets, Sidewalks, and Bikeways:
 - a. Residential Districts, except as otherwise required by an applicable overlay zone or Master Plan (Article 2): Minimum of 100-foot block length and maximum of 600-foot length; maximum 1,400 feet block perimeter measured from the right-of-way edge;
 - b. Central Business District (CBD) Conform to existing platted blocks;
 - c. Commercial General (CG) and Commercial Neighborhood (CN) Districts: Minimum of 100-foot length and maximum of 600 foot length; maximum 1,400 foot perimeter;
 - d. Not applicable to the Parks and Open Space (POS) District or Wetland Riparian (/WR) Overlay.
 - e. Not applicable within Industrial Districts except where required by a Master Plan.

Staff Comment:
Closes loophole to avoid requirements by partitioning prior to subdivision

5. Accessway Standards. Where a street connection in conformance with the maximum block length standards in subsection 4 is impracticable, an accessway shall be provided at or near the middle of a block in lieu of the street connection. The City may also require developers to provide an accessway where the creation of a cul-de-sac or dead-end street is unavoidable and the accessway would connect the ends of the street to another street or public access way. Such access ways shall conform to all of the following standards, which may be modified by the decision body without a variance when the modification affords greater convenience or comfort for, and does not compromise the safety of, pedestrians or bicyclists:
 - a. Accessways shall be no less than ten (10) feet wide and contain a minimum six (6) foot wide paved walkway surface within a right-of-way or easement allowing public access; where emergency vehicle access is required, the access way shall be no less than twenty (20) feet wide and contain an all-weather driving surface with the required weight-bearing capacity;
 - b. If the streets within the subdivision or neighborhood are illuminated, all access ways in the subdivision shall be lighted. Accessway lighting shall provide at least 2-foot candle of illumination of the walkway surface;
 - c. A right-of-way or public access easement provided in accordance with subsection b that is less than ten (10) feet wide may be allowed on steep slopes where the decision body finds that stairs, ramps, or switch-back paths are required;
 - d. All public walkways shall conform to applicable ADA requirements (exception allowed for hillsides); and
 - e. The City may require landscaping as part of the required accessway improvement to buffer pedestrians from adjacent vehicles, or to screen the accessway for the privacy of adjoining residents.

H. Traffic Signals and Traffic Calming Features.

1. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Federal Highway Administration approved guidelines, including but not limited to: Highway Capacity Manual and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed in conformance with the road authority's requirements. The developer's cost and the timing of improvements shall be included as a condition of development approval.
2. When an intersection meets or is projected to meet traffic signal warrants, the City may accept alternative mitigation, such as a traffic roundabout, in lieu of a traffic signal, if approved by the City Engineer and applicable road authority.
3. The City may require the installation of traffic calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, and/or special paving surfaces to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.

I. Extension of Streets, Sidewalks, and Bikeways.

1. Where a ~~subdivision~~ land division is proposed adjacent to other developable land, a future street plan shall be filed by the applicant in conjunction with an application for a ~~subdivision~~ land division in order to facilitate orderly

development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other divisible parcels within 600 feet surrounding and adjacent to the proposed subdivision. The street plan is not binding; rather it is intended to show potential future street extensions with future development and ensure that the proposed development does not preclude future street connections to adjacent development land.

2. Streets shall be extended to the boundary lines of the parcel or tract to be developed when the City determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to a-i, below:
 - a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
 - b. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
 - c. Temporary street ends shall provide turnarounds constructed to Oregon Fire Code standards for streets over 150 feet in length. See also, Section 3.1.020.I
 - d. Wheelchair ramps and other facilities shall be provided as required by the Americans with Disabilities Act (ADA). The lower lip of the wheelchair ramp shall be flush with the roadway surface.
 - e. Mailboxes and utility cabinets shall not infringe on public sidewalks or access ways.
 - f. Bikeways shall be designed and constructed consistent with the design standards in the "Oregon Bicycle and Pedestrian Plan: Design Standards and Guidelines," and AASHTO's "Guide for the Development of Bicycle Facilities," as applicable.
 - g. Temporary dead-end streets (not cul de sacs) that may be extended in the future shall have a right-of-way and pavement width that will conform to City standards when extended, and shall be posted as streets to be extended in the future.
 - h. Where topographical requirement necessitate either cuts or fills for proper grading of the streets, additional easements or rights of way shall be required to allow all cut and fill slopes to be within the easements or right-of-way. The Director of Public Works shall determine the required extra width.

J. Street Alignment, Radii, and Connections.

1. The creation of new streets making "T" intersections at collectors and arterials shall provide for intersection spacing of not less than 300 feet, as measured from the centerlines of the offset streets.
2. Spacing between local street intersections shall have a minimum separation of 125 feet, except where the City Engineer approves closer spacing due to topographic constraints or as necessary to provide a traffic calming feature, such as an open space, roundabout, or similar amenity. This standard applies to four-way and three-way (off-set) intersections.
3. 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.

4. Proposed streets or street extensions shall be located to allow continuity in street alignments and to facilitate future development of vacant or redevelopable lands.
5. In order to promote efficient vehicular and pedestrian circulation throughout the city, the design of subdivisions and alignment of new streets shall conform to block length standards in Section 3.1.020.

K. **Sidewalks, Planter Strips, Bicycle Lanes.** As provided under Section [3.4.015.D](#), ~~3.4.010D~~, the City may require the improvement and/or extension of sidewalks, planter strips, and bicycle lanes with new Major Projects, in conformance with the standards in Table [3.4.015](#), ~~3.4.010~~, pursuant to [Map 7-9](#) of the City of Dallas Transportation System Plan and/or the requirements of any other applicable roadway authority. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.

Staff Comment:
Corrects section number

Staff Comment:
Adds specific reference.
Non-specific references to TSP or Comp. Plan may be unenforceable.
LUBA: *Oster v. Silverton*

L. **Intersection Angles.** Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where the City Engineer approves closer spacing due to topographic constraints or as necessary to provide a traffic calming feature, such as an open space, roundabout, or similar amenity.

M. **Existing Rights-of-Way.** Whenever existing rights-of-way adjacent to a proposed development are less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provisions of Section [3.4.015](#), ~~3.4.010~~.

Staff Comment:
Corrects section number

N. **Cul-de-sacs.** Streets shall be planned to continue to and through abutting properties, consistent with the connectivity standards in Section [3.4.015.G](#), ~~3.4.00G~~. A cul-de-sac street shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation. For example, the City Engineer may approve a cul-de-sac where a street extension would otherwise exceed allowable street grades or negatively impact a natural drainageway or jurisdictional wetland. When cul-de-sacs are allowed, all of the following shall be met:

1. The cul-de-sac shall not exceed a length of 600 feet; the length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac;
2. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Oregon Fire Code. Circular turnarounds shall have a radius of no less than 40 feet, and not more than a radius of 45 feet (i.e., from center to edge of pavement); except that turnarounds shall be larger when they contain a landscaped island or parking bay at their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width; and

3. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle accessway connection between it an adjacent streets access ways, parks, or other right-of-way. Such accessways shall conform to Section 3.1.040.

O. Grades and Curves.

1. Grades. Street grades shall not exceed the following:

Arterials: 10%
Collectors: 12%
Other streets: 12%

2. Landings. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.

3. Curves. Centerline curve radii shall not be less than the following:

Arterials: 700 feet
Major collectors: 500 feet
Minor collectors: 350 feet
Other streets: 100 feet

4. Exceptions. The City Engineer may approve steeper grades for short street segments, provided the street grade does not exceed 15% for a distance greater than 250 feet. The City Engineer may approve sharper curves where existing development patterns or environmental constraints preclude the stated radius, upon finding that:
 - a. It is not feasible to realign the improved street within the right-of-way; and
 - b. The proposed curve is not less than 50% of the stated radius; and
 - c. That adequate speed control measures are implemented.

- P. **Curbs, Curb Cuts, Ramps, and Driveway Approaches**. Concrete curbs, curb cuts, wheelchair ramps, bicycle ramps, and driveway approaches shall be constructed in accordance with standards specified in Chapter 3.1, Access and Circulation.

- Q. **Streets Adjacent to Railroad Right-of-Way**. When a transportation improvement is proposed within 300 feet of a public railroad crossing, or a modification is proposed to an existing public crossing, the Oregon Department of Transportation and the rail service provider shall be notified and given an opportunity to comment, in conformance with the provisions of Article 4. Private crossing improvements are subject to review and licensing by the rail service provider.

- R. **Development Adjoining Arterial Streets**. Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access from through traffic and minimize traffic conflicts. (See also, the access requirements under Section 3.1.020.) The development design shall include one or more of the following, as required by the City based on multimodal safety, compatibility between the roadway and adjacent residential uses, maintenance and aesthetic considerations:

1. A parallel access street (frontage road) along the arterial with a landscape median with raised curbs of not less than ten (10) feet in width separating the two streets;
2. Deep lots (120 feet or greater) abutting the arterial or major collector to provide adequate arterial buffering with access taken from the subordinate street;
3. Screen planting within a non-access reservation (e.g., public easement or tract)

3.4.015 - Public Facilities - Transportation Standards

of not less than five (5) feet in width at the rear or side property line along the arterial; or

4. Other treatment approved by the City Engineer that is consistent with the purpose of this Chapter;

- S. **Alleys, Public or Private.** Alleys shall conform to the standards in Table 3.4.015. ~~3.4.010~~. Alley intersections and sharp changes in alignment shall be avoided. The corners of necessary alley intersections shall have a radius of not less than 12 feet and allow access to utilities, as applicable.
- T. **Private Streets and Gated Streets.** Private streets, including gated drives serving more than two (2) dwellings (i.e., where a gate limits access to a development from a public street), are not permitted.
- U. **Street Names.** No new street name shall be used which will duplicate or be confused with the names of existing streets in Dallas or vicinity. Street names, signs, and numbers shall conform to the provisions of Dallas City Code 8.000 to 8.045.
- V. **Survey Monuments.** Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been reestablished and protected.
- W. **Street Signs.** The city, county, or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.
- X. **Mail Boxes.** Mail box locations shall be as approved by the United States Postal Service.
- Y. **Street Light Standards.** Street lights shall be installed in accordance with City standards. At a minimum street lights shall be installed at street intersections; additional street lights or lighting of pedestrian access ways may be required by the City to provide for public safety and welfare.
- Z. **Street Cross-Sections.** The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway unless otherwise approved by the City Engineer. The final lift shall also be placed no later than one (1) year from the commencement of initial construction of the development.

Staff Comment:
Corrects section number

3.4.020 Public Use Areas

A. Dedication of Public Use Areas.

1. Where a proposed open space, park, playground, or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City ~~shall~~ may require the public dedication or reservation of this area on the final plat for the subdivision. ~~provided that the impact of the development on the City park system is roughly proportionate to the dedication or reservation being made.~~
2. The City may purchase or accept voluntary dedication or reservation of areas within the subdivision that are suitable for the development of parks and other public uses; however, the City is under no obligation to accept such areas offered for dedication or sale.
3. Alternatively, the City may impose conditions of approval providing for reservation and ongoing ownership, improvement and maintenance of open space areas (e.g., through Master Plan Development approvals under Chapter 4.5), including payment of property taxes for said property, by a private entity such as a homeowners association.
4. Public use areas to be dedicated or reserved are identified in the following plans:
 - a. Dallas Comprehensive Plan (Map 1)
 - b. Dallas Parks Master Plan (Map 7-1)
 - c. Dallas Transportation System Plan (Map 7-9)
 - d. Concept master plans adopted under Chapter 4.5 for a mixed use node overlay zone designated on the city zoning map.
5. Dedications under this section will qualify toward satisfaction of the open space requirement of Section 2.2.030.F.

- B. **System Development Charge Credit.** Dedication of land to the City for public use areas, voluntary or otherwise, may be eligible as a credit toward required system development charges for parks pursuant to Dallas City Code Sections 4.620 through 4.655.

Staff Comment:
Terms like "May",
"Roughly", and
"Proportionate" may
not be clear and
objective as required
by ORS 197.307(4)

Staff Comment:
Adds specific reference.
Non-specific references
to TSP or Comp. Plan
may be unenforceable.
LUBA: *Oster v. Silvertown*

3.6.066 Signs Allowed Prior To Election

Temporary signs advocating for or against a candidate or measure on a national, state or local election ballot are permitted on private property outside of required sign setback and vision clearance areas. These signs may be erected 60 days prior to an election and must be removed 7 days after an election. Such signs shall not exceed three square feet in height or six square feet in area.

Staff Comment:
Reinstates allowance
inadvertently removed
in a prior update

4.3.020 General Requirements

- A. **Subdivision and Partition Approval Through Two-step Process.** Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:
1. The preliminary plat must be approved before the final plat can be submitted for approval consideration; and
 2. The final plat must include all conditions of approval of the preliminary plat.
- B. **Compliance With Oregon Revised Statutes (ORS) Chapter 92.** All subdivision and partition proposals shall conform to state regulations in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions.
- C. **Future Re-division Plan.** When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code. A re-division plan shall be submitted for large lots identifying:
1. Potential future lot division(s), consistent with the density and minimum lot size standards of Article 2;
 2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way;
 3. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.
- D. **Lot Size Averaging.** The size of any lot intended for Single Family House or Duplex may be averaged to allow lots less than the minimum lot size in Residential districts, pursuant to Section 2.2.030, or through approval of a Master Planned Development under Chapter 4.5.
- E. **Temporary Sales Office.** A temporary sales office in conjunction with a subdivision may be approved as set forth in Section 4.9.010, Temporary Uses.
- F. **Minimize Flood Damage.** All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway and, where possible, allow building outside of the flood fringe. Development in a 100-year flood plain shall comply with the National Flood Insurance Program, State building code requirements, including elevating structures above the base flood elevation, and the City of Dallas Flood Plain Ordinance. The applicant shall be responsible for obtaining floodplain development permit from the NFIP and local jurisdiction.
- G. **Determination of Base Flood Elevation.** Where a development site consists of five (5) or more acres or 50 or more lots, and is located in or near areas prone to inundation for which the base flood elevation has not been mapped, the applicant shall have the base flood elevation it shall be prepared by a qualified professional as part of the land division application.
- H. **Need for Adequate Utilities.** All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems. These systems shall be located and constructed to prevent or minimize flood damage, and to avoid impairment of the system and contamination from them during flooding.
- I. **Need for Adequate Drainage.** All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required.

J. Floodplain, Park, and Open Space Dedications. ~~Where land filling and/or development is allowed within or adjacent to regulatory flood plain and the Comprehensive Plan designates the subject flood plain for park, open space, or trail use, the City may require the dedication of sufficient open land area for a greenway and/or trail adjoining or within the flood plain for transportation, storm drainage/water quality, or park purposes in the public interest. When practicable, this area shall include portions at a suitable elevation for the construction of a multi-use pathway in accordance with the City's adopted trails plan or pedestrian and bikeway plans, as applicable. The City shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development's impact to the park and/or trail system, or as may be required for stormwater management.~~ Where land filling and/or development is allowed within or adjacent to a regulatory flood plain, riparian corridor, or other area identified for park, open space, or bicycle/pedestrian trail use in an adopted plan as listed in Section 3.4.020.A.4, then the City shall require public dedication or reservation of open land area for a greenway and/or trail. This dedicated or reserved area shall extend at least 20 feet upland from the delineated top of bank.

Staff Comment:
Terms like "May", "Reasonably", and "Practicable" may not be clear and objective as required by ORS 197.307(4)

4.4.040 - Conditional Use Permits - Criteria, Standards, and Conditions of Approval

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

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

A. Use Criteria.

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

Staff Comment:
Grammatical error

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

C. Conditions of Approval. The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

1. Limiting the hours, days, place and/or manner of operation;
2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;
4. Limiting the building or structure height, size or lot coverage, and/or location on the site;
5. Designating the size, number, location and/or design of vehicle access points or parking areas;
6. Requiring street right-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
8. Limiting the number, size, location, height and/or lighting of signs;
9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location and/or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;
13. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans, or requiring the recording of a local improvement district non-remonstrance agreement for the same. Dedication of land and construction shall conform to the provisions of Chapter 3.1, and Section 3.1.030 in particular;
14. Establish a time table for periodic review and renewal, or expiration, of the conditional use to ensure compliance with conditions of approval; such review may be subject to approval by the Planning Official or Planning Commission through a Type II Administrative Review or Type III Quasi-Judicial process at the discretion of the decision making body.

6.1.030 Definitions

The following definitions are organized alphabetically and some related terms are also grouped together and cross-referenced under group headings (*e.g.*, Transportation-Related, Environment-Related, etc.).

R

Rail Right-of-way. See Transportation-Related Definitions.

Recreation Camp. (1) An area devoted to facilities and equipment for recreation purposes, including swimming pools, tennis courts, playgrounds, and similar uses, either open to the public upon payment of a fee, or limited to private membership. (2) An area designated by the landowner for picnicking or overnight camping and offered to the general public, with or without a fee or charge. (See ORS Chapter 446)

Recreational Vehicle. See Vehicle Types.

~~**Recreational Vehicle Park.** A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park, however, the maximum length of stay may be established by the City. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks. See also Outdoor Storage and Display, and Mobile Home Park.~~

Recycling Facility. Any property or establishment on which one (1) or more persons are engaged in collecting, sorting, storing, and distributing post-consumer goods or materials for reuse in the marketplace. Post-consumer goods do not include scrap or waste materials from manufacturing, industrial processing, or waste treatment facilities.

Residence. Same as Dwelling. See Residential Structure Types.

Residential Equipment. Electrical and mechanical equipment commonly associated with residential uses. Examples include heat pumps, air conditioners, pool filters, solar power inverters, utility meters, and wheelchair lifts.

Review Body. The person or group who is assigned to make decisions on land use reviews, whether initially or on appeal. Review body includes the Community Development Director, Planning Commission, and the City Council.

Right-Of-Way. See Transportation-Related Definitions.

Riparian Areas. See Environment-Related Definitions.

Roadway; Roadway Authority. See Transportation-Related Definitions.

Staff Comment:
Deletes language from definitions in Chapter 6.1.
RV Parks are a type of land use, and land use types are defined in Chapter 1.3, not 6.1

6.1.030 Definitions

Residential Structure Types

- A. **Accessory Dwelling Unit.** An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling, or attached single-family dwelling.
- B. **Attached ~~Single-family~~House Dwelling (Townhome or Rowhouse).** Also referred to as Attached Single-Family House. A dwelling unit located on its own lot which shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 50 percent of the length of the side of the dwelling. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a rowhouse or a common-wall house.
- C. **Cottage.** A small house of less than 1,200 square feet containing one dwelling unit ~~that may be used as a primary dwelling or an accessory dwelling unit, as applicable.~~
- D. **Cottage Cluster.** A group of two or more cottages on one lot.
- E. **Duplex.** A building that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.
- F. **Dwelling Unit.** A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar.
- G. **Manufactured Home.** Manufactured home is a dwelling constructed off-site in accordance with federal manufactured housing construction and safety standards (HUD code) in effect after June 15, 1976, then assembled or placed on-site in accordance with the requirements of this Code. The term “manufactured home” does not include a “recreational vehicle.”
- H. **Mobile Home.** A dwelling unit constructed off of the site and which is not constructed to Building Code standards and does not conform to current standards for Manufactured Homes.
- I. **Multi-Family ~~dwelling~~ Development.** Also referred to as Multi-Dwelling or Multifamily. A development with three (3) or more dwellings on a single lot grouping of individual structures where each structure contains one or more dwelling units. The land underneath the structures is not divided into separate lots. ~~A multi-dwelling development project may include an existing single-dwelling detached building with~~

Staff Comment:
Clarification

Staff Comment:
Adds definition used elsewhere in code

Staff Comment:
Clarification
(simplification)

6.1.030 - Definitions - Residential Structure Types

~~one or more new detached structures located to the rear or the side of the existing house. It might also include a duplex in front with either one or more single dwelling houses behind or one or more duplex units or multi-dwelling structures behind.~~ There is no requirement for the structures on the sites to be attached.

Staff Comment:
Clarification

J. **Multi-Family dwelling Structure.** A structure that contains three (3) or more dwelling units that share common walls or floor/ceilings, ~~with one or more units.~~ The land underneath the structure is not divided into separate lots. Multi-family dwelling includes structures commonly called garden apartments, apartments, and condominiums.

K. **Multi-Dwelling.** See Multi-Family

L. **Residential Home** is a residential treatment or training or adult foster home licensed by or under the authority of the department, as defined in ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five (5) or fewer individuals who need not be related. (See also, ORS 197.660.).

M. **Residential Facility** is defined under ORS 430.010 (for alcohol and drug abuse programs); ORS 443.400 (for persons with disabilities); and ORS 443.880; residential facilities provide housing and care for 6 to 15 individuals who need not be related. Staff persons required to meet State-licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents.

N. **Residential Trailer.** A mobile home that was not constructed in accordance with federal manufactured housing construction and safety standards (HUD code), in effect after June 15, 1976. This definition includes the State definitions of residential trailers and mobile houses, as stated in Oregon Revised Statutes (ORS) 446.

O. **Senior Housing.** Housing designated and/or managed for persons over a specified age. Specific age restrictions vary. May include assisted living facilities, retirement homes, convalescent or nursing homes, and similar uses not otherwise classified as Residential Homes or Residential Facilities.

Staff Comment:
Clarification

P. **Single Family House.** Also referred to as Single Family Dwelling. A detached dwelling unit located on its own lot.

Q. **Single Room Occupancy Housing (SRO).** A structure that provides living units that have separate sleeping areas and some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. SRO includes structures commonly called residential hotels and rooming houses.

R. **Small Houses.** Small houses are single-family dwelling units that individually contain less than 1,600 square feet of enclosed floor area excluding garages. Small houses may also include duplex dwelling units that contain less than 1,600 square feet per unit.

Staff Comment:
Adds definition used elsewhere in code

S. **Temporary Medical Hardship Dwelling.** A dwelling for the care of an aged or infirm person or persons. Financial hardship, child care, upkeep of home or property, or other convenience arrangements are not considered medical hardships. The temporary dwelling may be a manufactured home or an existing building on the property converted for temporary residential use.

CITY OF DALLAS PLANNING COMMISSION STAFF REPORT

MEETING DATE: APRIL 11, 2023
REPORT DATE: APRIL 4, 2023
TOPIC: DEVELOPMENT CODE UPDATES - #LA-22-01

APPLICATION TYPE: LEGISLATIVE AMENDMENT
APPLICANT: CITY OF DALLAS

RECOMMENDED ACTION

Recommend to City Council that the code updates be adopted.

BACKGROUND:

The Dallas Development Code regulates development within the city, and is regularly updated as community conditions change and as shortcomings in the code are identified. The topics below are proposed for revision. These topics were discussed with the Planning Commission on June 14, with the City Council on August 1, and with the development community at a town hall meeting on September 22, after which further refinements were made to the proposals.

TOPICS FOR CODE AMENDMENT:

- Temporary signs in advance of elections
- List of allowed land uses by zone
- Self-storage uses
- Animals and agriculture
- Wireless communication facilities
- Housing variety standards and Accessory Dwelling Unit (ADU) standards
- Bicycle parking
- Streets and sidewalks
- Open space, trails, and environmental conservation areas

PROCEDURE:

As described in Chapter 4.7.020 of the Dallas Development Code, all code amendments shall follow the Type IV procedure as governed by DDC.4.1.050. Under this procedure, the Planning Commission shall hold public hearing and make a recommendation to the City Council on any proposed changes, after which the City Council shall hold public hearing and decide whether to adopt the changes. If the City Council approves that code change, the City Attorney will prepare the draft ordinances which is subject to first and second reading by Council.

APPROVAL CRITERIA:

DDC.4.7.020. – Legislative Amendments

“Legislative amendments are policy decisions made by City Council. They are reviewed using the Type IV procedure in Section 4.1.050 and shall conform to the Transportation Planning Rule provisions in Section 4.7.060, as applicable.”

CITY OF DALLAS PLANNING COMMISSION STAFF REPORT

MEETING DATE: MAY 9, 2023
REPORT DATE: MAY 2, 2023
TOPIC: DEVELOPMENT CODE UPDATES - #LA-22-01

APPLICATION TYPE: LEGISLATIVE AMENDMENT
APPLICANT: CITY OF DALLAS

RECOMMENDED ACTION

Recommend code updates to City Council for adoption.

BACKGROUND:

Proposed amendments to the Dallas Development Code were presented to the Planning Commission on April 11th, where the Planning Commission took written and verbal testimony. Following that meeting, the record was left open for 7 days to allow additional written testimony to be submitted; no additional written testimony was received.

This report provides a staff response to testimony received, as well as supplemental information on some of the proposed amendments to provide additional reasoning and context.

TESTIMONY RESPONSE:

At the April hearing written testimony was submitted consisting of commentary on amendments and proposing new amendments for inclusion. Staff provide the following response to proposed new amendments, which the decision-making body may consider at their discretion:

- Increase RL zone height to 35 feet to allow for steep roofs. (DDC.2.2.030.D)
 - Development Code measures building height from the roof mid-point, not the peak. This allows steep roofs to exceed the current 28 foot height limit at the peak. Higher limits may help facilitate more intense development in areas with smaller lots or duplex development, however, buildings taller than 30 feet face additional fire code provisions. Staff are neutral on this proposal
- Increase width of driveways serving attached houses/townhomes up to 22 feet. (DDC.2.2.070.C)
 - The minimum lot width for an attached house can be as little as 15 feet, so allowing a wider driveway could substantially impact the streetscape and pedestrian environment, conflicting with the stated purpose “to orient building entrances toward streets to allow safe and effective...walking, bicycling, and transit.” Staff do not support this proposal.
- Increase allowed width of garage openings to 60% of the facade. (DDC.2.2.100.C)
 - While this would make it easier to construct two-car garages on narrow lots, this proposal conflicts with the stated purpose of the residential building design standards, which is to “reduce the visual dominance of garage openings as viewed from abutting streets, parks, and other public use areas.” Staff do not support this proposal.
- Base Flood Elevation be determined by qualified “licensed” professionals. (DDC.4.3.020.G)
 - The language in the flood standards of Chapter 2.7 are provided to the cities by the state. The city may have leeway to set higher standards. Staff are neutral on this proposal

ADDITIONAL ANALYSIS:

This section provides additional context around the more substantial changes.

- New Definitions. (DDC.1.3.)
 - Unlike other uses, Recreational Vehicle Parks are defined in Chapter 6 “Definitions,” not Chapter 1 “Use Categories.” The proposed amendment deletes RV parks from Chapter 6 and adds a reformatted definition in Chapter 1, keeping and expanding upon the existing language. Additionally, a new definition is created for park and rides uses, as the existing code specifies places where park and rides are allow/prohibited, but does not define them.
- Cottage Clusters. (DDC.2.2.020) (DDC.2.2.050) (DDC.6.1.030)
 - This set of changes takes the existing definition of cottage clusters from Chapter 2 and adds it with the rest of the residential structure type definitions in Chapter 6, as well as adds cottage clusters to the section on housing density calculations. This change also increases the maximum number of cottages on a single lot to 16 from the current 4, to be more consistent with best practices, as found in the 2016 report “Character-Compatible, Space-Efficient Housing Options for Single-Dwelling Neighborhoods” jointly published by ODOT-DLCD-DEQ.
- Accessory Dwellings. (DDC.2.2.030.D) (DDC.2.2.120.A)
 - Presently all ADU’s must meet the same setbacks as full-size houses; this change set removes this restriction on detached accessory dwellings, effectively reducing setbacks to 3 feet on side and rear yards, from the current 5 foot side and 10 foot rear setbacks. This also adds additional exceptions for conversion of existing structures, to better facilitate adaptive reuse and lower costs. Duplicative language regarding duplex lots is removed from Chapter 2; the Chapter 6 definition of accessory dwellings specifies they are accessory to single family dwellings, which by definition precludes duplexes.
- Housing Variety Standards. (DDC2.2.080) (DDC.6.1.030)
 - Housing developments of 20 or more lots must achieve a score of 12 or more points from the options in the housing variety section. This set of changes adds a new option for scoring points for developments which reserve lots for duplexes, townhomes, or ADUs, providing greater flexibility for developers seeking to build these housing types. This set of changes also clarifies that the option(s) selected under this section must be memorialized in deed restrictions, as often the subdivider and homebuilder are different. Scoring for some options are adjusted, and the “small housing types” option is reworded to prevent confusion, and the definition added in with the rest of the residential structure type definitions in Chapter 6.
- Agriculture. (DDC.1.3.500) (DDC.2.2.120.L)
 - At the request of code services staff, regulations pertaining to animals are removed from the development code and will be added to city code in a separate code amendment process. This will reduce confusion and streamline enforcement. The agricultural language which remains in the development code is expanded to include all residential zones, not just low density, and the definition of the ‘Agriculture’ use category in Chapter 1 is amended to specify for-profit commercial agriculture.
- Self Storage. (DDC.2.4.020) (DDC.2.4.070)
 - A new special standards section is proposed for self-storage uses. This proposal limits self-storage uses to 5 acres or less, and to prevent a loophole of dividing a larger property into separate 5 acre developments, a spacing standard is established. To maximize use of Dallas’s industrial land, a multi-story building requirement is established; staff note that the only storage facility constructed in Dallas in the last ten years was built with multiple multi-story buildings. Architectural design standards are established to promote attractive structures. Self-service storage is prohibited along major roadways, to preserve the investment in the transportation system for uses generating large traffic volumes.

- Historic Preservation. (DDC.2.10)
 - This section proposes to rename the landmark commission, and adds model code language from the Oregon State Historic Preservation Office.
- Pedestrian Access. (DDC.3.1.030) (DDC.3.4.015)
 - Discretionary Language: The site access chapter contains a lot of language that is subjective and therefore may not be legally enforceable. Therefore, the proposal is to rewrite the section to remove this discretionary language and replace it with more definitive, measurable standards. It also requires connections as a rule except under specific, measurable circumstances. As proposed, this also involves crafting a definition of “safe and convenient.” In response to testimony about replacing this section with a general statement of ADA compliance, staff note that the ADA only requires that a path exist, it does not require it to be useful or convenient; in this, the development code is a higher standard, in keeping with TSP policies that “Encourage development patterns that offer connectivity and mobility options for all members of the community.”
 - Walkway Width: The development code has a confusing array of standards for width of walkways, which vary depending on ownership, public use, zoning, type of development, and location within the development. This proposal consolidates walkway widths into essentially two categories, a twelve-foot width for multi-use paths, such as the Rickreall Creek Trail, and a six-foot width everywhere else. (A 5-foot public sidewalk remains standard on local streets, consistent with the existing TSP.)
- Bicycle Parking. (DDC.3.3.040)
 - Quantity:
 - This proposal greatly increases the amount of required parking in residential developments, to one space per dwelling, up from the 1 per 20 dwellings.
 - A lower threshold is set for senior/disabled housing, which may reasonably be expected to have fewer bicycles due to physical infirmity of residents.
 - A higher threshold is established for residential developments without auto parking, such as may be created on upper stories in the central business district, through a separate parking demand analysis under DDC.3.3.030.A, or through the master planning process under DDC.4.5.040.
 - Design: Minimum design standards are established, based on best practice.
 - Establishing a parking stall dimensional standard of 2 feet by 6 feet.
 - Specification that bike racks must support the frame at two points of contact.
 - Additional standards are proposed on multi-family residential parking for convenience, security, and protection. Unlike commercial site, bicycles in residential areas may be expected to be parked overnight, and may remain parked for months, such as during the winter, and this increased exposure increases opportunity for theft or damage from sun and rain if left in unsheltered outdoor racks. Therefore the proposal is for the required bicycle parking to be enclosed, but may not be within the dwelling unit itself, as experience elsewhere has shown that to be impractical, with developers installing “bicycle parking” in dining rooms, kitchen cabinets, utility closets, and even above beds.

- Street Standards. (DDC.3.4.015.K)
 - Presently the development code specifies the width of public streets and features within, but does not directly specify the arrangement of those features. As a result, some subdivision developers have constructed sidewalks directly adjacent to the curb, others have placed landscaping between the sidewalk and curb, and some mix-and-match both within the same subdivision. This proposal standardizes the placement of the sidewalk to have a landscape strip between the sidewalk and curb, which is particularly beneficial from the standpoint of ADA compliance. (Current TSP figures illustrate a ‘typical’ street section with curb-tight sidewalk.)
- Garage Opening Setbacks. (DDC.2.2.030.G.4)
 - Where sidewalks have been constructed adjacent to the property line, large vehicles have been observed overhanging the sidewalks. This compromises the pedestrian environment and makes walking less convenient, and may also violate the ADA if the path around the vehicle is not flat. Therefore, it is proposed to increase the setback to a garage opening to 25 feet, from 20 feet currently. As this proposal slightly reduces buildable lot area, the Commission may wish to consider offsetting this by reducing the front setback to the non-garage building wall, reducing the side or rear setbacks, or both, however at this time staff have no recommendations.
- Public Dedications. (DDC.3.4.020) (DDC.4.3.020.J)
 - Discretionary Language: The various chapters on public dedications, particularly regarding parks and open spaces, contains a lot of language that is subjective and therefore may not be legally enforceable. Code updates are therefore proposed which clarifies where and when such dedications apply and makes such dedications mandatory in those circumstances. In response to testimony that this is a government ‘taking’ staff fully concur; this was always a ‘taking,’ and rewording the requirement does not change this fact. The constitution places limits on the power of government to enforce ‘takings’ in certain circumstances, and when those limits apply the city is obligated to comply with those limitations regardless of code language otherwise.
- Sign Code. (DDC.3.6.060) (DDC.3.6.066) (DDC.3.6.140)
 - The section allowing signs prior to an election was inadvertently deleted in a prior revision. When the accidental deletion was discovered the City Council enacted an emergency ordinance overriding the sign code (codified as DCC.8.930) which would be repealed with this fix, which reinstates the allowance as a stand-alone section.
 - The section regulating temporary signs within the public right of way currently prohibits signs from being placed at street corners. The city has historically been unwilling to enforce this prohibition, so that prohibition is deleted, legalizing current practice.
- Code Uniformity.
 - There are various code updates proposed that remove statement of a standard and replace them with a reference to another section which holds that same or greater standard, for example removing a statement of a setback from a code section and instead referring to the table of setbacks. This consolidates certain information in organized sections, reducing potential confusion and simplifying any future code changes.
- Medical Centers. (DDC.2.2.020) (DDC.2.3.020) (DDC.2.4.020)
 - Medical centers are defined in the code, but most zones do not list if they are a permitted or prohibited use. In the absence of a specific listing in the table of allowed uses, decision-making reverts to the closest equivalent, which for a medical center would be the “Community Services” category, which are possible in all zones citywide. This is potentially problematic, as hospitals have specific neighborhood impacts that other community services may not. Separately listing medical centers as a conditional use gives opportunity for heightened review of specific impacts and mitigation measures.

EXHIBITS:

- A. Currently Proposed Code Amendments For Consideration, Annotated.
- B. Public Testimony Regarding Currently Proposed Code Amendments
- C. Originally Proposed Code Amendments, Fall 2022
- D. Public Testimony Regarding Originally Proposed Code Amendments



CITY COUNCIL STAFF REPORT

MEETING DATE: June 5, 2023
AGENDA ITEM NO.: 3.c
TOPIC: Public Hearing on proposed Development Code updates
PREPARED BY: Chase Ballew, City Planner
APPROVED BY: Brian Latta, City Manager
ATTACHMENTS: A – Planning Commission Packet

RECOMMENDED ACTION:

Receive public testimony, review proposed code language, and approve the code amendment as recommended by the Dallas Planning Commission. Direct staff to prepare an enacting ordinance.

BACKGROUND:

The Dallas Development Code regulates development within the city, and is regularly updated as community conditions change and as shortcomings in the code are identified.

SUMMARY TIMELINE:

Topics for consideration were discussed with City Council on August 1, 2022, at which time staff were directed to craft updated code language.

A community town hall meeting was held on September 22, 2022, and after refinement a public hearing was held with the Planning Commission on April 11, 2023.

After holding the record open and receiving public testimony, the Planning Commission voted on May 9, 2023 in favor of forwarding the proposed language to the City Council with recommendation for approval, with the addition of an illustrative graphic.

Discussion of the proposed changes was held with City Council on May 29, 2023 during workshop session, but no public testimony was taken at that time.

FISCAL IMPACT:

None

RECOMMENDED MOTION:

I move to approve the changes to the Dallas Development Code as recommended by the Dallas Planning Commission and direct the City Attorney to draft an ordinance to adopt the changes.

ATTACHMENTS:

- Staff Report To Dallas Planning Commission, May 9, 2023
- Currently Proposed Code Amendments For Consideration, Annotated.
- Public Testimony Regarding Currently Proposed Code Amendments
- Originally Proposed Code Amendments, Fall 2022
- Public Testimony Regarding Originally Proposed Code Amendments



**MEETING MINUTES
DALLAS CITY COUNCIL WORK SESSION
187 SE COURT ST, DALLAS OR 97338**

Monday, January 22, 2024

1 Mayor Kenneth L. Woods, Jr. called the City Council Work Session to order on Monday, Janu-
2 ary 22, 2024 at 6:00 pm.

3 **ROLL CALL**

4 **Councilors Present:** Council President Michael Schilling, Councilor Nancy Adams, Councilor
5 Carlos Barrientos, Councilor Larry Briggs, Councilor Kirsten Collins, Councilor Kim Fitzgerald,
6 Councilor Micah Jantz, and Councilor Debbie Virden

7 **Councilors Excused:** Councilor David Shein

8 **Also Present:** Mayor Kenneth L. Woods, Jr., City Manager Brian Latta, Police Chief Tom
9 Simpson, Fire & EMS Chief April Wallace, Finance Director Cecilia Ward, Economic & Com-
10 munity Development Director Charlie Mitchell, Library Director Mark Greenhalgh-Johnson and
11 City Recorder Kim Herring

12 **DALLAS DOWNTOWN ASSOCIATION ANNUAL REPORT**

13 Brian Latta introduced Steve Pate and Jake Stamas from the Dallas Downtown Association and
14 invited them to come forward for their annual report. Mr. Pate reviewed the overall status of the
15 association and highlighted some of the key events from 2023. Mr. Stamas reviewed the finan-
16 cials. There are some new events coming to the downtown area in 2024 with the partnership of
17 the association. One of the new events will be the Dallas Farmer's Market which will start on
18 Saturday, May 4th and will be held on the first and third Saturdays of the month through October.

19 **ECONOMIC & COMMUNITY DEVELOPMENT ANNUAL REPORT**

20 Charlie Mitchell presented Part 2 of his annual report highlighting Building Inspection, Econom-
21 ic Development and Urban Renewal.

22 **ADJOURNMENT: 6:51 pm**



**MEETING MINUTES
DALLAS CITY COUNCIL
187 SE COURT ST, DALLAS, OR 97338**

Monday, January 22, 2024

1 Mayor Kenneth L. Woods, Jr. called the City Council meeting to order on Monday, January 22,
2 2024 at 7:00 pm and read the following statement:

3 *“Church at the Park has submitted an application for an emergency shelter on Holman*
4 *Avenue in Dallas pursuant to House Bill 3395 (2023). This application is currently being*
5 *reviewed by City staff and will be scheduled for a public hearing before the city council*
6 *at a future date and time. Public comments, both written and oral will be accepted after*
7 *the public hearing has been scheduled. The city council will not receive public comment*
8 *on the subject of the proposed project at this council meeting. Public comment on*
9 *homelessness, in general, will be received, but comments on the particular project*
10 *should be reserved for the public hearing.”*

11 **ROLL CALL**

12 **Councilors Present:** Council President Michael Schilling, Councilor Nancy Adams, Councilor
13 Carlos Barrientos, Councilor Larry Briggs, Councilor Kirsten Collins, Councilor Kim Fitzgerald,
14 Councilor Micah Jantz, Councilor David Shein, and Councilor Debbie Virden

15 **Councilors Excused:** None

16 **Also Present:** Mayor Kenneth L. Woods, Jr., City Manager Brian Latta, Assistant City Manager
17 Emily Gagner, City Attorney Lane Shetterly, Police Chief Tom Simpson, Fire & EMS Chief
18 April Wallace, Finance Director Cecilia Ward, Public Works Director Gary Marks, Economic &
19 Community Development Director Charlie Mitchell, Library Director Mark Greenhalgh-Johnson
20 and City Recorder Kim Herring

21 **INTRODUCTIONS, RECOGNITION, PROCLAMATIONS**

22 Heather Taylor introduced Callista Kiner who is the new part-time Records Specialist for the Po-
23 lice Department.

24 April Wallace introduced Melissa Chrisman who is the new Executive Assistant for the Fire De-
25 partment.

26 Mayor Woods read the proclamation declaring January 27, 2024 as Fire Service Appreciation
27 Day and asked all fire personnel present to stand. A standing ovation ensued.

28 **PUBLIC HEARINGS**

29 **Application Zone Change for 520 SE Hankel Street**

30 Mayor Woods opened the public hearing at 7:09 pm. No conflicts of interest were declared.
31 Chase Ballew reviewed the staff report and the recommendation from the Planning Commission.
32 The applicant, Rita Grady representing Polk CDC, came forward and provided information re-
33 garding the property. The hearing was closed at 7:27 pm. Councilor Schilling moved and Coun-
34 cilor Shein seconded to adopt the recommendation of the Planning Commission to approve the
35 zone change application to rezone the property located at 520 SE Hankel Street from low density
36 residential to high density residential zoning and to direct the City Attorney to prepare an Ordi-
37 nance amending the zoning map to reflect this action. The motion passed with a vote of 9-0.

38 **PUBLIC COMMENT**

39 Ann Hurd, Friends of the Dallas Aquatic Center, came forward to give a report on the pump for
40 the lazy river. The Friends donated enough funds to pay for the installation of the new pump.

41 Cornelius came forward and provide comment regarding city transparency.

42 **CONSENT AGENDA**

43 a) **Approval of January 2, 2024 Work Session Meeting Minutes**

- 1 **b) Approval of January 2, 2024 City Council Meeting Minutes**
- 2 **c) December 2023 Financial Report**

3 Councilor Schilling moved and Councilor Shein seconded to approve the consent agenda as pre-
4 sented. The motion passed with a vote of 9-0.

5 **REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS**

6 Councilor Briggs commented on the poor quality of the audio. Mr. Latta assured him that he is in
7 the process of engaging with a company to get it fixed.

8 **REPORTS FROM CITY MANAGER AND STAFF**

9 Mr. Latta reminded the Council that there will be a goal setting session on Saturday, Feb. 3rd at
10 Chemeketa Community College Polk Center at 9am. February 17th will be the city-wide 150th
11 Celebration starting at 10am in front of City Hall. All councilors are invited to enter the parade
12 and/or pet parade.

13 **RESOLUTIONS**

14 **Resolution No. 3521 Establishing a Public Safety Fee**

15 Mr. Latta presented the staff report which would create a public safety fee of \$12.50, effective
16 July 1, 2024. The fee will be assessed per sewer account, and collected with the monthly City
17 bill. The fee will provide direct financial support to Police, Fire and EMS personnel services,
18 starting in fiscal year 2024-25. The fee will be subject to the consumer price index, CPI-U Pacif-
19 ic Cities on an annual basis. The fee will be annually reviewed by the City Council, as described
20 in Section 7(2) of the resolution.

21 Mayor Woods called for a roll call vote. Resolution No. 3521 passed with a vote of 7-2 with
22 Councilors Schilling, Adams, Barrientos, Briggs, Collins, Jantz and Shein voting YES. Council-
23 lors Fitzgerald and Virden voted NO.

24 **ADJOURNMENT: 8:19 pm**

25 **Read and approved this 5th day of February 2023.**

26

27 _____

28 **Mayor**


29

30 _____

31 **City Manager**



**CITY COUNCIL
STAFF REPORT**

MEETING DATE: February 5, 2024
AGENDA ITEM NO. 8.a
TOPIC: Clay Street Water Transmission Line Replacement Project,
Phase 2 Safe Drinking Water Revolving Loan Program
Application
PREPARED BY: Gary Marks, Public Works Director
APPROVED BY:  City Manager
ATTACHMENTS: A – Business Oregon Safe Drinking Water Fund Loan
Application

RECOMMENDED ACTION:

By motion, approve the Safe Drinking Water Fund Loan application to finance the Clay Street Water Transmission Line Replacement Project, Phase 2.

BACKGROUND:

The project will replace the city’s 16-inch 1949 era finished water transmission supply line. Due to its age, this line is vulnerable to leaks and failure and has shut off valves that are no longer operable.

Phase 1 of this project is underway and will be completed by June 2024. It includes the replacement of approximately 3,100’ of 16-inch transmission line from the Clay Street Reservoir Complex to the intersection of Ash Street and Fairview Avenue. Phase 1 is being accomplished with Public Works utility staff and is being funded by the Water Fund. Total cost of the Phase 1 project is expected to be approximately \$611,000 when completed.

Phase 2, the subject of the loan application, will replace approximately 1,800’ of 16-inch transmission line from the terminus of the Phase 1 project to the intersection of Ash Street and Main Street. In addition to installing the new line, Phase 2 will involve tying the new line into the existing distribution system without aid of operable valves. Similarly, the lack of working valves will also complicate the process of disconnecting the existing line which runs on Clay Street between Fairview Avenue and Main Street. Due to the complexity of this work, a specialized contractor will be contracted to execute the project.

The application seeks a loan of \$2,892,000; an amount estimated to complete the Phase 2 project. Terms of the loan will be provided by Business Oregon if the application is awarded, and approval of the terms by the City Council will be needed to finalize the loan.

City Council approval is needed to submit the loan application and for the mayor to sign the document. A copy of the application accompanies this report.

City staff will update the City Council as the project moves forward and new information is known.

SUMMARY TIMELINE:

February 5th City Council meeting.

FISCAL IMPACT:

The project is estimated at \$2,892,000.

RECOMMENDED MOTION:

I move to approve the application to Business Oregon for a Safe Drinking Water Fund Loan to finance the Clay Street Water Transmission Line Replacement Project, Phase 2.

ATTACHMENTS:

A – Business Oregon Safe Drinking Water Fund Loan Application



775 Summer St NE, Suite 200, Salem, OR 97301-1280

For Office Use Only:	
Date Received:	Portfol Number:

SAFE DRINKING WATER REVOLVING LOAN FUND APPLICATION

SECTION I A: APPLICANT

City of Dallas	City
Organization Name	Organization Type
187 SE Court St	
Street Address	Mailing Address
Dallas, OR 97338	
City/State/ZIP	City/State/ZIP
(503) 831-3555	
Office Phone	Web URL

SECTION I B: CONTACTS

Main Contact		Secondary Contact	
Name	Gary Marks	Name	Tom Gilson
Title	Public Works Director	Title	Engineering Supervisor
Email	gary.marks@dallasor.gov	Email	tom.gilson@dallasor.gov
Phone	(503) 831-3555	Phone	(503) 831-3558

SECTION I C: PROJECT OVERVIEW

Clay Street Transmission Main Replacement Phase 2

Project Name

Opportunity / Problem (Attach Additional Pages if Necessary)

The project will replace a major 16-inch 1949 era finished water transmission supply line. Due to its age this line is vulnerable to leaks and failure, and has shut off valves that are no longer operable requiring the shutdown of large portions of the downtown and southern service area for repair. This service area includes the community hospital, four public schools, and nearly half of the city's residential services. In the event of a failure, this age of this line and the inoperability of the majority of the line's valving would require excessive repair times compared with newer parts of the water system. Failure of this main line would create localized flooding and a catastrophic water supply emergency.

Proposal / Solution (Attach Additional Pages if Necessary)

Phase 1 of this project is underway and will be completed by July 2024. It includes the replacement of approximately 3,100' of 16-inch transmission line from the Clay Street Reservoir Complex to the edge of the downtown area at the intersection of Ash street and Fairview Avenue. Phase 2, the proposed project associated with this application, will replace approximately 1,800' of 16-inch transmission line from the terminus of the Phase 1 project to the intersection of Ash Street and Main Street. Phase 2 will include installation of numerous isolation valves that will tie the new line into the community's southern water distribution grid.

Dallas City Council Meeting
Monday, February 5, 2024
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SECTION I E: PROJECT BUDGET

Budget Line Item	SDWRLF Funds	Other BizOR Funds	Non-BizOR Funds	Total
Planning				\$ 0.00
Design / Engineering (20% Max*)	140,000			\$ 140,000.00
Construction	2,500,000			\$ 2,500,000.00
Construction Contingency (10% Max**)	200,000			\$ 200,000.00
Labor Standards (\$15,000 Max)	15,000			\$ 15,000.00
Environmental Review	5,000			\$ 5,000.00
Federal Requirements Assistance (\$15,000 Max)	15,000			\$ 15,000.00
Legal Fees	1,000			\$ 1,000.00
Cultural Resource Report(s) and Monitoring	1,000			\$ 1,000.00
Permitting and Regulatory Fees	15,000			\$ 15,000.00
Other:				\$ 0.00
Other:				\$ 0.00
Total Project Costs	\$ 2,892,000.00	\$ 0.00	\$ 0.00	\$ 2,892,000.00

Note: Attach Engineers Cost Estimate (Attachment B). Estimate in Conceptual Design Report Attachment C

* Design/Engineering may not exceed 20% of Construction and Construction Contingency total.

** Construction Contingency may not exceed 10% of Construction costs unless justification is provided. Justification is subject to approval by the Department.

A 1.5% origination fee will be charged for those communities with a median household income above the state average. The borrower may choose to finance the fee amount.

Prepared By:

Craig Massie
Name

Project Manager
Title

Jacobs Engineering Group
Organization

December 1, 2023
Date

SECTION I F: FEDERAL REPORTING - SDWRLF FUNDS

For federal reporting purposes, Business Oregon is required to identify the federal project categories implemented with SDWRLF Funds. Identify the percentage of the SDWRLF budget that would be allocated for the following project categories.

Treatment	%	Purchase of System	%
Transmission & Distribution	100 %	Restructuring	%
Source	%	Land Acquisition	%
Storage	%	Other:	%
Total			0 %

SECTION I G: FINANCING SOURCES

Source of Funds	Amount	Status	Date Funds Committed or Expected
SDWRLF	\$2,892,000		
Applicant Funds		Choose an Item	
Other Funds:		Choose an Item	
Other Funds:		Choose an Item	
Other Funds:		Choose an Item	
Other Funds:		Choose an Item	
Total	\$2,892,000		

For Other Non-Business Oregon Funds, attach Letters of Commitment (Attachment J).

SECTION II: ADDITIONAL PROJECT INFORMATION

- A. Was a feasibility study, stamped and signed by a professional engineer licensed in Oregon, completed for the Project?
If yes, attach a copy of the study (Attachment C). Yes No
If no, attach feasibility documentation (Attachment C) and describe:

***Note:** An up to date Water Master Plan (see Section V.B.) may adequately demonstrate project feasibility. Documentation demonstrating project feasibility must meet the criteria identified in the Safe Drinking Water in Oregon: Program Guidelines and Applicant's Handbook document unless otherwise approved by Business Oregon. Business Oregon reserves the right to request additional information needed to demonstrate feasibility prior to advancing an application for further processing.*

- B. Is documentation attached from the city or county planning department indicating that the project is consistent with the acknowledged land use comprehensive plan (Attachment D)? Yes No
***Note:** Land Use documentation must be provided for an application to be deemed complete.*
- C. List the permits and regulatory authorizations needed for the Project to be ready to proceed with construction:

Permit Type	Review Agency	Description	Status	Actual or Expected Approval Date
Design Review	OHA	final design review	Pending	12/31/2024
			Choose Item	
			Choose Item	
			Choose Item	
			Choose Item	

D. What is estimated useful life of improvements included in the Project? 50 years
What is the source for the useful life estimate? based on current experience at Dallas

E. Describe how the public has been engaged in the development of the project:

Presentation at City Council Meetings.

F. Does the project include any action or infrastructure which promotes disaster resiliency? Yes No

Note: Disasters that could impact Oregon water systems include but are not limited to drought, earthquake, wildfire, or flood. Strategies to address these disasters include planning, enhancing a system's ability to withstand disaster, or disaster recovery actions.

G. If answered yes to question F, describe:

Note: Description should include: 1) the disaster(s) for which resiliency is sought; and 2) the nature of the resiliency component/action.

Pipeline replaces aging infrastructure that is vulnerable to seismic and corrosion damage.

H. Will a private entity or business have a special legal entitlement to the project? *If yes, describe* Yes No

SECTION III: PROGRAM REQUIREMENTS

A. Does the project address a compliance issue? If yes, select an item below. Yes No

Choose an Item

B. If your project addresses a Safe Drinking Water Act compliance issue, please identify and describe.

Note: Attach a copy of compliance documentation (Attachment K).

C. Project for a new system? Yes No

D. Is Project for consolidation or merger? Yes No

If yes, provide documentation demonstrating agreement between parties (Attachment L).

E. Are any Project cost estimates based on using "force account" labor? Yes No

Note: This means that if the Applicant intends to use existing budgeted staff to work on project activities, Safe Drinking Water funds cannot be used to pay for that staff.

- F. Is Applicant requesting Business Oregon approval to reimburse for pre-award planning, preliminary engineering, or other preconstruction costs? Yes No

If yes, explain and attach documentation (Attachment M):

Preliminary and final design

Note: Pre-award reimbursement is limited to 20% of total project cost and expenses must have been paid by the applicant not more than 12 months prior to the award. Documentation must be provided that details the nature of the expense, when it was (or will be) paid, and its cost. Business Oregon will approve pre-award reimbursement on a case-by-case basis.

- G. Did your organization receive over \$25 million in federal awards last year? Yes No
 Public does not have access to executive compensation information via SEC or IRS reports. Yes No

If yes to each of the above in question G, complete the table below:

Officer Name	Officer Compensation

SECTION IV: APPLICANT DETAILS

- A. UEI Number ZJHNE2QNGEG8 Federal Tax ID Number 93-6002148
 Date SAM (System for Award Management) Registration Expires: 03/14/2024

- B. Is the Applicant currently or expected to be a party to any Intergovernmental Agreements related to the Project? Yes No
 (e.g. Intertie or delivery to another water system, et cetera)
If yes, attach a copy (Attachment N) of the agreement(s).

- C. Does the Applicant request any information in this Application be excluded from public disclosure? *If yes, describe:* Yes No

- D. Has the Applicant ever defaulted on debt? *If yes, explain:* Yes No

Dallas City Council Meeting
 Monday, February 5, 2024
 Page 121 of 148

- E. Is there any actual or pending litigation that could impair the Applicant's ability to repay debt? *If yes, explain:* Yes No

- F. Has the Applicant adopted a budget for the current fiscal year? *If yes, attach a copy of the current budget (Attachment E). If no, explain:* Yes No

- G. Are the Applicant's audited financial reports for the 3 most recent fiscal years available on the Secretary of State website? Yes No

If no, attach a copy of audited financial reports for the 3 most recent fiscal years (Attachment F).

Note: For entities not required to submit financial reports to the Secretary of State, alternate financial documentation will be required (e.g. 3 years of tax returns, other budgetary or financial spreadsheets, et cetera). For more information contact a Business Oregon Regional Development Officer.

SECTION V: WATER SYSTEM DETAILS

- A. Water System Identification Number (PWSID): 4100248

- B. Does the water system have a current Water System Master Plan? *If yes, attach a copy (Attachment O) of the Water System Master Plan. If no, explain:* Yes No

- C. Will the Applicant operate and maintain the water system? *If no, attach a copy of the operating agreement (Attachment P).* Yes No

- D. Does the water system have a current Operations, Maintenance & Replacement (OM&R) manual or plan? *If no, explain:* Yes No

- E. Does the water system use asset management tools as part of its operation, maintenance and replacement planning? *If yes, describe:* Yes No

Valve and hydrant maintenance using a database. GIS to monitor and record repairs.

F. Does the water system have a meter(s) at the water supply source(s)? Yes No
If no, explain:

G. Does the water system require meter installation on all service connections? Yes No

H. Does the water system have meters installed on all service connections? Yes No
If no, percent not metered: _____ If no, explain:

I. Does the water system have an operations program to read and maintain the required source and service connection meter(s)? *If no, explain:* Yes No

J. Does the water system bill its customers based on water usage? *If yes, attach a copy of the current rate schedule (Attachment G). If no, explain:* Yes No

Included in Attachment H

K. Does the water system have a formal process for adopting water user rates? *If yes, attach a copy of the most recently adopted rate resolution or ordinance (Attachment H). If no, explain:* Yes No

Attached as Attachment H

SECTION VI: SUMMARY OF CONNECTIONS, USAGE AND POPULATIONS SERVED

User	Connections		Annual Usage (in gallons)
	Current	Future (20 years)	Current
Residential	5,523	8,174	570,976,500
Commercial	209	309	75,924,000
Industrial	29	43	45,650,500
Other	412	610	
Totals	6,173	9,136	692,551,000

	All Residents	Permanent Residents	Connections
Number served by system	17,476	17,426	6,173
Number served by the Project	6,990	6,990	2,469

SECTION VII: PRIVATE WATER SYSTEMS

- A. Public Utility Commission (PUC) regulation level: Service Rates N/A
- B. Type of business (Pick only one): Association Limited-Liability Corporation
 Non-Profit Corporation Sole-Proprietorship Partnership
 Cooperative For-Profit Corporation
 Other, Specify:

Attach documentation detailing establishment of water system (Attachment Q).

C. Date business filed / formed:

D. Date present operations commenced:

E. Are any legal actions pending against the water system or principals? Yes No

If yes, provide details:

F. Has the Applicant, or principals, formed a business which ceased to exist in less than two years from commencing operations, filed bankruptcy, or experienced foreclosure, repossession, debt judgment, or criminal penalty within the last seven years? Yes No

If yes, provide details:

G. For each principal in the business provide the following:

Name	Title	Address	% Owned
			%
			%
			%
			%
			%
			%
			0 %

SECTION VIII: REPAYMENT SOURCES

A. Are water system revenues pledged to repay the proposed SDWRLF loan? Yes No

If yes, is other debt secured by water system revenues? Yes No

If yes, what is the current annual debt paid by water system revenues? \$ 607,025

System's Ten Largest Customers:

	Customer	Annual Water Usage (in gallons)	% Total Water Usage for System	Annual Revenue Received by System	% Total Annual Revenue Received by System
1	Greenway Mobile Home	24,512,250	3.5 %	\$92,225	2.3 %
2	Dallas Retirement Community	15,030,750	2.2 %	\$35,502	0.9 %
3	Meadow Creek	12,924,000	1.9 %	\$48,951	1.2 %
4	Robert and Susan Danrell	10,957,500	1.6 %	\$41,375	1.0 %
5	City of Dallas	10,235,250	1.5 %	\$0	0.0 %
6	Dallas Aquatic Center	6,991,500	1.0 %	\$0	0.0 %
7	Victoria Place	6,990,000	1.0 %	\$26,012	0.6 %
8	West Valley Hospital	6,673,500	1.0 %	\$24,433	0.6 %
9	Hawthorn Acres	5,978,250	0.9 %	\$22,031	0.5 %
10	Polk COunty	4,389,000	0.8 %	\$12,855	0.3 %

Complete Section B. below.

B. Are property tax revenues pledged to repay the proposed SDWRLF loan? Yes No

If yes, is other debt secured by property tax revenues? Yes No

If yes, what is the current annual debt paid by property tax revenues? _____

Ten Largest Property Taxpayers (complete this section regardless of yes/no answers above):

	Taxpayer	Type of Business	Total Taxes	Current Assessed Value
1	Dallas Mennonite Retirement Comm	Retirement Facility	\$244,701	\$17,539,720
2	Northwest Natural Gas Co	Gas Utility	\$185,269	\$13,699,000
3	Greenway	55+ living community	\$135,246	\$9,679,580
4	Wal-Mart Real Estate Business Trust	commercial store	\$118,134	\$8,454,890
5	Victoria Place General Partnership	Apparemtent Complex	\$112,511	\$8,052,400
6	Dallas Mennonite Retirement Comm	Retirement Facility	\$99,842	\$7,145,690
7	Charter Communications	Telephone Service	\$89,027	\$6,544,850
8	Pacificorp	Power Utility	\$84,856	\$6,239,976
9	Ascentic Propoerties LLC	Specilaty Fabrication	\$70,990	\$5,181,100
10	1351 Tandem Ave LLC ETAL	shopping center	\$66,780	\$4,779,460

SECTION IX: SCHEDULE OF PRO FORMA REVENUES AND EXPENDITURES

Pro Forma	Current FY	2024	2025	2026	2027	2028
1 Year (ending June 30)	2023	2024	2025	2026	2027	2028
2 Beginning Fund Balance	3,225,600	6,692,630	5,411,781	2,180,340	2,334,840	2,640,975
Operating Revenues						
3 Primary Revenue Source	3,649,331	4,200,000	4,830,000	5,554,500	5,721,135	5,892,769
4 Other Revenue Source 1	275,315	177,000	220,000	225,000	230,000	235,000
5 Other Revenue Source 2						
Total Operating Revenues	3,924,646	4,377,000	5,050,000	5,779,500	5,951,135	6,127,769
Operation, Maintenance & Replacement (OM&R) Expenses						
6 Personal Services	926,413	1,123,000	1,168,000	1,220,000	1,275,000	1,330,000
7 Materials & Services	816,780	828,100	850,000	875,000	895,000	920,000
8 Other Operating Expenses	5,476	13,250	125,000	140,000	40,000	40,000
Total Operating Expenses	1,748,669	1,964,350	2,143,000	2,235,000	2,210,000	2,290,000
Debt Services						
Funds Avail for Debt Service	2,175,977	2,412,650	2,907,000	3,544,500	3,741,135	3,837,769
9 Existing Debt 1	175,696	174,234	175,000	175,000	175,000	175,000
10 Existing Debt 2	431,353	433,265	430,000	430,000	430,000	430,000
11 Other Proposed Debt	80,000	80,000	110,000	250,000	250,000	250,000
Total Debt Service	687,049	687,499	715,000	855,000	855,000	855,000
Other Activities						
Cash Avail After Debt Service	1,488,928	1,725,151	2,192,000	2,689,500	2,886,135	2,982,769
12 Loan Proceeds / Drawdowns		2,200,000	1,470,000	2,900,000		
13 Capital Outlay	(862,537)	(4,125,000)	(5,240,441)	(3,200,000)	(350,000)	(150,000)
14 System Replacement Reserves						
15 Other Non-Operating Activity	4,125,917	905,000	1,535,000	955,000	960,000	965,000
Net Other Activity	3,263,380	(1,020,000)	(2,235,441)	655,000	610,000	815,000
16 Net Transfers IN (OUT)	(1,285,278)	(1,986,000)	(3,188,000)	(3,190,000)	(3,190,000)	(3,690,000)
17 Adjustments						
Net Transfers & Adjustment	(1,285,278)	(1,986,000)	(3,188,000)	(3,190,000)	(3,190,000)	(3,690,000)
Ending Fund Balance	6,692,630	5,411,781	2,180,340	2,334,840	2,640,975	2,748,744
18 Connections	6,173	6,321	6,469	6,617	6,765	6,913
19 EDUs	5,523	5,655	5,790	5,922	6,055	6,187
20 Monthly Rate per EDU	\$ 38.62	\$ 46.32	\$ 53.29	\$ 61.28	\$ 63.12	\$ 65.01

Please contact your Regional Development Officer if you have questions completing this form.

Primary revenue source (e.g., user charges). Include, on lines 4 or 5, revenues such as taxes, hook-up fees and rent / lease income. Do not include interest, SDCs, et cetera, in this section; rather, enter these revenues on line 15.

Include short-lived asset replacement with a useful life of 15 years or less. Do not include capital outlay, transfers, depreciation, et cetera; rather, enter these revenues to lines 12-17.

Enter and specify annual debt service amounts for existing and proposed debt supported by this fund, including any proposed non-BizOR debt for this project, e.g., USDA, DEQ, et cetera.

Anticipated drawdown schedule for requested loans. Include capital outlay in brackets (negative number) for this project. Anticipated contributions for system replacement. Asset sales, SDCs, interest income (specify†).

Include transfers to reserve accounts (specify†). Explain any adjustments

† Describe (in the space provided on the next page) any assumptions used in calculating above figures, such as changes in user rates, EDU / connection growth, loan repayments, operating expenses, transfers, adjustments, et cetera.

Describe any assumptions used in calculating above figures, such as changes in user rates, EDU / connection growth, loan repayments, operating expenses, transfers, adjustments:

#3 - User Charges increase per rate resolution
#16 - includes transfer to GF and Water Storage Reserve
#18 & 19 Based off 20 year growth projections

SECTION X: APPLICATION ATTACHMENTS**Required Attachments**

Attachment A: Project Map or Site Plan (Section I D)	Attached?	<input checked="" type="checkbox"/>
Attachment B: Engineers Cost Estimate (Section I E) In Attachment C	Attached?	<input checked="" type="checkbox"/>
Attachment C: Project Feasibility Documentation (Section II A)	Attached?	<input checked="" type="checkbox"/>
Attachment D: Land Use Compatibility Documentation (Section II B)	Attached?	<input checked="" type="checkbox"/>
Attachment E: Current Budget (Section IV F)	Attached?	<input checked="" type="checkbox"/>
Attachment F: Most Recent 3-Year Audited Reports (Section IV G)	Attached?	<input checked="" type="checkbox"/>
Attachment G: Current Rate Schedule (Section V J) In Attachment H	Attached?	<input checked="" type="checkbox"/>
Attachment H: Most Recently Adopted Rate Resolution (Section V K)	Attached?	<input checked="" type="checkbox"/>

Required if Applicable & Optional Attachments

Attachment I: Addition Project Overview & Details (Sections I C & I D)	Attached?	<input type="checkbox"/>
Attachment J: Funding Letters of Commitment (Section I G)	Attached?	<input type="checkbox"/>
Attachment K: Copy of Compliance Documentation (Section III B)	Attached?	<input type="checkbox"/>
Attachment L: Consolidation / Merger Agreement Documentation (Section III E)	Attached?	<input type="checkbox"/>
Attachment M: Pre-Award Expense Documentation (Section III G)	Attached?	<input type="checkbox"/>
Attachment N: Intergovernmental Agreement (Section IV B)	Attached?	<input type="checkbox"/>
Attachment O: Water System Master Plan (Section V B)	Attached?	<input checked="" type="checkbox"/>
Attachment P: Operating Agreement (Section V C)	Attached?	<input type="checkbox"/>
Attachment Q: Document(s) Verifying Establishment of Private Water System (Section VII B)	Attached?	<input type="checkbox"/>
Attachment R: Signature Authority Documentation (Section XI)	Attached?	<input type="checkbox"/>
OHA-Approved Plans and Specs (If approval has already occurred)	Attached?	<input type="checkbox"/>

SECTION XI: GENERAL CERTIFICATION

I certify to the best of my knowledge that all information contained in this document and any attached supplements is valid and accurate. I further certify that to the best of my knowledge:

1. The application has been approved by the governing body or is otherwise being submitted using the governing body's lawful process, and
2. Signature authority is verified.

Check one:

Yes, I am the highest elected official. (e.g., Mayor, Chair or President)

No, I am not the highest elected official so I have attached documentation that verifies my authority to sign on behalf of the applicant. (Document such as charter, resolution, ordinance or governing body meeting minutes must be attached.)

Business Oregon will only accept applications with proper signature authority documentation (Attachment R).

Signature

Date

Printed Name

Printed Title

FOR Business Oregon USE ONLY

Project Type


Planning

Design

Construction



CITY COUNCIL STAFF REPORT

MEETING DATE: February 5, 2024
AGENDA ITEM NO. 9.a
TOPIC: Ordinance 1890 – Hankel Street Zone Change
PREPARED BY:  Brian Latta, City Manager
ATTACHMENTS: A – Draft of Ordinance 1890

RECOMMENDED ACTION:

Staff recommends the Council allow Ordinance 1890 to pass its first reading.

BACKGROUND:

Polk Community Development Corporation applied to change the zoning of a 0.94 acre parcel from Low Density Residential to High Density Residential. The Planning Commission and City Council held public hearings on the application and received public testimony. The City Council closed the public hearing and made the motion to approve the application, subject to adoption of an ordinance effecting the change.

Attachment A is the draft of Ordinance 1890, which would change the zoning of the property, as approved by the City Council.

SUMMARY TIMELINE:

December 12, 2023 – City Planning Commission held a public hearing, reviewed zone change application and recommended the City Council approve the application.
January 22, 2024 – City Council held a public hearing, reviewed the zone change application and approved the application, subject to adoption of an ordinance.
February 5, 2024 – City Council considers Ordinance 1890 for its first reading.
February 20, 2024 – City Council considers Ordinance 1890 for its second reading and will vote to adopt.
March 21, 2024 – If approved, Ordinance 1890 will become effective.

FISCAL IMPACT:

None.

RECOMMENDED MOTION:

N/A – Ordinance 1890 to pass its first reading.

ORDINANCE NO. 1890

An Ordinance changing the zoning designation of a parcel of real property owned by Polk Community Development Corporation from Residential Low Density to Residential High Density.

WHEREAS, Polk Community Development Corporation submitted a zone change application to the City requesting that the zoning designation of the real property owned by Polk Community Development Corporation, which is described as Polk County Map and Tax Lot 07528-DC-01400, Tax Account No. 130912, more particularly described on Exhibit 1, attached hereto and incorporated herein, located and commonly known as 520 SE Hankel Street, be changed from Residential Low Density to Residential High Density; and

WHEREAS, after due notice, on November 14, 2023, the Dallas Planning Commission held a public hearing on the application and at the conclusion thereof recommended to the City Council that the application be granted; and

WHEREAS, after due notice, on January 22, 2024, the City Council held a public hearing on the application and at the conclusion thereof found that there was substantial evidence that the application met the requirements of the Dallas Comprehensive Plan and Zoning and Development Code, and that the application should be granted; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The zoning designation of the real property described on Exhibit 1 attached hereto, and as shown on the map attached hereto as Exhibit 2, is hereby changed from Residential Low Density to Residential High Density.

Section 2. The Findings and Conclusions set forth in the staff report on this matter, submitted into the record herein on January 22, 2024, by reference incorporated herein, are hereby adopted and approved as the Findings and Conclusions in support of this zone change.

Read for the first time: February 5, 2024
Read for the second time: February 20, 2024
Passed by the City Council: February 20, 2024
Approved by the Mayor: February 20, 2024

KENNETH L. WOODS, JR., MAYOR

ATTEST:

APPROVED AS TO FORM:

BRIAN LATTA,
CITY MANAGER

LANE P. SHETTERLY
CITY ATTORNEY

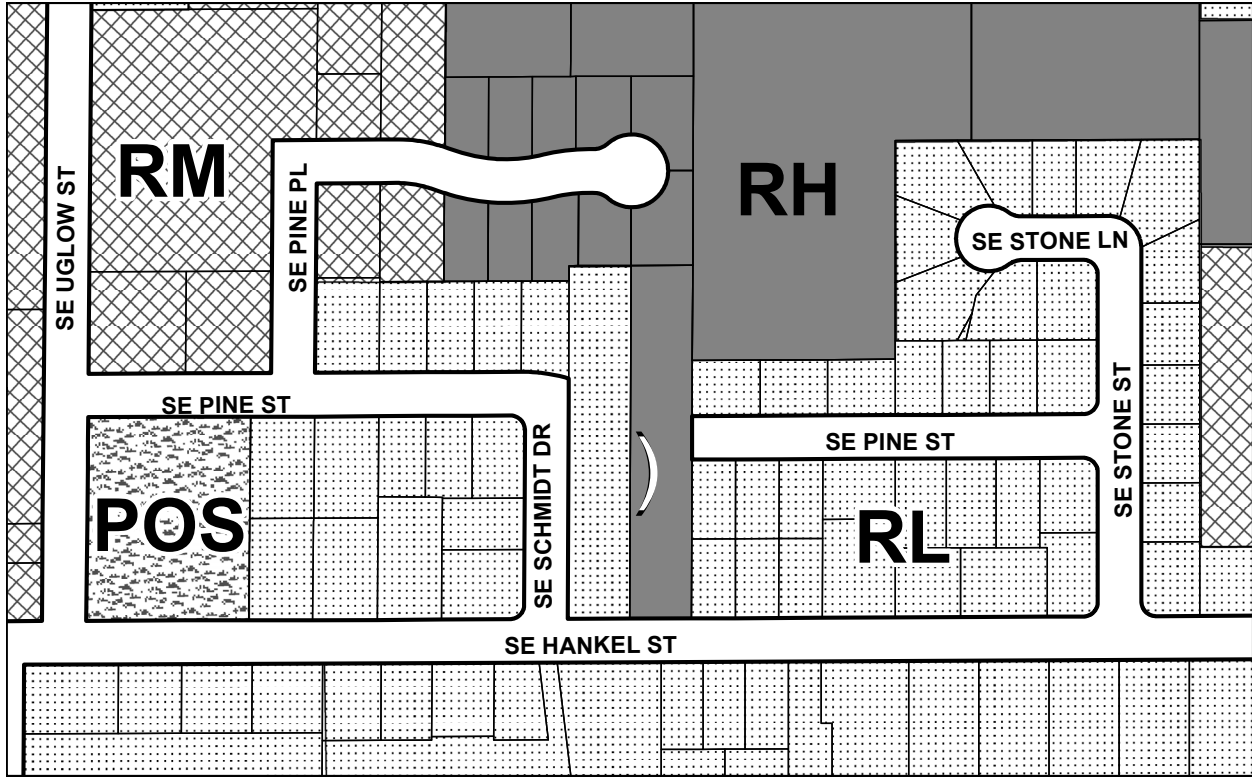
EXHIBIT 1

LEGAL DESCRIPTION

Parcel 1 and Parcel 2, Partition Plat No. 2024-0002, Polk County, Oregon


EXHIBIT 2

NEW ZONING





**CITY COUNCIL
STAFF REPORT**

MEETING DATE: February 5, 2024
AGENDA ITEM NO. 9.b
TOPIC: Ordinance 1891 – Repealing Dallas City Code Sections 3.900 to 3.916
PREPARED BY:  Brian Latta, City Manager
ATTACHMENTS: A – Draft of Ordinance 1891

RECOMMENDED ACTION:

Staff recommends the Council allow Ordinance 1891 to pass its first reading.

BACKGROUND:

On January 22, 2024, the City Council approved Resolution 3521, establishing a \$12.50 public safety fee. The fee will be effective July 1, 2024.

Dallas City Code Sections 3.900 to 3.916 were adopted by Ordinance 1818, and established a Police Officer and Firefighter/EMS fee. The new public safety fee created by Resolution 3521 is intended to replace the fee created by Ordinance 1818. Therefore, staff present Ordinance 1891 to repeal Dallas City Code Section 3.900 to 3.916. The repeal would be effective July 1, 2024.

Attachment A is the draft of Ordinance 1891, which would repeal Sections 3.900 to 3.916 of Dallas City Code.

SUMMARY TIMELINE:

January 22, 2024 – City Council approved Resolution 3521 creating a public safety fee, effective July 1, 2024.

February 5, 2024 – City Council considers Ordinance 1891 for its first reading.

February 20, 2024 – City Council considers Ordinance 1891 for its second reading and will vote to adopt.

July 1, 2024 – If approved, Ordinance 1891 will become effective, repealing Section 3.900 to 3.916 of the Dallas City Code.

FISCAL IMPACT:

Approval of this ordinance will remove the \$4.95 police officer and firefighter/EMS fee from the City bill. This fee has been replaced with a \$12.50 public safety fee by Resolution 3521.

RECOMMENDED MOTION:

N/A – Ordinance 1890 to pass its first reading.

RECOMMENDED MOTION:

Attachment A – Draft of Ordinance 1891

ORDINANCE NO. 1891

An Ordinance repealing Dallas City Code Sections 3.900 to 3.916.

Section 1. City billing statements with a due date falling on or after July 1, 2024, shall not include an assessment of the Police Officer Fee or Fire/EMS Fee established under Dallas City Code Sections 3.900 to 3.916.

Section 2. Dallas City Code Sections 3.900 to 3.916 are hereby repealed, effective July 1, 2024.

Read for the first time: February 5, 2024
Read for the second time: February 20, 2024
Passed by the City Council: February 20, 2024
Approved by the Mayor: February 20, 2024

KENNETH L. WOODS, JR., MAYOR

ATTEST:


APPROVED AS TO FORM:

BRIAN LATTA,
CITY MANAGER

LANE P. SHETTERLY
CITY ATTORNEY



CITY COUNCIL STAFF REPORT

MEETING DATE: February 5, 2024
AGENDA ITEM NO. 10.a
TOPIC: Resolution 3522
PREPARED BY:  Brian Latta, City Manager
ATTACHMENTS: A – Draft Resolution 3522
B – Presentation provided by Republic Services

RECOMMENDED ACTION:

Resolutions are decided by a roll call vote of the City Council.

BACKGROUND:

The City of Dallas has a franchise agreement with Republic Services for waste management services. This past year, Republic Services proposed to increase yard debris and recycling services to weekly pickup. The current service is for every other week.

The City Council referred this topic to the Public Administration Committee. On January 22, 2024, the committee was presented with requested data from Republic Services. The Committee referred the topic back to the City Council for their consideration.

Republic Services staff reported to City staff that a significant number of Dallas customers have been contacting the Republic Services call center asking for when the weekly yard debris and recycling services will begin.

Republic Services staff have provided a revised presentation (**Attachment B**) on this topic for the City Council to consider before voting on the resolution.

SUMMARY TIMELINE:

November 2023 – Republic Services proposed to move yard debris and recycling services to weekly.

January 2024 – City Council referred the topic to the Public Administration Committee for review.

January 2024 – Public Administration Committee considered the topic and referred it back to the City Council for a vote on a resolution to implement weekly services.

February 5, 2024 – City Council to consider Resolution 3522.

FISCAL IMPACT:

The cost of the weekly services is \$4.30 for residential customers.

RECOMMENDED MOTION:

N/A – Resolutions are voted on by a roll call vote.

ATTACHMENTS:

A – Draft Resolution 3522

B – Presentation provided by Republic Services

RESOLUTION NO. 3522

A Resolution approving the addition of weekly recycling and yard debris collection services under the Corvallis Disposal Co. solid waste franchise agreement with the City of Dallas, and authorizing the charge therefor.

WHEREAS, by Resolution 3518, adopted December 4, 2023, the Dallas City Council approved services and rate charges for solid waste and recycling provided by Corvallis Disposal Co., the owner and holder of the exclusive right, privilege and franchise to collect, transport and transfer waste within the City of Dallas, effective January 1, 2024; and

WHEREAS, the services and rate charges approved by Resolution 3518 did not include the weekly collection of recycling and yard debris; and

WHEREAS, the Dallas City Council desires to add the weekly collection of recycling and yard debris as a service under the franchise, and the franchisee has expressed a willingness to provide such service for the additional charge of \$4.30 per month; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. The weekly collection of recycling and yard debris by Corvallis Disposal Co, be, and it hereby is, approved as a service to be provided under the franchise agreement for solid waste and recycling services in the City of Dallas, to be charged at the rate of \$4.30 per month. Such service and charge shall be in addition to those services and charges authorized and approved under Resolution 3518.

Section 2. This resolution shall be effective upon adoption and approval.

Adopted: February 5, 2024
Approved: February 5, 2024

KENNETH L. WOODS, JR., MAYOR

ATTEST:

APPROVED AS TO FORM:

BRIAN LATTA,
CITY MANAGER

LANE P. SHETTERLY,
CITY ATTORNEY



City of Dallas Weekly Recycling & Yard Debris



Residential Customer Count By Trash Cart Size

96 Dallas Customers have 2 yard debris carts (\$12.40 per month)

2,719



95-Gallon
 $\$37.73 + \4.30
 $= \$42.03$

345



65-Gallon
 $\$29.30 + \4.30
 $= \$33.60$
 Downsize Saving:
 $\$8.45$

2,359



32-Gallon
 $\$27.49 + 4.30$
 $= \$23.19$
 Downsize Saving:
 $\$10.41$

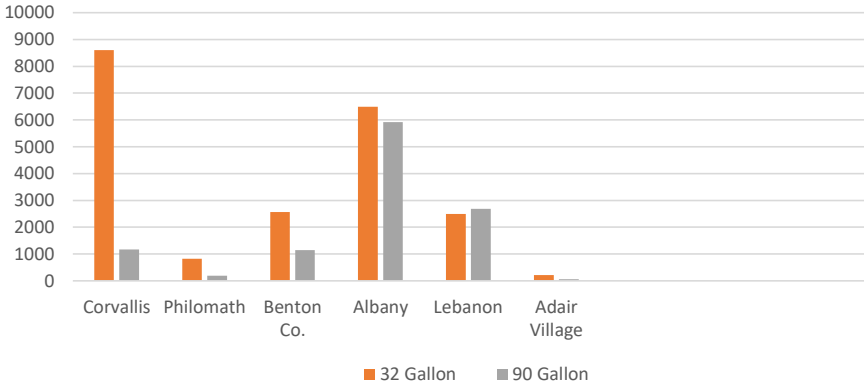
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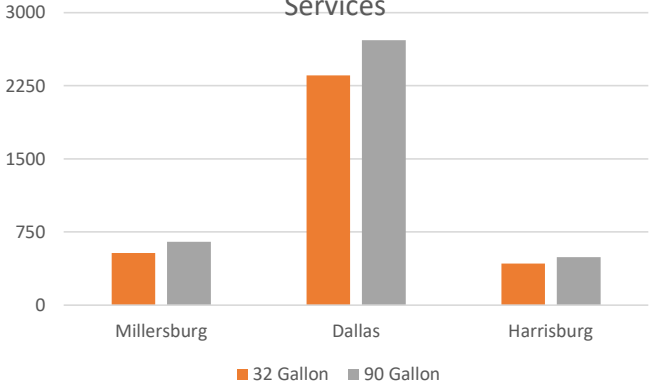
20-Gallon
 (32-Gallon cart with insert)
 $\$21.29 + \4.30
 $= \$25.59$
 Downsize Saving:
 $\$1.90$

Cart Downsizing 90 Gallon vs. 32 Gallon Carts

90 Gal. vs 32 Gal./All Weekly Services



90 Gal vs 32 Gal/Every Other Week Services



Benefits: Weekly Recycling Collection

- More room in cart encourages more recycling.
- Customers may be able to reduce cart size by recycling more.
- Online shopping has created need for more large cardboard recycling, and more room in the cart.
- Gets Dallas ready for 2025, when more plastics will be recycled.
- Easy! No need to remember which week is recycling pick-up.
- Recycling fits in cart, making routes efficient and keeping future costs down.



Benefits: Weekly Recycling Collection

Just a sampling of what we see on a regular basis. These carts are out on the wrong week and are already full with a week left to go for recycling collection. Confusion over what week recycling is collected and what week is yard debris collection happens is common.



Benefits: Weekly Recycling Collection

While these carts are already full, they not out and will not be emptied for another week.



Benefits: Weekly Yard Debris Collection

- More room in cart encourages more organics collection.
- Food scraps can go in cart with weekly collection.
- Customers may be able to reduce cart size by putting more in yard debris cart.
- Convenient during leaf season.
- Leaves in carts are healthier for City storm water system.
- Easy! No need to remember which week is yard debris pick-up.

What food waste can be recycled?

These items can **always** be placed in your food waste cart:

Fruits, Vegetables & Grains



Meat, Fish, Dairy, Eggs, Bones & Shells



Please visit [RepublicServices.com](https://www.RepublicServices.com) for more information.

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Sustainability in Action

Benefits: 2023 Yard Debris Tons by Month

